

Noise Pollution in Religion

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Abstract:

This paper throws light on the impact of noise pollution in religion and religious activities. The sources of noise pollution in religion practices, the complaints by sufferers and judicial opinion and judgments are discussed in brief. It gives a fair idea about the menace of noise pollution prevalence in religious practices.

Keywords: Noise Pollution, Religion, Religious practices, High Court, Superintendent of Police, Devaswom, Azan, Mutawalli

Introduction:

According to Harrell, “Noise is an, unwanted sound which increase fatigue and under some industrial conditions it causes deafness”¹

“Blum defined noise as “a distracter and therefore interfering with the efficiency”²

India is the citadel of many religions, cultures and religious practices with Hinduism, Islam and Christianity, Sikhism being the major religions of the country. An interesting dimension in the study of noise pollution is religion. It may be surprising to know that religious practices in the modern world (involving extensive application of and backed by technology) can be a source of enormous environmental pollution. Construction of more and more places of worship, creation of amenities to the visitors, development of tourist spots around the places of religious significance, community celebrations of festivals like Ganesh Chaturthi, Durga Puja and Christmas – all have an ecological foot print. Forests and trees are cleared, idols are made and immersed in water bodies with their synthetic materials and colours, synthetic decorative articles are used and in the name of gifts, many synthetic products are circulated which are ultimately thrown into the garbage bins. In fact, religious institutions and religious practices also create lot of noise pollution.

Impact of Noise Pollution – Religion Practices:

Noise pollution in religion, this term sounds weird as majority think that religion and God are one and same and talking against God or religion in any form is a sin and anti-religion. But it proved to be wrong as the noise causes by different religious practices produce a lot of noise beyond permitted limits resulting in Noise Pollution and cause inconvenience, irritation and several health hazards to citizens.

The Bhajans, songs that played from the temples and rallies cause a higher noise pollution. Apart from this during the important festivals, the societies, youth wings etc erect pandals across the city and use loud speakers for celebration of the festival which continue for seven to nine days and beyond. Similarly, the noise pollution in the Islam starts from the early morning in the form of ‘AZAN’ through loud speakers. Then the continuous playing of Quran, the holy text and preachings of important Mullah’s on the loud speakers irrespective of timings. The menace of noise is much higher during their religious processions at Dargah’s, Masjids etc. The Church bells, use of trumpets, sax-phones, drums etc by the Church goes

¹ Prof. Satish C.Shastry, Environmental Law, IVth Edition,2012, Page no.209

² Ibid Page 208

cause huge noise pollution in the surroundings. All this noise pollution in different forms is under the banner of holy religious practices.

There are several complaints filed across the country and many cases filed in the Court of Law seeking relief from the excessive sound pollution generated out of usage of loud speakers by Masjids, Churches and temples on daily basis and on special occasions. During festivals the perils of the loud speakers and the music instruments is unbearable and cause severe disturbance to the public living in near vicinity of such temple or church or masjid.

The reason for such loud usage of speakers and instruments, given by respective religious institute are so convincing and with proper logic quoting the religious texts and beliefs. In general, the god-fearing public, bear the inconvenience out of religious faith and fear. However, few organizations, or rational thinking public file a complaint and gets relief from these noise mayhems.

In several cases the court has given relief by issuing directives to the respective State governments, who in turn make proper guidelines/rules for the usage of loud speakers and musical instruments within the permitted noise levels. In some cases, Court allowed the religious institutions to use loud speakers keeping in view of their importance and upheld the actions of the institutions in respect of loud speakers' usage. The respective cases filed and judgments given thereupon are discussed in details below.

Right to Religion and Noise Pollution:

The Courts opined that Art.25 and Art.26 are not absolute but subject to reasonable restrictions. The Courts observed that even in religious events like Ramleela, Akhanda path cannot be allowed to spread higher noise than the permitted. The Religious propagation through noisy ways can be viewed as a health hazard too.

The Delhi High Court in a case³ pronounced that: “...noise can well be regarded as a pollutant because it contaminates the environment, causes nuisance and affects the health of a person and would, therefore, offend the right to life, of Article 21, if it exceeds reasonable limits. it was also observed by the Court that the effect of noise on health has not yet full attention of our judiciary”⁴

According to ‘The Noise Pollution (Regulation & Control) Rules, 2000’, the ambient air quality standards in respect of noise were described in a Schedule (See Rule 3(1) and 4(1))⁵. The four zones are namely

a) Industrial area:

These are designated industrial area in any city where a bunch of industries will be established for manufacturing different products. This may include, automobiles, pharmaceutical, heavy industrial items, steel plants, petroleum products, pipes etc.

