



## Environment and noise Pollution

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**Abstract:** *The environmental action which started with the Stockholm Conference 1972 at national and international level was not much concerned with the noise pollution to begin with. It was only after scientific research exposed the most dangerous effect of noise on man's health that a serious thought was given by international community to control this dangerous monster. The growth of cities and development and concentration of big and small industries around them changed the amount and composition of our society and created the most acute problem of our century- the problem of noise pollution. In India there is already a change in the attitude of policy makers, legislature and the courts which are the main three institutions for successful implementation of any programme.*

**Key words:** *construction of buildings, industries, roads and railway lines, pollution*

### Introduction:

Man is born with noise and dies with that, thus noise is a part of human life and a natural product of human environment. It is connected with man's life from cradle to grave, even before and after it. We, in India, have a traditional liking for noise. All our happy and sad movements of life are expressed through noise. It may be in the form of busting of crackers, playing of music or recitation of religious scriptures. Unconscious of the immediate and ultimate ill effects of this traditional attitude, life goes on without any tangible protest from the public, public servants or the persons occupying the chairs of this democratic Republic. In fact there is a silent compromise by us to take noise as a normal part of our life without realizing that we are playing with not only the health of the present society but with the health of the posterity.

The environmental action which started with the Stockholm Conference

1972 at national and international level was not much concerned with the noise pollution to begin with. It was only after scientific research exposed the most dangerous effect of noise on man's health that a serious thought was given by international community to control this dangerous monster. The growth of cities and development and concentration of big and small industries around them changed the amount and composition of our society and created the most acute problem of our century- the problem of noise pollution. In one degree or the other this problem is faced by all the cities, though our villages cannot be said to be totally out of the grip of this problem as technological developments have also made inroads in to the agricultural sector which is by and large a profession confined to our villages.

Commercial outlook towards life and nature has further added to the intensity and extent of the problem of noise pollution. To control the harmful effects of technological and industrial



expansion, it is necessary to uproot the prevalent psychological attitude of 'have it now' and 'have it more'. Population explosion has further aggravated the problem of noise pollution. Every year man increases pressure on land by ever increasing population. This has exerted pressure on all available resources besides the significant rise of noise level. Increase in population has resulted into massive increase in human activity in all the spheres connected directly or indirectly with the human beings. It may be in the form of increased traffic of automobiles, railways, aircrafts, or new construction of buildings, industries, roads and railway lines etc. The ultimate result of all this is, that noise has gained such an intensity that it grates on everyone's nerves. In the word of Dr.O.Knudsen, Chancellor Emeritus of University of California "

"Noise, lime smog, is a slow agent of death, if it is continued that next 30 years as it has for the last 30 years, it could become lethal" (quoted from Justice V.R.Krishna Iyer).

Noise may have any one of the following effects of man. It may change a man's psychological state, may cause heart attack, may cause chronic affect as hypertension or ulcers and damage his hearing. Further noise not only damages hearing but also give rise to many other ailments like interference with speech and injuries to specially susceptible groups of the community. Besides this it may also interfere with the use and enjoyment of property, thereby diminishing its value and utility. In addition to health hazards noise costs heavily in terms of money to the state which may not possibly be estimated correctly.

### What is Noise :-

Although there is no single universally accepted criterion of what constitutes noise pollution or excessive noise, it is unquestioned that excessive noise has an adverse effects on human health. Noise has been defined as an excessive, offensive, persistent or stoutling sound.

In **American Jurisprudence** nose has been defined as unwanted sound that produces unwanted effects. It is generally considered to be a form of pollution and has begun to be recognised as a major evil. Similarly a large number of industrial psychologists have defined the term noise in different terms. In the words of **Herrell**, "Noise is an unwanted sound which increases fatigue and under some industrial conditions it causes deafness". **Blum** defines noise as " a distractor and therefore interfering with efficiency". According to **J.Tiffin**, "Noise is a sound which is disagreeable for the individual and which disturbs the normal way of an individual".

