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LEGAL PERSPECTIVE RELATING TO NOISE **POLLUTION IN INDIA**

AUTHORED BY - NAVVINDER SINGH

ABSTRACT

Commotion is result of all that we do. It shapes part of our regular foundation and generally we simply acknowledge it or possibly endure it. By and by, commotion has the ability to cause struggle between the people who are creating it and the individuals who hear it however don't wish to. Thus, Clamor contamination has turned into an incredible disturbance nowadays. It is spreading quick to the point that it has begun dirtying the climate of the general public. Because of fast development of urbanization, industrialization and headway of science and innovation, the issue of commotion contamination has arisen as one of the difficult issue and it has turned into a serious test of the personal satisfaction of individuals in a large portion of the nations. Humankind's ability to make clamor has expanded decisively. Commotion encompasses us, the thunder of vehicular traffic, the clamor of groups, fast industrialization, and the section of trains and planes. The home can likewise be attacked by commotion, the intensified music and canines may likewise become reasons for clamor. Under this article we will basically examination legitimate arrangements with respect to control of commotion contamination in India.

Keywords: Noise, effect, Pollution, Nuisance, Crime, Law, Sound, Environment, Industrialization, Urbanization, Rights.

INTRODUCTION: -

Noise in recent years has emerged as one of the important pollutants of environment. As a matter of fact, it needs some regulation for its control like the Air Contamination act and Water Contamination Act however no regulation for it has yet been sanctioned regardless of the reality issue of commotion is, not the slightest bit, less fragile than the issue of air and water contamination. Presumably, there are some local and state establishments which straightforwardly or in a roundabout way connect with the issue of commotion; be that as it may, there is no particular regulation in India as in a few different nations to address the developing

difficulties of clamor contamination on public level. Clamor of dhol, dhapli, bigul and shankh has been in the base of our Indian Culture. There is not really any strict service or celebration in India being performed with next to no commotion. In any case, because of the fast development of urbanization and industrialization, commotion has turned into a serious test to the personal satisfaction of individuals in the majority of the industrialized countries. Clamor has rather turned into an extremely durable component in the ordinary existence of individuals. The commotion conveys its unfriendly impacts on human wellbeing, creatures and birds via causing different wellbeing risks. Accordingly commotion is ready to challenge to human endurance. Another issue of clamor contamination arose as of late in India is a result of the aimless utilization of amplifiers. Its aimless use from strict spots and in execution of strict functions and talks at times makes it so challenging for individuals to partake in their essential opportunities with all human poise. Almost certainly in India, authorizations for natural security exist, yet the gravity of the issue of commotion contamination has not yet been acknowledged by the Public authority. Nonetheless, commotion has been incorporated inside Area 2 of the Air Contamination Act and further under Segment 6(b) of the Climate Insurance Act empowering the Focal Government to establish the guidelines for the control of clamor contamination. In compatibility thereof the Public authority advised Encompassing Air Quality Norms in regard of noise¹⁰. The Focal Contamination Control Board has additionally supported Clamor Principles for various wellsprings of commotion, which have not yet been told by the Public authority. No doubt, these noise standards may be helpful in controlling the problem of noise to a greater extent, however, to control the rapid growth of noise in the country and to keep the environment noise-free for the people, some specific and strict legislation to solve the problem of noise pollution has become an urgent need of the day¹. Noise pollution simply means when there is a lot of noise in the environment which is consequentially harming the environment then it can be termed as noise pollution. [Section 2\(a\)](#) of the Air (Prevention and Control of Pollution) Act, 1981 states that noise is actually a part of air pollutant. Noise can be defined as unwanted or undesired sound. Noise is a type of atmospheric pollution in the form of waves. It is a shadowy public enemy. It has increased in the modern age of industrialization and technological advancement. Noise pollution can cause health problems for people and wildlife, both on land and in the sea. Like that unwanted sound, or noise, can have a large impact on the marine environment, because noise can blanket a very large area, potentially preventing fish or whales from hearing their prey or predators, finding their way, or connecting

