



Government Law College MOOT COURT ASSOCIATION

'A' Road, Churchgate, Mumbai 400020
Tel: +91-22-2204 1707
E-mail: mcaglc@gmail.com / mca@glcmumbai.com
Website: www.mcaglc.org



29TH M. C. CHAGLA MEMORIAL GOVERNMENT LAW COLLEGE NATIONAL MOOT COURT COMPETITION, 2022

MOOT PROPOSITION

IN THE SUPREME COURT OF INDIA

X, Y, Z and Ors.

...Petitioner

Versus

Union of India and Ors.

...Respondent

1. Indiana, is a thickly populated country with diverse religions and cultures. In Indiana, some of the festivals concerning the birth of Gods and Goddesses are widely celebrated with certain dance forms and processions. In a calendar year, there are four to five such processions which entails the idols of the Gods and Goddesses being paraded from the temples to the sea for submersion. In one of the States in Indiana, viz. Dhaurashtra, the processions are so widely celebrated that the State Government organizes the festivities and ensures round the clock police security to manage the processions. The State Government also issues licenses to various mandals which takes out such processions, for erecting pandals which pandals are used for making announcements, distributing food and water as also arranging performances for entertainment of the public at large.
2. The State Government reserves a huge budget for arranging and managing these festivities every year.
3. The Central Government had enacted the Environment Protection Act, 1977 (“**the Act**”), to have regulations and guidelines for safeguarding the environment of Indiana. Exercising powers under the Act, the Central Government also made rules for regulation and control of noise pollution, viz. the Noise Pollution (Management & Control) Rules, 1999 (“**the Rules**”).
4. Silent Foundation is a non-governmental organization which works towards curbing noise pollution and also works for the benefit of the environment and safeguarding the natural resources of the State of Dhaurashtra. Silent Fountain was based in Tumbai, a famous city in Dhaurashtra. Silent Foundation during the course of the processions held in 2012, collected several data which showed that the mandals by using instruments

emanating sounds, were violating the provisions of the Noise Pollution Rules. In fact, the data collected by Silent Foundation also showed that noise emanating instruments were played at around 2 a.m. to 3 a.m. in an area where St. Berth Hospital and the Medical Institute for Cancer was situated.

5. Silent Foundation recorded the noise readings and submitted the data to the concerned authority under the Noise Pollution Rules. Since the concerned authority did not take any steps in furtherance of the complaints received from Silent Foundation, a letter along with the relevant data collated by the said Foundation was forwarded to the Ministry of Environment & Forests for their immediate action.
6. As there was radio silence from the concerned authorities, Silent Foundation filed a Public Interest Litigation before the High Court at Dhaurashtra seeking implementation of the Noise Pollution Rules and appropriate directions against the concerned authorities for implementing the same strictly. Notice was issued by the High Court to the State Government calling upon them to file an affidavit setting out the steps taken by the State Government to curb the menace of noise pollution.
7. The State Government in its affidavit set out a detailed action plan prepared in 2002 to curb noise pollution and also produced data to the effect that a mechanism was set in place for receiving complaints against breach of the Noise Pollution Rules. It was the State Government's case that Silent Foundation never lodged any complaint on the designated portal and thus the State Government was never apprised of the data collected by Silent Foundation. Moreover, the State Government also placed on record several public campaigns run by the concerned authorities to spread awareness regarding curbing of noise pollution and rights of citizens in regard thereto.
8. In the rejoinder affidavit filed by Silent Foundation, it was pointed out that the grievance redressal portal was not widely publicized by the State Government and in any event, the complaints received by Silent Foundation on their twitter handle from the public was testament to the fact that there is hardly any awareness created by the State Government regarding curbing of noise pollution. Accordingly, Silent Foundation recommended several measures which could be considered by the High Court for curbing noise pollution. Agreeing with the interim solutions / suggestions recommended by Silent Foundation, with a view to give the public and interested parties and opportunity to participate in providing suggestions, the High Court passed directions to the State Government to issue public notices / run advertisements calling upon the citizen / interested parties to provide solutions to the State Government which could be sent to a designated email ID created specifically for this purpose.

9. In the PIL filed by Silent Foundation, 15 intervention Applications were filed by individuals and several NGOs who also sought identical reliefs. Considering the issue was in public interest, and being dissatisfied with the stand taken by the State Government on affidavit, the High Court reprimanded the conduct of the concerned authorities in implementing the Rules and directed the State Government to set up a committee concerning environmentalists, activists and such other experts who could prepare a Report on the steps to be taken by the State Government to implement the Noise Pollution Rules.
10. The Committee after conducting extensive research and also perusing the data collected by various NGOs, concluded in its Report that the State Government had not fully implemented the Noise Pollution Rules and suggested several measures to implement the Noise Pollution Rules. Taking cognizance of the Report filed by the Committee set up by the State Government, the High Court placed the matter for final hearing for deciding the issues concerning the mechanism to be set up by the State Government to implement the Noise Pollution Rules, including but not limited to the following issues:
 - (a) Whether loud speakers or a public address system should be permitted in silence zones?
 - (b) Whether the authorities must designate and map silence zones and identify boundaries and put up silence zone boards in areas falling within the said definition?
 - (c) Whether use of public address system or loud speakers be permitted, if such necessary licenses / permissions are issued by the State Government, and can such permissions / licenses be extended to use of public address systems or loud speakers in silence zones?
11. In the interregnum, the Central Government amended the Rules vide the Noise Pollution (Management & Control) Amendment Rules, 2015. One of the significant amendments was inserting a proviso to sub rule (5) of Rule 3 of the Rules, which reads thus:

“Provided that, an area shall not fall under silence area or zone category, unless notified by the State Government in accordance with sub-rule (2)”.
12. By the said amendment, it was clear that the Central Government had the power to declare different zones / areas under the Rules. Being aggrieved by the Noise Pollution (Management & Control) Amendment Rules, 2015, Silent Foundation and others challenged the said amendment rules before the High Court as it gave the State Government powers to designate zones being contrary to the very essence of the Rules and the social mandate it sought to achieve.

13. In this background, the PIL filed by Silent Foundation along with the applications filed by other interveners as well as the Writ Petition challenging the Noise Pollution (Management & Control) Amendment Rules, 2015, are now listed before the High Court for final hearing.

NOTE

1. Please note that the laws of Union of Indiana are *pari materia* to the laws of Union of India. Participants are not at liberty to assume facts beyond the scope of the proposition.
2. The Moot Proposition is purely a work of fiction and created solely for the purpose of the Moot Court Competition. The characters, institutions, organizations and events depicted in this Moot Proposition are purely fictional. Any similarity or resemblance to actual persons or actual events is purely coincidental and unintentional. The contents of the Moot Proposition do not intend to defame/ denigrate/ hurt the sentiments of any person(s), institution, communities, groups or class of persons.