



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Civil Writs No. 20323/2018

Suo Motu, Jaipur

----Petitioner

Versus

1. The Chief Secretary, State Of Rajasthan, Government Secretariat, Jaipur.
2. Home Secretary, State Of Rajasthan, Government Secretariat, Jaipur.
3. Director General Of Police, Rajasthan, Lal Kothi, Jaipur
4. Commissioner Of Police, Jaipur
5. Dy. Commissioner Of Police (Traffic), Jaipur.

----Respondents

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For Petitioner(s) : Mr.RN Mathur, Sr.Adv. with Mr.Shovit Jhajharia  
Mr.Anil Upman with Ms.Pinkul Jain

For Respondent(s) : Mr.MS Singhvi, Advocate General with  
M.Sheetanshu Sharma  
Mr.Kamlakar Sharma, Sr.Adv. with  
Mrs.Alankrita Sharma & Mr.Asad Ali  
Dr.Abhinav Sharma  
Mr.Harsh Sharma for Mr.Anil Mehta,  
AAG

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**HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI  
HON'BLE MR. JUSTICE BANWARI LAL SHARMA**

**Judgment**

**08/03/2019**

The President and Members of the Rajasthan High Court Bar Association made a request to take cognizance on the situation arose on 05<sup>th</sup> September, 2018 when they could not reach to the Court in time. It was due to disruption of the traffic during peak hours due to a public meeting at Amrudon Ka Bag, Janpath near the High Court.



On 05<sup>th</sup> September, 2018, the nearby area at Janpath was effected by a jam due to a public meeting at Amrudon ka Bag. The Members of Bar and even the staff could not reach to the High Court apart from the government offices. It even affected the movement of Judges to reach to the Court in time. This Court took cognizance on request of the President, Rajasthan High Court Bar Association and passed a detailed order on 05<sup>th</sup> September, 2018. Relevant part of the order dated 05<sup>th</sup> September, 2018 is quoted hereunder for ready reference :

"In view of the facts given above, this Court is taking cognizance of the issue in the interest of the public at large. Taking into consideration inconvenience to the public at large this court directs the State Government not to permit any meeting/function/rally/mela/sammelan etc. at Amrudon Ka Bagh or any ground nearby Ambedkar Circle, Jaipur during peak office hours. In any case, traffic should not be stopped or blocked or even diverted from the main roads connecting Ambedkar Circle or nearby area which is the lifeline to connect major hospitals and also the government offices, which include even the Secretariat and the State Assembly."

This Court subsequently passed another order on 29<sup>th</sup> September, 2018 on the applications filed by those, who were affected by the order dated 05<sup>th</sup> September, 2018. It was even in reference to the compliance report filed by the State Government of Rajasthan. It was stated that Janpath and many other areas have been declared to be silence zone thus they have to be governed by the **Rajasthan Noise Control Act, 1963 (for short "the Act of 1963")** and the **Noise Pollution (Regulation and Control) Rules, 2000 (for short "the Rules of 2000")**. In view



of the above, further directions were given by this Court on 29<sup>th</sup> September, 2018 and relevant part of it is also quoted hereunder for ready reference :

"It is a case where this court took cognizance of the issue on the request of the Bar through President, Rajasthan High Court Bar Association. It was when the traffic got choked for an hour or more due to a meeting in "Amrudon Ka Bagh". The Members of Bar and employees of the court as well as of Government Offices could not reach to the office in time. They could reach to the offices with the delay by one hour or more. It was noticed that "Ambedkar Circle" is surrounded by not only Government Offices but the Rajasthan Legislative Assembly and the High Court. The road also leads to hospitals and on account of blockage of traffic, the Ambulances were stuck. It has happened even in past when the grounds were used for organising meetings or other events which includes an exhibition. In view of the above, the Government was restrained to give permission to organise any meeting/function/rally/mela/sammelan, etc. during peak office hours at "Amrudon Ka Bagh" and in nearby area.

During pendency of the petition, it was noticed that area in question has been declared as silence zone. The Notification was issued by the State Government under the Rules of 2000. By virtue of it, certain restrictions exist which includes regulation of noise level. If any meeting is organised, it is with the use of sound amplifiers. It happens even for other functions which includes even the exhibitions.

Shri Anil Upman, President of the Rajasthan High Court Bar Association has categorically stated that, in past, whenever exhibitions have been organised on the grounds falling under silence zone, not only sound





amplifiers were used but it invited heavy flow of traffic and disruption in the area. The Police personnel had to be deployed to regulate the traffic because whenever any exhibition or meeting is organised, many persons visit resulting in disruption of the silence zone.