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¹availableat:<https://home.uchicago.edu/~mstaisch/Sharad/papers/Legislative%20Aspects%20of%20Noise%20Pollution.pdf> (visited on 27.08.2023)

with mates, group members, or their young. From traffic noise to rock concerts, loud or inescapable sounds can cause hearing loss, stress, and high blood pressure.²

Noise pollution did not create much public concern due to ignorance about the serious effect of noise on both workers in industry in particular and the public in the community in general. Noise is an important environmental pollutant like noxious gases that befoul our air, water and soil. It destroys bridges and produces cracks in buildings. The noise can cause skin and mental diseases. It has been revealed that noise is a technology created problem. According to Robert Koch a Nobel prize winner German bacteriologist "A day will come man will have to fight merciless noise as the worst enemy of health."³ The problem of noise pollution has already crossed the danger point and noise like smog, is threatening as a slow agent of death. It is hard to find, even in rural areas, any place where the only sound are those produced by nature.⁴

THE CONSTITUTIONAL PROVISIONS

There is no whisper of noise or noise pollution as such in the Constitution of India. However, during festivals like Diwali, Dussehra, Holi, Idd (during Ramzan) and Christmas etc, including family programs like marriage and birthday, the Indian people developed tradition to create noise by use of high intensity microphones and loudspeakers etc. These ingredients are enormous source of noise pollution.⁵

The Constitution of India did not have any specific provision directly dealing with noise pollution.⁶ Article 47 of the Directive Principles of state policy is only general provision which deals with environment in general, which reads as under:-

"The state shall regard the raising of the level of nutrition and standard of living of its people and improvement of public health as among its primary duties". Article 21 of the Constitution which deals with the right to life and personal liberty was not of much help in the beginning as it was given a very restricted and narrow meaning. This Article runs as follows:-

"No person shall be deprived of his life or personal liberty except according to procedure established by law".

² available at: [https://awionline.org/sites/default/files/uploads/documents/Weilgart Biodiversity 2008-238105851-10133.pdf](https://awionline.org/sites/default/files/uploads/documents/Weilgart_Biodiversity_2008-238105851-10133.pdf) (visited on 27.08.2023)

³ Vijaya lakshmi. Dr. (Miss) K.S. "Noise Pollution" (597) in Martin J. Bunch, v. Madha Suresh and T. Vasantha Kumaran, eds, Proceeding of the third International Conference on Environment and Health, Chennai, India, 15- 17 December, 2003. Chennai: Department of Geography, University of Madras.

⁴ *Bijayananda Patra v. District Magistrate, Cuttak*, AIR 2000 Ori. 70.

⁵ S.C. Tripathi, *Environmental Law* 446 (Central Law Publication, 7th Ed., 2019).

⁶ G.K. Nagi, M.K. Dhillon and G.S. Dhaliwal, *Noise Pollution* 190 (New Delhi Common Wealth Publishers, 2nd Ed.,1999).

But in due course of time the problem of pollution and environment started drawing attention of environmentalists. In the year 1972 our Prime Minister, late Mrs. Indira Gandhi attended the United Nations Conference on Human Environment and Development at Stockholm⁷. In that conference the following two resolutions were passed⁸ which are known as the Magna carta of our environmental law:

- (a) Man has the fundamental right to freedom, equality and adequate conditions of life in an environment of quality that permits a life of dignity and well being; and
- (b) Man bears a solemn responsibility to protect and improve the environment for present and future generations.

