

THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

Present:-

Mr. Justice J.B. Koshy, Hon'ble Chairperson

Dated this the 3rd day of December, 2011.

H.R.M.P.No. 4746 of 2011

Petitioner : K. Somasundaram, Villa Erisom (German House), N. Arayathuruthy, Chirayinkil, Thiruvananthapuram district.

Respondents :

ORDER

Complaint of the petitioner is that because of the sound pollution, right to life guaranteed under the Constitution is denied. It is stated that loud speakers are booming from 4.45 a.m. from various places and it continues till 1.00 a.m. on the next day. There is no necessity to have loud speakers which creates sound pollution upto 2 k.m. radius. It is also noticed by the Commission that loud speakers (not only box type) are placed in various religious places throughout the State whether it is temple, church or mosque and it is used violating all reasonable norms. Those who want to attend the religious services will come to those places and there is no necessity to have loud speakers. Loud speakers can be used, if necessary, only for hearing clearly by the people gathered inside the religious places and there is no necessity to disturb the people of other religions who are not at all interested in the religious service and discourse chantings of another religion.



In this regard, the Commission refers to the decision of the Hon'ble Supreme Court in Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association and others (2003 KLT 651 SC). Further, these type of loud speakers are fitted near schools and residences. Even loud speakers used with high decibels cause deafness to the people who used to attend religious places or drama or public speeches, as the case may be. God is not dumb and there is no necessity at all to destroy the peace of mind of senior citizens, patients etc. by use of loud speakers. Even for public meetings, whether political or social there is no necessity to have loud speakers which will hear outside the meeting premises as those who are interested to hear the above speeches must go there. The Commission has also seen that loud speakers fitted one or two k.ms. away from the religious places/meeting places apart from one or two loud speakers fitted near such places, creating the entire village or town under the threat of sound pollution.

Even though it was reported that Executive Magistrates will get decibel meters soon to check sound pollution, there is no reduction in sound pollution. Further, to add to this sound pollution caused by the loud speakers, air horns, two wheelers without silencers etc. add to the menace.

In Rabin Mukherjee v. State (AIR 1985 Cal.222), it was held that sudden blowing of electronic or air horn produces rude shock in the human system and is acknowledged to have serious effect on various aspects of human life including blood pressure, mental and nerve system. There are also rules governing control of noise produced by generators, workshops, grinding machines etc. All these noise pollution has



to be curtailed on the basis of the Rules prescribed. The Hon'ble Supreme Court of India in Re: Noise Pollution and Implementation – Implementation of the Laws for Restricting the use of Loud Speakers and High Volume Producing Sound Systems (2003 (8) Scale 421) held that use of fire crackers and fire works can be done only between 6.00 a.m. and 10.00 p.m. Various directions were issued by the Hon'ble Supreme Court and Kerala High Court in this direction. It was also held by the Kerala High Court in Forum for Prevention of Environment and Sound Pollution v. State of Kerala (O.P.No.16197 of 2001 dated 4.10.2001) that even though churches are permitted use of loud speakers, it can be permitted strictly in terms of the said Rules and authorities including Pollution Control Board should strictly supervise that loud speakers are permitted only in terms of the Rules and even Circular or Press Release issued by the Government can be understood only consistent with the relevant provisions of the Noise Pollution (Regulation and Control) Rules, 2000 as can be seen from the decision reported in Ahamed Koya v. Rajan (2002 (2) KLT 335). It was further held that loud speakers or public address systems should not generally be used and permission can be given only in extreme cases of necessity. Again, the Hon'ble High Court of Kerala in Aravindakshan v. Superintendence (2002 (3) KLT 860) held that whatever be the justification for playing devotional songs whether it is in the morning or dusk, it should be in conformity with the rules that are in force. The authorities should also implement the Noise Pollution (Regulation and Control) Rules), 2000 framed under the Environment Protection Act, 1986.



Conditions prescribed for granting licence for use of loud speakers as mentioned in Notification No.U6-30380/2002 dated 28.11.2002 issued by the Director General of Police, Notification classifying areas for the purpose of noise Regulations S.R.O. No. 289/2002 issued by the Local Self Government (G) Department, Govt. of Kerala, Restrictions of ambient air quality standards required in respect of noise for different areas and zones etc. should be strictly followed.

Issue a copy of these recommendations to the DGP, all District Collectors, all District Police Chiefs and Member-Secretary, Pollution Control Board, Pattom, Thiruvananthapuram to see that directions of the Hon'ble Supreme Court are strictly implemented and actions are taken against violations. Action taken report should be filed by all concerned within three months from the date of receipt of a copy of this order failing which the Commission will be compelled to move the Hon'ble High Court or the Hon'ble Supreme Court as the case may be for contempt of court against the officers in not implementing Noise Pollution (Regulation and Control) Rules, 2000.

Issue a copy of this order to medias, both print and visual, so that affected people can make specific complaints to the District Magistrates/Commissioner of Police/District Police Chief and Deputy Superintendent of Police as authorized by G.O. (P) No.111/2002 dated 29.7.2002.

Vaa




Justice J.B. Koshy
Chairperson