

**RELIGIOUS RITUALS AND SOCIAL HEALTH VIS-A-VIS NOISE
POLLUTION- LEGAL PROVISIONS AND JUDICIAL
APPROACH - A BIRD'S EYE VIEW**

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“We need to find God, and he cannot be found in noise and restlessness. God is the friend of silence. See how nature- trees, flowers, grass- grow in silence; see the stars, the moon and the sun, how they move in silence...we need silence to be able to touch souls.” -Mother Teresa.

Abstract:

The protection and preservation of environment is strongly needed for sustainable development i.e. Social Community, Environment and Economy. Human wants are increasing day by day due to advancement in technology and modernisation. Noise pollution is drawing attention of Legislature, Executives and Judiciary. Generally Social health should be given prime importance as noise pollution is a potential hazard to the society at large. Noise pollution is accepted as a part of our day to day life so experts must bring this problem to the public notice. This paper aims to Investigate ‘Noise Pollution’ as a detriment of social health through religious festivals and to present an overview about the legal framework in India for curbing the menace of noise pollution. Reference has also been made to various important cases involving issues of right to religion, social health and noise pollution. The Indian Judicial approach plays a pivotal role in protecting and preserving the environment from noise pollution on the line of social or public health. Thus an attempt has been made to think about enacting a strict law on noise pollution as existent in other countries, namely UK, USA and Japan.

Key Words : Environment, Noise Pollution, Religion and Social Health, Noise and Law, Judiciary and Noise Pollution

❖ Introduction:

The concept of environment is an inclusive one. It includes the surroundings of individual and the society. The relationship between living thing and planet can be termed as environment. In

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simple words we can say that environment means and includes, 'biological, geological and cultural surroundings of community.' The specific meaning attached to the word environment includes air, space, land, plants, wild life, flora-fauna etc. 'Environment' includes "water, air and land and the inter-relationship which exists between them on the one hand and human beings, living creatures, plants, micro-organism and property, on the other."³ The fundamentals of well being of a society like human happiness and growth cannot be achieved without protection and preservation of the environment.⁴ Environment has been described as that what surrounds an individual or community, both physical and cultural surroundings.⁵ It can also be said that environment as a life saving mechanism must be protected and preserved to maintain social health and Population, Poverty and Pollution (PPP) are three main issues of this phenomenon. The problem of Pollution is more dangerous as it is a cause for cancer in which death is slow but sure.⁶ Improper utilization of resources leads to ill effects on environment. The Indian Supreme Court in T. N. Godavarman Tirumalpad v. Union of India⁷ has held that pollutions mean "the release of substances and energy as waste products of human activities which result in changes usually harmful, within the natural environment." The social determinants of health are the conditions in which people are born, grow, live, work and age.⁸

The two fold classification of environment pollution is Natural Pollution and Pollution caused by human activity i.e. Artificial Pollution. No human intervention is involved in the former while Air Pollution, Water Pollution, Land Pollution, Noise Pollution, Radio-active Pollution, Food Pollution, Thermal Power Plant Pollution, Sea Pollution, Pollution caused by Solid Waste and Acid rain are components of then later. Among these the researcher has focused on fourth component i.e. Noise Pollution as a detriment of social health.

❖ **Objective:**

1. To create awareness regarding legal provisions and judicial pronouncements on Environment and Social Health with regard to Noise Pollution in India.

❖ **Right to Live in Peace:**

³ Section 2 (a) of the Environment Protection Act, 1986

⁴ Paranjape, Dr. Vinay N., 'Environment Law', Central Law Agency, Allahabad, 1st Edition, 2013

⁵ Vartika Singh And Pramendra Dev, 'Environmental Impacts of Noise Pollution - A case Study of Saharanpur City, Western Uttar Pradesh, India.', available at <http://cafetinnova.org/wp-content/uploads/2013/04/02031113>

⁶ <http://www.legalserviceindia.com/articles/noip.htm>

⁷ (2002) 10 SCC 606 (627)

⁸ World Health Organization on Social health Detriment (SDH) available at <http://www.who.int>

India is a country where right to live with human dignity is available to all persons. Right to live in a pollution free environment is held as a fundamental right by the Supreme Court. Everyone has the right to live in a peaceful, quiet and comfortable atmosphere and to be free from noise as it is one of the pollutants of the environment.