The declaration further resolved that the natural resources must be safeguarded for benefit of present and future generations through careful planning or management.⁹

- (a) The heritage of wildlife and its habitat should be safeguarded.¹⁰
- (b) Economic system should be protected and struggle against pollution should be supported.¹¹
- (c) Pollution of sea should be prevented.¹²
- (d) Economic and social development is essential for ensuring a favorable living and working environment of man for the improvement of the quality of life.¹³
- (e) State should adopt an integrated and coordinated approach to their development planning.¹⁴
- (f) Education in environment matter is essential and mass media should help in this.¹⁵

The Stockholm declaration is an important so far as the international and national environmental movement is concerned. The General Assembly of the U.N. also passed a resolution on 15th December, 1972 emphasizing co-operation between the states in the field of conservation of human environment. June 5th is designated as the World Environment Day by the U.N. and it has

⁷ H.N. Tiwari, *Environmental Law* 74 (Allahabad Law Agency, 7th Ed., 2022).

⁸ Stockholm Declaration, 1972, Principle 1.

⁹ *Id.* Principle 2.

¹⁰ *Id.* Principle 4.

¹¹ *Id.* Principle 6.

¹² *Id.* Principle 7.

¹³ *Id.* Principle 8.

¹⁴ *Id.* Principle 11.

¹⁵ *Id.* Principle 12.

urged the member states to undertake on that day every year worldwide activities reaffirming their concern for the preservation and enhancement of the environment.¹⁶

In 1976 that a commitment to protect the environment was made through a Constitutional amendment which added a new directive principle of state policy under part IV of the Indian Constitution by including Article 48-A which reads:

“The state shall endeavor to protect and improve the environment and to safeguard the forest and wildlife of the country”. Another important provision relating to environment protection has been added by the same amendment as a fundamental duty of the citizens under Article 51-A(g) which reads: “It shall be the duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.”

Thus, India became one of the few countries to give commitment to environment protection and improvement. These amendments¹⁷ introduced a new dimension in the public responsibility by obligating the Government of India to protect and improve environment for the good of society as a whole.¹⁸ So the Constitution makes a dual provision by way of directives to the state for the protection and improvement of the environment and imposing a duty on every citizen to help in the preservation of natural environment.¹⁹

(i) Fundamental Rights and the Environment

The Constitution of India, in its preamble ensures to secure justice to all its citizens; social, economic and political. Everyone has therefore, a fundamental right to get social justice. Hence, to provide pollution-free environment is also the part of social justice without which the survival of mankind would be too difficult. Thus, right to health becomes primary to all the fundamental rights and enjoyment of all other fundamental rights like right to equality, freedom, religion, becomes dependent upon right to healthy environment. To remain healthy, one is closely associated with clean environment, free from all types of pollutions.²⁰

¹⁶ *Supra* note 3 at 75.

¹⁷ available at: [https://www.geeksforgeeks.org/constitutional-provisions-for-the-protection-of-environment/\(visited](https://www.geeksforgeeks.org/constitutional-provisions-for-the-protection-of-environment/(visited) on 28.08.2023)

¹⁸ O.P. Dwivedi and B. Kishore in Shekar Singh, *Environmental Policy on India* 49 (Indian Institute of Public Administration, 1st Ed., 1984).

¹⁹ S.C. Tripathi, *Environmental Law* 183 (Central Law Publication, 7th Ed., 2019).

²⁰ Sargam Aggarwal “Judicial Response towards the Protection of Environment: A Critical Evaluation” 1 *Journal of Indian Legal Thought* 97 (2003).

Over the last more than twenty years the Indian legal executive has encouraged a broad and imaginative law on ecological privileges in quest for a superior general wellbeing organization in the country. Not just has the High Court decided that each individual has a key right to the delight in contamination free water and air, however it has been willing to determine complex matters of ecological administration as per this test, and has formed a progression of creative procedural solutions for organization the new meaningful right. Besides, in a nation where the most serious expense of natural harm fall upon devastated and ignorant gatherings with restricted admittance to the courts, the new ecological right is supported as a legal gateway to speedy and inexpensive legal remedy.²¹

