

Regulating Dangerous Decibels

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NOISE pollution is a growing concern. According to the European Environment Agency (EEA), long-term exposure to noise can cause a variety of health effects such as annoyance, sleep disturbance, and negative effects on the cardiovascular and metabolic system. It can also impair the cognitive abilities of children.

According to an estimate by EEA, Europe is observing approximately 48 thousand new cases of ischemic heart disease and 12000 cases of premature deaths per year. Besides, in Europe only, EEA estimates around 22 million people with chronic high annoyance and 6.5 million people with chronic high sleep disturbance.

Prolonged exposure to more than 60-decibel noise may cause Noise Induced Hearing Loss (NIHL) which is irreversible. As per the World Health Organisation (WHO) report in 2007, approximately six per cent of the Indian population suffers from hearing loss. Noise pollution is an invisible peril and the public worldwide is not yet aware of the negative effects of long term noise exposure. According to a survey conducted by the Centre for Science and Environment (CSE) in 2011, the national capital of India had some of the noisiest roads with vehicular noise of more than 106 decibels.

Noise is often defined as the unwanted sound hitting our ears. Prolonged exposure to high volume of sound affects the environment and human health subsequently. Further, high-frequency sound is considered more hazardous than low-frequency sound.

In India, the term “Noise Pollution” is not directly defined by any Central Legislative Acts. An elaborate and dedicated law to regulate noise pollution also does not exist in India. However, primarily Articles 19 (1)(a) and 21 of the Indian Constitution become effective in regulating noise pollution in different ways. Article 19 (1)(a) states that all citizens shall have the right to freedom of speech and expression. Article 21 is related to the protection of life and personal liberty. It says that no person shall be deprived of his life or personal liberty except according to procedure established by law. However, there are a few other specific pollution control statutes to curb noise pollution.



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Noise Pollution Control using the Criminal Laws

Since the Indian Penal Code (IPC) was drafted much earlier than much of the scientific and industrial developments leading to noise pollution, the IPC rules and regulations are not directly applicable to noise pollution. Under section 268 of IPC, noise is considered as a public nuisance. Thus, if noise causes an injury or danger or annoyance, it becomes a criminal liability of the person who is responsible for that noise.

According to section 290 of IPC, the act of making public nuisance is a punishable offence. The department of police can impose a fine on the person who violates this rule under this section of IPC. Further, there are other several sections in Chapter XIV of the Indian Penal Code (such as sections 268, 269, 270, 278, 279, 280, 287, 288, 290, 291 and 294) which can be invoked to deal with various offences related to public health, safety, convenience, decency and morals. Still, the provisions of IPC are not sufficient to cope with the increasing perils of noise pollution.

The provisions of the Criminal Procedure Code (CrPC), 1973 are also invoked to prevent all kinds of pollution; noise pollution is one of them. The Executive Magistrates of the districts have the power to use sections 133 and 144 of the Criminal Procedure Code in certain cases to curb noise pollution.

Central Legislations in India to Control Noise Pollution

There are several central legislations in India which cover the problem of noise pollution. The regulation of noise through different provisions of the Acts is not new. It all started way back in the 19th Century. However, the scientific and industrial revolutions have created numerous ways to create noise. The process of regulating the noise became complex with time and technical developments. A few important central legislations

are listed here which are important in the process of regulating the noise.

The Police Act, 1861

The Police Act, formulated in 1861, has provisions to tackle the problems that arise through the high volume of music. This act is limited to the high volume of music as at that time noise raised from festivals, ceremonies or protests was prevalent. However, in the current times, high volume music is merely one form of noise. Under section 30 (4) of the Police Act 1861, superintendents of police have the power to regulate the high volume of music.

Railway Act, 1890

It was found that the railway locomotive engines were creating too much noise when heavy loads were carried from one place to another. At that time, there was neither a technological remedy to curb this noise nor were there any other options for the railways. Thus, when the Railways Act 1890 was formulated, Section 16 of the Railways act gave the statutory authority to the railway administration to exempt railway engines in terms of noise.

Aircraft Act, 1934

Aircraft Act, 1934 gives the power to the central government of India to make and implement rules regarding the manufacture, possession, use, operation, sale, import and export of any aircraft. It also covers air transport services. However, at that time there was no consideration for the noise pollution the aircrafts create. It was suggested to make the airports far away from the residential areas to avoid the harmful effects of noise.



Picture Credit: Cirrus Research Plc (CCA-SA 3.0)

Further, under the Indian Aircraft Rules (Public Health), 1946 central government has the power to make the rules to regulate the noise pollution generated by the aircrafts. Under these rules, the government forces the aircraft manufacturer companies to assure adequate technical measures in the aircrafts to minimise the noise levels

generated by the aircrafts so that the public could be protected from the health hazards.

Air (Prevention and Control of Pollution) Act, 1981

This act was originally formulated and enacted in 1981 for regulating air pollution, however, it was amended in 1987 to add noise to the definition of air pollution. Still, no specific provision was included in this act to curb noise pollution. Noise pollution became a part of air pollution under the new definition. Section 16(2)(6) of the Air Act, 1981 directs the Central Pollution Control Board (CPCB) to plan and enact

Areas	Permissible Limits (dB)*	
	Day Time	Night Time
Industrial Areas	75	70
Commercial Areas	65	55
Residential Areas	55	45
Silent Zones	50	40

Source: CPCB

a national programme to prevent, control and curb air pollution including noise. Under this act, the state pollution control boards also got the power to redefine air pollution and include noise in it and further plan and execute comprehensive programmes for prevention, control and abatement of air pollutants including noise.

Environment (Protection) Act & Environment (Protection) Rules, 1986

The Environment (Protection) Act, 1986 considers noise as an “environmental pollution”. Section 6 of the Environment (Protection) Act, 1986 gives the power to Central Government to make rules regarding the maximum allowed limits of the concentrations of different pollutants in the air including noise in different areas. Accordingly, entry 89 of schedule-1 of the Environment Protection Rules 1986 provides the noise standards for firecrackers. It provides guidelines for manufacturing of firecrackers.

Noise Pollution (Regulation and Control) Rules, 2000

The Noise Pollution (Regulation and Control) Rules 2000 was formulated and enacted by the Central Government under the provisions of the Environment (Protection) Act, 1986 to regulate noise pollution in the urban and metropolitan areas. These rules included the different possible modern sources of noise pollution which were not directly covered by the previous rules. These rules recognise noise pollution from construction sites, industries, high power machines, loudspeakers, public gatherings, music systems, vehicular horns, other mechanical devices, etc. This aims to maintain the ambient air quality standards in respect of noise. Under these rules, it has become mandatory to get written permission from the competent authority to use loudspeakers and public address systems except in closed premises e.g. auditoriums, community halls, etc. The permissible volume limits of the sound sources are decided with respect to different sensitive areas under these rules.

However, further modifications are required in the present rules to effectively implement the noise pollution control measures in our country. Much better public awareness, participation and coordination are needed to achieve ambient air quality standards in terms of noise pollution.

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