

THE HIMACHAL PRADESH INSTRUMENTS (CONTROL OF NOISES) ACT, 1969

ARRANGEMENT OF SECTIONS

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THE HIMACHAL PRADESH INSTRUMENTS (CONTROL OF NOISES) ACT, 1969

(ACT NO. 28 OF 1969)¹

(Received the assent of the President on the 9th December, 1969 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 6th February, 1970, pp. 28-30).

An Act to control the use and play of instruments such as loud-speakers, microphones, amplifiers etc.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follow:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Instruments (Control of Noises) Act, 1969.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force in such areas and on such date as the Government may, by notification² in the Official Gazette, direct.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

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1. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th March, 1969, p. 253.
 2. Act came into force from 4th May, 1970, in the whole of Himachal Pradesh vide Notification No. 1-15/68-Home, dated the 4th May, 1970, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 8th May, 1970, p. 353 and continued to be in force only in all the Municipal and Notified Areas of Himachal Pradesh including Municipal Corporation Shimla vide Notification No. No. 1-15/68-Home, dated the 11th February, 1971, published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 13th February, 1971, p. 99.

- (a) "District Magistrate" means a District Magistrate appointed under section 10 of the Code of Criminal Procedure, 1898 (5 of 1898);
- (b) "Government" means the Government of Himachal Pradesh;
- (c) "Instrument" means a loud-speaker, an amplifier and such other apparatus for the play of sounds as may be declared to be an instrument under this Act by the Government;
- (d) "Notification" means notification published under proper authority, in the Official Gazette;
- (e) "Official Gazette" means Rajpatra, Himachal Pradesh.

3. Restriction on the use of instruments.- No person shall use or operate any instrument in or upon any premises at such pitch or volume as to be audible beyond the precincts thereof except under the written permission of the District Magistrate or any officer authorised by him, in this behalf and under such conditions as may be attached to it.

4. Limitation on the use of instruments.- No person shall use or operate any instrument between ten o'clock in the night and six o'clock in the morning except with the written permission of the District Magistrate or any officer authorised by him in this behalf and under such conditions as may be attached to it.

5. Fee.- No permission under section 3 or section 4 shall be given unless the application for permission bears a court-fee stamp of the value calculated at the rate of five rupees for every day or part thereof in respect of which the permission is sought:

Provided that where the permission is either refused or given for a period which is less than the one applied for, the amount of fee shall be refunded wholly or proportionately as the case may be.

6. Penalty.- Whoever contravenes the provisions of the Act shall be liable to be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

7. Offences to be cognizable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence punishable under this Act shall be cognizable.

8. Repeal and savings.- The Punjab Instruments (Control of Noises) Act, 1956 (36 of 1956), as in force, in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), is hereby repealed:

Provided that anything done or any action taken (including any notification issued, permission granted or proceedings commenced or continued) under the provisions of the said Act, shall be deemed to have been done or taken, under the corresponding provision of this Act.