(a) Article 21 and Right to Healthy Environment

Article 21 “No person shall be deprived of his right to life and personal liberty except according to procedure established by law”. Article 21 enshrined in Part III of the Constitution provides to its citizens, the right to life and liberty. This right has been transformed into positive right by the activist judicial interpretation. Until the advent of Maneka Gandhi’s case,²² all the fundamental right were considered to be negative in nature, imposing only negative obligation on the state, which prohibited the state to interfere with the enjoyment of these rights. But in this case, the Supreme Court for the first time transformed it into a positive right by imposing an affirmative duty on the state. The post Maneka era has witnessed an unprecedented judicial activism in the country, elevating Article 21 of the position of a brooding omnipresence and converting it into a sanctuary of human value. Article 21 of the Constitution of India guarantees all citizens fundamental right to life and personal liberty. This Article has received expanded meaning from time to time and there is no justification as to why right to live in a healthy environment, cannot be interpreted in it. For health, existence and preservation of the essential ingredients of life stable ecological balance is required. Article 21 guarantees a fundamental right to life "a life of dignity, to be lived in a proper environment, free of danger of disease and infection." The talk of fundamental rights and in particular right to life would become meaningless if there is no healthy environment. The judicial grammar of interpretation has made right to live in healthy environment as the *sanctum sanctorum* of Human Rights.²³

(b) Article 19 and Noise Pollution

A few individual flexibilities have been ensured by the Constitution of India to the resident of the country, which are extremely essential for human endurance and the delight in

²¹ Subhash Kumar v. State of Bihar, AIR 1991 SC 420.

²² Maneka Gandhi v. Union of India, AIR 1978 SC 579.

²³ Paramjit S. Jaswal and Nishtha Jaswal, *Environmental Law* 48 (Allahabad Law Agency, 3rd Ed., 2009).

noble life. Article 19 (1) ensures the right to speak freely of discourse and articulation, to collect serenely, and without arms, to shape affiliations or associations, to move openly, all through the region of India, to dwell and get comfortable any of the domain of India and to rehearse any calling or to continue any occupation, exchange or business. In Article 19 (2) state is enabled to force sensible limitations by making any regulation for this reason. The sensible limitation on the activity of the right to speak freely of discourse and articulation could be forced in light of a legitimate concern for power and uprightness of India, the security of the State, well disposed relations with the unfamiliar State. Public request, fairness or profound quality, or corresponding to disdain of court, criticism induction to an offense. The right to speak freely of discourse and articulation ensured under Article 19 (1) (a) of the Constitution of India incorporates, by vital ramifications opportunity not to tune in or potentially to stay quiet. One can't practice his right at the expense and in complete hardship of different privileges. A right cannot be conferred by the authorities concerned upon a person or a religious organization to exercise their right suspending and/or taking away the rights of others.²⁴

(c) Noise Pollution and Right to Religion under the Constitution

India is a secular country Article 25 of the Constitution of India gives equal opportunity to each religion of the country to practice and propagate its own religion. On the off chance that anyone wants to engender his strict thoughts as ensured under Article 25, it is plausible through the activity of his major right to speak freely and articulation under Article 19 (1) of the Constitution. The issues become intense when individuals cause commotion contamination by utilizing amplifier under the affection of practicing of their right to religion. Presently it is very much settled that the option to spread one's religion implies the option to convey an individual's conviction to another or to uncover the occupant of that confidence. The inquiry is whether the option to spread religion incorporates the option to involve amplifiers and receivers to recite strict occupants or strict texts and the indiscriminate use of microphones or loud-speakers during religious performance in the society.²⁵

*Moulana Mufti Syed v. State of West Bengal and Ors. 1998*²⁶ In this case there were certain restrictions imposed in the State of West Bengal regarding the use of microphones. The restriction was that microphones cannot be used from 9 p.m. to 7 a.m. and only public authorities can use microphones in that time period. The petitioners filed a writ application. The petitioners

²⁴ N.S. Kamboj, *Control of Noise Pollution* 162 (Deep and Deep Publications Pvt. Ltd., New Delhi, 2nd Ed.,1999).

