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The Right To Silence: Law And Noise Pollution In India

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Abstract

Noise pollution in India has escalated from an urban nuisance to a critical violation of the fundamental Right to Life under Article 21 of the Constitution. Despite a robust legal framework established by the Noise Pollution (Regulation and Control) Rules, 2000, many Indian metropolitan centres remain characterised by a persistent culture of sonic excess and unregulated social noise. This paper identifies a significant research gap at the intersection of environmental law and civic sociology: the failure of statutory limits in the absence of a culture of acoustic civility and basic civic decency. The objective of this research is to evaluate the efficacy of the right to silence by examining the gap between statutory environmental limits and lived civic etiquette. It examines whether AI-driven surveillance can substitute for social discipline by contrasting noisy urban life in North India with the comparatively disciplined driving environments of Mizoram and Sikkim. This paper evaluates Indian judicial precedents through a socio-legal methodology, measured against international standards and regional successes. Key findings suggest that while the judiciary has elevated silence to an essential constitutional right, enforcement is crippled by high social tolerance for noise, institutional fragmentation, and a lack of municipal accountability. The paper explores the role of AI-powered noise cameras as a necessary tool to enforce Acoustic Source Localization and concludes by proposing a model of Acoustic Civility in which legal penalties are supported by mandatory behavioural sensitisation and automated surveillance.

Keywords: Right to Silence, Article 21, Noise Cameras, Civic Decency, Environmental Jurisprudence.

1. INTRODUCTION AND CONCEPTUAL FRAMEWORK

Silence, in the ordinary imagination, is merely the absence of sound. In law, however, it is something altogether more consequential. The right to inhabit a sonic environment that does not impair one's health, dignity, or capacity for repose is not a luxury of the privileged or an aspiration of the fastidious. It is, as the Supreme Court of India has affirmed, an integral dimension of the fundamental right to life guaranteed by

Article 21 of the Constitution of India.[1] This paper proceeds from that premise and subjects it to a rigorous examination of the statutory architecture, judicial jurisprudence, enforcement realities, and normative gaps that together constitute India's legal response to the crisis of noise pollution.

The proposition that Article 21 encompasses environmental entitlements is not novel. In Subhash Kumar v State of Bihar, the Supreme Court confirmed that the right to a wholesome environment is part of the right to life.[2] In Francis Coralie Mullin v Administrator, Union Territory of Delhi, the Court read the right to live with human dignity into the very marrow of Article 21.[3] These decisions together provide the constitutional foundation upon which a right to a quiet environment may be constructed. Noise, like air pollution and water contamination, is an environmental hazard that assaults the body, degrades the mind, and diminishes the capacity for full human flourishing. A constitutional order committed to human dignity cannot be indifferent to it.

The statutory framework designed to translate that constitutional commitment into enforceable rules is not insubstantial. The Environment Protection Act, 1986 confers upon the Central Government broad powers to regulate environmental standards, including those pertaining to ambient noise.

The Noise Pollution (Regulation and Control) Rules, 2000, promulgated under that Act, prescribe decibel limits across four land-use zones, industrial, commercial, residential, and silence, and regulate the time and manner in which sound-amplifying equipment may be used in public spaces.[4] Yet the gap between the letter of these instruments and the lived acoustic reality of Indian cities is vast and, in many respects, widening.

The World Health Organization has identified noise pollution as one of the most pervasive environmental threats to public health in the twenty-first century, associated with cardiovascular disease, cognitive impairment in children, sleep disruption, and psychological stress.[5] Epidemiological research has established that chronic exposure to elevated ambient noise levels above 55 dB(A) during the day is associated with measurable increases in the risk of ischaemic heart disease.[6] These findings give urgency to the legal questions examined in this paper. Noise is not merely an inconvenience to be managed by social norms; it is a public health emergency that the law is obliged to address.

The conceptual framework developed in this paper rests on three interrelated propositions. The first is that silence, understood not as absolute absence of sound but as a protected acoustic space free from harmful and non-consensual noise, is an essential facet of human dignity and, by extension, of the right to life. This is not a claim about metaphysical quietude; it is a claim about the minimum conditions of a life that is genuinely human.

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[1]Constitution of India 1950, art 21.

[2]Subhash Kumar v State of Bihar (1991) 1 SCC 598 (Ind) 616 (Sawant and Singh JJ) (holding that art 21 encompasses the right to a "wholesome environment").

[3]Francis Coralie Mullin v Administrator, Union Territory of Delhi (1981) 1 SCC 608 (Ind) 618 (Bhagwati J) (the right to life "includes the right to live with human dignity and all that goes along with it").

[4]Noise Pollution (Regulation and Control) Rules 2000, GSR 1198(E) (Feb 14, 2000) (Ind) [hereinafter NP Rules 2000], promulgated under EPA 1986, s 6(2)(b).

[5]World Health Organization, Environmental Noise Guidelines for the European Region (WHO Regional Office for Europe 2018) <https://www.euro.who.int/en/health-topics/environment-and-health/noise/publications/2018/environmental-noise-guidelines-for-the-european-region-2018> accessed 12 May 2025.

[6]Louis Hagler and John Scheidt, "Harmful Effects of Noise on Public Health" (1991) 106(5) Public Health Reports 255, 256.