It is also stated that even the ambulances were stuck when the traffic was choked on 5th September, 2018. It has happened even in past whenever meetings or exhibitions were organised. The Jaipur City has many other grounds where exhibitions and meetings can be organised and are away from silence zone. It is not that no other ground is available for arranging a meeting or exhibition. According to the applicant, the sound amplifiers were used in past though for security reasons but then it is not permissible in silence zone. Mr. Anil Upman, President of the Rajasthan High Court Bar Association has stated about use of music systems and sound amplifiers to keep exhibitions live. It is in violation of the Rules of 2000.

The Government has otherwise taken a decision not to permit meeting or an exhibition in silence zone. It is looking to their notification declaring area as silence zone. We appreciate the decision of the Government as they had even shifted the place of meetings after the order passed by this court. It is in the interest of public so that they may not suffer and, more specifically, the ambulances going towards SMS Hospital and Santokba Durlabhji Hospital apart from other hospitals.

Taking into consideration the facts in totality, we are unable to allow applicant-Adamas Events Pvt. Ltd. and SGM Communications to organise events. No clarification in the order dated 5th September, 2018 is needed as it is clear in nature. The Government has further taken a decision to give sanctity of the silence zone.”





The Members of the Bar submitted that on account of exhibitions and meeting on the adjoining land/ground at Janpath, traffic gets affected. It not only cause inconvenience to the public but effect working of the High Court and nearby government offices. It was also projected that on account of traffic jam, even the ambulances cannot pass through as and when meetings are organised.

The Members of the Bar and public could not cover an area of less than a kilometer for one and the half hours on 05<sup>th</sup> September, 2018. It was due to a public meeting at Amrudon Ka Bag. This Court thus passed an order in the interest of public. The State Government thereupon filed compliance report producing the order dated 15<sup>th</sup> November, 2010 apart from other orders issued from time to time declaring certain areas to be silence zone, which includes, area of Janpath. The State government, thereupon, took a decision to further pass an order on 08<sup>th</sup> September, 2018 and was submitted along with the compliance report. It was passed by the Commissioner of Police, Jaipur, which reads as under :

"पुलिस उपायुक्त, दक्षिण/ट्रैफिक,  
जयपुर।

विषय: माननीय उच्च न्यायालय राजस्थान, जयपुर पीठ द्वारा दिनांक 5.09.2018 को धरना/प्रदर्शन के सम्बन्ध में दिए गए आदेश के क्रम में।

उपरोक्त विषयान्तर्गत लेख है कि दिनांक 5.09.2018 को माननीय उच्च न्यायालय राजस्थान, जयपुर पीठ द्वारा जन-हित याचिका Suo Moto बनाम State of Rajasthan & Ors. में आमजन की सुविधा के मध्यनजर अमरुदों का बाग एवं अम्बेडकर सर्कल के आस-पास के क्षेत्र में धरना-प्रदर्शन आदि के आयोजन के सम्बन्ध में निर्देशों दिए हैं। माननीय उच्च न्यायालय, राजस्थान के आदेश की प्रति सलंगन है। अतः इस सम्बन्ध में आप निम्नानुसार कार्यवाई सुनिश्चित करे-



1. अमरुदों का बाग मैदान पर एवं अम्बेडकर सर्कल के निकट किसी भी मैदान पर किसी भी मैदान पर किसी भी बैठक/कार्यक्रम/रैली/मेला/सम्मेलन आदि के कार्यालय समय में आयोजन की अनुमति नहीं दी जाए।
2. अम्बेडकर सर्कल को जोड़ने वाली मुख्य सड़कों एवं नजदीकी क्षेत्रों के मार्ग, जो मुख्य अस्पतालों एवं सरकारी कार्यालयों को जोड़ते हैं, पर ट्रेफिक न तो रोका जाए, न ही किसी अन्य ओर मोड़ा जाए।
3. उक्त स्थानों पर कार्यक्रम आयोजित करने की चेष्टा करने वाले व्यक्ति अथवा संगठन को माननीय उच्च न्यायालय के आदेश से अवगत कराया जाए और पालना हेतु पाबन्द किया जाए। यदि कोई व्यक्ति अथवा संगठन इस आदेश की अवहेलना करता है तो तत्काल विधिक कार्यवाई की जाए।
4. उक्त निर्देशों की पालना की जाकर आम-जन को सुविधा एवं सुलभ परिवहन उपलब्ध कराया जाए।”

The Government took a decision in reference to the order of this Court but now they want to adhere it to maintain the sanctity of the area in question. It is to keep it free from the traffic hazard or any event affecting smooth movement of the traffic.

