

ACT AGAINST LOUDSPEAKER USE, HC TELLS KARNATAKA

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The High Court of Karnataka on Monday directed the State government to immediately issue directions to the police and the Karnataka State Pollution Control Board (KSPCB) to initiate action on use of amplifiers and loudspeakers in religious places in the State in violation of laws on noise pollution and the directions issued by the apex court.

A Division Bench, comprising Chief Justice Abhay Shreeniwas Oka and Justice Sachin Shankar Magadam, issued the directions while hearing a PIL petition, filed by one Girish Bharadwaj, a resident of Bengaluru.

The State must ensure protection of the rights of the citizens under Article 21 of the Constitution, the Bench observed, while taking note of the fact that the court had come across several PIL petitions about illegal use of loudspeakers in religious places in violations of the Noise Pollution (Regulation and Control), Rules, 2000, issued under the Environment Protection Act, 1986.

The petitioner, while pointing out the directions issued to all the States by the apex court in 2005, had complained that the State government and its authorities have failed to implement the directions. The apex court had directed the State governments to make provision for seizure and confiscation of loudspeakers, amplifiers and other equipments as are found to be creating noise beyond the permissible limits and timings, the petitioner has said.

The apex court, the petitioner has pointed, had also directed the Union and the State governments to ensure that noise level at the boundary of the public place, which include religious places, where loudspeaker or public address are used as per law, should not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A), whichever is lower.

The petitioner also said that apex court had also directed that no one should 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 p.m. and 6 a.m.) except in public emergencies besides directing the authorities to ensure that peripheral noise level of privately owned sound system should not exceed by more than 5 dB(A) than the ambient air quality standard specified for the area.

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