²⁵ *Ibid.*

²⁶ available at: <https://ipleaders.in/prevention-and-control-of-noise-pollution-with-case-laws/> (visited on 11.08.2022)

stated that azaan is part of their religion and such restrictions are violating their Article 25 which allows freedom of religion. The court disposed of their petition and it stated that other people cannot be forced to listen to such azaan and the following restriction is not violating their Article 25 by any means and the police under the state of West Bengal were directed to confiscate any microphone used before 7 a.m.

(ii) Directive Principles of State Policy

Part IV of the Constitution deals with directive principles of state policy. The Directive principles revered in our Constitution are replicated from the Constitution of Ireland. While establishing regulations for the Administration of country, the Public authority, need to remember the order rule of state strategy. Anyway in the first Constitution of India, there was no particular arrangement connecting with climate assurance to some extent IV of the Constitution. Just arrangement which was of some importance was Article 47 of the Mandate standards of state strategy which peruses, "The State will respect the raising of the degree of sustenance and way of life of its kin and improvement of general wellbeing as among it is essential obligations". The improvement of general wellbeing will likewise incorporate the security and improvement of climate without which general wellbeing can't be guaranteed. The Constitution (Forty second revision) Act, 1976, added another order rule in Article 48-Dealing explicitly with assurance and improvement of climate it provides:-

“The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.”

(iii) Fundamental Duties

A new provision in the form of “Fundamental Duties” as Article 51 A was incorporated by the 42nd Constitutional amendment. Article 51-A (g) specifically deals with fundamental duty with respect to environment. It states “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.” Article 51 A(g) if read with Article 51 A (j) it may give probably a better result. Article 51 A (j) read as follows. “It shall be the duty of every citizen of India to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievements.” The scope of Article 51A (g) was examined by the High Court of Rajasthan in *L.K. Koolwal v. State of Rajasthan*,²⁷ Under the Rajasthan Municipalities Act, 1959, the Municipal Authority is charged with the primary duty “to clean public streets, sewers and all spaces and places, not being private property, which are

²⁷ AIR 1988 Raj 2, 1987.

open to the enjoyment of public, removing of noxious vegetation and all public nuisances and to remove filth, rubbish, nigh soil, noxious or offensive matter.” The petitioner L.K. Koolwal moved a writ petition under Article 226 of the Constitution before the Rajasthan High Court showing that the municipality has failed to discharge its “primary duty” resulting in the acute sanitation problem in the city of Jaipur which is hazardous to the life of the citizens of Jaipur.

The High Court while pronouncing the judgment explained the true scope of Article 51A in the following term:-

We can call Article 51A ordinarily as the duty of the citizens. But in fact it is the right of the citizens as it creates the right in favour of citizens to move to the Court to see that the State performs its duties faithfully and the obligatory and primary duties are performed in accordance with the law of the land. Omissions or commissions are brought to the notice of the Court by the citizen and thus, Article 51-A gives a right to the citizens to move the Court for the enforcement of the duty cast on state instrumentalities, agencies, departments, local bodies and statutory authorities created under the peculiar law of the state.

CONTROL OF NOISE POLLUTION UNDER THE CRIMINAL LAW

The Indian Penal Code, 1860

The problem of noise pollution can be tackled under the criminal law as well. Noise Pollution Control under the Indian Penal Code (1860) Noise is considered as public nuisance under Section 268²⁸ of the Indian Penal Code and thus, there is a criminal liability of a person relating to his illegal omission resulting in common injury, danger or annoyance to the people in general. The acts of public nuisance have been made punishable under Section 290 of the Indian Penal Code which provides that whoever commits a public nuisance in any case not otherwise punishable by the Code shall be punished with the fine which may extend to two hundred rupees. Chapter XIV of India Penal Code deals with offences relating to the public health, safety, convenience, decency, and morals under Section 268, 269, 270, 278, 279, 280, 287, 288, 290, 291, and 294. Sections 188, 295, 296, 337, 399, 441, 425, 426, 503, noise pollution can be penalized with the help of above Sections. The legal solutions to noise pollution may be characterized as private or public remedies.

