

AN APPROACH OF THE JUDICIARY IN THE NOISE POLLUTION

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ABSTRACT

Man is born with noise and dies with that, the noise is a part of human life and a natural product of human life and therefore 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 moments of life are expressed through noise. It may be in the form of bursting 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 present generation and the coming generations have to solve three grave problems, namely, population poverty and pollution if they have to survive. Pollution being the most dangerous problem likes cancer in which death is sure but slow. Environment pollution is assuming dangerous proportions all through the globe and India is not free from this poisonous disease. This is the gift of modern living, industrialization and urbanization. Unless timely action is taken we have a forbid and bleak future for the world. Although there is no single universally accepted criterion of what constitutes noise pollution or excessive noise; it is unquestioned that excessive noise has adverse effects on human health. Noise has been defined as an excessive, offensive, persistent or startling sound. It is generally considered to be a form of pollution and has begun to be recognized as a major evil. In the words of Harrell, "Noise is an

unwanted sound which increases fatigue and under some industrial conditions it causes deafness". Blum defines noise as "a distracter and therefore, interfering with efficiency".

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.

KEYWORDS: Noise Pollution, human environment, democratic republic, public servant, tangible protest.

Aim of the Study:

To bring out the cause of noise pollution, analyse the source of noise pollution, trace the laws relating to noise pollution, trace the role of individuals in reducing noise pollution

HYPOTHESIS:

Effective implementation of guidelines given by judiciary should be implemented by the state to control noise pollution.

RESEARCH METHODOLOGY:

This is a doctrinal research and materials collected are secondary data.

Research question: Whether the implementation of principles laid down by the Indian judiciary will lead to reduction of noise pollution ?

INTRODUCTION:

Noise is referred to as any kind of unwanted sound. Sound on the other hand is a form of energy that travels as sound waves. We hear sound because our ears respond to these waves through sympathetic vibrations of our eardrum by alternating compression and rarefaction (negative compression) of the air molecules near the ear and its cavity. When a sound of unpleasant pitch persists for more than a tolerable period, it is regarded as a noise. It all depends on the state of man. For example, patient needs calmness for rest and a student to maintain his concentration in

studies and does not want any sound that distracts his/her mind. On the other hand, for entertainment one may like to listen to music. This sound of the music at a low pitch may be enjoyed and sustained for long. However, if it is loud, it can be enjoyed and heard only for a short time. Exposure to loud music for long duration leads to feeling of tiredness and this sound assumes the term of noise. [\(Bartlett 2013\)](#)

As a matter of fact there are two basic characteristics of sound namely: loudness and frequency. The loudness is the strength of the sensation perceived by an individual. The sensation of loudness is related to the intensity of energy carried by the sound wave. Sound is measured in bel (B) unit or usually in decibels (dB). The threshold of a human ear is Zero dB. [\(Crowell 2008\)](#) Although there is no single universally accepted criterion of what constitutes noise pollution or excessive noise; it is unquestioned that excessive noise has adverse effects on human health. Noise has been defined as an excessive, offensive, persistent or startling sound. It is generally considered to be a form of pollution and has begun to be recognized as a major evil. In the words of Harrell, "Noise is an unwanted sound which increases fatigue and under some industrial conditions it causes deafness". Blum defines noise as "a distracter 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" [\(Holman 2012\)](#)

The aim of the study is to find whether the implementation of principles laid down by the Indian judiciary will lead to reduction of noise pollution ?

Noise Pollution: Sources, Effects and Control

The present generation and the coming generations have to solve three grave problems, namely, population poverty and pollution if they have to survive. Pollution being the most dangerous problem like cancer in which death is sure but slow. Environment pollution is assuming dangerous proportions all through the globe and India is not free from this poisonous disease. This is the gift of modern living, industrialization and urbanization. Unless timely action is taken we have a forbidding and bleak future for the world. [\(Hildebrand 1970\)](#)

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.

1. Noise is defined as unwanted sound

Sound, which pleases the listeners, is music and that which causes pain and annoyance is noise. At times, what is music for some can be noise for others Section 2 (a) of the Air (Prevention and Control of Pollution) Act, 1981 includes noise in the definition of 'air pollutant'.

