

Madhya Pradesh Kolahal Niyantran Adhiniyam, 1985

1 of 1986

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An Act to provide for control of noises in the State of Madhya Pradesh and for matters connected therewith and incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :-- 1. Received the assent of the Governor on 31-12-1985, published in the "Madhya Pradesh Gazette" (Extraordinary), dated 4-1-1986.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh Kolahal Niyantran

Adhiniyam, 1985.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall be in force in all such areas of Madhya Pradesh in which the Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (No. 14 of 1951) was in force immediately before the commencement of this Act, and shall come into force in other areas on such date as the State Government may, by notification, appoint.

2. Definitions :-

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

(a) "loud music" means sound produced on or from band, bag pipe, clarinet, shahnai, drum, bugle, dhole, daf, dafda, nagara, tasha or jhanj and includes any loud sound produced by any other instrument or means;

(b) "loud speaker" means an amplifier or any other device used for the purpose of amplifying sound;

(c) "noise" means sound from any source whatsoever of such character as causes or is likely to cause mental or physical discomfort to a man of ordinary sensibility or susceptibility or causes or is likely to cause disturbance in the study;

(d) "prescribed authority" means the District Magistrate or such other authority or officer not below the rank of a Naib Tahsildar as may be empowered by the District Magistrate in writing in the behalf;

(e) "public place" means a place to which public have access or have a right to resort or over which public have a right to pass and includes,--

(i) street or way, whether a thorough-fare or not;

(ii) shops, hotels, restaurants as are adjacent to the aforesaid;

(iii) such other place as the State Government may, by notification, specify in this behalf.

(f) "soft music" means sound produced on or from any of the following instruments, namely :--

(i) sitar, sarangi, ektara, violin, bansi, dilrubam, bin, veena, sarod, jaltarang;

(ii) piano, harmoniyam, gramophone, tabla, khandari, dholak and mridang;

(iii) transistor, record-player, stereo or radio in so far as musical programmes only are concerned.

3. Prohibitions Of Soft Music In Certain Cases :-

- (1) Soft music on or from instruments mentioned in sub-clauses (ii) and (iii) of clause (f) of Section 2 shall not be produced in any public place between the hours 10 p.m. and 6 a.m.
- (2) Nothing contained in sub-section (1) shall apply to soft music produce within enclosed areas or indoor so long as such soft music does not result in noise.

4. Prohibition Of Loud Music :-

Loud music shall not be produced or caused to be produced in any place between the hours of 10 p.m. and 6 a.m.

5. General Restrictions Against The Use Of Loud-Speaker :-

- (1) Loud music shall not be operated or be caused to be operated between the hours of 10 p.m. and 6 a.m.
- (2) Loud speaker shall not also be operated or caused to be operated at any time other than that mentioned in such-section (1),--
- (a) for the purposes of advertising any entertainment, trade or business or for any other commercial announcement:
Provided that the local authority or where there is no local authority, the prescribed authority may permit the use of loud speaker for any reasonable cause between the hours as may be specified by him for the aforesaid purposes on such terms and conditions as may be prescribed;
- (b) for playing records or taped music in any open place or public place;
- (c) within a distance of two hundred meters from a hospital, a nursing home, a telephone exchange, a Court, an educational institution or its hostel, Government offices, office of the local authority and bank :
Provided that where a loud speaker is operated or caused to be operated beyond the above distance, its volume shall be so regulated as not to cause any disturbance or nuisance to the above institutions.

6. Restrictions On The Use Of Horn-Type Loud Speaker :-

The use of horn-type loud speaker is prohibited, unless so permitted by the prescribed authority.

7. Operation Of Loud Speaker :-

(1) Subject to the provisions of Section 5, the prescribed authority may permit operation of a loud-speaker in the following circumstances with restrictions attached thereto :--

(a) the operation of loud-speaker may be permitted within closed doors and enclosed premises which are open to the public to the extent that noise is not carried outside such closed doors or enclosed premises;

(b) operation of only a cone type loud-speaker enclosed within wooden cabinet shall be permitted in such premises which are either open or not closed on all sides and the loud speaker shall be so fixed as not to project sound away from the nearest building.

(2) In all such cases where a loud-speaker is permitted to be operated, the prescribed authority may regulate the duration which shall not exceed six hours in any one day and shall be operated in such manner and during such time and under such conditions as may be prescribed to eliminate noise.

(3) The prescribed authority may grant the permission under this section either generally or for a specified period or for specified purpose.