The Bharatiya Nyaya Sanhita, 2023 Bill was introduced in Lok Sabha on August 11, 2023. IPC is the principal law on criminal offences. Categories of offences covered under it include those affecting: (i) human body such as assault and murder, (ii) property such as extortion

²⁸ The Indian Penal Code, 1860 (Act 45 of 1860), s.268.

and theft, (iii) public order such as unlawful assembly and rioting, (iv) public health, safety, decency, morality, and religion, (iv) defamation, and (v) offences against the state.

The Code of Criminal Procedure, 1973

The provisions of Criminal Procedure Code, 1973 (Cr.P.C.) can also be invoked to prevent the pollution of almost all kinds, including noise pollution. Under S.133 and S.144 of the Code of Criminal Procedure, the Executive Magistrates have been authorized to issue certain conditional orders. This Section empowers the Magistrate,²⁹ on police report or on other information, to remove, prohibit or regulate any public nuisance or any trade or occupation, injurious to health or physical comfort of the community as noise sometimes amount to public nuisance and also may cause physical discomfort to the people, its control will lie within the ambit of the aforesaid Sections of the Code.³⁰ The object of such order is to face the problem of law and order temporarily as the duration of such order is merely of two months.

Ram Autar v. State of Uttar Pradesh, 1962³¹ The appellant, in this case, used to sell vegetables. In the process of selling, he used to auctions the price of vegetables which caused disruptions and nuisance. This auctioning was used to be carried out in private but still, it caused disruptions. The Court passed a restraining order in auctioning. Later the Supreme Court repealed the orders and stated that under Section 133 of CrPC and stated that Section 133 was not made to stop such trade merely on the ground of disruption and discomfort. Hence, the appellant was allowed.

The Bharatiya Nagarik Suraksha Sanhita, 2023 Bill was introduced in Lok Sabha on August 11, 2023. The bill's Sections 152-162 provide for the procedure control the public nuisance.

NOISE POLLUTION (Regulation and Control) RULES 2000

The Noise Pollution (Regulation and Control) Rules, 2000 framed by the Central Government under the provisions of Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules 1986. The assertion of articles and reasons of these Guidelines gives that the rising surrounding commotion level in broad daylight places from enterprises, development exercises, generator sets, amplifiers, public location frameworks, music frameworks, vehicular horns and other mechanical gadgets maliciously affect human wellbeing and the mental prosperity of individuals. Consequently, it is viewed as important to manage and

²⁹ The Indian Penal Code, 1860 (Act 45 of 1860), s.133,144.

³⁰ *Ibid.*

³¹ available at: <https://ipleaders.in/prevention-and-control-of-noise-pollution-with-case-laws/> (visited on 11.08.2022)

control commotion creating and producing sources with the target of keeping up with the surrounding air quality principles in regard of clamor.

Under these Guidelines the amplifiers or public location framework will not be utilized besides in the wake of getting composed consent from the skillful power or an amplifier or public location framework will not be utilized around evening time (between 10.00 p.m. to 6.00 a.m.) besides in shut premises for correspondence inside, e.g., Auditorium, Conference rooms, Community halls and Banquet Halls.³²

Under these Rules, whoever, in any place covered under the Silence Zone area commits any offence relating to noise pollution shall be liable for penalty under the provisions of the Act³³ or the competent authority shall take action against the violator in accordance with the provisions of these Rules and any other law in force.³⁴

Thus, these are the various provisions provided under the Noise Pollution (Regulation and Control) Rules, 2000. But these rules are inadequate to cover the whole area for controlling of noise pollution. Recently, the Supreme Court³⁵ gave directions to amicus curiae to give suggestions to implement the noise standards with regard to firecrackers. In response to the court's earlier order issued in 1998, inability has been shown about implementing noise standards prescribed under the Rules of 2000 because of lack of manpower as well as equipment and infrastructure for enforcing the noise pollution. The Central Pollution Control Board suggested that power to issue licenses for manufacture and sale of fire crackers should be vested in State Government.