Section 2(a) air pollution means any solid, liquid or gaseous substance including noise present in the atmosphere such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

According to Encyclopedia Britannica: In acoustic noise is defined as any undesired sound.³

In Chambers 21st Century Dictionary the definition of noise has undergone a change. Noise pollution stands carved out as phrase separately from noise. The two are defined as under:

Noise- a sound; a harsh disagreeable sound, or such sound; a din. Pollution- an excessive or annoying degree of noise in a particular area, e.g. from traffic or aero plane engines.

Pollution is a noise derived from the verb pollute. Section 2 (c) of the Environment (Protection) Act, 1986 defines environmental pollution to mean the presence in the environment of any environmental pollutant. Section 2 (b) of the said Act defines environmental pollutant to mean any solid, liquid or gaseous substance present in such concentration as may be, or tends to be injurious to environment. [\(Davis and Davis 1989\)](#)

Noise can be described as sound without agreeable musical quality or as an unwanted or undesired sound. Thus noise can be taken as a group of loud, non harmonious sounds or vibrations that are unpleasant and irritating to ear. [\(Holman 2012\)](#)

Measurement

A decibel is the standard for the measurement of noise. The zero on a decibel scale is at the threshold of hearing, the lowest sound pressure that can be heard, on the scale acc. To smith, 20 db is whisper, 40 db the noise in a quiet office . 60 db is normal conversation, 80 db is the level at which sound becomes physically painful.

The Noise quantum of some of the cities in our country indicate their pitch in decibel in the nosiest areas of corresponding cities, e.g. Delhi- 80 db, Kolkata - 87,Bombay-85, Chennai-89 db etc.

Sources of Noise Pollution

Noise pollution like other pollutants is also a by- product of industrialization, urbanizations and modern civilization. Broadly speaking , the noise pollution has two sources, i.e. industrial and non- industrial. The industrial source includes the noise from various industries and big machines working at a very high speed and high noise intensity. Non- industrial source of noise includes the noise created by transport/vehicular traffic and the neighborhood noise generated by various noise pollution can also be divided in the categories , namely, natural and manmade. Most leading noise sources will fall into the following categories: roads traffic, aircraft, railroads, construction, industry, noise in buildings, and consumer products.

1. Road Traffic Noise:

In the city, the main sources of traffic noise are the motors and exhaust system of autos , smaller trucks, buses, and motorcycles. This type of noise can be augmented by narrow streets and tall buildings, which produce a canyon in which traffic noise reverberates.

2. AirCraft Noise:

Now- a- days , the problem of low flying military aircraft has added a new dimension to community annoyance, as the nation seeks to improve its nap-of the- earth aircraft operations over national parks, wilderness areas , and other areas previously unaffected by aircraft noise has claimed national attention over recent years.

3. Noise from railroads:

The noise from locomotive engines, horns and whistles, and switching and shunting operation in rail yards can impact neighboring communities and railroad workers. For example, rail car retarders can produce a high frequency, high level screech that can reach peak levels of 120 dB at a distance of 100 feet, which translates to levels as high as 138, or 140 dB at the railroad worker's ear.

4. Construction Noise:

The noise from the construction of highways , city streets , and buildings is a major contributor to the urban scene . Construction noise sources include pneumatic hammers, air compressors, bulldozers, loaders, dump trucks (and their back-up signals), and pavement breakers.

5. Noise in Industry:

Although industrial noise is one of the less prevalent community noise problems, neighbors of noisy manufacturing plants can be disturbed by sources such as fans, motors, and compressors mounted on the outside of buildings Interior noise can also be transmitted to the community through open windows and doors, and even through building walls. These interior noise sources have significant impacts on industrial workers, among whom noise- induced hearing loss is unfortunately common.

6. Noise in building:

Apartment dwellers are often annoyed by noise in their homes, especially when the building is not well designed and constructed. In this case, internal building noise from plumbing, boilers, generators, air conditioners, and fans, can be audible and annoying. Improperly insulated walls and ceilings can reveal the sound of amplified music, voices, footfalls and noisy activities from neighboring units. External noise from emergency vehicles, traffic, refuse collection, and other city noises can be a problem for urban residents, especially when windows are open or insufficiently glazed.