❖ **Concept of Noise Pollution:**

Noise in general sense means intolerable sound for human beings. The sound which distracts peace, comfort, and quiet atmosphere, thereby causing annoyance to the community at large is termed as a pollutant. It may be natural or artificial. The word noise is derived from the Latin term 'nausea'. It has been defined as unwanted sound, a potential hazard to health and communication, dumped into the environment with regard to the adverse effect it may have on unwilling ears. Noise pollution i.e. unwanted or excessive [sound](#) has deleterious effects on human health and environmental quality. Noise pollution is commonly generated inside many industrial facilities and some other workplaces, but it also comes from highways, railways, and airplane traffic and from outdoor construction activities.⁹ The concept of noise pollution has not been defined in any legislation in India. The measurement of noise pollution is in decibels (dB). Loudness and Duration are the two attributes which can be measured in dB. The frequency of sound means numbers of vibrations per second are termed as Hertz (Hz). One Hz is equal to one vibration.

❖ **Religious Rituals and Noise Pollution:**

"Culture is never loud, culture is quiet."¹⁰ Generally speaking, the sources of noise pollution can be classified into two different categories. First Natural and secondly those created by Human activities. The natural causes include noise caused by storms, thunders, seas, rivers, volcanoes, etc. the noise caused by human activities includes use of loud speakers, crackers, religious or social functions. Religious rituals or Social gathering are one of the causes created by human beings. With considerable increase in regular and frequent influxes of visitors as regularly reported in media (more than 100 million domestic tourists are believed to be undertaking religious and pilgrimage journeys annually), it seems all the more prudent to examine what kind of relationships exist between visitor flows, noise pollution and local communities in pilgrimage sites.¹¹

⁹ <http://www.britannica.com/science/noise-pollution>

¹⁰ Jawaharlal Nehru, Former Prime Minister of India

¹¹ Sanjay Marale, Et. Al., 'Comparative Analysis of Noise Pollution in Pilgrimage Places from Maharashtra, India', Enrich Environment Issue 11, Volume 04, Number 02, August 2011

It has bad impact on social health. As India is secular country freedom of religion can be enjoyed by every citizen. While performing religious rituals directly and indirectly there is annoyance to community at large by creating noise unnecessarily. The laws restricting use of loudspeakers lack effective enforcement. Therefore in spite of provisions of law use of loudspeakers are not restricted. In India freedom of religion can be enjoyed without making noise. The extensive use of loudspeakers in religious, political and personal functions is a source of creating noise pollution. In fact, noise has come to be associated with the mental, physical, emotional and Psychological well-being of an individual or even animal.¹² India is a country where many festivals are celebrated by people such as Janmashtami, Ganesh Chaturthi, Durga Puja, Navratri, Dussehra, Diwali and many more. The safe noise levels are frequently violated during the festival days in India. Social gatherings of people in festivals, processions, marriages, meetings, rallies, etc are other major sources of noise. The sound produced from slogans, high pitched music, speeches, songs, use of microphones, etc associated with such gatherings is also injurious to our health.¹³

❖ Noise Pollution- Impact on Social Health:

The problem of noise pollution is not related only with hearing. It has a multi dimensional impact over public health. The negative impact of noise pollution on living things badly affects the performance, physical and mental health and hearing capacity etc.¹⁴ World Health Organisation (WHO) asserts that noise pollution is not only a nuisance to the environment but it also poses considerable threat to public health.¹⁵ It is widely accepted that human resources are behind overall progress of the nation. If they are living in pollution free, healthy atmosphere then expected goals will be easily fulfilled.

