

# Noise pollution assignment



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Noise is defined as unwanted sound. Sound, which pleases the listeners, is music and that which causes pain and annoyance is noise. At times, what is music for some can be noise for others<sup>2</sup> Noise can be described as sound without agreeable musical quality or as an unwanted or undesired sound. Thus noise can be taken as a group of loud, non harmonious sounds or vibrations that are unpleasant and irritating to ear. The Noise quantum of some of the cities in our country indicate their pitch in decibel in the noisiest areas of corresponding cities, e. g. Delhi- 80 db, Kolkata - 87, Bombay-85, Chennai-89 db etc. Sources of Noise Pollution:- Noise pollution like other pollutants is also a by- product of industrialization, urbanizations and modern civilization. Broadly speaking , the noise pollution has two sources, i. e. industrial and non- industrial. The industrial source includes the noise from various industries and big machines working at a very high speed and high noise intensity. Non- industrial source of noise includes the noise created by transport/vehicular traffic and the neighborhood noise generated by various noise pollution can also be divided in the categories , namely, natural and manmade.

Most leading noise sources will fall into the following categories: roads traffic, aircraft, railroads, construction, industry, noise in buildings, and consumer products (b) Cr. P. C. Section 133 Here Section 133 is of great importance. Under Crpc. Section 133 the magisterial court have been empowered to issue order to remove or abate nuisance caused by noise pollution Sec 133 empower an executive magistrate to interfere and remove a public nuisance in the first instance with a conditional order and then with a permanent one.

The provision can be utilized in case of nuisance of environment nature. He can adopt immediate measure to prevent danger or injury of a serious land to the public. For prevention of danger to human life, health or safety the magistrate can direct a person to abstain from certain acts. (c) I. P. C. Public Nuisance 268-295 Chapter IV of Indian Penal code deals with offences relating to public health, safety, .... decency , morals under Sections 268, 269, 270, 279, 280, 287, 288, 290 291 294. Noise pollution can be penalized with the help of above section.

Private remedies suits in the area may related to public nuisance under A299. This article punishment in case of Public nuisance law of torts covers. A person is guilty of public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger, or annoyance to the public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage.

Who ever commits a public nuisance in any case not otherwise punishable by this code, shall be punished with fine, which may extend to Rs. 200. \*(d) Law of Torts Noise pollution is considered as civil wrong:-\* Under law of torts , a civil suit can be filed claiming damages for the nuisance. For filing a suit under law of torts a plaintiff is required to comply with some of the requirement of tort of nuisance which are as follows:- \_1. There should be reasonable interference. 2. Interference should be with the use & enjoyment of land. 3. In an action for nuisance actual damage is required to be proved.

As a general rule either the presence or absence of malice does not matter. But in some cases deviation from the rule has been made. \_ 6 Judiciary And Noise Pollution :- In Raghunandan Prasad<sup>5</sup> the engine of a factory was causing noise so as to be a serious nuisance to be the people living in the neighborhood the forbade the working of engine from 9 P. M. to 5 A. M. In Mauj Raghu<sup>6</sup> A rice mill working at night during season will not disentitle the inhabitants of locality to relief under this section if it is established that such working is a nuisance.

In Ram Avtar<sup>7</sup> The appellant carried on a trade of auctioning vegetable in private house the noise caused by the auctioning caused discomfort to person living in society. An order was passed restraining auctioning g of vegetable in the their house. It was held by supreme court that the order was not justified merely because the applicant carried on auctioning gin connection with which the carts were brought they could not be taken as cause of problem Section 133 was held not intended to stoop such trades merely because of discomfort caused by the noise. In Re: Noise

Pollution<sup>11</sup> Following important observations have been made by Supreme court regarding noise pollution which are discussed as follows:- Facts of the case: Anil mittal an engineer filed this case . the immediate reason for this was that a 13 years old girl was a victim of rape he cries for held and went unheard due to blaring sound of loudspeakers noise music over loud speakers in the neighbor hood. the Petitioner complain of noise created by the use of loudspeakers being used in religious performances or singing bhajans and the like in busy commercial hi fi audio systems are used.

There are rules framed by the government regarding noise pollution and known as Noise Pollution control and Regulation Rules, 1999. On 11-10-2002 govt brought in an amendment in the rules. The amendment empowered the state government to permit use of loudspeakers or public address system during night hours between 10 pm to 12 pm in the mid night on or during the cultural or religious occasions for a limited period not exceeding 15 days. In this case supreme observed that Right to life enshrined in Article 21 is not of mere survival or existence.

It guarantees a right of persons to life with human dignity. There in are included all the aspects of life which go to make a person life meaningful complete and worth living. Every body who wished to live in peace , comfort and quiet with in his house has a right to prevent the noise as pollutant reaching him. No one claim a right to noise to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbors or others. During the last twenty years there has been increasing concern with the quality of the environment.

Along with air and water contaminants, noise pollution has been recognized as a serious pollutant. As noise levels have risen, the effects of noise have become more apparent. Noise is defined as “ unwanted sound”. Noise has adverse effects on people and the environment. Noise causes hearing loss, interferes with human activities at home and work, and is in various ways dangerous to people’s health and well being. Studies show that over forty percent of Americans are disturbed at home or lose sleep because of noise pollution.

Causes of noise pollution include traffic, aircraft, rock bands, barking dogs, amplified music, television, garbage trucks, and noise from neighbors, voices, alarms, and watercrafts. Annoyance: When we think, talk, listen to music, or sleep we need quiet. Even low levels of noise can be annoying or frustrating. Sudden increases in volume can make sounds annoying – this is why sirens are so intrusive. The quieter the background, the more penetrating a noise can be