ANALYSES OF NOISE POLLUTION (Regulation and Control) RULES, 2000

The critical examination of the Environment (Protection) Act & experience³⁶ during past years has proved that the Act is inadequate and insufficient for controlling the noise pollution. The various drawbacks of the Act are as follows:-

1. Present Rules under the Act does not cover the whole area for controlling of noise pollution. It only covers the noise of loudspeakers and amplifiers within the area of its operation. The noise of aircrafts, trains, domestic animals, transport, industry and commercial establishments has not been covered by the Rules.
2. The punishment provided under the Rules is not adequate and deterrent as compared to

³² Rule 5 of Noise Pollution (Regulation and Control) Rules, 2000.

³³ Rule 6 of noise Pollution (Regulation and Control) Rules, 2000.

³⁴ Rule 7 (2) of Noise Pollution (Regulation and Control) Rules, 2000.

³⁵ Noise Pollution Forum, Prevention of Env'n. & Sound Pollution Vs. Union of India and Anr, AIR 1990 SC 480.

³⁶ available at: <https://blog.ipleaders.in/environment-protection-act-1986-2/> (visited on 28.08.2023)

effect of noise on the health and environment. Because of providing less punishment the Act becomes inadequate. No time limit is prescribed in the Rules for trial under the Act. The delay in the decision frustrates the object of the Act.

3. There are no provisions made under the Rules for public awareness, public participation or public coordination for controlling the noise pollution.
4. There is wide gap between the Act in theory and its implementation in practice.
5. Under Rule 4(2) of the Act authority is responsible for the enforcement of noise pollution control measures. But the role of the authority to control the noise pollution is inactive.
6. There is no provision for coordination between the different Departments of Government in the Rules for controlling noise pollution. For example in the same areas, the planning department of the city sanctions the plans for construction of residential houses and on the other hand, the Industrial Department grants the licenses for factories. As a result the inhabitants are facing lot of difficulties in such areas due to industrial pollution. Therefore, the coordination among various departments of the Government must be ensured under these Rules.
7. There are no provisions for permanent restrictions on noise producing areas for controlling of noise pollution. So, these are various limitations of Rules for controlling noise pollution. Many provisions which could be helpful to control noise pollution should be maintained in the Rules. These provisions should be implemented in the whole country. The provisions for public awareness, public coordination and public participation to control noise pollution should be mentioned in the Rules.

These Rules just cover the Clamor of amplifiers and enhancers inside the region of its activity. In this way, the commotion from different sources ought to be covered by these Standards. Legitimate discipline should be given in these Standards. The coordination among different divisions of Government should be guaranteed under these Guidelines for controlling commotion contamination. Long-lasting limitations for controlling clamor contamination should be given under these Principles.

THE POLICE ACT, 1861

The Police Act, 1861³⁷ covers the issues of clamor emerging from music, which is one of the parts of commotion contamination. Under the arrangements of this Act Administrators of

³⁷ The Police Act (5 of 1861) s. 30(4).

Police are approved to manage the degree of which music might be utilized in roads on the events of celebrations and services. Notwithstanding, the extent of the said arrangement is extremely restricted on the grounds that under the said arrangement just the issue of melodic clamor on the events of celebrations and services openly can be controlled and it is quiet about the melodic commotion which emerges from private premises or on events other than celebrations or functions.

The State Government may, liable to such agreements as are important to diminish commotion contamination, license utilization of amplifiers or public location frameworks during night hours (between 10.00 p.m. to 12.00 12 PM) on or during any social or strict happy event of a restricted span not surpassing fifteen days in all during a schedule year and The loudspeaker or a public address system shall not be used at night (between 10.00 p.m. to 6.00 a.m.) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls.