Following are the impact of noise pollution on social health. Following are the impacts of noise pollution on social health:

1. It decreases the efficiency of a human being,
2. Results in lack of concentration,

¹² Dr. Brind Kumar, Sharad V. Oberoi and Akash Goenka, "A Brief Review of the Legislative Aspects of noise Pollution" April 30, 2004, pp. 53-65 available at <http://home.uchicago.edu>

¹³ Pallavi Yadav and R. S. Yadav, "Noise Pollution and its Enacting Laws in India", G- Journal of Environmental Science and Technology 1(2): 51-56 (2013)
http://www.gjestenv.com/Current_Issue/Gjest_1003.pdf

¹⁴ Smarak Swain, 'Applied Psychology: India Specific and Cross-cultural Perspectives' available at <https://books.google.co.in/books>

¹⁵ See more at: <http://www.skymetweather.com>

3. Fatigue
4. A possible cause of Abortions
5. It causes Blood Pressure,
6. Temporary or permanent Deafness,
7. Effect on Vegetation and Poor quality of Crops,
8. Effect on Animal,
9. Effect on Property

❖ **Prevention and Control of Noise Pollution- Legislative Framework:**

In India there is no specific legislation over the issue of prevention and control of Noise Pollution. The various enactments which deal with the issue of Noise pollution are summarised as under:

(a) Constitution of India:

Firstly, the concept of life has been given wide scope by the judiciary as it is provided for the benefit of all persons, not only citizens. The extended scope to the word 'Life' by Supreme Court under Article 21¹⁶ of the Constitution is a significant aspect. The Apex Court has held in its pronouncements that 'Right to Life' does not mean mere existence. It guarantees a right of persons to live with human dignity. Anyone who wishes to live in peace, comfort and quiet within his house has a right to protect himself from pollution. Secondly freedom of religion does not include right to perform religious activities on loud speaker and electronic goods which produce high velocity of noise. The concept of right to life under Article 21 includes clean environment, right to live a peaceful life, right to sleep and right to leisure etc. Thirdly, part IV of Constitution of India which deals with Directive Principles of State Policy¹⁷ provides that the state has the object to make the environment pollution free. Fourthly, under the head of Fundamental Duties¹⁸ of the citizens of the country every citizen has the fundamental duty to clean the environment.

(b) The Code of Criminal Procedure, 1973:

The authorities can apply provisions of Criminal Procedure Code to prevent and control noise pollution. Here Section 133¹⁹ is of great importance Courts have been empowered to issue orders to

¹⁶ Jain, Prof. M. P., "Indian Constitutional law", Lexis Nexis Butterworths Wadhwa, Nagpur, 6th Ed. 2010, p. 1079

¹⁷ Ibid. p.1392

¹⁸ Id. p. 1395

¹⁹ Section133: Conditional Order for Removal of Nuisance:-

remove or abate nuisance caused by noise pollution for prevention of danger to human life, its health or safety; the magistrate can direct a person to abstain from certain acts. In *Bijayanandra Patra v. District Magistrate Cuttack*²⁰ the Apex Court discussed on the question of removal of noise pollution caused due to the use of loudspeakers in religious places and other social gatherings, functions and



(1) Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers-

(a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or

(b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or

(c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped; or

(d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary; or

(e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or

(f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order-

(i) to remove such obstruction or nuisance; or

(ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

(iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or

(iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or

(v) to fence such tank, well or excavation; or

(vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order; or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the Order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

²⁰ AIR 2000 Cri 70 (77)

festivals and opined that Section 144²¹ can be evoked to issue prohibitory orders limiting the hours of use of loud speakers in religious places and social functions.

(c) The Indian Penal Code, 1860:

Chapter IV of Indian Penal code deals with offences affecting the Public health, Convenience, Decency and Morals under Sections 268 to 294A. Noise pollution has been made punishable as ‘Public Nuisance’ under Section 268²² of the Indian Penal Code.