In all these definitions we can find one common element, that is subjectivity of persons. A sound may be excessive noise for one person and may not be of some consequence to another. So we can say that so long a sound is confined to the persons immediately concerned with it, it is not only tolerable, what is inevitable, but when we, advertently or inadvertently, try communicate it beyond those limits it becomes it becomes excessive noise or noise pollution. In an effort to control this problem it may not be possible to standardize noise level suitable to the taste of every body but reasonable standard of an 'average man' can be a guide in this direction.



### Noise Pollution :-

Noise is one of the undesirable produce of technological civilization. Admst this civilization, wherever we go, noise surrounds us. The road of traffic, the passage of trains and aeroplanes, the bustle of crowds and the working of industry and the public utilities deafens our ears. Even home is invaded by noise. The noise from whatever source it comes from is undoubtedly, physiologically harmful, invading environment in dangerous proportions, it is an invisible but insidious form of pollution. Noise as a potentially harmful pollutant is being recognized as a great nuisance these days affecting the quality of life, particularly in urban areas.

The word noise which is derived from the Latin word 'nausea' has been defined in different ways. In law, noise may be defined as an excessive, offensive, persistent or startling sound. In short, the best definition of noise is "sound which is undesirable by the recipient". This subject definition of noise differs from the scientific description of noise. An objective definition of noise coupled with measure and assessment techniques is yet to be drawn up by the law.

A legally significant objective definition of noise is a complex and difficult to discern for noise is not a purely a matter of acoustics but of psychology. Subjective factors such as mental attitude, environment, time and place etc are important in the determination of actionable noise which differ and are hard to quantify. The law cannot take into account every unwanted noise. On the other hand, any sound which becomes excessive, unnecessary or unreasonable has to be put under regulation in order to shield public

against unbearable and harmful noise or for its cessation. Scientific methods to that extent may be useful in determining situations where noise steps out from its background and becomes actionable.

Noise becomes a pollutant when it contaminates the environment which becomes a nuisance and affects the health of persons, their activities and mental abilities. In other words, noise pollution is unwanted sound which gets dumped into the atmosphere without regarding to the adverse effects it maybe having.

Noise though not defined in any statute, but it now included as an environmental pollutant in Section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981 and hence recognised as a kind of air pollution.

### Sources and effects of Noise Pollution:-

Sources :- Sources of noise are numerous but they may be broadly grouped under the following two classes as :

- 1) Industrial and
- 2) Non-Industrial

1.Industrial :- Noise is an inescapable by-product of industrial environment which is increasing very fast with the advancement in industrialisation. The workers are most readily sufferers to the noise hazards of industrial functioning. Industries located in the residential areas, particularly such as printing press, agro-based industries, automobiles repairing, grinding mills, general engineering etc are the sources of community noise affecting the public continuously, living in the vicinity.

2.Non-Industrial :- Among the non-industrial sources the following are important ones:



- i) Loud Speakers
- ii) Automobiles
- iii) Air Crafts
- iv) Trains
- v) Construction work and
- vi) Projection of Satellites in Space.

i) Loud Speakers :- Extensive and common use of loud speakers whether for political meetings, marriages, religious functions, musical nights, advertising, etc are most disturbing sources of noise to the urban dwellers in particular. Though the use of loudspeakers is governed by administrative restrictions and some laws but their widespread use remains continuing as the restrictions and the laws are not seriously imposed.

ii) Automobiles:- Noise radiation from automobiles leads to traffic noise. It is a major source of noise pollution in urban areas. Trucks, buses, motors, heavy vehicles, passenger cars, their concentration, engine roar due to improper maintenance and ear piercing blow of horns produce undesirable noise to the annoyance of the people living in residential areas adjacent to roads.

