



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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NOISE POLLUTION REGULATIONS

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The one moving from villages to a new city find it very difficult to adjust there, as meeting new people so different in culture, occupation, language and thinking, change of food and mostly change of environment. The one moving to the new city, is being like moving into a new life with all these turmoils. A person coming from a serene environment found it very difficult to adjust in all those noise pollution, while one's already living there are found to be being adjusted in that or dealing with health problems where they can't do anything about for it to change.

Noise pollution is a worldwide issue. With increase in population and technology there's an increase in noise pollution. Noise is described as the unwanted sound or sound that is unpleasant and loud. The World Health Organization (WHO) describe noise above 65 decibels (db) as noise pollution. Prolonged exposure with sound levels greater than 75 db poses serious risks to human health and well-being.

Every sound that we encounter in our neighborhood, loud music coming from their houses, or fixing things with machine which make loud noises, late at night are all part of causing noise pollution. The biggest problem causing noise pollution is the traffic, construction works and industries, contributing to the above 75 db of noise. It has become more pervasive than ever and keep rising because of population growth, urban development and the reliance on powerful, varied, and diverse mobile sources. The howling and barking of animals are above 60 db which we neglect but is considered harmful for the ears. The loud speakers during religious occasions, dj's during wedding season and firecrackers are all part of creating noise pollution. Supreme court in its judgment in **In Re Noise Pollution (2005)** ordered no loudspeakers or dj's after 10 pm to 6 am, no vehicle horn should be allowed to be used at night in residential area except in exceptional conditions. If anyone is found to be creating noise beyond the permissible limits, there will be seizure and confiscation of things creating noises.

Noise pollution can cause numerous health effects that are broad, long-lasting, and both medically and socially important. It causes severe health issues such as sleep disorder, cardiovascular disease, reduce productivity, loss of concentration, hearing loss, irritability, negative social behavior and accidents. The noises near schools, hospitals and work place are a major disruption to the productivity, concentration and health of the people. Individuals unfamiliar with spoken language, as well as seniors and children are especially vulnerable. Not only humans are having health hazards due to noise but animals and plants are also affected by it. Plants are sensitive to noises, which can diminish the crop quality. While it threatens animals, by damaging their nervous system. Animals, with cognitive capacities lower than those of humans, are at greater risk from noise impacts of noise pollution.

Under the Indian constitution

Article 21 of the Indian constitution guarantees citizen the right to life. It guarantees better life or the capability to live with dignity. If someone faces problems by noise pollution and it interferes with their ability to live with ease, then the noise pollution is in violation of person's right to life.

Article 48A imposes a duty on every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. The citizens are duty bound to improve the environment and make it noise free.

In Church of God (Full Gospel) In India vs K.K.R. Majestic Colony Welfare Association & Ors. Case, Supreme Court ruled that no use of loudspeakers by any religion during prayer. Engaging in prayer is considered as the fundamental right to religion, while the use of loudspeakers or similar equipment for same purpose is not encompassed within the realm of religious rights.

In the case of **Moulana Mufti Syed of West Bengal and Ors**, certain limitations were imposed in the West Bengal with regard to the use of microphones, specifically, prohibiting the hours of 9 pm and 7 am, allowing only public authorities to make use of them during this period.

The Code of Criminal Procedure (CrPC)

Section 133- An executive magistrate, district magistrate, or sub-divisional magistrate may conditionally remove anything that is causing a nuisance under the section 133 of the Code of Criminal Procedure. Within a prescribed period, executive, district, or sub-divisional magistrates may direct the removal of a nuisance upon receiving a report from the police or

another authority indicating that loud noise is causing unlawful obstruction, and that its source must be eliminated from public spaces lawfully in use. If no action is taken by the executive magistrate, district magistrate or sub-divisional magistrate then this section will be called into question in a Civil Court.

Ram Autar vs State of Uttar Pradesh, 1962, in this case the appellant was a vegetable vendor. He used to auction off the price of the vegetables during the selling process, which led to annoyance and disturbances. Although these auctions were private, still they caused disruption. A restraining order was issued by the court regarding auctions. However, court later overturned their decision, citing section 133 of CrPC, as it didn't prohibit such commercial activities solely on disruptions and inconveniences. The appellant was granted permission for his auction.

Indian Penal Code (IPC)

The Indian Penal Code addresses specific offenses in chapter 14. All acts that endanger public health or safety are pondered such offences. Noise pollution is mentioned in the section 268 through 294 and in sections 287 through 288.

Section 268 defines public nuisances. A person is deemed to have committed a public nuisance if their actions endanger public safety, disturb the community, or cause general obstruction.

Section 287 covers the careless use of machinery. Anyone operating machinery carelessly to endanger the person or injure them. If any person is causing noise pollution with a machine, then, in that case, that person may attract imprisonment up to 6 months or a fine of Rs 1000.

Section 288 says during the construction or maintenance of a structure, an individual who causes harm to someone by negligence faces a maximum sentence of six months in prison and a fine of one thousand rupees. Construction or repairing cause a lot of noise pollution. Because of this lot of people faces severe issues or it hurts public at large. Hence the offenders have to pay penalties under the section 288 of IPC.

Section 290 covers the noise which is not covered by the IPC. So, if there is any noise related incident which is not mentioned under the code and such incident is causing any form of a public nuisance, is served with the fine of Rs 200.

Section 291, an individual faces a maximum sentence of six months in jail or a fine if they continue to cause a public nuisance after being served with an order from a court prohibiting them from repeating their actions.

Section 294 discusses offensive music and states that it is considered a nuisance if someone plays, recites, or sings offensive music. An offender of this type faces a three-month jail sentence, a fine, or both.

In the matter of **Bhuban Ram and others v Bibhuti Bhushan Biswas**, it was determined that the operation of a paddy husking machine during nighttime leads to a disturbance due to noise, holding the occupier accountable for prosecution under Section 290 IPC.

Law of torts

According to the law of torts, noise pollution is one of the offences classified as a nuisance. Any individual adversely affected by noise pollution is entitled to file a civil suit and claim damages, provided they can show that the noise has interfered with their lawful use of land and caused harm.

Noise Pollution (Regulation and Control Rule), 2000 under The Environmental Protection Act, 1986

It serves as the legal framework through which central Central government formulates these regulations. They outline the permissible decibel levels, zone-wise categorization, enforcement timelines, and night-time restrictions. Designated 'silence zones' are within the radius of 100 meters from courts, hospitals, and educational institutions. It is strictly prohibited to make loud noises of any type in the silence zone.

In India the issue of noise pollution has not been considered as serious as it should have been taken. There is a lack on the executive side for the enforcement of these laws, which contributed to the lack of infrastructure essential for their enforcement. On the other hand, there is a lack of awareness among the citizens. The change starts from within, by contributing to the surrounding on one's level. Educating our children about noise and what effects it can do to health, not playing loud music at night or even in days, and politely convincing people around us about noise pollution and its hazards on health. No longer accepting noise pollution as a part of our daily life and moving forward with it.

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