

Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM	WP 14066/2020	11/01/2021	<p>1. Heard the learned counsel appearing for the petitioner.</p> <p>2. The learned Additional Government Advocate seeks time.</p> <p>3. One of the prayers in the writ petition is for implementation of the directions issued by the Apex Court in the case of NOISE POLLUTION (V), IN RE . The grievance made in this petition is that at the places of religion in the State, sound amplifiers and loud speakers are being used in violation of the Noise Pollution (Regulation and Control) Rules, 2000 (for short “the said Rules of 2000”).</p> <p>4. Before this Court, some petitions were placed in which instances of the places of religion violating the said Rules of 2000 were pointed out.</p> <p>5. At this stage, we may refer to a decision of the Apex Court in the case of CHURCH OF GOD (FULL GOSPEL) IN INDIA vs. K.K.R. MAJESTIC COLONY WELFARE ASSOCIATION AND OTHERS . Paragraph 2 of the said decision reads thus:</p> <p>“The questions involved in this appeal are that in a country having multiple religions and numerous communities or sects, whether a particular community or sect of that community can claim right to add to noise pollution on the ground of religion. Whether beating of drums or reciting of prayers by use of microphones and loudspeakers so as to disturb the peace or tranquility of neighbourhood should be permitted. Undisputedly, no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they</p>

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			<p>should be through voice amplifiers or beating of drums. In our view, in a civilized society in the name of religion, activities which disturb old or infirm persons, students or children having their sleep in the early hours or during daytime or other persons carrying on other activities cannot be permitted. It should not be forgotten that young babies in the neighbourhood are also entitled to enjoy their natural right of sleeping in a peaceful atmosphere. A student preparing for his examination is entitled to concentrate on his studies without their being any unnecessary disturbance by the neighbours. Similarly, old and the infirm are entitled to enjoy reasonable quietness during their leisure hours without there being any nuisance of noise pollution. Aged, sick, people afflicted with psychic disturbances as well as children up to 6 years of age are considered to be very sensible (sic sensitive) to noise. Their rights are also required to be honoured.”</p> <p>(underline supplied)</p> <p>6. It will be appropriate if in the light of law laid down by the Apex Court in both the above referred decisions, the State Government issues directions to the police machinery as well as the State Pollution Control Board to initiate action against those who are using sound amplifiers and loud speakers at the places of religion in violation of the said Rules of 2000.</p> <p>7. The State Government shall consider of issuing such directions immediately which will ensure that violation of the said Rules of 2000 is prevented and the rights of the citizens under Article 21 of the Constitution of India are protected. The State Government shall report compliance within a period of three weeks from today.</p>

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			8. List the petition on 8th February 2021.

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