(d) Under Law of Torts Noise Pollution is considered as Civil Wrong:

Remedial relief is available under the Law of Tort. Noise pollution under the Law of Torts can be treated as Tort of Nuisance. In the Case of President, Guruvayur Devasthan Management Committee v. Supdt. Police, Trichur²³ a case of nuisance was filed against daily prayers and devotional songs etc., though it was rejected and could not be considered as a nuisance.

❖ Some Special Acts on Noise Pollution and Social Health

(i) The Police Act, 1861:

The police are empowered to regulate and limit music that may be played in streets on festivals and marriage ceremonies. Section 30 (4)²⁴ of the Act provides regulatory power to the police.

²¹ Section 144 in The Code of Criminal Procedure, 1973 Power to issue order in urgent cases of nuisance of apprehended danger.

(1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

²² Section 268 in Indian Penal Code Public nuisance:

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage.

²³ AIR 1998 Ker. 22 (DB)

²⁴ Section 30 in The Police Act, 1861. Regulation of public assemblies and processions and licensing of the same (4) Music in the streets: He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

(ii) Environment (Protection) Act, 1986:

Section 6 (2) (b) of the Environment Protection Act, 1986²⁵ prescribes the maximum permissive limits for 'noise' in different areas. Entry 89 of Schedule I of the Act provides maximum permissible limit of the noise standards.

(iii) The Air (Prevention and Control of Pollution) Act, 1981

Initially there was no provision on Noise Pollution in the said Act. In the year 1987 the Act was made applicable to noise pollution. Section 2 (a)²⁶ of the Act includes noise in the definition of 'air pollutant'. Section 16 (2) (b)²⁷ also casts duty upon Central Pollution Control Board (CPCB) to prevent and abate air pollution which includes noise pollution.

(iv) The Air Crafts Act, 1934:

The said Act includes a rule granting powers to the government to control noise generated by air crafts which is harmful to the health of public at large.

(v) The Factories Act, 1948:

The Factories Act does not contain any specific provision for noise control. However, Schedule III and Section 89 include notice of certain diseases and Section 90 grants power of direct enquiry into cases of accident or disease under the Act. A noise induced hearing loss, is mentioned as notifiable disease.

(vi) The Motor Vehicles Act, 1988:

The Central Government has a rule granting power for regulating the noise emission caused by automobile vehicles under Section 110 (1) (h)²⁸ Provisions related to use of horn and change of engine.

(vii) The Noise Pollution (Regulation and Control) Rules, 2000²⁹ under Environment Protection Act 1986:

²⁵ Section 6 Rules To Regulate Environmental Pollution. (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 :- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;

²⁶ Section 2 (a) "air pollution" means any solid, liquid or gaseous substance [(including noise) Ins. by Act 47 of 1987, sec. 2 (w.e.f. 1-4-1988).] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

²⁷ Section 16 Functions Of Central Board. (2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may-

(b) Plan and cause to be executed a nationwide programme for the prevention, control or abatement of air pollution;

²⁸ Section 110 in The Motor Vehicles Act, 1988-Power of Central Government to make rules

(i) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to all or any of the following matters, namely:

(h) the reduction of noise emitted by or caused by vehicles

Further for better regulation of noise pollution there are ‘The Noise Pollution (Regulation and Control) Rules, 2000.’ The government of India has enacted the Noise Pollution Rules 2000 to include the following main provisions:

- (a) The state government may categorise the areas as in the industrial, commercial or residential
- (b) The ambient air quality standards in respect of noise for different areas have been specified.
- (c) State government shall take measure for abatement of noise including noise emanating from vehicular movement and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.
- (d) Areas not less than 100 m around hospitals educational institutions and court may be declared as Silence Zones’ for the purpose of these rules.
- (e) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority and the same shall not be used at night between 10 pm to 6 am.
- (f) A person found violating the provisions regarding the maximum noise permissible in any particular area shall be liable to be punished for it as per the provision of these rules and any other law in force.

