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NOISE POLLUTION REGULATIONS

- *Diya Babel*

ABSTRACT

In rapidly growing tier 1 and tier 2 cities, sound has become a constant presence. Loudspeakers during festivals, ongoing infrastructure construction, traffic congestion, and late-night celebrations are now treated as part of urban life. What was once an occasional disturbance has now slowly become a daily reality. However, an important legal question arises: at what point does sound cease to be a mere inconvenience and become a legal wrong? When does noise cross the boundary of tolerance and enter the domain of constitutional protection? In this article, we understand the legal remedies for noise pollution and implementation gaps.

UNDERSTANDING NOISE POLLUTION

Noise pollution is any unwanted, excessive, irritating, or disturbing sound that affects the health and well-being of humans and other organisms. The difference between sound and noise is that, sound is what pleases the listeners, and what disturbs and annoys is noise. According to the World Health Organisation, Noise can cause annoyance; in addition, research shows it increases the risk for IHD and hypertension, sleep disturbance, hearing impairment, tinnitus, and cognitive impairment, with increasing evidence for other health impacts such as adverse birth outcomes and mental health problems.¹

The increasing penetration of social media in rural areas has indirectly contributed to rising noise pollution. Online promotion of events and following trends, often exceeding limits under noise regulation laws.

CONSTITUTIONAL PROVISION

From a constitutional perspective, noise pollution is not only an environmental concern but also a matter of fundamental rights. Article 21 of the Constitution guarantees the right to life

and personal liberty. Judicial interpretation held that the Right to live in a healthy environment is part of the Right to life as under Article 21 of the Constitution. As mentioned in **Ram Jethmalani & Ors. vs. Union of India ((2011) 8 SCC 1)**, it was noted that the State was obligated to protect the right to privacy of the sleeping persons from intrusion, against the actions of others in society. He also observed that privacy was not, however, absolute and may be limited in extreme circumstances. ²

Noise pollution problem is also linked with some fundamental rights given through article 19(1) of the constitution which provides rights for freedom of speech and expression, to assemble peacefully, to form associations or unions, to move freely throughout the territory of India'. Although article 19(1)(g) provides freedom to all citizens "to practice any profession or to carry on any profession, occupation, trade or business". This Right has reasonable restrictions too. A Person can carry on any profession and should not cause any nuisance caused by noise to other persons.

STATUTORY FRAMEWORK GOVERNING NOISE POLLUTION IN INDIA

In central legislation, the term "noise pollution" is not defined. In section 2(a) of the Air (Prevention and control) Act, 1981, includes "Noise" as an "environmental pollutant" and hence held as a type of "Air pollution". As the act doesn't act as proper legislation, it remains unimplemented.

The regulation of noise pollution also doesn't fall under in the Environmental (Protection) Act, 1986, legislation enacted in the aftermath of the Bhopal gas tragedy to strengthen environmental governance. The Act empowers the central government to take necessary measures to protect and improve environment quality, the definition of noise as environmental pollution is not expressly included.

Pursuant to this authority. The central government notified the Noise Pollution (Regulation and Control) Rules,2000. For the first time specific law was made for controlling noise pollution in India. The rule was made with "the objective of maintaining the ambient air quality standards in respect of noise". It only allows "loudspeaker or a public address system shall not be used except after obtaining written permission from the authority." And time-based restrictions from 10:00 PM to 6:00 AM, subject to limited exceptions granted by the State government during specific cultural or religious occasions.

Area classifications and standards: -

Areas must be classified into 4 categories by the state government and each category has daytime and nighttime noise limits (in dB): -

- Industrial – 75 dB day/ 70 dB night
- Commercial – 65/ 55
- Residential – 55/45
- Silence zones (areas around hospitals, educational institutions, courts, usually within 100m) – 50/40

Using loudspeakers or public address systems generally requires prior written permission from the designated authority. Their use is prohibited between 10:00 p.m. and 6:00 a.m. except in closed premises or limited cultural/ religious occasions with special permission.³

Enforcement responsibilities are distributed between state governments, local authorities, and State pollution control boards. State Governments are empowered to designate authorities for implementation, while pollution boards monitor compliance with prescribed standards. Local authorities, including officials, are authorised to act against violations.

JUDICIAL DEVELOPMENTS

Certain basic conditions are essential for maintaining good health, including silence, adequate sleep, and proper rest. These may be regarded as biological necessities and, in many respects, as components of human rights. Excessive noise is recognized as a serious health hazard that must be effectively controlled to safeguard public well-being. Courts have not hesitated to intervene in matters relating to noise pollution when required. In **Moulana Mufti Syed Md. Noorur Rehman Barkati v. State of West Bengal (AIR 1999 Cal 15) India**, the Apex Court held that “a citizen of this country must be allowed to live in a society which is peaceful, free from mechanical and artificial sounds which creates a tremendous health hazards and adverse effects on the citizens. Citizens have a right to live in a society which is free from pollution. If pollutants are encouraged, in that event it would be the beginning of the end of the civilization.” *Moulana Mufti Syed Md. Noorur Rehman Barkati v. State of West Bengal*, AIR 1999 Cal. 15 at 24.⁴

In **A.P. Pollution Control Board (II) v. Prof. M. V. Nayudu ((2001) 2 SCC 62) India**, the Supreme Court observed that “In today's emerging jurisprudence, environment rights which encompass a group of collective rights are described as ‘third generation rights’. The first-generation rights are generally political rights, such as those found in the International

Convention on Civil and Political Rights, while ‘second-generation rights’ are social and economic rights as found in the International Covenant on Economic, Social and Cultural Rights.” Thus, the right to a noise-free environment is a third-generation right.