The ambient air quality standards in respect of industrial zones are 75 dB(A) during day time and 70 dB(A) during night time. The Day time is referred as 06 A.M to 1000 P.M hours and night time refer to 10 P.M to 06 A.M hours.

b) Commercial area:

This include, markets, shopping complexes, malls, auditoriums, convention centres, cinema halls, hotels etc.

³ Free Legal Aid Cell Shri Sujan Chand Aggarwal v. Govt. (NCT of Delhi) (2001)

⁴ Prof.Satish C.Shastry, Environmental Law, 2012 IVth edition, Page no. 235

⁵ The Noise Pollution (Regulation and Control) Rules, 2000 Schedule

The ambient air quality standards in respect of industrial zones are 65 dB(A) during day time and 55 dB(A) during night time. The Day time is referred as 06 A.M to 1000 P.M hours and night time refer to 10 P.M to 06 A.M hours

c) Residential area:

These are housing colonies, apartments, individual houses where a large number of people live.

The ambient air quality standards in respect of industrial zones are 55 dB(A) during day time and 45 dB(A) during night time. The Day time is referred as 06 A.M to 1000 P.M hours and night time refer to 10 P.M to 06 A.M hours

d) Silence zone:

These include, schools, hospitals, religious places, courts etc.

The ambient air quality standards in respect of industrial zones are 50 dB(A) during day time and 40 dB(A) during night time. The Day time is referred as 06 A.M to 1000 P.M hours and night time refer to 10 P.M to 06 A.M hours.

Since we have noise rules in place and we are aware of the ambient noise standards, look into the Judiciary views on noise pollution caused by religion places and religious practices by different religions across the country. As we mentioned earlier, Hinduism, Christianity and Islam are three major faiths that are followed in India, we look into few different cases being filed by different parties at different places on the noise pollution caused by the higher noise from these different religious institutes and practices.

Chairman, Guruvayur Devaswom Managing Committee, Guruvayur v. Superintendent of Police, Thrissur and another W.A. No. 1951 of 1996,, decided on 19/11/1997.

Facts of the case:

1. As per the decision of the Managing Committee, loudspeakers were installed in the temple premises.
2. Every day in the early morning, these loud-speakers are being used to play devotional songs.
3. Further, inside the temple premises, some loudspeakers were installed in order to give directions to the pilgrims as well as to the members of the Devaswom staff.
4. The visiting crowd are always in large number and certain instructions are to be issued as to how the devotees should conduct themselves in the temple premises.
5. One may also hear the announcements of missing children.
6. Heavy rush can be witnessed during festival season as well as Sabarimala season, the authorities used to instal the loud-speakers in the radius of one kilometre to cater the needs of huge public attending the temple.
7. These loudspeakers were horn-type loudspeakers. And the announcement system is being followed by Devaswom since many years
8. During the month of November 1996, respondents-police officers in the State directed the Managing Committee to remove the horn-type speakers, else the Police department will remove the loud-speakers.
9. Apprehending such removal, the petitioner approached this Court by filing O.P. No. 19147 of 1996.
10. The prayer in the original petition was for a writ of mandamus or other appropriate order or direction restraining the respondents from removing the loudspeakers fixed at Guruvayur Sree Krishna Temple and around the temple during the Sabarimala festival season and to render such other orders as this Court may deem fit and necessary.