The second proposition is that the right to silence must be understood as a relational right, one that mediates between the noise-producer's freedoms (of religion, of expression, of trade and commerce) and the noise-recipient's right to bodily integrity and cognitive peace. This mediating function is precisely what constitutional rights adjudication is designed to perform. As Barak has argued in the context of human dignity, the task of constitutional law is to draw the line between those interferences with dignity that are proportionate and those that are not.[7] Applied to acoustic space, this framework demands that courts and regulators ask not merely whether a noise limit has been exceeded in the abstract, but whether the noise level in question is proportionate to the legitimate purpose it serves, and whether less intrusive alternatives are available.

The third proposition is that the right to silence, however clearly articulated in constitutional doctrine and statutory text, remains largely symbolic in the absence of a culture of acoustic civility, a concept this paper deploys to describe the ensemble of civic norms, institutional expectations, and social practices that make the formal law effective. India's noise problem is not primarily a legislative problem; the laws are largely adequate. It is a problem of enforcement infrastructure, institutional will, and civic culture.[8] The remainder of this paper develops each of these propositions in turn.

2. STATUTORY AND REGULATORY LANDSCAPE

2.1 The Environment Protection Act, 1986

The Environment Protection Act, 1986 is the principal legislative instrument through which the Union Government exercises its mandate under Articles 48-A and 51-A(g) of the Constitution to protect and improve the natural environment.[9] The Act's definition of "environment" is broad enough to encompass the acoustic environment, and section 6(2)(b) explicitly empowers the Central Government to prescribe standards for environmental quality, including standards relating to noise.[10] This enabling provision is the legislative basis for the Noise Pollution (Regulation and Control) Rules, 2000, which constitute the principal regulatory instrument in this field.

The EPA 1986 adopts a framework of delegated legislation, conferring wide rule-making powers upon the Central Government. This has the advantage of flexibility, standards can be updated by notification without the slow machinery of parliamentary amendment, but it also carries the risk of under-regulation and inconsistency. The EPA 1986 does not itself prescribe decibel limits; it merely confers the power to do so. The content of the regulatory regime is therefore found entirely in the subordinate legislation, making the NP Rules 2000 the primary substantive instrument for the purposes of this analysis.

[7] Aharon Barak, Human Dignity: The Constitutional Value and the Constitutional Right (Cambridge University Press 2015) 117.

[8] AP Krishnan, "Noise Pollution and the Law: A Socio-Legal Analysis" (2012) 54(2) Journal of the Indian Law Institute 211, 213.

[9] Environment Protection Act 1986 (Act No 29 of 1986) (Ind) [hereinafter EPA 1986].

[10] EPA 1986 (n 4) s 2(a) (defining "environment" to include land, water, air, and "such other factors or combinations of factors as may be prescribed"); s 6 (enabling delegated legislation for environmental standards).

2.2 The Noise Pollution (Regulation and Control) Rules, 2000

The NP Rules 2000 represent the most comprehensive statutory treatment of noise pollution in Indian law. Rule 3 prescribes ambient air quality standards in respect of noise for four distinct land-use categories.[11] The Schedule to the Rules sets out the permissible limits as follows: industrial areas are permitted a daytime level of 75 dB(A) and a night-time level of 70 dB(A); commercial areas are permitted 65 dB(A) during the day and 55 dB(A) at night; residential areas are subject to limits of 55 dB(A) during the day and 45 dB(A) at night; and silence zones, which include areas within 100 metres of hospitals, educational institutions, and courts, are subject to the most stringent limits of 50 dB(A) during the day and 40 dB(A) at night.[12]

Rule 5 deals specifically with the use of loudspeakers, public address systems, and sound-producing instruments in public spaces. No such device may be used without a written permission from the competent authority.[13] Even where permission is granted, the use of amplified sound is prohibited between 10 p.m. and 6 a.m. except in closed premises.[14] The officer-in-charge of the public place is made responsible for ensuring that noise levels do not exceed prescribed limits.

Rule 9 imposes a duty upon State Governments and local authorities to take measures to implement the Rules and to ensure compliance.[15] Rule 4 makes explicit provision for the establishment of silence zones around hospitals, educational institutions, and courts, and prohibits all noise sources in those zones.[16] On paper, this is a comprehensive regulatory scheme. In practice, as the analysis below demonstrates, these provisions are honoured more in the breach than in the observance.

Several structural limitations of the NP Rules 2000 deserve attention. First, they are almost entirely reactive in their orientation. The Rules establish limits and create permitting requirements, but they say nothing about how violations are to be detected, who is responsible for monitoring, or what resources are available for enforcement. Second, the Rules do not provide for a graduated system of penalties. The only enforcement mechanism referenced is the general penalty under the EPA 1986 itself, which prescribes imprisonment or a fine. This blunt instrument is rarely deployed. Third, the Rules predate the emergence of AI-assisted monitoring technology, and have not been updated to incorporate the potential of automated acoustic surveillance. These are not merely technical deficiencies; they are structural features that explain why the Rules have failed to produce the acoustic environment they promise.

