

SC IS LOUD AND CLEAR ON NOISE POLLUTION

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

The Supreme Court judgments which govern the use of loudspeakers were intended to protect citizens from becoming “forced audience” to noise.

Recent days have seen tensions rise over the use of loudspeakers in temples and mosques.

However, the court, while interpreting the law on the use of loudspeakers in 2005, had made it clear that it was not concerned with “any religion or religious practices”.

Legal principle

The court had made it clear that its judgments regulating the use of loudspeakers and timings were based on the legal principle that “freedom from noise pollution is a part of the right to life under Article 21 of the Constitution”.

“Noise interferes with the fundamental right of citizens to live in peace and to protect themselves against forced audience... We are not concerned with any religion or religious practices; we are concerned only with the fundamental right of the citizens and the people to protect themselves against noise pollution and forced audiences,” the court had made its intentions clear in its 2005 judgments. The top court had made it clear that nobody, whatever be the religion or purpose, “can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others”.

“No one can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers,” the court explained.

‘Not a must’

On the use of loudspeakers in religious practices, the top court, in one of the judgments, reproduced parts of a newspaper column which said the objective of any religion was not to force anyone to listen to its expressions of faith. The court had said the logic that loudspeakers were not a must to spread religious devotion appealed to it.

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