iii) Air Crafts :- The fast growth of air traffic, the invention of supersonic aircrafts and devices employed to scare birds have contributed to the creation of air craft noise. Aircraft generate, generally unbearable roar during take offs and landings. Air craft noise is obstructive, persistent and unpleasant besides being a serious health hazard for the communities living in neighbourhood of air ports.

iv) Trains :- Noise from steam engines, fast trains and railway

operations has been a cause of great concern as the impact of the noise produced has been reported to be maximum in those areas where railway tracks pass through residential areas. Railway noise bother 2% of the UK Population. The community response in Japan and France is denunciatory of the annoying noise and disturbing vibration emitted by the fast growing trains. Railway noise is less annoying than aircraft or traffic noise of equivalent noise level at least in L.A. eq 24 hr of 50 to 65 dB. Further it is an annoyance to a given observer as an incident event and when the train has passed the point, the ambient sound level is restored. These facts by themselves, do not mean that the noise control be ignored. On the other hand, in view of the increasing speeds and frequencies of the railway services, the community/ public needs protective attention from the point of noise control

v) Construction works :- In the era of fast urbanization, the construction (of buildings and roads etc) the demolition and repair activities along with the huge machines used for the purposes create a great deal to noise to the annoyance of the people living near the sites of construction. Hence such works are also a potential sources of noise pollution.

vi) Projection of Satellites into Space :- The launching of satellites, a regular space activity these days, has now come to be recognised as a new source of air and noise pollution. Lifting of satellite with the aid of high explosive rockets produce deafening noise.

Apart from the above sources, crowding with the increase of population and urbanisation, community activities such as political/ public meetings,



religious functions, weddings, festivals, etc have been contributory factors in rising environmental noise pollution.

### **Effects of Noise Pollution :-**

The effects of noise pollution are multifaceted and interrelated. Noise Pollution has ill effects not only on the human beings but also on other living and non-living things. A few common effects may be discussed in brief as follows:

Human beings are the common receptors of noise pollution. Though it is easy to show that excessive noise could result into the loss of hearing in human beings but it is difficult to show up to what extent the effects of noise can prevail on individuals. It is difficult to ascertain the ability of man to withstand the effects of noise. This complicated the attempts to measure the effects of noise pollution in an objective manner. It is true that man gets acclimatized to some noise but what will be subjective effect may not be known to him. The effect of noise pollution on human mechanism could be broadly as follows:

- 1) Physiological effects and
- 2) Psychological and Behavioral Effects.

1. Physiological Effects:- It is now medically confirmed that noise disturbs biological organism of human beings. Excessive continuous and persistent explosive noise can be physically painful. Physiological indications of such as loss of hearing, occupational deafness and noise related diseases like Stomach ulcers, neurosis, mental illness, cardiovascular and circulatory disorders respiratory diseases, ill effects on foetus, dizziness, headache and rise in blood pressure and reported in individuals exposed to different levels of noise. Even

short exposure to noise at 150 dB may lead to contraction of blood circulation, nervousness, dilatoriness in intestines, stomach and eyes. These troubles may sometimes be incurable.

2) Psychological and Behavioural Effects :- Noise is recognised as a major factor causing tension in the modern age. Psychiatrists and psychologists have recently noted the connection between excessive undesired noise and mental and tension related physiological disorders. Dr. Knudsen, a physicist has rightly said that noise is a slow agent of death.

The psychological and behaviour effects created by excessive noise include annoyance, speech interference, fatigue, psychosomatic disorders, tension related diseases, sleep interference, mental illness and emotional distress. The psychological and behavioural effects are of far reaching consequences in industry where the ability to communicate by speech is indispensable and its interference may cause disruption of work, inefficiency, accidents inconvenience and violent behaviour. The increase noise pollution may have adverse economic implications. Due to reduced working efficiency, absenteeism, accidents and compensation claims from noisy working conditions, according to WHO estimation, a loss of 4 billion dollars results to American Industry annually.