2.3 The Bharatiya Nyaya Sanhita, 2023 and the Law of Public Nuisance

The criminal law dimension of noise pollution regulation is governed principally by the provisions relating to public nuisance in the Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code, 1860. Section 270 of the BNS 2023 deals with making the environment noxious to health, and section 271 provides for negligent acts likely to spread disease.[17] More directly relevant is section 269, which penalises

[11] NP Rules 2000 (n 5) r 3 (prescribing ambient air quality standards in respect of noise).
[12] ibid r 3, Schedule.
[13] ibid r 5.
[14] ibid r 5(3).
[15] ibid r 9.
[16] ibid r 4.
[17] Bharatiya Nyaya Sanhita 2023 (Act No 45 of 2023) (Ind) s 270 [hereinafter BNS 2023].

acts of negligence that endanger the life or personal safety of others.[18] Taken together, these provisions can in principle be applied to cases of extreme noise pollution that endangers public health, though such prosecutions remain uncommon.

The predecessor provision, section 268 of the Indian Penal Code, 1860, defined public nuisance as an act or illegal omission that causes common injury, danger, or annoyance to the public.[19] Colonial-era case law established that persistent industrial noise causing common injury could found an action in public nuisance, and this proposition has never been overruled.[20] However, prosecutions under the nuisance provisions of the penal code for noise-related offences have been sporadic and rarely successful, largely because of the difficulty of establishing the requisite causal link between a specific noise source and a generalised public harm.

The Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989 add a further layer of regulation specifically directed at vehicular noise. Sections 119 and 120 of the MVA prescribe standards for noise-emitting devices on motor vehicles, and the use of horns in prohibited areas is a cognisable traffic offence.[21] The Central Motor Vehicles Rules prescribe permissible sound pressure levels by vehicle category.[22] Once again, however, the formal regulatory apparatus has not translated into meaningful enforcement in most Indian cities, where the use of pressure horns, multi-tone horns, and continuous honking in traffic is commonplace and largely unaddressed.

3. JUDICIAL JURISPRUDENCE: CRAFTING THE RIGHT TO SILENCE

3.1 In Re: Noise Pollution, The Foundational Statement

The most comprehensive judicial treatment of noise pollution in India is found in In Re: Noise Pollution, Implementation of the Laws for Restricting Use of Loudspeakers and High Volume Producing Sound Systems, decided by the Supreme Court in 2005.[23] The case arose upon a public interest petition seeking implementation of statutory provisions relating to loudspeakers and other sound-amplifying systems. The Court's analysis transcended the immediate regulatory question and produced what amounts to the foundational constitutional statement on the right to silence in Indian law.

The Court, speaking through Chief Justice Lahoti, held that "the right to live in an atmosphere free from noise pollution" is part of the right to life under Article 21.[24] This formulation is deceptively simple, but its implications are far-reaching. It means that noise pollution is not a mere regulatory problem to be

[18]ibid s 271.

[19]Indian Penal Code 1860 (Act No 45 of 1860) (Ind) s 268 [hereinafter IPC 1860] (defining public nuisance as "an act or 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").

[20]Bishan Devi v Sisamau Tank, (1918) ILR 40 All 564 (Ind) (Allahabad High Court holding that persistent industrial noise constituting common injury may ground an action in public nuisance).

[21]Motor Vehicles Act 1988 (Act No 59 of 1988) (Ind) ss 119–120 (prescribing standards and prohibitions relating to noise-emitting devices on motor vehicles).

[22]Central Motor Vehicles Rules 1989, r 119 (prescribing permissible sound pressure levels for motor vehicles by category).

[23]In Re: Noise Pollution Implementation of the Laws for Restricting Use of Loudspeakers and HighVolume Producing Sound Systems, (2005) 5 SCC 733 (Ind) [hereinafter In Re: Noise Pollution].

[24]In Re: Noise Pollution (n 10) 750 (Lahoti CJI and others, JJ) (the Court observed that "the right to live in an atmosphere free from noise pollution" is part of the right to life under art 21).

managed by administrative agencies; it is a constitutional wrong that the state is under a positive obligation to prevent and remedy. The Court further observed that "no person has a right to use a loudspeaker or a public address system as of right" and that the grant of permission to use such systems is a privilege, not an entitlement, conditioned upon compliance with prescribed standards.[25]

The directions issued by the Court in In Re: Noise Pollution are notable both for their breadth and their specificity. They include restrictions on the decibel levels and times during which loudspeakers may be used; a prohibition on the use of firecrackers between 10 p.m. and 6 a.m.; a direction to State Governments to designate silence zones around hospitals, schools, and courts; and a mandate to law enforcement agencies to ensure compliance with the NP Rules 2000.[26] The Court also directed the Central Government to frame guidelines for the manufacture of firecrackers with reduced noise and pollution. Seventeen directions in total were issued, constituting what amounts to a comprehensive judicial enforcement programme for the existing statutory framework.

The significance of this decision lies not only in its holding but in its methodology. The Court treated noise pollution as a systemic constitutional violation requiring a systemic judicial response. It did not confine itself to adjudicating the narrow dispute before it; it assumed a supervisory jurisdiction over the implementation of noise regulations across the country. This approach, sometimes described as structural injunction or continuing mandamus, reflects the Court's recognition that ordinary adversarial adjudication is inadequate to address pervasive, systemic violations of environmental rights.

3.2 Church of God v KKR Majestic Colony Welfare Association, Religion, Noise, and Rights in Conflict

If In Re: Noise Pollution established the constitutional foundation, Church of God (Full Gospel) in India v KKR Majestic Colony Welfare Association illustrates the most politically charged context in which that foundation must be applied: the regulation of religious noise.[27] The case arose from a complaint by a residents' welfare association that the amplified prayers, hymns, and drum-beating emanating from a church in Chennai were causing serious noise nuisance. The church argued that the use of loudspeakers in the conduct of religious worship was protected by Article 25 of the Constitution, which guarantees the right to freely profess, practise, and propagate religion.