In general all the causes of noise pollution which have detrimental effects on human health and the Psychological well being of the people are regulated by this enactment. Rule 5 Sub Clause 3 has been inserted with special regard to use of loud speakers (from 10p.m. only) during religious festivals or cultural programmes, not exceeding 15 days in all during one calendar year. In Re: Noise Pollution VI³⁰ Supreme Court has upheld the constitutional validity of Rule 5(3) Noise Pollution (Regulation and Control) Rules, 2000 and observed that exemption shall not be extended to silence zone.³¹

²⁹ The Central Government, in exercise of its powers under the various provisions of The Environment Protection Act, 1986, enacted The Noise Pollution (Regulation and Control) Rules, 2000; w.e.f. July 2000 later amended in November and became effective.

³⁰ (2005) 8 SCC 794

³¹ Silence Zone includes an area of 100 meters from the Schools, educational institutions, hospitals, public libraries etc.

❖ Judicial View on Religious Right and Noise Pollution:

As discussed above noise means an unwanted sound which cause harm to health of the living and non living things. Further nuisance causes injury to the right of the individual.

Pollution being wrongful contamination of environment, which causes material injury to the right of an individual, noise can well be regarded as a pollutant because it contaminates the environment, causes nuisance and affects the health of a person and would, therefore, offend Article 21, if it exceeds a reasonable limit.³² Here we can consider the views regarding degradation of social health by noise pollution. The judiciary has pronounced various decisions on practice of religion, use of loud speakers and its impact on social health without curtailment of the said right. The Bombay High Court in *State of Bombay v. Narasu Appa Mali*³³ asked authorities to regulate the use of loudspeakers during the times when the Ganesh and Navratri festivals were being celebrated. The Court ordered a strict implementation of Environmental Acts, ruling that the Means of celebration of festivals must not disturb the peace and tranquillity of the neighbourhood. In *Masud Alam v. Commissioner of Police, Calcutta*³⁴ the police had banned loudspeakers for calling ‘Azans’ five times a day by Muslims on complaint. The High Court held that banning is a reasonable restriction in the interest of public at large.

In *Bedi Gurucharan Singh v. State of Punjab*³⁵ it was held that rights under Article 19(1) and Article 25³⁶ of the Constitution are not absolute. They are subject to conditions that they should not

³² Sairam Bhat, *Noise And The Law*, available at <http://indiatgether.org/noise-laws>

³³ AIR 1952 Bom 82

³⁴ AIR 1956 Cal. 9

³⁵ 1975 CrLJ 917 (Punj)

³⁶ Article 25 in The Constitution Of India 1949: Freedom of conscience and free profession, practice and propagation of religion(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus Explanation I The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion Explanation II In sub clause (b) of clause reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly

violate similar fundamental rights of the followers of other religions. In *T. Damodar v. State of Andhra Pradesh*³⁷, Justice P. A. Chaudhary has rightly observed that, the enjoyment of life and its attainment and fulfilment guaranteed by Article 21 of Indian Constitution embrace the protection and preservation of natural gifts without which life cannot be enjoyed.” In *Bada Bazar Fireworks Dealers Association v. Commissioner of Police, Calcutta*, the High Court has expressed its view that ‘there is no inherent fundamental right a citizen to manufacture, sale and deal with fireworks which will create sound beyond permissible limit and generate pollution which would endanger the health and the public order’ In *P A Jacob v. S. V. Kottayam*³⁸ The Kerala High Court asked a Christian denomination not to use loudspeakers on the ground that it would disrupt the law and order and it might be inconvenient for the other group of citizens. Rejecting the petitioner’s claim of freedom of speech and expression, the Court held that ‘recognition of the right of speech and expression is recognition accorded to human faculty. A right belongs to human personality and not to a mechanical device.