In **Burrabazar Fire Works Dealers Association v. Commissioner of Police, Calcutta (AIR 1998 Cal. 121) India**, the Calcutta High Court held that “under article 19(1)(a) read with article 21 of the constitution of India citizens have a right to a decent environment and they have a right to live peacefully, right to sleep at night and to have a right to leisure which are all necessary ingredients of the right to life guaranteed under article 21 of the constitution. There are various other sources where the noise is created or generated but which offend citizens right guaranteed under article 19(1)(a) and 21 of the constitution.”

In **Free Legal Aid Cell v. Government of NCT of Delhi (AIR 2001 Del. 455) India**, a PIL was filed contending that “as a result of display of fireworks and use thereof during festivals and marriages, physical and mental health hazard is suffered by adults as well as children.” It was also contended that “because of indiscriminate use of loudspeakers, noise pollution has become a routine affair affecting mental as well as physical health of citizens.”

CONSTITUTIONAL TENSION

The regulation of noise pollution highlights a clear constitutional tension between individual freedom and collective well-being. Article 19(1)(a) guarantees freedom of speech and expression, which often includes the use of loudspeakers during political, cultural, or social events. Similarly, Article 25 protects the freedom to practice and propagate religion, and many religious celebrations involve amplified sound.

However, these rights are not absolute. Article 21 guarantees the right to life and personal liberty, which courts have interpreted to include the right to health, dignity, and peaceful sleep. When excessive noise disrupts rest or harms public health, it directly affects this fundamental right. Importantly, both Article 19 and Article 25 are subject to reasonable restrictions in the interests of public order and health.

The constitutional question, therefore, is simple yet significant: can celebration justify depriving others of sleep? In a constitutional democracy, the exercise of one freedom cannot override another’s right to live peacefully. Noise regulation represents an effort to balance expression with responsibility.

In **State of Bombay v. Narasu Appa Mali, (AIR 1952 Bom. 82) India**, the Bombay High Court drew a clear distinction between religious beliefs and the manner in which religion is practiced and observed that “A sharp distinction must be drawn between religious faith and belief and religious practices. What the state protects is religious faith and belief. If religious practice run counter to public order, morality or health or a policy of social welfare upon which the state has embarked, then the religious practice must give way before the good of the people of the state as a whole.”

The Supreme Court in the case of **Acharya Maharajshri Narendra Prasad ji Anandprasadji Maharaj v. State of Gujarat ((1975) 1 SCC 11) India**, observed that “No right in an organised society can be absolute. Enjoyment of ones right must be consistent with the enjoyment of rights also by others. Where in a free play of social forces it is not possible to bring about a voluntary harmony, the state has to step in to set right the imbalance between competing interests.”

ENFORCEMENT

In India, noise pollution has not received the level of seriousness it demands. There appears to be insufficient commitment on the part of the executive authorities to strictly enforce existing legal provisions. This weak enforcement has, in turn, resulted in inadequate infrastructure necessary for effective implementation. Public awareness is also limited. The harmful effects of excessive noise are neither immediately visible nor widely understood, leading many people to treat it as an unavoidable aspect of urban life or a by-product of development.

Although statutory provisions and rules exist, they are not always comprehensive enough to address the evolving and complex nature of noise-related issues. Moreover, the responsibility for enforcement is not always clearly defined, and even where authorities have been designated, they often lack specialised training in regulating noise pollution. There is a shortage of technically skilled and administratively efficient personnel capable of implementing the law efficiently.

Practical challenges further weaken enforcement. Essential equipment for accurately measuring noise levels, as well as supporting infrastructure such as testing laboratories, remains inadequate in many areas.

WAY FORWARD

Effective control of noise pollution requires institutional strengthening rather than merely stricter wording of laws. The first step is improving monitoring mechanisms. Noise regulations should not depend solely on individual complaints; instead, authorities must conduct periodic and scientific measurements of sound levels, especially in high-density and silence zones. Regular public disclosure of such data would promote transparency and accountability.

Second, specialised enforcement units can enhance implementation. Personnel trained in technical measurement and regulatory standards would ensure that violations are assessed objectively rather than subjectively.

Thirdly, awareness building is essential. Many citizens remain unaware of permissible decibel limits and the health consequences of excessive noise.

Finally, the permission process for loudspeakers and public events should be transparent and technology-driven. Clear conditions, digital approvals, and strict time restrictions can reduce arbitrariness. Repeated violations should invite seizure of offending equipment, reinforcing that the regulation carries consequences.

CONCLUSION

Noise pollution should be taken seriously into consideration, and strict rules should be followed. It poses significant challenges to urban living, affecting the health and well-being of individuals and communities. While there are rules and regulations, the implementation of them remains inadequate. More awareness among the public about noise pollution and its effects should be taken as an issue.

Moving forward, a multi-faceted approach that involves collaboration between government authorities, citizens, and civil society organizations is essential. This includes stricter enforcement of existing laws, the incorporation of noise management plans in urban planning, and the promotion of quieter technologies and practices. Additionally, communities should advocate for policies that prioritize public health and environmental considerations in decision-making processes.

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