Loss of concentration and memory are also other inevitable consequences of noise pollution. According to a survey of Dr. Surya Kant Mishra, sixty per cent students in noise polluted areas in Kanpur failed to concentrate in their studies. Similarly in Mumbai according to a survey of Society for Clean Environment revealed that 36



per cent of the population in the city constantly encountered noise pollution. Of them 76 per cent felt lack of concentration, 69 percent complained of disturbed sleep and 65 percent restlessness.

Noise pollution may also have personological effects on individuals disturbing their total personality make up. Maladaptive developments in children due to persistent and long exposure to noise and the resulting lowered performance level among children may develop a feeling of lack of confidence which may jeopardize their optional personological development as a growing child.

#### **Effects on Other Living Beings :-**

The adverse consequences of noise pollution may also be felt on other living beings. Several birds have been observed to have stopped laying eggs due to noise pollution. Apart from this, animals are susceptible to various effects of intense noise. Animals may change their places. There is decrease in migratory birds to a place if it is subject to noise. Empirical study conducted on animals reveal that air craft noise of intensity of 120 to 150 dB can cause miscarriage in them. Exposure to 150-160 dB noise would be fatal to certain animals. Prolonged chronic noises can produce high blood pressure, stomach ulcers, etc. Sport fish are believed to be hypersensitive to sound. Guinea pigs exposed to short periods of above noise may get their vital auditory ear hair cells destroyed.

#### **Noise pollution and the constitution :-**

Under the ancient Indian system, the society was guided by Dharma/religious tenets in all matters.

The Dharma of ecology lay in protecting and augmenting regenerability of life-support system. This had to be accomplished by nurturing and protecting renewable resources, avoiding waste, creating awareness of the costs of consumerism; willingly adopting frugality and fraternity as a sustainable way of life...meeting genuine social needs by blending economic and environmental imperatives. The ethos of the ancient Indian culture lay in environmental worshipping, "the Vedic animism was environmental ethic". People did not wait for positive laws to mandate environment protection. The reverence for nature was to such an extent that the day began with a prayer asking for forgiveness for stepping on the mother earth. Yajurveda, the Samaveda and Athava Veda are proof of the environmental consciousness. Man made noise pollution was simply beyond one's imagination.

If Indian culture stands apart as the worshipper of nature in the true sense of its term. The Indian Constitution is the first in the World which made provision for protection of Environment. ILLI true, the Stockholm Declaration of 1972 was a landmark at the International Level for the protection of the Environment and there are several legislative measures initiated for environment protection by different countries prior in point in time, but at the Constitutional level- India stands first to provide a constitutional protection to the environment.

Article 48A laid down as a directive principle that the State shall endeavour to protect and improve the Environment and to safeguard the forest and the wild life of the country. A fundamental duty is imposed on the citizens to protect and improve the





natural environment including forests, lakes rivers and wildlife and to have compassion for living creatures.

It is submitted that even before the constitution was amended and a specific direction in so many words was given to the State to protect the environment, the Constitution did contain the spirit of the amendment in Article 47 which imposes a duty on the State to raise the level of nutrition and standard of living and improve public health; and to expend the material resources of the community to common good. Compliance with Article 47 requires the environment to be kept in healthy shape. And therefore, it is submitted that any law to protect the environment would be protected even in the absence of the specific law but then it is always safer and easier to manage the situation with a specific law.

The Cinderella Status of noise control measures is clear by the absence of a independent law on noise pollution. Measures to arrest noise pollution is contained in the form of a couple of provisions in various enactment. However, some State Government have enacted laws for containing noise pollution due to loudspeakers.

#### **Noise Pollution and Nuisance under CPC/IPC & Cr.P.C :-**

Noise pollution has an immense nuisance value. Therefore the common law concept of nuisance is extended to noise pollution. Provisions pertaining to nuisance can be traced in CPC, IPC and Cr.P.C.