Learned Advocate General Mr.MS Singhvi submits that the State Government has taken a decision not to give permission for an exhibition, meeting, rally or any such event, which may affect the Rules of 2000 or movement of traffic at Janpath and Ambedkar Circle. The decision aforesaid has been taken by the Government in the interest of the public. The Secretariat, the High Court and the Assembly are located at Janpath. The meetings and exhibitions on adjoining grounds at Janpath affect working of the High Court and all nearby government offices.

It is further submitted that now in the light of the decision taken by the Government, nothing remains, rather, order dated 08<sup>th</sup> September, 2018 may be made absolute, which otherwise would redress the grievance raised by the Members of





the Bar and would otherwise ease the traffic movement in the area concerned.

The Government even realised that Ambedkar Circle is on such a location where any jam affects the traffic movement in Jaipur city as a whole. It even affect the traffic movement of the ambulances to go to the SMS Hospital and Santokba Durlabhji Memorial Hospital from one part of the city. To maintain the sanctity of the order, even the Government took a decision to organise oath ceremony of the Chief Minister and Cabinet at a place different than Janpath. Taking into consideration the decision of the Government, the writ petition can even be rendered infructuous.

Learned Senior Advocate Mr.Kamlakar Sharma assisted by learned counsel Mrs.Alankrita Sharma and Mr.Asad Ali, appearing for the SMS Investment Corporation, submits that there exist two pieces of land of the corporation, out of which, one is adjoining Janpath. They are used to organise the exhibitions after taking permission from the competent authorities. The order passed by this Court is affecting them, as now they have been prohibited to organise any exhibition on it. It is also stated that out of those two big pieces of land, one is falling within the vicinity of silence zone but other is at a distance. There should not be any restriction to organise the exhibition on it, which is not falling within the silence zone.

It is further stated that there cannot be a total prohibition to use the land belonging to the corporation but, by virtue of the order passed by this Court, they are restrained to use it. In view of the above and taking into consideration Rule 5 of the Rules of 2000, it may be clarified that if permission is given by the



competent authority, they may be allowed to use the land at Janpath and even at Rambagh Circle.

It is also stated that if the State Government has already taken decision or passed an order in reference to the Court's order dated 05<sup>th</sup> September, 2018, the corporation may be given permission to challenge it.

Learned counsel Dr.Abhinav Sharma has filed an application to seek permission to organise an event to make a record by holding three km. long national flag of India from Amarjawan Jyoti at Janpath to Mirza Ismial Road. The permission for it has already been given by the Municipal Corporation, Jaipur. They are in hope for getting permission of other competent authorities, which includes, the Commissioner of Police, Jaipur. It is also submitted that the order of this Court should not come in their way for the aforesaid, as it is otherwise for the benefit of family members of martyr.

Learned Senior Mr.RN Mathur assisted by learned counsel Mr.Shovit Jhajharia and Mr.Anil Upman, President, Rajasthan High Court Bar Association submit that Section 4 of the Act of 1963 does not permit use of loud speakers, sound amplifier, etc. within the specified distance from the Court, government offices, hospitals, etc. Thus, while passing an order on this petition, it should be made applicable for all the areas referred under Section 4 of the Act of 1963. It is not only to maintain sanctity of the Act of 1963 and Rules of 2000 but it would be in the public interest. In many areas near the hospital, noise pollution exists affecting the patients. Even, the horn cannot be used in the areas but, invariably and unknowingly, the horns are blown causing huge inconvenience to the patients in the hospitals. The



issue taken by this Court is in the public interest and even to maintain sanctity of the Act of 1963 and Rules of 2000.

It is further stated that the Government is wise enough to take a decision not to give permission for the meeting and exhibition near Janpath, that too, at the distance given in the orders issued from time to time and otherwise, given under the Rules. The prayer is accordingly to make the order passed by the Government to be absolute.

We have considered rival submissions made by learned counsel for the parties and perused the record.

A suo moto cognizance on the issue raised by the Bar Members was taken by this Court on 05<sup>th</sup> September, 2018. It was on the request of the President, Rajasthan High Court Bar Association and the Bar Members. It was on the prayer that this Court should pass a restrain order for use of Janpath and its nearby areas for organising meetings, exhibitions, rallies or any other function disrupting the movement of traffic.

