

Enforce rules to curb noise pollution during festival period, urge activists

Docs: Prolonged Exposure Carries Health Risks

Richa Pinto & Sumitra Deb Roy | TNN

As the city gears up for the festivities in the coming months, many people are dreading the inevitable surge in decibel levels. Studies underline that Mumbai is at its noisiest during festivals, be it Dahi Handi, Ganeshotsav or Navratri. The problem peaks during Diwali, causing insidious health risks.

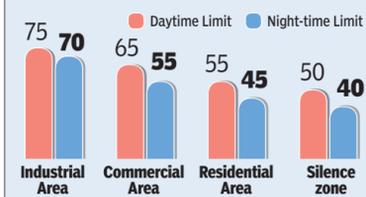
The issue of noise pollution was recently highlighted again when the Bombay high court, hearing a PIL, directed the police to remove loudspeakers from those mosques in Mumbai and Navi Mumbai that have not obtained required permissions. "It is never a matter of religion. The use of loudspeakers, even during Ganeshotsav and Navratri, should be allowed only within permissible limits," the petitioner, Santosh Pachalga, told TOI.

Last year, the city had celebrated its noisiest Ganeshotsav in nearly a decade, with decibel levels on the final immersion day soaring at Worli Naka to 123dB, way above the permissible limit of 45dB for residential areas. Fearful that noise levels may go higher this year during the festival period, activists demand enforcement of rules.

Sumaira Abdulali of Awaaz Foundation believes the violation of permissible decibel levels during festivals has

QUIET PLEASE

PERMISSIBLE NOISE LEVELS



Figures in dB(A) Leq. It denotes the time weighted average of the level of sound in decibels on scale A, which is reliable to human beings

RULES FOR LOUDSPEAKERS

- The Noise Pollution (Regulation and Control) Rules, 2000 specifies that a loudspeaker shall not be used at night-time (from 10pm to 6am), except for communication in closed premises like auditoria, conference rooms, community halls, banquet halls, or during a public emergency
- A loudspeaker shall not be used except after obtaining written permission from the authorities
- The noise at the boundary of the public place where a loudspeaker is being used shall not exceed 100dB(A) above the ambient noise standards for the area or 75dB(A), whichever is lower

HEALTH PROBLEMS

- A WHO study shows that continual exposure to noise is harmful to our health. The risks include pain and hearing fatigue; hearing impairment, including tinnitus; and sleep disturbance
- Studies show that adults who exhibit strong annoyance to noise pollution have significantly elevated risks in cardiovascular and respiratory systems
- The effect of noise on children is seen primarily in the respiratory system
- Acute exposure to noise activates nervous and hormonal responses, leading to temporary rise in blood pressure and heart rate
- Reading attention and memory are also affected by noise
- It could cause stress, nausea, headaches, emotional instability, sexual impotence, neurosis, and hysteria



HC ORDER

On July 30, the Bombay HC directed the police to remove loudspeakers from those mosques in Mumbai and Navi Mumbai that have not obtained permissions for them. The court, hearing a PIL, said illegal loudspeakers must be confiscated irrespective of whether they are installed for "Ganeshotsav, Navratri or in mosques"

FIRECRACKERS

Sound-emitting firecrackers are not allowed in silence zones and at night-time

become fairly common. "It has never been about permissions," she said, adding that people blatantly violate laws like the one that mandates that loudspeakers be placed on any premises facing inwards. According to Abdulali, a bigger problem actually lies in the casual handling of noise pollution cases. "No organization is denied permission even if they have violated rules in the past. Only if the government stops

issuing permissions will there be some solution," she said. The continuous onslaught on the auditory system from firecrackers and loudspeakers is not without harm, caution experts. It is proven that prolonged exposure to sound levels nearing 85-100 dB can be hazardous. "It can lead to unilateral or bilateral hearing loss, which at times could be permanent," said Dr Hetal Marfatia, ENT professor at KEM Hospi-

tal in Parel. "It may start with ringing and locking of the ears. Most often the symptoms do not present immediately." The adverse effects of noise pollution are not just restricted to hearing impairment; a WHO report linked it to sleep disturbance, chronic headache, heart and blood pressure problems, and even aggravation of psychiatric issues. "Studies show noise pollution can be a trigger for stress and erratic sleep pat-

terns, which in turn can worsen sugar levels. Blood pressure too can get irregular, which invariably affects the heart rate," said Dr Dhillon D Souza, ENT consultant at Jaslok Hospital. Anti-noise activist Dr Yeshwant Oke said, "It is imperative that the authorities enforce the Noise Pollution Rules, 2000. People misuse loudspeaker permissions. There are specific decibel levels for each area, which must be followed."

3.5-acre plot in Gamdevi freed from CRZ protection

► From P 1

Taking advantage of the change, many Mumbai builders with prime plots near the coast rushed to the National Hydrographic Institute and the Institute of Remote Sensing (IRS) in Chennai. The institutes reportedly certified several areas as bays and marked out the plots as being outside the 100m zone.