Under Section 91 of the CPC two or more persons can sue with the consent of the Court in the case public nuisance or other wrongful act affecting or likely

to affect the public. Likely to affect contemplates not only actual nuisance but also potential to create nuisance. Hence it is submitted that even an injunction to prevent public nuisance is permissible. Indian Penal Code provides what is public nuisance and punishment prescribed thereof. The Cr.P.C. provides the manner of tackling public nuisance. IPC says under Section 268 that a person is guilty of 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 in which case the use would be transitory in nature.

In **Kirori Mal Bishambar Dayal Vs. State, AIR 1958 P & H 11**, a floor mill set up in 1928 was converted into a metal factory. Within 20 years residential house sprang up, vibrations of the heavy machinery affected foundations of the building the Court held that even a lawful trade becomes a nuisance if it interferes with the reasonable comfort and use of property of the neighbour. A trade lawful to begin with may become a nuisance under changed circumstances.

In **Ivour Hyden Vs. State of Andhra Pradesh, 1984 Cri.L.J. 16(NOC)**, loud playing of radio was excusable under Section 95 of IPC ( nothing is an offence if the harm is so slight that no person of ordinary sense and temper would complain of such harm). The Court added a rider to its judgment by its observation that the playing of a radio at reasonably moderate velocity is tolerable but not at a



high velocity which would be objected to by a man very busy with mental work and would amount to nuisance.

It is of relevance to note that the Court has held in **Krishna Panicker Vs. Appukuttan Nair, 1993 (1) KIJ 725**, that the special law to protect environment i.e. the Water Act in this case did not repeal the law of public nuisance under Cr.P.C.

The Orissa High Court has declared that all District Magistrate should be empowered to issue prohibitory orders under Section 144 Cr.P.C. limiting the hours of loud speakers in religious places and for other social gatherings and functions. Under Section 133 of Cr.P.C. an Executive Magistrate can interfere and remove a public nuisance by a conditional order. Thus in **Raghunandan Vs. Emperor, AIR 1931 All 433 at 434** the Allahabad High Court forbade a factory owner from operating his factory engine from 9.00 P.M. to 5.00 A.M. on the ground that it was injurious to the physical comfort of the community and that it attracted Section 133 of Cr.P.C. In **Krishna Gopal Vs. State of Madhya Pradesh, 1986 Cri L.J. 396 (M)** shows that even a single individual can set the law of public nuisance in motion. The resident wife complained that a boiler in the Glucose saline manufacturing company was crating a booming noise because of which her husband who was a heart patient was constantly disturbed in his sleep at night. The High Court upheld the decision of the Magistrate in ordering closure of the unit. Question was whether Section 133 contemplates complaint of public nuisance by a single individual. It was held that the law does not prescribe the number of persons who must life the complaint. Hence the case was maintainable.

The law of torts, if the damage caused by public nuisance in particular, direct and substantial, an action for damage or injunction can be maintained in tort.

AIR CRAFT ACT, 1934 has no provisions for the control of noise. It just lays down that the aerodromes must be far away from residential areas of a city in order to protect residents from noise created by frequent take offs and landings.

The RAILWAY ACT, 1890, there is no provisions for curbing noise through they are major noise pollutants.

The use of Loudspeakers and right of religion :-

Loudspeakers and amplifiers are exemplary contributors of noise pollution. If noise pollution is to be arrested strict control of use of loudspeakers is required. The question is whether right to use loudspeaker is a fundamental right. After the decision in **Maneka Gandhi, AIR 1997 SC 597**, if unnamed right is an integral part of named fundamental right- it acquires the status of a fundamental right. Looked at from this angle, loudspeaker is an effective tool to exercise the freedom of speech and expression for the voice reaches a larger audience, it is also a tool to propagate one's religion and therefore, it was urged that right to use a loudspeaker is a fundamental right. The contention was rightly rejected and the rights of an unwilling listener were upheld with an observation apart from the right to be alone- freedom from aural aggression Article 21 guarantees freedom from tormenting sounds. What is negatively the right to be left alone is positively the right to be free from noise which is a known risk.... Loudspeakers have become part of political, social,