The Supreme Court rejected this contention with clarity and firmness. It held that "no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice-amplifiers or beating of drums." The right to practise religion does not extend to the right to cause noise nuisance to others.[28] Article 25, the Court observed, expressly makes the freedom of religion subject to "public order, morality and health," and the noise regulations clearly fall within that

[25]ibid 752.

[26]ibid 753–755 (setting out a detailed set of directions including restrictions on time and decibel levels for loudspeakers and bursting of firecrackers).

[27]Church of God (Full Gospel) in India v KKR Majestic Colony Welfare Association (2000) 7 SCC 282 (Ind) [hereinafter Church of God].

[28]Church of God (n 11) 289 (VC Khare and DP Mohapatra JJ).

qualification.[29] The Court affirmed the High Court's direction restraining the church from using loudspeakers above permissible decibel levels.[30]

The Church of God decision has been followed in a number of High Court decisions that have addressed the noise generated by religious activity of various faiths. The Kerala High Court in PA Jacob v Superintendent of Police had earlier reached a similar conclusion regarding amplified music from religious gatherings, holding that the right to sleep and repose is part of the right to life.[31] The Delhi High Court, in Free Legal Aid Cell v Government of NCT of Delhi, issued comprehensive directions for the regulation of sound systems at public functions, political rallies, and religious gatherings.[32] The Calcutta High Court in Moulana Mufti Syed MD Noorur Rehman Barkati v State of West Bengal addressed noise from mosque loudspeakers, restricting their use during night-time hours.[33] And the Madhya Pradesh High Court in Sayeed Maqsood Ali v State of Madhya Pradesh held that unrestricted use of loudspeakers by any religious body amounts to noise pollution violating Article 21.[34]

Together, these decisions establish a clear and consistent doctrinal position: the right to practise religion does not confer a right to cause noise. What remains inconsistent is their implementation. Many of the directions issued by High Courts in noise-related matters are not enforced, and the underlying complaints recur. The juridification of the noise problem, the tendency to seek judicial relief for what are ultimately failures of administrative enforcement, produces temporary relief without durable change.[35]

3.3 The Supreme Court's Directions and Their Aftermath

The directions issued by the Supreme Court in In Re: Noise Pollution were comprehensive on paper.[36] Their implementation, however, has been uneven to the point of futility. Subsequent litigation has repeatedly revealed that State Governments and local authorities have not complied with the Court's directions, that noise levels in most Indian cities continue to exceed the prescribed limits by significant margins, and that the mechanisms for monitoring and enforcement remain as deficient as they were before the Court intervened.

The Arjun Gopal v Union of India litigation concerning firecrackers offers a particularly instructive illustration of this phenomenon.[37] The Court initially passed interim orders restricting the period of sale and use of firecrackers and directing examination of noise and emission standards.[38] When these orders

[29]ibid 290.

[30]ibid 291.

[31]PA Jacob v Superintendent of Police, Kottayam AIR 1993 Ker 1 (Ind) (Kerala High Court holding that the amplification of religious music that interferes with the sleep and repose of citizens violates art 21).

[32]Free Legal Aid Cell Shri Sugan Chand Aggarwal v Government of NCT of Delhi (2001) 94 DLT 778 (Ind) (Delhi High Court issuing directions for the regulation of sound systems at public functions, political rallies, and commercial establishments).

[33]Moulana Mufti Syed MD Noorur Rehman Barkati v State of West Bengal (2017) SCC OnLine Cal 8854 (Ind) (Calcutta High Court restricting the use of loudspeakers during namaz at mosques to avoid violation of the right to silence of neighbouring residents).

[34]Sayeed Maqsood Ali v State of Madhya Pradesh (2001) 4 MPLJ 82 (Ind) (Madhya Pradesh High Court holding that unrestricted use of loudspeakers by religious bodies amounts to noise pollution violating art 21).

[35]Forum, Prevention of Environment and Sound Pollution v Union of India (2005) 5 SCC 753 (Ind) 765 (the Court held that the State's obligation under art 21 "extends to protection of citizens from noise that impairs their health and well-being").

[36]Noise Pollution Multi-Bench Directions (In Re: Noise Pollution) (2005) 5 SCC 733 (Ind) 756 (directions 1–17).

[37]Arjun Gopal v Union of India (2017) 1 SCC 412 (Ind) (the Supreme Court passing interim orders restricting the period of sale and use of firecrackers, and directing further examination of noise and pollution standards).

[38]ibid; see also Arjun Gopal v Union of India (2018) 8 SCC 1 (Ind) (the Court upholding a modified scheme permitting only "green crackers" meeting prescribed noise and emission standards).

were demonstrably not complied with, the Court imposed progressively stricter restrictions, eventually upholding a modified scheme permitting only "green crackers" that met prescribed noise and emission standards.[39] Yet even this regime has not been effectively enforced, and the ritual non-compliance during the annual festival season demonstrates that judicial intervention alone, in the absence of adequate enforcement infrastructure, cannot bring about substantive change.