The director of hydrography clarified that Backbay has been depicted as a bay on the institute's official navigational charts. Based on this classification, the Maharashtra Coastal Zone Management Authority (MCZMA), earlier this year, green-lighted construction on a 3.5-acre plot in Gamdevi, which earlier fell within the 500m CRZ protection line. The builder is rumored to be developer Sudhakar Shetty. He could not be reached for comment despite several attempts by TOI.

"The builder got a favourable mention in the minutes of the MCZMA, which put his plot close to Girgaum Chowpatty out of the purview of CRZ," said a source.

Debi Goenka of the Conservation Action Trust said the shorelines in Mumbai could technically be defined as bays. "The problem is with the Union environment ministry, then headed by Jairam Ramesh, which allowed CRZ restrictions for bays to be reduced from 500m to 100m," he said. Architect and housing activist P K Das warned any attempt to dilute CRZ will lead to "development anarchy". Government sources al-

OPEN TO DEVELOPMENT

<p>NEW RULE The 2011 CRZ notification, which defines the scope of coastal conservation, calls for different treatment for bays and seafronts (open shores):</p> <p>Seafront Construction prohibited up to 500m from high tide line</p> <p>Bay No construction up to 100m landward or till a distance equalling the bay's width, whichever is less</p>	<p>State stays coast body bid to name Mahima a bay</p> <p>TOI report on July 24</p>
<p>OLD RULE The 1991 CRZ notification stipulated 500m protection for both bays and seafront</p>	<p>TIMES VIEW: It's ultimately experts who will determine whether these areas qualify as bays or not. But there is something drastically wrong in the law and the process if a mere change in nomenclature of an area can mean so much of difference in terms of development. Mumbai is already bursting at its seams and can barely provide the infrastructure its residents need; it's imperative the city gets a dose of planned development.</p>

leged the MCZMA was selectively granting environmental clearances to some plots. As reported by TOI on July 24, the urban development department and the BMC objected to the MCZMA clearing building projects by removing them from CRZ on the basis of the new bay definition. The state government stayed the coastal authority's approvals.

But R A Rajeev, the IAS officer who was removed as state environment secretary (MCZMA) last week, said the authority did not take any controversial decisions. "The MCZMA approved projects based on reports by the hydrographer and authorized agencies of the environment ministry. The authority simply followed their observations on the demarcation of these plots," he told TOI. "We did not pick and choose cases. Every project was scrutinized. Some were cleared by the Bombay high court," said Rajeev, adding that there were 15 such cases in the pipeline. A new coastal zone management plan (CZMP) for Mumbai is currently being prepared by IRS Chennai. Builders whose plots abut Backbay are waiting anxiously to free their plots from CRZ. "They are hoping the draft CZMP plan would be approved by the National Coastal Zone Management Authority and published accordingly, showing these areas as a bay," said a source.

Chavan plans Maha poll drive a la Modi

After the humiliating defeat in the general election, chief minister Prithviraj Chavan taken a leaf out of Prime Minister Narendra Modi's book. Chavan has sidelined his public relations department, hired a private firm for his image makeover and drafted a Rs 43 crore campaign to highlight his government's achievements. In view of the dismal performance of the Congress, which won only two of the 26 seats in the state, Chavan had maintained a discreet silence for political reasons. It was believed that due to the debacle and the campaign launched by industries minister Narayan Rane for his removal, Chavan may be asked to step down.

But due to Chavan's clean image, Congress chief Sonia Gandhi declared that there would be no change in leadership and that the ensuing assembly polls would be fought under his leadership. After this Chavan quietly started planning for the assembly election. The strategy adopted by Modi was studied in depth.

It was found that ever since the BJP declared Modi as its prime ministerial candidate, the former Gujarat CM drafted a multi-pronged strategy to ensure his party's victory

in the Lok Sabha polls. Each and every advertisement, which promoted Modi was studied carefully and the Chavan government has now drafted a comprehensive plan to win over voters. Besides social media, the Congress has proposed to launch a novel campaign in print and electronic media. The party wants to rope in opinion-makers to lure the electorate.

Comeback trail
After he took over the state's reins in November 2010, CM Prithviraj Chavan's first big decision was to unceremoniously removed municipal commissioner Swadheen Kshatriya. Kshatriya, who is known to be a good administrator, was appointed civic chief on December 4, 2009, and shunted out on January 3, 2011. The entire bureaucracy was shocked over the manner in which Kshatriya, a 1980-batch IAS officer, was transferred since there were no complaints against him. In the corridors of power, it was

believed that Kshatriya would be sidelined forever. Earlier certain bureaucrats had faced a similar situation. Once they invited the CM's wrath, they were never considered for a plum assignment. But Kshatriya, a 1980-batch IAS

officer, proved to be an exception. He made his presence felt in the crucial revenue department. Kshatriya was instrumental in drafting innovative schemes for the public and en-

sured that routine documents were made available to the aam aadmi. Following the retirement of G S Saharia, there was a debate in the bureaucracy over the appointment of the chief secretary. It was assumed that Chavan will go by the principle of seniority, but the CM sprang a surprise when he chose Kshatriya. The CM was reportedly impressed by his performance as revenue secretary and the fact that he had over two years for retirement. In his bureaucratic career spanning over 34 years, Kshatriya ensured complete transparency in administration and decision-making. As chief secretary, the biggest task before Kshatriya is to impress upon the CM the urgent need to streamline promotions and transfers of bureaucrats.

