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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 27th August, 2015 by Shri Rajanikant Patel, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 31 OF 2015

A BILL

To provide for the control, regulation and elimination of noise pollution in the State of Gujarat and matters connected therewith.

Whereas the level and intensity of noise in urban and metropolitan areas has reached at a level which is hazardous to Human health and safety of the people.

And whereas, ecologists are of the view that the ill effects of the noise pollution is at the alarming level and unless checked may lead to irreparable loss to the citizens.

And whereas, it is considered necessary to take appropriate measures to check it.

It is hereby enacted in the Sixty-Sixth Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Noise Pollution (Prevention) Act, 2015.

Short title, extent and commencement.

(2) It shall extend to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,-

Definitions.

(a) "Authority" means an Officer of the Gujarat Pollution Control Board appointed as Noise Control Authority under Section 3.

(b) "Noise" means unwanted sound with reference to frequencies and duration of the sound in the context of environment and includes noise within premises belonging to any person, noise created by vehicles, trains, loud speakers etc.

(c) "Prescribed" means prescribed by regulation made under the Act.

Appointment of
Noise Control
Authority.

3. The State Government may by notification in the *Official Gazette* appoint such officers not below the rank of Environment Engineer as the Noise Control Authority and assign to them such powers and such duties under this Act, as the State Government may deem fit and also specify the area of jurisdiction;

Authority to
regulate noise.

4. (1) The Authority shall prescribe standards or regulations regarding permissible noise from different sources.

(2) In cases where the Authority is of the opinion that with respect to any source of noise it increases the permissible level, he shall issue direction in writing to the concerned person and if such person fails to comply with the direction he shall take appropriate steps to prevent or eliminate the noise.

(3) The Authority shall take measures to educate people on noise pollution including use of media for the purpose.

(4) The Authority shall issue direction to the use of any product or mechanism in order to prevent, control, regulate or eliminate noise from that product or mechanism and failing to comply with such directions shall amount to offence.

(5) The Authority shall regulate the noise created by procession, marriage ceremony, by beating drums, public meetings or by use of fire crackers by prescribing regulations with prior approval of the State Government.

Cognizance of
offence.

5. Every offence under this Act shall be cognizable and bailable for a minimum sum of rupees Ten thousand. All prosecutions under this Act shall be tried in the Metropolitan Magistrate Court.

Penalties.

6. Any person who is guilty of violating any of the provision of the Act or regulations made there under shall be punished with fine of not less than rupees ten thousand but not exceeding rupees twenty five thousand or be sentenced to imprisonment not exceeding three months or both.

Provision not to
restrict rights of
individual.

7. Nothing in this Act shall take away or restrict any right of a person under Common Law or the Law of Torts to seek enforcement of his right to have any environmental Free noise.

Power to make
Regulation.

8. The Gujarat Pollution Control Board with previous approval of the State Government may make regulations, consistent with this Act, for carrying out all or any of the provisions under this Act.

STATEMENT OF OBJECTS AND REASONS

The magnitude of unwanted sound in the environment increases day by day, which is hazardous to the health of the people. Source of noise includes industries, transport system, marriage procession on public road, public meetings by political parties and many more. Sometime, it is difficult to bear the intensity of such noise by a student preparing for examination and a patient who is on the death bed in Hospital.

At present, there is no adequate machinery in Government to regulate the problem of noise. It is also equally necessary to educate people for elimination of noise.

Hence, it is considered necessary to have a comprehensive law on this subject.

Hence, this Bill.

GANDHINAGAR
Dated the 11th August, 2015.

RAJANIKANT M. PATEL
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

Clause 1- sub-clause (3) of the clause empowers the State Government to appoint by notification in Oficial Gazette the date on which the Act. shall come into force;

Clause 3- This clause provides for the appointment of certain officers as the Notice Control Authority.

Clause 4- of the Bill empowers the Gujarat Pollution Control Board to frame regulations for permissible noise from different sources.

Clause 8- of the Bill empowers the Board to frame regulations for carrying out the purposes of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

GANDHINAGAR
Dated the 11th August, 2015.

RAJANIKANT M. PATEL
M. L. A.

Gandhinagar.
Dated the 27th August, 2015

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.