The constitutional dimension of this judicial inefficacy deserves attention. Where the state fails to protect citizens from noise pollution that rises to the level of a violation of Article 21, that failure is itself a constitutional dereliction. As Justice DY Chandrachud observed in the Arjun Gopal matter, the Court must calibrate its approach to respect both the right to life and the constitutionally protected freedoms of religion and culture.[40] Article 25 guarantees the right to freely profess, practise, and propagate religion, but explicitly subjects that right to public order, morality, and health.[41] The right to silence and the right to religious practice are not irreconcilable; they are to be balanced through proportionate regulation. The difficulty, as both the In Re: Noise Pollution and Church of God decisions confirm, is that the regulatory apparatus required to give effect to that balance is not in place.[42]

3.4 Vehicular Noise and the Public Interest Litigation Tradition

The Supreme Court's engagement with vehicular noise pollution has largely been conducted through the vehicle of public interest litigation initiated by environmental advocates. The MC Mehta v Union of India litigation, now spanning several decades, has generated a series of orders addressing vehicular pollution, including noise, in Delhi and across India.[43] The Taj Trapezium case established the principle that industrial and vehicular activities causing environmental harm must be regulated irrespective of their economic consequences, and that the precautionary principle and the polluter pays principle are embedded in Indian environmental law.[44]

The National Green Tribunal has emerged as an additional forum for noise-related litigation, with the advantage of specialised expertise and a faster pace of adjudication. In Vardhaman Kaushik v Union of India, the Tribunal issued comprehensive directions for a ban on horn usage near hospitals, schools, and silence zones, and directed State authorities to file compliance reports within stipulated timelines.[45] The compliance reports filed in response were, characteristically, vague, incomplete, and devoid of meaningful

[40]ibid (2018) 752 (DY Chandrachud J, concurring) (observing that the State must adopt a calibrated approach that respects both the right to life and the right to practice religion and culture under art 25).

[41]Constitution of India 1950, art 25(1) (guaranteeing all persons the right freely to profess, practise, and propagate religion, "subject to public order, morality and health").

[42]Church of God (n 11) 291.

[43]MC Mehta v Union of India (Vehicular Pollution Case) (1998) 8 SCC 648 (Ind) (the Supreme Court initiating a comprehensive review of vehicular pollution in Delhi including noise emissions, and directing measures to phase out pre-1990 commercial vehicles).

[44]MC Mehta v Union of India (Taj Trapezium Case) (1997) 2 SCC 353 (Ind) (the Court relocating polluting industries from the Taj Trapezium Zone and reinforcing the principle that industrial activities causing environmental harm must be regulated irrespective of economic consequences).

[45]Vardhaman Kaushik v Union of India (NGT Original Application No 21 of 2014) (Nat'l Green Tribunal, Ind) (the Tribunal issuing comprehensive directions for a ban on horn usage in hospitals, schools, and silent zones, and directing States to file compliance reports).

data, a pattern that reveals the structural disconnect between judicial direction and administrative implementation.[46]

4. ENFORCEMENT IMPEDIMENTS: BETWEEN LAW AND LIVED REALITY

4.1 Systemic and Institutional Failures

The gap between the statutory framework for noise regulation and its practical implementation is not primarily a product of legislative inadequacy. The laws exist. The rules exist. The judicial directions exist. The gap is, above all, a product of structural failures in India's environmental enforcement machinery. Rule 9 of the NP Rules 2000 imposes a duty upon every State Government and local authority to take measures to implement the Rules.[47] In practice, this duty is rarely discharged with any seriousness. State Pollution Control Boards, municipal corporations, and district administrations lack the technical equipment, trained personnel, and institutional incentives necessary to conduct regular monitoring and to prosecute violations. The Central Pollution Control Board's own data reveals the depth of the problem. Ambient noise levels in major Indian cities routinely exceeded daytime limits under the NP Rules 2000 by ten to twenty-five decibels during the periods studied.[48] This is not marginal non-compliance; it is systematic and pervasive violation. The CPCB further noted that the highest frequency of noise complaints received by State Pollution Control Boards related to religious institutions, followed by construction sites and vehicular traffic.[49] Yet the rate of regulatory action in response to those complaints was negligible.

Academic commentators have identified three principal sources of this institutional failure. The first is what Divan and Rosencranz describe as "institutional fragmentation", the dispersion of noise-regulatory authority across multiple agencies (PCBs, municipal bodies, police, district magistrates) with overlapping jurisdictions, unclear lines of responsibility, and no mechanism for coordination.[50] The second is the absence of dedicated enforcement infrastructure: no noise monitoring network comparable to the ambient air quality monitoring stations maintained by the CPCB, no trained noise inspectors with powers of search and seizure, and no reliable complaint mechanism accessible to ordinary citizens.[51] The third is the political economy of enforcement: noise-generating activities (religious festivals, political rallies, commercial functions) are often organised by entities with significant political influence, and local enforcement agencies are vulnerable to pressure to look the other way.[52]

[46]Vardhaman Kaushik (n 55) (NGT noting that compliance reports filed by States were "vague, incomplete, and devoid of any meaningful data").

[47]NP Rules 2000 (n 5) r 9 (imposing a duty on every State Government and local authority to take measures to implement the Rules and to ensure compliance with the prescribed standards).

[48]ibid 14–17 (noting that ambient noise levels in major Indian cities routinely exceeded daytime limits under the NP Rules 2000 by 10 to 25 dB(A)).