Shinde called up the Lok Sabha secretariat and the central public works department saying he was vacating his official bungalow allotted to him in Delhi. Three days after the Lok Sabha results were declared, Shinde handed over possession of his sprawling bungalow. Shinde's decision assumes significance, since his Cabinet colleagues, who did not vacate their official bungalows, are now facing an embarrassing situation since the Venkiah Naidu-led urban development department has issued eviction notices. It was not for the first time that the department had issued show-cause notices to the former ministers and defeated Lok Sabha MPs. Earlier, some MPs had to face a similar situation after they failed to vacate their quarters within the stipulated period. "After the Lok Sabha results were declared, it was clear that it will not be possible for the Congress to form the government. I decided to give up the accommodation immediately," says Shinde. According to rules, a Cabinet minister can retain the residence for a month and after paying the market rent. Shinde had lost to BJP nominee Sharad Bansode in Solapur by a huge margin.

'Those who buy shares as an investment are consumers'

Jehangir B Gai

Since shares are "traded", consumer fora treat this matter as a commercial dispute, which is not maintainable. In a recent judgment, the national commission has differentiated between trading in shares and purchase of shares as an investment, and ruled that an applicant for shares is a consumer.

Case Study: Arpitha Reddy had paid Rs 1 lakh by cheque and Rs 1.40 lakh in installments through cash payment for allotment of shares of Venve Light Metal Ltd. The company had acknowledged receipt of this money in its board meeting. Yet, neither were the shares issued nor was the money refunded. Arpitha had a legal notice issued to the company, which responded by asking her to furnish particulars of the payments to look into the complaint. The company admitted receipt of the cash component, but claimed that the cheques had not been realized, and that the agreement had been fabricated by Arpitha's husband. Arpitha filed a complaint before the Hyderabad district forum claiming Rs 2.40 lakh, along with interest. The company defended itself, contend-

ing that there was a change in management. While its records reveal a receipt of Rs 1 lakh, there was no record of the remaining Rs 1.40 lakh. The company claimed that it had already allotted 10,000 shares of Rs 10 each for the amount of Rs 1 lakh. The district forum dismissed the complaint, against which Arpitha filed an appeal. The Andhra Pradesh state commission observed that the company failed to produce any document to show that shares had been received by Arpitha. Even the returns filed

before the registrar of companies did not reveal any such allotment. The board resolution also supported Arpitha's case. Hence the commission set aside the forum's order and directed the "opposite party" to pay Rs 2.40 lakh, along with 9% interest from the date of payment and costs of Rs 2,000. A revision was filed by the company before the national commission challenging this order. The company claimed that buying of shares is a purely commercial transaction, so it would fall outside

the purview of the Consumer Protection Act. In its order dated April 1, 2014 delivered by Justice V B Gupta for the bench, along with Suresh Chandra, the national commission differentiated between trading in shares and allotment of shares. An applicant who applies for shares would stand on a different footing from one who trades in shares for commercial purpose. Since Arpitha has applied for allotment, she would be a consumer and was entitled to approach the consumer fora. The national commission held that deficiency on the part of the company was evident from the board resolution and the agreement. Accordingly, the revision petition was dismissed and the order of the state commission in Arpitha's favour was confirmed. It also imposed a fine of Rs 10,000/- on the company to be paid to legal aid. **Conclusion:** Those who trade in shares are not consumers, but those who buy shares as an investment are consumers. (The author is a consumer activist and has won the Govt. of India's National Youth Award for Consumer Protection. His email is jehangirgai.articles@hotmail.com)

NGO to address citizen issues on single website

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Mumbai: To bridge the gap between citizens and administrative offices, members of V Citizens Action Network will launch a web portal providing information to empower Mumbai's citizens. On August 8, at 6pm, Bombay high court chief justice Mohit Shah will launch www.togetherVCAN.in at the Bharatiya Vidya Bhavan Main auditorium in Chowpatty. Besides providing details on ward offices and advanced locality managements, the website will also give information on official procedures, such as how a first information report is filed. "Many such websites and portals exist, but they deal with specific issues or subjects. Citizens should get all information from one source if possible, like a one-stop shop. It is in the spirit of partnership that the information will be given for the use of citizens. These are basically baby steps so that a person is well equipped with all the information before going to the authorities," said Indrani Malkani, a core trustee of V Citizens Action Network. The portal will also allow citizens to post their issues and find solutions with an interactive map of the city for problems specific to their locality.



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