[\(Berendt et al. 2000\)](#)

7. Noise from Consumer products:

Certain household equipment, such as vacuum cleaners and some kitchen appliances have been and continue to be noisemakers, although their contribution to the daily noise dose is usually not very large. ([Administrative Conference of the Unit...](#))

Harmful Effects:

On Human Being, Animal and Property: Noise has always been with the human civilization but it was never so obvious, so intense, so varied & so pervasive as it is seen in the last of this century. Noise pollution makes men more irritable. The effect of noise pollution is multifaceted & inter related. The effects of Noise Pollution on Human Being, Animal and property are as follows:

I It decreases the efficiency of a man:- Regarding the impact of noise on human efficiency there are number of experiments which print out the fact that human efficiency increases with noise reduction. A study by Sinha & Sinha in India suggested that reducing industrial booths could improve the quality of their work. Thus human efficiency is related with noise.

II Lack of concentration:- For better quality of work there should be concentration , Noise causes lack of concentration. In big cities , mostly all the offices are on main road. The noise of traffic or the loud speakers of different types of horns divert the attention of the people working in offices.

III Fatigue:- Because of Noise Pollution, people cannot concentrate on their work. Thus they have to give their more time for completing the work and they feel tiring.

IV Abortion is caused: - There should be cool and calm atmosphere during the pregnancy. Unpleasant sounds make a lady of irritative nature. Sudden Noise causes abortion in females.

V It causes Blood Pressure: - Noise Pollution causes certain diseases in human. It attacks on the person's peace of mind. The noises are recognized as major contributing factors in accelerating the already existing tensions of modern living. These tensions result in certain disease like blood pressure or mental illness etc.

VI Temporary of permanent Deafness:- The effect of noise on audition is well recognized. Mechanics , locomotive drivers, telephone operators etc. All have their hearing . Impairment as a result of noise at the place of work. physicians & psychologists are of the view that continued exposure to noise level above. 80 to 100 db is unsafe, Loud noise causes temporary or permanent deafness.

VII EFFECT ON VEGETATION Poor quality of Crops:- Now is well known to all that plants are similar to human being. They are also as sensitive as man. There should be cool & peaceful environment for their better growth. Noise pollution causes poor quality of crops in a pleasant atmosphere.

VIII EFFECT ON ANIMAL:- Noise pollution damage the nervous system of animal. Animal looses the control of its mind. They become dangerous.

IX EFFECT ON PROPERTY:- Loud noise is very dangerous to buildings, bridges and monuments. It creates waves which struck the walls and put the building in danger condition. It weakens the edifice of buildings.[\(Binggeli 2015\)](#)

Legal Control

(a) Constitution of India

Right to Life:- Article 21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of the Supreme Court that right to life enshrined in Article 21 is not of mere survival or existence. It guarantees a right of persons to life with human dignity. Any one who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him.

Right to Information:- Everyone has the right to information know about the norms and conditions on which Govt. permit the industry which affect the environment.

Right to Religion and Noise

Right to religion does not include right to perform religious activities on loud speaker and electronic goods which produce high velocity of noise.

Directive Principles of State Policy:

The state has the object to make the environment pollution free.

Fundamental Duties:

every citizen of the country has the fundamental duty to clean the environment.

(b) Cr.P.C. Section 133

Here Section 133 is of great importance. Under Crpc. Section 133 the magisterial court have been empowered to issue order to remove or abate nuisance caused by noise pollution Sec 133 empower an executive magistrate to interfere and remove a public nuisance in the first instance with a conditional order and then with a permanent one. The provision can be utilized in case of nuisance of environment nature. He can adopt immediate measure to prevent danger or injury of a serious land to the public. For prevention of danger to human life, health or safety the magistrate can direct a person to abstain from certain acts.