Further the Supreme Court of India has passed the following directions in *Noise Pollution Forum, Prevention of Env. & Sound Pollution Vs. Union of India and Anr*³⁸:-

1. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.
2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6 a.m.) except in public emergencies.
3. The peripheral noise level of privately-owned sound system shall not exceed by more than 5 dB(A) than the ambient air-quality standard specified for the area in which it is used, at the boundary of the private place.

THE MOTOR VEHICLES ACT 1988

The Central Motor Vehicle Act of 1939 was amended in 1988 to regulate vehicular emissions. Although Air Act 1981 and Environment (Protection) Act, 1986 provide for the prescription of automobile emission standard by Central Pollution Control Board or Ministry Environment and Forests, Yet the implementation and enforcement of these standards is the responsibility of Union Ministry of Surface Transport or the Transport Commissioner at the state

³⁸ available at: <https://main.sci.gov.in/jonew/judis/27313.pdf> (visited on 11.08.2022)

level as the case may be. State Government are empowered under Section 20, 21J, 41, 68, 68 (1) 70, 90 and 111A of Motor Vehicles Act 1939 to make rules for the maintenance of motor vehicles and control of noise produced by them in their jurisdiction. It is matter of notice that motor vehicles Rules as framed by the various states do not curb the noise pollution effectively. However up to limited extent rules have control over the horn and silencers.

In **P.I.L Civil No. 15385 of 2021 Noise pollution through modified silencers (Suo moto) (P.I.L) v. State of U.P and Ors**³⁹ Section 52 and Section 190 (2) of the Act, 1988, Rule 3 of the Rules, 2000 and Rule 120 of the Rules,1989, it is consequently evident that development of such bikes or different vehicles after expulsion or change of the commotion suppressors or changing the silencers of such vehicles which makes enormous clamor contamination as well as bother the resident involves grave concern which at the start ought to have been investigated and tended to and reviewed by the specialists concerned. Be that as it may, when the specialists have not wanted to investigate the matter, it is for this Court to consider the commotion contamination being caused through the vehicles and hence this Court considers the clamor contamination. State specialists investigate the matter and make a severe move as per regulation and crackdown on such vehicles causing contamination through changed silencers.

Mohan Krishna H v. The Union of India on 17 February, 2021.⁴⁰ In this case existing punitive provision in the [Central Motor Vehicles Amendment Act Section 194\(F\)](#) new clause(c) can be added as who-ever sells or deals with the fitment of modified silencer / tampered silencer to the motor vehicles shall be punishable with a fine of Rs.50000 or imprisonment which may extend to 3 Months. The amendment to the Noise Rules, 2000 for the Rule 5(A), in the headlines, the words "silencers" shall be inserted after the words horns.

There have been two recent amendments to the Motor Vehicles act. One was in 2019 and the latest in 2022 both deal with third-party insurance and claims management, including filing claims with the Motor Accident Claims Tribunal⁴¹.

CONCLUSION

It is the need of time to have a rigid rules and regulations regarding prevention and control of noise pollution. But there is a need for creating general awareness towards the hazardous

³⁹availableat:https://images.assettype.com/barandbench/202107/5f6dc2f77d554de4ae90cc6d49ab9543/Suo_Motu_PIL_v_State_of_Uttar_Pradesh.pdf (visited on 11.08.2022)

⁴⁰ available at: <https://indiankanoon.org/docfragment/193667540/?formInput=modified%20silencers> (visited on 11.08.2022)

⁴¹ The Motor Vehicles (Amendment) Act (act no. 18 of 2022).

effects of noise pollution. Particularly, in our country the people generally lack consciousness of the bad effects which noise pollution creates. Holding of special talks and lectures can be organized in the schools to highlight the menace of noise pollution and the role of the children in preventing it. Every person has a duty to check and prevent pollution. The power of The Supreme Court must be widened with respect to environment pollution so that court could apply their mind beyond the doors and windows of the court in order to enforce the environmental matters in to.