The respondent has submitted a statement which contains,

1. Horn-type of loudspeakers are being used in and around the Guruvayur Temple. According to the statement, horn type of loudspeakers may cause irreparable damage to the ears and that these loudspeakers were installed without obtaining sanction from any competent authority.
2. The statement further stated that a complaint was received from the District Secretary of Sound Service Association of Kerala on 21-11-1996 requesting for taking action against the Devaswom for using the horn-type loud-speakers outside the Sree Krishna Temple.
3. Enquiries were made and it was revealed that reflex-type horns were made use of from East Nada to Manjula and from other sides of the temple.
4. The statement further relies on a circular issued under the Police Act banning the use of horn-type loudspeakers.
5. It also relied on two decisions of this Court. The learned single Judge, after hearing the parties, dismissed the original petition by judgment dated 13th December, 1996. The learned single Judge relied on a judgment of this Court in O.P. No. 9560 of 1988. That judgment gives five directions. The second direction is as follows:- "In temples, churches and mosques also, box type sound amplifier alone should be permitted. The use must be adjusted in such a way that sound will not go beyond the boundary of their premises. The call for prayer (Azan) in the mosque is only of one minute's duration and as such this restriction may be relaxed in that case."
6. The learned Judge took note of the fact that following this a circular was issued under Section 18 of the Police Act by which instructions have been given banning the use of horn-type loudspeakers.
7. It is against the above judgment that the present writ appeal has been filed. When the matter came up for hearing, Guruvayur Devaswom had approached.
 1. Kerala State Pollution Control Board to get expert opinion regarding the use of horn-type loudspeakers. After inspection, the Kerala State Pollution Control Board has filed a report. The Kerala State Pollution Control Board has been impleaded as a party in this case.
 2. The report is as follows: - "The Devaswom is using the PA system for broadcasting devotional song and announcements. The devotional song (Narayaneeyam) broadcast, is on every day from 2.30 hrs. to 4.30 hrs. The audibility of the devotional song is limited within the temple area and it is serving the purpose of a wake-up call for devotees who have to attend morning pooja.
 3. Other than broadcasting the devotional songs the PA system is used only for very essential announcements about missing persons, lost wallets etc. Such announcements are infrequent.
 4. During Sabarimala season there will be announcements regarding missing persons or lost wallets etc. and additionally there will be repeat broadcasts, in different languages of announcements meant to guide devotee from outside the State. These announcements will continue into the night hours as long as there is arrival of fresh batches of pilgrims.
 5. According to Devaswom authorities, during the Sabarimala season they hire additional loudspeakers (horn-type) from outside agencies. These loudspeakers will be placed in the open, by the road side, at about 3 m above ground level. This expanded coverage is provided for a period of about two months ending with the Makara Vilakku. The network will then be extending up to KSRTC, Municipal and Tourist bus stands.
 6. There has been no complaint by devotees against noise from loudspeakers. The final report filed by the Board was very specific to Guruvayur and was based on field observations. The use of horn-type loudspeaker is preferable for public announcements and speeches, especially in open areas, for the following reasons:
 - a. A cone-type loudspeaker (otherwise known as box-type loudspeaker) is able to faithfully reproduce sound in a very wide range of frequencies. In other words, it can reproduce very shrill (high frequency) to very high bass (low frequency) sounds.
 - b. The efficiency of a horn-type loudspeaker, on the other hand, is limited to human speech frequencies. Therefore, a horn-type loudspeaker is more preferable for human speech amplification.

- c. Box-type loudspeakers are not suitable for prolonged use in the open as they do not withstand the vagaries of nature. The horn-type speakers are rugged in construction and are therefore better suited for outside use. Horn-type loudspeaker is more directional and therefore the sound can be better focused towards the intended audience.
- d. Cone/Box-type loudspeakers are suitable for use in areas such as music/conference halls or theatres where the audibility can be restricted to a confined area or audience and where we require faithful reproduction of a wide range of frequencies."
- e. The only restriction stated is that these loudspeakers should be maintained at a height of 3 meters above the ground level.

Thus, from the above reports, it is clear that there will be no noise pollution in using the horn-type loudspeakers so far as Guruvayur Temple premises is concerned. The judgment in O.P. No. 9560 of 1988 was concerned with the use of all types of loudspeakers. Further, we do not find any data or reason stated in that judgment on the basis of which the restrictions are imposed. In the nature of the above facts, we are not able to accept the judgment in O.P. No. 9560 of 1988 so far as the facts of this case are concerned. In the result, the Guruvayur Devaswom is allowed to use horn-type amplifiers in and around the Sree Krishna Temple premises as required by them. If any permission is needed from the police authorities, the police authorities are directed to give sanction to the Managing Committee to erect the horn-type loudspeakers.

Anjuman Islamia Nainital vs State of Uttarakhand And Others on 20 May, 2020.

Mr. Munawar Ali, has filed an application before Hon'ble High Court of Uttarakhand, seeking issuing guideline to concerned authorities to permit him to use loudspeakers in Masjid during Ramzan days to call for Azaan. Mr Munawar Ali, claims himself as social worker and 'mutawalli'. According to Mr. Munawar Ali, he represents all 'mutawallis' of the state of Uttarakhand.