(c) I.P.C. Public Nuisance 268-295

Chapter IV of Indian Penal code deals with offences relating to public health, safety,decency , morals under Sections 268, 269, 270, 279, 280, 287, 288, 290 291 294. Noise pollution can be penalized with the help of above section. Private remedies suits in the area may related to public nuisance under A299. This article punishment in case of Public nuisance law of torts covers. 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 pubic 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. Whoever commits a public nuisance in any case not otherwise punishable by this code, shall be punished with fine, which may extend to Rs. 200.[\(Davis and Davis 1989\)](#)

(d) Law of Torts Noise pollution is considered as civil wrong:-

Under law of torts , a civil suit can be filed claiming damages for the nuisance. For filing a suit under law of torts a plaintiff is required to comply with some of the requirement of tort of nuisance which are as follows:-

1. There should be reasonable interference.
2. Interference should be with the use & enjoyment of land.
3. In an action for nuisance actual damage is required to be proved. As a general rule either the presence or absence of malice does not matter. But in some cases deviation from the rule has been made. ([Adler 2007](#))

In *Christie Vs Davey* The extent of noise & the amount of disturbance caused thereby was ignored & it was held that the noise which arose due to the practice of lawful profession, & without any malice, could not be considered to be actionable nuisance. ([Holman 2012](#))

In *Hollywood Silver Fox Farm Ltd. Vs Emmett* It was held that presence of malice was a factor in determining liability for noise amounting to nuisance. The court said that even on his own land was nuisance, & the defendant was liable in damages.

(e) Factories Act Reduction of Noise and Oil of Machinery

The Factories Act does not contain any specific provision for noise control. However, under the Third Schedule Sections 89 and 90 of the Act, noise induced hearing loss, is mentioned as notifiable disease. Similarly, under the Modal Rules, limits for noise exposure for work zone area have been prescribed.

(f) Motor Vehicle Act.

Provision Relation to use of horn and change of Engine:- In Motor vehicle Act rules regarding use horns and any modification in engine are made.

(g) Noise Pollution Control Rule 2000 under Environment Protection Act 1996 :-

Further for better regulation for noise pollution There are The Noise Pollution (Regulation and Control) Rules, 2000 – in order to curb the growing problem of noise pollution the government of India has enacted the noise pollution rules 2000 that includes the following main provisions:-

- # The state government may categories the areas in the industrial or commercial or residential
- # The ambient air quality standards in respect of noise for different areas have been specified.

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.

An area not less than 100 m around hospitals educational institutions and court may be declare as silence are for the purpose of these rules.

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

A person found violating the provisions as to 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. ([SV. Sound and Vibration 1992](#))

Schedule

(see rule 3(1) and 4(1))

Ambient Air Quality Standards in respect of Noise

Area Code Category of Area/Zone Limits in dB(A) Leq *

DayTime NightTime

(A) Industrial area 75 70

(B) Commercial area 65 55

(C) Residential area 55 45

(D) Silence Zone 50 40

*dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing. A "decibel" is a unit in which noise is measured. "A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear. Leq : It is an energy mean of the noise level, over a specified period. ([Adler 2007](#))

Judiciary And Noise Pollution

In Raghunandan Prasad⁵ the engine of a factory was causing noise so as to be a serious nuisance to be the people living in the neighborhood the forbade the working of engine from 9 P.M. to 5 A.M.

In *Mauj Raghu* A rice mill working at night during season will not disentitle the inhabitants of locality to relief under this section if it is established that such working is a nuisance.

In *Ram Avtar* The appellant carried on a trade of auctioning vegetable in private house the noise caused by the auctioning caused discomfort to person living in society. An order was passed restraining auctioning of vegetable in their house. It was held by supreme court that the order was not justified merely because the applicant carried on auctioning in connection with which the carts were brought they could not be taken as cause of problem Section 133 was held not intended to stooop such trades merely because of discomfort caused by the noise.

In *Himmat Singh* Where there were fodder tals in a residential colony to which fodder was brought daily during nights by trucks which were unloaded in the morning and fodder was cut during the day by electric operated machines. It was held that the carrying on the trades causing intolerable noises emanating offensive smells and spreading dust containing articles of fodder cut was public nuisance as noise pollution.