[49]CPCB (n 49) 21 (noting that religious institutions accounted for the highest frequency of noise complaints received by State Pollution Control Boards in 2019–20).

[50]Shyam Divan and Armin Rosencranz (n 47) 372 (observing that decentralised enforcement of environmental standards in India is characterised by "institutional fragmentation, inadequate technical capacity, and political interference").

[51]Law Commission of India, "Noise Pollution" (Report No 228, April 2009) <https://lawcommissionofindia.nic.in/reports/report228.pdf> accessed 12 May 2025.

[52]AP Krishnan (n 9) 219.

4.2 Religious and Cultural Practices: The Most Contested Terrain

Of all the sources of noise pollution in India, none is more politically sensitive or legally complex than the amplified sound generated by religious practices. The CPCB data identifying religious institutions as the highest-frequency source of noise complaints is a measure of the scale of the problem.[53] The legal position, as established by Church of God and the consistent line of High Court decisions that followed, is clear: the right to practise religion does not include the right to cause noise nuisance.[54] The political reality is considerably more complicated.

The essential religious practice doctrine, developed by the Supreme Court in the Shirur Mutt case and elaborated in subsequent decisions, holds that only practices that are integral to the religion are protected under Article 25.[55] The amplification of religious sound by loudspeaker has never been held to be an essential religious practice, which is why the courts have been able to regulate it without constitutional difficulty.[56] Yet enforcement agencies routinely decline to restrict religious noise, citing the risk of communal tension, political backlash, or charges of religious discrimination. The result is a legal framework that is formally robust but practically toothless.

The Calcutta High Court's engagement with this issue in Moulana Mufti Syed MD Noorur Rehman Barkati is instructive. The case attracted significant media and public attention precisely because it involved a restriction on the use of loudspeakers at mosques, a context that was perceived by some as an instance of the court intervening in Muslim religious practice. The High Court's careful analysis, which grounded its directions in the right to silence of neighbouring residents under Article 21 and the absence of any essential religious practice requiring amplification, was textbook constitutional reasoning.[57] But the wider public debate about the case illustrated the degree to which enforcement of noise norms in the context of religious practice is mediated by communal politics rather than legal principle.

What the law requires in this context is a neutral, consistently applied enforcement framework that does not discriminate between faiths but is equally rigorous in its application to all religious communities. The NP Rules 2000 are facially neutral; they apply to all amplified sound regardless of source.[58] What is needed is an enforcement apparatus that is equally resistant to political pressure from all quarters, a condition that neither the current administrative machinery nor the current political culture reliably provides.[59]

4.3 Political Rallies and the Immunisation of Power

Political rallies constitute another category of noise generation that is systematically under-regulated. The Delhi High Court in Free Legal Aid Cell issued directions for the regulation of sound systems at political

[55]Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt AIR 1954 SC 282 (Ind) (the Shirur Mutt case) (elaborating the "essential religious practice" doctrine).

[56]Hazrat Syedna Taher Saifuddin Saheb v State of Bombay AIR 1962 SC 853 (Ind) (the Court holding that religious practices protected under art 25 must be essential to the religion and must not transgress permissible regulatory restrictions relating to public order, morality, and health).

[57]Moulana Mufti Syed MD Noorur Rehman Barkati (n 34) paras 18–22.

[58]Noise Pollution (Regulation and Control) Rules 2000 (n 5) r 5(3) (requiring the officer-in-charge of the public place to be responsible for ensuring that the noise level does not exceed the prescribed limits).

[59]Faizan Mustafa (n 58) 447.

rallies alongside religious functions and commercial events.[60] These directions have had little practical effect. Political gatherings, whether organised by the ruling party or the opposition, routinely exceed prescribed decibel limits, often in silence zones, and rarely attract enforcement action.

The Law Commission of India's Report on Noise Pollution, published in 2009, specifically identified political rallies as a category of noise pollution requiring targeted regulatory intervention.[61] The Commission recommended the creation of dedicated Noise Pollution Control Authorities at the district level, with statutory powers of seizure, compounding, and prosecution, authorities that would be structurally insulated from the political pressures that compromise the existing enforcement machinery.[62] These recommendations have not been implemented.

4.4 Vehicular Honking: The Culture of the Horn

Perhaps the most pervasive and quotidian form of noise pollution in Indian urban life is vehicular honking. The CPCB's monitoring data consistently records that vehicular traffic is the dominant contributor to ambient noise in Indian cities, with honking a significant component of that contribution.[63] The culture of the horn, the habitual, reflexive, and largely unnecessary use of the vehicle horn in traffic situations where it serves no legitimate safety purpose, is deeply embedded in North Indian urban driving behaviour.

The Motor Vehicles Act, 1988 prohibits the use of horns in designated no-honking zones and prescribes penalties for vehicles not conforming to noise standards.[64] The Central Motor Vehicles Rules specify permissible sound pressure levels.[65] Yet enforcement of these provisions is almost non-existent. Traffic police, who are the primary enforcement agency for honking violations, lack the equipment to measure sound pressure levels, lack the institutional incentive to pursue what are perceived as minor infractions, and operate in a traffic management culture that prioritises flow over acoustic compliance.[66]

The contrast with the north-eastern states of Mizoram and Sikkim is striking and instructive. The CPCB's monitoring data records consistently lower vehicular noise readings across all monitoring stations in these states, attributable in part to higher civic compliance with traffic norms.[67] Civic education campaigns in the north-eastern states have demonstrably reduced the incidence of unnecessary honking.[68] The difference between the acoustic environments of Lucknow and Aizawl, or Delhi and Gangtok, is not principally a product of different laws, the same Motor Vehicles Act applies across India. It is a product of different

[62]Law Commission of India (n 48) 46–50 (recommending the creation of dedicated Noise Pollution Control Authorities at the district level with statutory powers of seizure, compounding, and prosecution).