While hearing the matter on compliance report produced by the Government and on certain applications, this Court further passed an order on 29<sup>th</sup> September, 2018. It was stated by the Government that the area in question has already been declared to be silence zone and an order for it was issued on 15<sup>th</sup> November, 2010 itself. This Court accordingly passed a detailed order on 29<sup>th</sup> September, 2018 referring to the Rules of 2000.

Learned Advocate General Mr. MS Singhvi has referred to the order dated 08<sup>th</sup> September, 2018 passed by the Government and even to their decision not to organise oath ceremony of Cabinet at Janpath, rather, it was arranged at Albert



Hall, Ramniwas Garden, Jaipur. It is with a request to make order dated 08<sup>th</sup> September, 2018 to be absolute.

Since, the Government has already taken a decision and passed an order on 08<sup>th</sup> September, 2018 in reference to the issues taken up by this Court on request of the Bar Members, no further order is required to be passed other than to direct them to comply it. It is, however, with the acceptance of the request of learned Senior Advocate Mr.RN Mathur and learned counsel Mr.Anil Upman, President, Rajasthan High Court Bar Association to replicate it in other areas referred under Section 4 of the Act of 1963 and otherwise, declared to be silence zone. The public may be made aware about it so that sanctity of the Act of 1963 and Rules of 2000 may be maintained to the benefit of public.

A reference of the areas nearby the hospital has been given where adherence of the Act of 1963 and Rules of 2000 has not been made causing inconvenience to the patients.

In view of the above, while appreciating the stand taken by the Government in passing the order dated 08<sup>th</sup> September, 2018 in consonance to the directions of this Court and a request to make it absolute, we direct them to comply the order dated 08<sup>th</sup> September, 2018 in accordance to the Act and Rules. It is further necessary to direct the Government to take steps in regard to all the areas, which have been declared to be silence zone so that order passed for it may have effect in true spirit, for which, the Act of 1963 and Rules of 2000 were made.

At this stage, it would be necessary to refer the arguments of learned Senior Advocate Mr.Kamlakar Sharma and even of learned counsel Dr.Abhinav Sharma. A request has been made not to prohibit use of land/grounds belonging to the SMS



Investment Corporation for arranging exhibitions, etc. It remains for commercial purpose to earn for the benefit for SMS Investment Corporation. Whether the land can be used for commercial purpose or not, has not been shown to the Court.

Learned counsel Dr.Abhinav Sharma has prayed for permission to organise a function for martyr on 23<sup>rd</sup> March, 2019. A prayer is also made not to treat the order of the State Government dated 08<sup>th</sup> September, 2018 to be absolute, rather, a liberty may be given to challenge it.

The order passed by this Court and even by the State Government do not prohibit anyone to use its land/ground but, use cannot be permitted in violation of provisions of law and, therefore, the State Government has rightly imposed restrictions and we find it to be in public interest. If anyone is aggrieved by it, he always at liberty to challenge it but we need to observe here that the Government has rightly pass the order dated 08<sup>th</sup> September, 2018, though, it was pursuant to the order of this Court.

We appreciate the stand taken by learned Advocate General Mr.MS Singhvi that the Government is not inclined to grant permission for use of the area near Janpath in violation of the Act and Rules. It is not only to give sanctity to the Act and Rules but even to see that the public is not affected. The inconvenience was otherwise caused earlier due to the meetings near Janpath. The stand of the Government is affirmed in that regard and otherwise, the rule does not mandate the Government to grant permission as and when requested, rather, discretion lies and has been used in the interest of the public. It is taking note of that not only inconvenience caused to the public, if any meeting or





exhibition is organised near Ambedkar Circle or within the vicinity of silence zone. It affect movement of the ambulances and even others to attend government offices apart from office of the High Court. On Janpath, not only Assembly exists but the High Court and Secretariat are also located. Therefore only, the order dated 08<sup>th</sup> September, 2018 was issued by the Government. They have taken decision to maintain it and has been conveyed by learned Advocate General Mr.MS Singhvi

In view of the above, we dispose of this writ petition with the direction to maintain the order dated 08<sup>th</sup> September, 2018 and to replicate it for other areas, which have been declared silence zone. It is the area near the hospitals or educational institutions and, for that, at the first instance, near the hospitals so that no inconvenience is caused to the patients in the hospitals out of noise pollution. The Government is further directed to affix the signboards in the areas declared to be silence zone. The intervenors are obviously not restrained to challenge the decision or the order passed by the Government subject to the land use of their property.

(BANWARI LAL SHARMA),J

(M.N.BHANDARI),J

Preeti/6