Some other important cases are also have great relevance in this regard:

In *Govind sing* the court examined the emerging parameters of public nuisance. The supreme court on special leave to appeal noted that the evidence disclosed the emission of smoke injurious to health and physical comfort of people living or working in the proximity of appellant bakery and held this as a case of public nuisance.

In *Maulan Mufti Syed and Other V. State of West Bengal AIR 1999 CAL* The court held imposition of restriction on the use of microphone and loudspeakers by the state government between 9 pm to 7 am which inter alia include recitation of azan on microphone in early hours before 7 AM is not violative of Article 25 of constitution guaranteeing of freedom of religion.

* Latest authority of supreme court is a landmark judgment in the field of noise pollution

In Re: Noise Pollution

Following important observations have been made by Supreme court regarding noise pollution which are discussed as follows:-

Facts of the case:

Anil mittal an engineer filed this case . the immediate reason for this was that a 13 years old girl was a victim of rape he cries for help and went unheard due to blaring sound of loudspeakers noise music over loudspeakers in the neighborhood. the Petitioner complain of noise created by the use of loudspeakers being used in religious performances or singing bhajans and the like in busy commercial hi fi audio systems are used.

There are rules framed by the government regarding noise pollution and known as Noise Pollution control and Regulation Rules, 1999. On 11-10-2002 govt brought in an amendment in the rules. The amendment empowered the state government to permit use of loudspeakers or public address system during night hours between 10 pm to 12 pm in the mid night on or during the cultural or religious occasions for a limited period not exceeding 15 days.

In this case supreme observed that Right to life enshrined in Article 21 is not of mere survival or existence. It guarantees a right of persons to life with human dignity. There in are included all the aspects of life which go to make a person life meaningful complete and worth living. Everybody who wished to live in peace , comfort and quiet with in his house has a right to prevent the noise as pollutant reaching him. No one claim a right to noise to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbors or others.

EFFECTS OF NOISE POLLUTION

The environmental effects of noise depend not only on the total energy, but also on the sound's pitch, frequency, time pattern and the length of exposure, very loud noise cause pain and high levels can cause permanent hearing loss. The impact of noise could be recognized as (a) auditory (means hearing) effect and (b) Non- auditory effects.

Auditory effects include auditory fatigue, even deafness-temporary or permanent.

Non-Auditory effects could account for:

1. Interference with verbal communication and

speech.

2. Annoyance and ill temper.

3. Tiredness, fatigue and depleted working efficiency.

4. Headache cramps and discomfort.

Physiological/functional

anxiety, hypertension, diseases and release of liver juices, behavioral and emotional stress, disturbances of blood circulation and digestive functions, and even peptic ulcers are often developed due to noise pollution.

Noise may have other effects on man: It may change a man's psychological state, may cause heart attack, cause chronic effects as hypertension or ulcers and damage his hearing. Further, noise not only damages hearing but also gives rise to many other ailments. Noise, like smog, is a slow agent of death.

REMEDIES FOR CONTROL OF NOISE POLLUTION

Technological development industrial and scientific developments are inevitable consequences of man's intellect and rational approach. What is needed is that we must learn to live with it, by directing and guiding this development towards harmonious and natural human environmental conditions. Some of the concerted efforts that can be immediately taken in this direction can be divided into the following categories:

- Administrative Remedies.
- Judicial Remedies.
- Legislative Remedies.
- Public Co-operation.
- International Cooperation.

Due to paucity of time the paper will only deal with Judicial Remedies.

JUDICIAL REMEDIES

Courts can play a very constructive role by their pragmatic judicial approach towards the problems dealing with noise pollution. This is possible by 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. Secondly judiciary must reflect its concern for environmental protection by providing effective remedies to persons who approach the court in any case of environmental pollution. In this regard even existing statutes can be interpreted by the courts with an approach strengthening the environmental protection.

There are many micro-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 biologically extended by judicial interpretation so as to provide an effective remedy in cases of noise pollution.

PROVISIONS UNDER THE INDIAN PENAL CODE

Penal Code is the major enactment in the field of criminal law providing for substantive penal provisions. Chapter XIV of the Code provides certain sections dealing with offences affecting public health, safety, convenience, decency and morals. Some of the sections in this Chapter have a direct bearing on noise control.