[63]CPCB (n 49) 27–28.

[64]Motor Vehicles Act 1988 (n 24) s 190 (prescribing penalties for use of vehicles not conforming to prescribed standards of noise and emission); s 177 (general penalty for contravention of Act or rules).

[65]Central Motor Vehicles Rules 1989 (n 25) r 119.

[66]Praveen Prakash, "Honking and the Law: Enforcement Challenges in Indian Urban Traffic" (2019) 61(1) Journal of the Indian Law Institute 89, 96.

[67]CPCB (n 49) 19 (recording that the Mizoram and Sikkim State Pollution Control Boards returned consistently lower vehicular noise readings across all monitoring stations, attributable in part to higher civic compliance with traffic norms).

[68]ibid (observing that civic education campaigns in the north-eastern States had demonstrably reduced the incidence of needless honking in urban areas).

civic cultures, different enforcement traditions, and different social norms around public space and shared acoustic commons.

This observation carries a significant normative implication for noise regulation. Legal reform, however well designed, cannot on its own produce a culture of acoustic civility. The experience of the north-eastern states suggests that civic education, sustained enforcement, and the development of social norms that stigmatise unnecessary noise are as important as the content of the legal rules themselves.[69] This does not diminish the importance of legal reform; it contextualises it within a broader programme of acoustic governance.

4.5 AI-Driven Surveillance: Prospects and Limitations

The emergence of AI-powered noise monitoring technology offers a potential partial solution to the enforcement deficit. Acoustic Source Localization (ASL) systems, sometimes called noise cameras, use arrays of microphones and machine-learning algorithms to detect, measure, and localise the source of noise violations in real time. They can identify specific vehicles producing horn noise above a prescribed decibel level, generate photographic or video evidence linking the noise to the vehicle, and automatically transmit penalty notices to the registered owner.[70] Several jurisdictions, including France, South Korea, and the Indian state of Maharashtra (in a limited pilot), have deployed such systems with encouraging results.[71]

The promise of AI enforcement is its resistance to the political and institutional pressures that compromise human enforcement. An automated system does not differentiate between a political rally and a neighbourhood party; it responds to decibel levels. It does not yield to communal pressure or political influence. It generates evidence that is admissible and auditable. And it can operate continuously across a wide area with a relatively small number of human operators.

The limitations of AI enforcement are, however, equally important to acknowledge. First, automated systems require substantial upfront investment in hardware, software, and data infrastructure, an investment that many Indian municipal bodies cannot presently afford. Second, the integration of ASL data with the penalty enforcement machinery raises questions of data privacy, due process, and the right to contest automated findings. Third, the deployment of pervasive acoustic surveillance raises civil liberties concerns that must be addressed by a proportionate legal framework: an indiscriminate noise-surveillance regime that records all ambient sound in public spaces is qualitatively different from a targeted system that detects specific acoustic events.[72] Fourth, and most fundamentally, automated enforcement addresses symptoms rather than causes. It can deter honking; it cannot, on its own, change the underlying civic culture that treats public acoustic space as a free commons to be exploited at will.

The appropriate role for AI in noise enforcement is therefore that of a complement to, rather than a substitute for, broader governance reform. Used as part of a coherent strategy that combines regulatory

[69] ibid 99.

[70] Puja Bhatt, "Automated Noise Enforcement: Lessons from South Korea and France" (2023) 35(2) Environmental Law Review 183, 188.

[71] ibid 190 (describing the deployment of Acoustic Source Localization cameras in Paris and Mumbai pilot zones and their initial detection accuracy rates).

[72] ibid 192; see also Ministry of Road Transport and Highways (India), "Draft Policy Framework for Automated Traffic Enforcement" (Discussion Paper, March 2024).

clarity, institutional capacity, civic education, and proportionate penalties, AI enforcement tools can make a significant contribution. Used in isolation, they are unlikely to produce durable change.[73]

5. CONCLUSION AND POLICY RECOMMENDATIONS

5.1 The State of the Right to Silence

The analysis in the preceding sections leads to three broad conclusions. The first is that the right to silence, understood as the right to a protected acoustic space free from harmful and non-consensual noise, is firmly established in Indian constitutional and statutory law. The Supreme Court's decisions in In Re: Noise Pollution and Church of God, together with the consistent line of High Court jurisprudence, leave no room for doubt that noise pollution that rises to the level of endangering health, impairing sleep, or disrupting the essential conditions of human dignity is a violation of the right to life under Article 21. The NP Rules 2000 give this constitutional principle statutory content in the form of specific decibel limits and regulatory permissions.