religious and cultural life of this country. To allow advocates a various persuasions to commit unlimited aural aggression on unwilling listeners, would be to allow them to subjugate the right to life of unwilling listeners to their aggressions. This was the observation in **P.A. Jacob Vs. Superintendent of Police, AIR 1993 Ker** where the police withdrew permission given to the petitioner to use loudspeaker apprehending public disorder as the petitioner proposed to denounce the practice of an orthodox Christian sect which barred its members from marrying outside their domination. It is submitted that freedom of speech and expression be made subject to one more restriction viz that it shall be so exercised as not to cause noise pollution.

The other legal provisions are :

- 1) Various State laws and NP Madhya Pradesh Control of Music and Noises Act 1951
- 2) Bihar Control of the use and play of Loudspeakers Act of 1955.
- 3) Orissa Fireworks and Loudspeakers (Regulation) Act, 1958.
- 4) Bengal Motor Vehicles Rules 1840.
- 5) Uttar Pradesh Nagar Mahapalika (Prohibition of Noise and Regulation of Loudspeakers) Rules, 1987.
- 6) Some Central Laws and NP – AIR (Prevention and Control of Pollution) Act, 1981.
- 7) Motor Vehicles Act, 1988.

**Noise Pollution(Regulation and Control) Rules 2000 under the Environmental Protection Act, 1986:-**

Noise as a pollutant is not dealt with exhaustively under this Act. All that is provided is that the Government may make rules for allowable limits of environmental pollutants including noise for different areas. The Central Govt has under the Environment Protection Rules notified Noise Pollution (Regulation and Control) Rules, 2000. It provides for ambient air quality standards in respect of noise for industrial, commercial, residential and silence zone. The prescribed day time levels ( 6 am. To 10 pm) are 10 dB higher than the corresponding levels for night time in case of commercial, residential and silence zone and 5 dB higher in case of industrial zone. Silence zone is defined as an area comprising not less than 100 meters around hospitals, educational institutions and Courts. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority. The State Government has to categorize the areas and designate an authority for maintaining the ambient standards. The designated authority can be the Dist Magistrate or Police Commissioner or any other official. The State must take measures to ensure that ambient air quality standards are met and imposes duty on the local bodies to have regard to noise pollution as a parameter of quality of life while planning development activity.

A land mark judgment under the Noise Pollution (Regulation and Control) Rules of 2000 is **Church of God (Full Gospel) in India Vs. KKRMC Welfare Association, AIR 2000 SC 2773** the prayer in the Church were recited using loudspeakers, drums, and other sound producing equipments which added to the already existing noise pollution. The High



Court of Madras ordered that the order interfered with their right to profess, practice and propagate religion and so violated Article 25 and 26 of the Constitution. The Supreme Court rejected the contention while holding that "no religion prescribes that prayers be performed through voice amplifiers or by beating of drums. And that Article 25 and 26 are subject to public order, morality and healthy. It relied on the observation in Acharya Maharajshri Narendra Prasadji Vs. State of Gujurat, AIR 1974 SC 2098 that the fundamental right of one person must co-exist in harmony with that of another person and also with the power of the State in the light of the directive principles in the interest of social welfare as a whole.

#### **Judicial Remedies :-**

Courts can play a very constructive role by their pragmatic judicial approach towards the problems dealing with noise pollution. This is possible firstly exercising the discretion of judicial review in favour of administrative orders or regulations which are directed at the control or abatement of noise pollution. Unless this approach is adopted by the judicial authorities, the actions and administrative measures with respect to pollution control will not produce desired results. Mere economic injury in itself should not be taken as a sufficient ground for interfering with such administrative actions or orders. Judicial interference in such cases should be only after the affected person had exhausted all administrative remedies and there is a genuine reason for interference due to arbitrariness of the order.