In *Birangana Religious Society v. Orissa*³⁹ the Court upheld that power of the Sub-Divisional Magistrate to direct a religious organization against the use of microphones, which might hinder the rights of citizens to lead a life of peace and tranquillity. In *Church of God in India v. K. K. R. Majestic Colony Welfare Association and others*⁴⁰ it was held that in an organized society, rights are related to duties towards others including neighbours. This was reiterated when the Apex Court came down heavily on the practice of beating of drums and use of loudspeakers early in the morning in places of worship. The Supreme Court ruled that no religion prescribes this practice. In a landmark judgment, the Court held that no religion prescribes or preaches that prayers are required to be performed through voice amplifiers or by disturbing peace and tranquillity. In *Free Legal Aid Cell v. Government of NCT of Delhi*⁴¹ the Court directed the establishment of separate courts to deal with the problem of noise pollution. The Court directed the Delhi Government to restrict the use of firecrackers in religious festivals, marriages, processions etc.

In *Sayeed Maqsood Ali v. The State of Madhya Pradesh*⁴² it was held that even a single individual can maintain a writ petition against noise pollution. A dharamsala operating near the

³⁷ AIR 1987 AP 171

³⁸ AIR 1993 Ker 1

³⁹ 1996 100 Cal WN 617

⁴⁰ 2000 SCC 282

⁴¹ AIR 2001 Delhi 455

⁴² AIR 2001 M.P. 220

residence of a cardiac patient was ordered to limit noise levels resulting from its operations. The creation of separate environmental court, which has been suggested by Justice Bhagwati⁴³ In Re: Noise Pollution⁴⁴ the following important observations have been made by Supreme Court regarding noise pollution is that, “everybody who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as a pollutant reaching him.”

The apex court also said: “The noise polluters have no regard for the inconvenience and discomfort of people in the vicinity” and chastised them saying, “no one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours and others”.⁴⁵ The court reiterated its earlier directive that banned the use of noisy firecrackers late at night during festivals like Diwali, as they constitute a public nuisance. In Rajendra Kumar Verma vs The State of Madhya Pradesh and Ors⁴⁶ the Supreme Court has again issued direction to the State Authorities to prevent the environmental (noise) pollution caused during the festive seasons, religious and social ceremonies.

Use of loud speakers and drums should not affect the society adversely. One cannot take away right of others in the name of religion. Further various High Courts have given importance to social or public health while practicing religion in various cases. The interpretation of Article 21 has great relevance for protecting life which includes health of the people. Public health has been given prime importance in deciding cases on noise pollution. The various High Courts are directed that on strict implementation of ‘Noise Rules 2000’ are necessary to protect the health of the public. The Courts have given considerable significance to social health.

Conclusion:

In India a special law on noise pollution is the need of the hour. To begin with strict implementation of existing legal provisions can limit the problem of noise pollution. There is an urgent need to conduct awareness campaigns at Local, State, National and International level on hazardous impact of noise pollution on social health. School, Colleges are the targeted areas where we can organise such programmes. The young population can act effectively on such activities. The curriculum is expected to be changed according to the need of society. Religious and cultural

⁴³ Shri P. N. Bhagwati, Former Chief Justice of India

⁴⁴ In Re: Noise Pollution Implementation of The Laws For Restriction Use of Loudspeakers And High Volume Producing Sound Systems with Re: Forum, Prevention of Environment And Sound Pollution v. Union of India And Another

⁴⁵ PTI, July 18, 2005, <http://infochangeindia.org>

⁴⁶ 2015 Jan 06th available at <http://indiankanoon.org/doc/36268812>

programmes can be organised without using loudspeakers and without disturbing the peace in the community. The NSS units and the NGOs engaged in social service should create awareness by way of street plays, dramas, poster presentations, and lectures of experts, at social gathering at religious places. School children and college students can take an initiative and create awareness on the adverse impacts of noise pollution on health at time of various religious festivals and programmes. Finally we must look at the possibility of providing compulsory value embedded education on environment protection through educational institutions.

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