8. Use Of Loud-Speakers For Public Purposes Or Making Announcements :-

Notwithstanding anything contained in Sections 5, 6 and 7 loud-speakers may be operated for purposes of making announcements on behalf of the Government or local authorities or public-meetings or for the maintenance of law and order.

9. Permission For Operation Of Cone-Type Loud Speaker :-

Notwithstanding anything contained in Sections 5, 6 and 7 the operation of a cone-type loudspeaker enclosed in a wooden cabinet within enclosed premises of a private building is permitted provided that such operation does not result in noise.

10. Prohibition Of Any Kind Of Noise In Public Interest :-

(1) Noise of any kind is prohibited between the hours of 11 p.m. and 6 a.m.

(2) The prescribed authority, on being satisfied that in its opinion it is necessary in public interest so to do, by an order in writing, recording reasons therefor, prohibit noise of any kind in any place

at any other time.

11. Special Provision Relating To Noise Emanating From Motor Vehicles :-

(1) No motor vehicle shall be driven or used on a public road or in a public place unless the exhaust cistern is properly muffled so that the vehicle does not give out noise.

(2) No one shall blow an electric or mechanical horn from a vehicle as to unnerve or cause alarm or annoyance to the pedestrians or driver of, and passengers in, the vehicle nearby.

12. Relaxations Of Provisions :-

The Commissioner of a Division may for any reasonable cause relax provisions of Sections 4,5,6 and 7 to such extent as he may consider necessary.

13. Exemption :-

(1) Nothing in this Act shall apply to,--

(i) the occasions of National and Social functions and Religious Festivals mentioned below :--

1. Republic Day (26th January);
2. Basant Panchami;
3. Maha Shivratri;
4. Holi and Rangpanchami;
5. Guripadhva;
6. Chaitti Chand;
7. Ramnawami;
8. Baishakhi;
9. Mahavir Jayanti;
10. Dr. Ambedkar Jayanti;
11. Buddha Poornima;
12. Nagpanchami;
13. Id-ul-Fitr;
14. Rakshabandhan;
15. Independence Day (15th August);
16. Shri Krishna Janmashtami;
17. Ganesh Chaturthi to Anant Choudas;
18. Sarva Pitrimiksha Amavasya;
19. Gandhi Jayanti (2nd October);
20. Durga Padhva to Dashahara;

21. Deepavali;
22. Bhai Dooj;
23. Guru Nanak Jayanti;
24. Milad-un-nabi;
25. Guru Ghasidas Jayanti;
26. Christmas Day;
27. Moharraum from 1 to 10;
28. Id-uz-Zuha;
29. Good Friday; and

(ii) the use of loud speaker at any religious place or premises where it is being made as a tradition.

(2) The prescribed authority may, on application in writing made to him, grant exemption from the provisions of Sections 4,5,6 and 7 for such period, on such occasions and in such areas as may be specified in the permission.

14. Offences To Be Non-Cognizable And Bailable :-

All offences under this Act shall be non-cognizable and bailable.

15. Penalty :-

(1) Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or the rules made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever after having been previously convicted of an offence punishable under sub-section (1) subsequently commits and is convicted of an offence shall be liable to twice the punishment which might be imposed on a first conviction under this Act.

16. Power To Seize The Loud Speaker :-

(1) Any Police Officer not below the rank of Head Constable may seize the loud speaker used in contravention of the provisions of this Act.

(2) Such police officer or any Court before which the loud speaker is produced may release it in favour of any person, claiming to be entitled to possession thereof on his executing a bond with or without sureties to the satisfaction of the police officer or the Court, as the case may be, undertaking to produce the loud speaker whenever called upon to do so.

(3) A holder of a permit or any person in the employ of such holder and acting on his behalf who fails to produce such permit on the demand of such police officer shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

17. Power To Order Forfeiture Of The Loud Speaker In Certain Cases :-

On conviction, the Court trying the offence may order forfeiture of the loud speaker to the Government.

18. Power To Declare Silence Zones :-

The District Magistrate may, where he considers such a step necessary in public interest for reasons to be recorded in writing, specify zones of silence, prohibiting noises of all kinds for such period and hours as may be specified.

19. Power To Make Rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :--

(a) the terms and conditions on which permission to use loud speaker may be given under proviso to clause (a) of sub-section (2) of Section 5;

(b) the manner in which, the time during which and conditions subject to which permission may be given under sub-section (2) of Section 7;

(c) any other matter which is to be or may be prescribed.

(3) All rules under this Act shall be laid on the table for the Legislative Assembly.

20. Repeal :-

The Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (No. 14 of 1951) is hereby repealed.