Secondly, judiciary must reflect its concern for environmental protection

by providing effective remedies to persons who approach the court in any case of environment pollution. In this regard even existing statutes can be interpreted by the courts with an approach strengthening the environmental protection. Law is not static, it is an expression of man's rational and moral values and that any particular law must be interpreted in the light of the rational and moral purposes which it is designed to fulfil. This belief presupposes that what is cannot be divorced entirely from what "ought to be". The judicial process must emphasize upon the social policies and the requirements of the modern life in providing meanings to any law or rule. Legislative change in a democratic set up is a slow process. So the judiciary of course within its legitimate limits, must come forward through its decisions to keep the law near to real life.

**In a case of Forum, Prevention Of Env'n. & Sound ... vs Union Of India & Anr (2005)5 SCC 733**, the Supreme Court of India held that freedom from noise pollution is a part of the right to life under Article 21 of the Constitution. Noise interferes with the fundamental right of the citizens to live in peace and to protect themselves against forced audience. This Court has also held that as between 10 p.m. and 6 a.m. which is the time for the people to sleep and have peace, no noise pollution can be permitted. The appellant also submits that the impugned sub-rule (3) which permits the State Government to relax the applicability of sub-rule (2) and grant exemption there from between 10 p.m. and 12 midnight, is violative of Article 21 of the Constitution.

In the case of **Farhd K. Wadia vs Union Of India & Ors on 5 December, 2008**, the



Interference by the court in respect of **noise pollution** is premised on the basis that a citizen has certain rights being 'necessity of silence', 'necessity of sleep', 'process during sleep' and 'rest', which are biological necessities and essential for health. Silence is considered to be golden. It is considered to be one of the human rights as **noise** is injurious to human health which is required to be preserved at any cost.

**In the case of Balwant Singh vs Commnr. Of Police & Ors on 7 November, 2014,** the Court while entertaining the PIL filed by one Organization called "Forum, Prevention of environmental and sound pollution" had the occasion to examine the issue in relation to nuisance of noise pollution caused to the people at large due to use of equipments/apparatus/articles etc. The noise pollution caused generates different kinds of sounds thereby constantly creates irritation and disturbance to the people. Since it was a continuing wrong all over the country and hence, this Court, in great detail, examined the issue in the light of the citizens rights guaranteed under Articles 19(1), 21 and 25 of the Constitution of India, read with all laws/rules/regulations relating to pollution, including penal laws governing this issue.

The court also held that there is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the textbooks which teach civic sense to the children and youth at the initial/early-level of education. Special talks and lectures be organised in the [pic]schools to highlight the menace of noise pollution and the role of the children and younger

generation in preventing it. Police and civil administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

The Court further held that so far as the disturbance created by the police/state officials/people at large in the appellant's peaceful living in his house is concerned, in our considered view, they do result in adversely affecting the appellant's rights guaranteed under Article 21 of the Constitution as held by this Court in Noise Pollution (V), In Re (supra) and also in Ramlila Maidan Incident in Re, (2012) 5 SCC 1. The RSHRC and the writ Court were, therefore, justified in entertaining the complaint under the Act and the writ petition under Article 226 of the Constitution of India and in consequence justified in giving appropriate directions mentioned above while disposing the appellant's complaint/writ petition.

### **Conclusion**

There are several provisions in different statutes which directly or indirectly tend to control noise pollution. Some of these provisions, of course, were not enacted to control noise pollution but these provisions too can be logically extended by judicial interpretation so as to provide an effective remedy in cases of noise pollution. In India there is already a change in the attitude of policy makers, legislature and the courts which are the main three institutions for successful implementation of any programme. A new department of environment has already been established. It is hoped that during the coming decades of the present century we shall have a better environment to live



free from noise and other forms of pollution.

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