Section 268 provides: A person is guilty of public nuisance who does any act or is guilty of any 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.

SECTION 278 PROVIDES:

Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of person in general, dwelling or causing on business in the neighborhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees.

Section 290 provides: Whoever commits a public nuisance in any case not otherwise punishable by this code, shall be punished with fine which may extend to two hundred rupees.

Complaint can be made to any Magistrate within whose jurisdiction the area falls, initiating criminal proceedings against the person causing such public nuisance.

CRIMINAL PROCEDURE CODE, 1973

Chapter X (Sections 133-146) deals with preventive action in case of public nuisance. The "SC in Church of God K.K.R. Majestic Colony

Welfare Association AIR 2000, SC 2773 has observed that in a civilized society in the name of religions activities, use of microphones and loudspeakers, which disturb old and informs, students' infants and others can not be permitted. **MOTOR VEHICLES ACT, 1939**

Under the Motor Vehicles Act of the state governments are competent to make rules for the upkeep of the motor vehicles and control of noise produced by them. The rules framed under the Act empower certain executive officers to take appropriate action against the persons violating the rules. These rules prohibit the use of certain types of horns and also provide that at certain places like Hospital, Schools etc., horns cannot be used. Similarly, all vehicles are required to use silencers so that the level of noise can be reduced at source.

LOCAL ENACTMENTS

There are many local enactments of different states incorporating the provisions which tend to control Noise Pollution. Reference can be made to State of Madhya Pradesh, Bihar, Rajasthan enactments which Provide for a control of the use and play of loudspeakers. Similarly, under the Punjab Gram Panchayat Act, 1952 a duty has been imposed upon the, Gram Panchayat to regulate or totally ban the use, of loudspeakers, one of the main source pf noise pollution in the villages.

NOTIFICATION OF-MINISTRY OF ENVIRONMENT AND FORESTS

The notification notified in 14th Feb. 2000 known as The Noise Pollution (Regulation and Control) Rules 2000 provides:

The State Government may categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different areas.

logically extended by judicial interpretation so as to provide an effective remedy in cases of noise pollution.

like Hospital, Schools etc., horns cannot be used. Similarly, all vehicles are required to use silencers so that the level of noise can be reduced at source.

The State Government shall take

measures for abatement of noise including noise emanating from vehicular movements and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.

An area comprising not less than 100 meters around hospitals, educational institutions and courts may be declared as silence area I zone for the purpose of these rules.

In spite of the existence of so many punitive, regulatory, and preventive provisions, the things stand at a very critical stage, if we look at the implementation of all these provisions. This makes abundantly clear, that the pathology of legal importance of overcoming pollution is not so much that we have not enough law, but most laws with police powers "bark but do not bite. The environmental protection is a technical subject which requires not only expert handling but militant enforcement attitude. As the law and legal remedies stand today, they are too timid to halt the politics of pollution.

The law should not be silent on the issue of excessive sound which is actionable pollution. I close it with a quotation:

We owe it to our ancestors to preserve entire those rights which they have delivered to our care: we owe it to our posterity not to suffer their dearest inheritance to be destroyed. ([Binggeli 2015](#))

Conclusion and Suggestions or Recommendations :-

We have made the law relating to noise pollution but there is need to creating general awareness towards the hazardous effects of noise pollution. Particularly, in our country the people generally lack consciousness of the ill effects which noise pollution creates and how the society including they themselves stand to beneficiary preventing generation and emission of noise pollution. The target area should be educational institutions and more particularly school. The young children of impressionable age should be motivated to desist from playing with firecrackers, use of high sound producing equipments and instruments on festivals, religious and social functions, family get-togethers and celebrations etc. which cause noise pollution. Suitable chapters can be added into textbooks, which teach civic sense to the children and teach them how to be good and responsible citizen which would include learning by heart of various fundamental duties and that would obviously include learning not to create noise pollution and to prevent if generated by others. 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 . For these purpose the

state must pay its role by the support and cooperation of non-government organizations (NGOs) can also be enlisted.

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