Mr, Munawar Ali, grievance is, in view of the directions given in PIL (112 of 2015) by the Division Bench of this Court, in which he was not a party, the district administration is prohibiting him from using loudspeakers in the Mosque. During the proceedings, Mr. Paresh Tripathi, learned Chief Standing Counsel for the State Government, would draw our attention to the order of the Division Bench, in Writ Petition (PIL) No. 112 of 2015 dated 19.06.2018, While disposing off the petition, the court has given number of directions, what is relevant here is para (i) which is regarding noise pollution and permissible noise levels.

“(i) The State Government is directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed more than 5dB(A) peripheral noise level

The applicant has pointed out the error in the ultimate guidelines given by the court in para (i) about permissible noise limit (5db(A)) is not in conformity with the points discussed and orders given. As per him the “Noise Pollution (Regulation and Control) Rules, 2000,” was made to control the noise pollution and has framed the permissible noise levels. As per the given table in the said rules permissible noise levels in “Silent Zones”(Where Schools, temples, places of religious importance, hospitals) during day time is 50db(A) Leq* (6.00 a.m to 10.00 a.m) and night time 40 db (A) Leq.

The Apex court has added sub rule (4) of (5) to the Noise Pollution (Regulation and Control) Rules,2000. A number of directions under the various heads were issued by the Apex court in the said judgement on noise pollution. Under the head “Loudspeakers”, following directions were given:

1. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.
2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6. A.m.) except in public emergencies.

3. The peripheral noise level of privately owned sound system shall not exceed by more than 5 dB(A) than the ambient air quality standard specified for the area in which it is used, at the boundary of the private place.

As we have seen subsequent to the said decision, the noise level has now been specified in the Schedule contained in the 2000 Rules. The maximum sound level prescribed under the Schedule is 75 dB(A) for any area at any given point of the day or night. However, what has come in the operative portion of the order (dated 19.06.2018) was that sound shall not be more than 5 dB(A)

In view of the above, the applicant has plead that in the operative portion which was occurred “due to an accidental slip or omission” and liable to be corrected by the court.

Then the High court bench has discussed the relevant Sec.152 and Sec. 151 and the Chief justice opined that the correction is to be made to the extent of permissible noise levels Since it is an accidental error which the Court is required to correct on its own accord, Paragraph No. ‘i’ of the mandatory directions shall stand corrected and, after its correction, shall read as under:

“i. The State Government is directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed by more than 5dB(A) peripheral noise level above the ambient noise standards specified for the area in which it is used at the boundaries of the private place.”

However, the other learned member of the bench looks at the case in a different perspective and opined that, Sec.151 and Sec.152 are to be invoked only when related party approaches the court for such correction, then only the necessary corrections are to be undertaken. In this case the applicant Mr. Munawar Ali was not a party to the PIL 112 (2015) and hence he cannot seek correction of the orders.

The learned member also felt that, the applicant has not submitted any proof that he is representing the all Mutawallis of the state as he claims so. In addition to this during the arguments, the applicant counsel has made a statement before the Court to the effect that if the learned Judge does not want to give any relief, then he may reject his application. As per the Honourable member of the bench this statement amounts to withdrawal of the claim by the applicant and this statement alone is sufficient to reject the application.

However, after in depth analysis of several previous cases and judgments thereof, the Honourable court has felt that Direction (i) in order dated 19.06.2018 has an apparent error which is liable to be corrected. It shall stand corrected.

To remove all doubts, direction (i) shall now read as under: -

“i. The State Government is directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed by more than 5dB(A) peripheral noise level above the ambient noise standards specified for the area in which it is used at the boundaries of the private place”

Consequently, to the orders of the division bench of Honourable High court, the petitioner has to submit an undertaking that the noise levels will not exceed by 5 db(A) above the peripheral noise levels to the concerned authorities. Upon receipt of such undertaking from the applicant the authorities can consider and grant permission.

Conclusion:

Apart from the above two cases, several judgments of the Indian Judiciary clearly bring out that right to religion under Art. 25 is not an absolute right. Everyone has the right to observe one’s own religious rites to the extent that it does not interfere with the rights of the other citizens under Art. 21. Moreover, the freedom under Art. 19 also is subject to reasonable restrictions. No religion grants rights or imposes obligations on its followers at the cost of other religions.

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