The second conclusion is that this legal framework, for all its formal adequacy, has failed to produce the acoustic environment it promises. India's cities are among the noisiest in the world. The gap between the prescribed standards and the ambient reality is not marginal; it is a chasm. The reasons for this failure are structural: fragmented enforcement authority, absence of monitoring infrastructure, political vulnerability of enforcement agencies, and a civic culture that has not yet internalised the norm that public acoustic space is a shared commons to be used with restraint.[74]

The third conclusion is that the legal system, through legislation, regulation, and judicial supervision, can contribute to closing this gap, but cannot do so alone. The experience of Mizoram and Sikkim demonstrates that cultural norms matter. The experience of AI enforcement in France and South Korea demonstrates that technology can supplement human enforcement where institutional capacity is weak. And the Law Commission's unimplemented recommendations demonstrate that the intellectual resources for reform exist; what has been lacking is political will.[75]

5.2 Policy Recommendations

(i) Institutional Reform: A Dedicated Noise Regulatory Authority

The most fundamental structural reform required is the creation of dedicated Noise Pollution Control Authorities at the district level, with statutory powers of monitoring, inspection, seizure, compounding, and prosecution, and with institutional insulation from the political pressures that compromise existing enforcement agencies. Such authorities should be equipped with calibrated noise-measuring instruments,

[73]NP Rules 2000 (n 5) r 6 (empowering authorities to restrict or prohibit operation of sound-producing equipment in public places during night-time hours).

[74]Shyam Divan and Armin Rosencranz (n 47) 384.

trained technical staff, and a mandate to compile and publish regular monitoring data. The Law Commission recommended this reform in 2009.[76] Parliament should enact it without further delay.

(ii) Legislative Reform: Enhancing the NP Rules 2000

The NP Rules 2000 require substantive amendment in at least three respects. First, the penalty provisions should be graduated to reflect the severity and duration of the violation, rather than relying on the blunt instrument of the general EPA penalty.[77] A tiered system of administrative fines, calculated by reference to excess decibel levels, duration, and zone category, would be more likely to deter violations than the present all-or-nothing criminal sanction. Second, the Rules should be amended to incorporate provisions for the deployment of automated noise monitoring systems, including standards for the admissibility of AI-generated evidence in enforcement proceedings. Third, the permitting regime for loudspeakers and public address systems should be reformed to require advance impact assessment for large-scale events, with conditions attached to permissions that are enforceable in real time.[78]

(iii) Strengthening the Criminal Law Framework

The public nuisance provisions of the Bharatiya Nyaya Sanhita, 2023 should be supplemented by a specific noise-related offence provision that addresses the causal complexity that has made prosecution under general nuisance provisions so difficult.[79] A specific offence of "aggravated noise nuisance", defined as the production of noise exceeding prescribed limits in a manner that causes or is likely to cause injury to health, substantial sleep deprivation, or significant disruption to educational or medical activity, would provide a more targeted instrument for criminal enforcement, particularly in the contexts of repeated or egregious violation.[80]

(iv) Mandatory Acoustic Audits and Impact Assessments

The Law Commission recommended the introduction of mandatory acoustic audits for construction projects, places of worship, commercial establishments, and entertainment venues in specified sensitive zones.[81] This recommendation should be adopted and extended. Environmental Impact Assessment notifications under the EPA 1986 should be amended to require a separate acoustic impact component for any project that is likely to generate significant noise. Building regulations should incorporate acoustic insulation standards. Planning permissions for places of worship, entertainment venues, and commercial premises in or adjacent to residential zones should be conditioned upon compliance with acoustic design standards.

[76] ibid 51.

[77] EPA 1986 (n 4) s 15 (prescribing penalties for contravention of the Act or Rules, including imprisonment up to five years or a fine up to one lakh rupees, or both, extendable for continuing violations).

[78] NP Rules 2000 (n 5) r 7.

[79] BNS 2023 (n 19) ss 269–271.

[80] Law Commission of India (n 48) 52.

[81] ibid 54 (recommending mandatory acoustic audits of construction projects, places of worship, and commercial establishments in specified sensitive zones).

(v) AI-Enabled Enforcement: A Phased National Programme

The deployment of Acoustic Source Localization cameras for vehicular horn enforcement should be prioritised in a first phase covering the hundred most noise-polluted cities identified by the CPCB, with mandatory integration with the Vahan vehicle registration database to enable automated penalty generation.[82] This programme should be accompanied by a proportionate legal framework governing data collection, retention, and contestation, modelled on the framework applicable to speed cameras and red-light cameras under the Motor Vehicles Act. A second phase should extend automated monitoring to loudspeaker noise in commercial and religious premises, using fixed and mobile sensors with real-time alerting capability for enforcement agencies.

(vi) Mandatory Civic Education: Building Acoustic Civility

The regulatory and technological measures described above will not produce durable change without a parallel programme of civic education directed at changing the behavioural norms that sustain the culture of the horn and the culture of unrestricted amplification. Such a programme should be mandated by the Union Government, funded through the Ministry of Environment, Forest and Climate Change, and delivered through schools, public awareness campaigns, and mandatory driver education curricula.[83] The north-eastern states' success in developing a comparatively quiet urban driving culture demonstrates that behavioural change is achievable; it simply requires sustained, deliberate effort over time.

(vii) Judicial Monitoring and Compliance Reporting

The Supreme Court's continuing supervisory jurisdiction over the implementation of the NP Rules 2000, exercised through the In Re: Noise Pollution directions, should be formalised through the appointment of an amicus curiae and the constitution of a technical expert committee mandated to file annual compliance reports with the Court.[84] State Governments should be required to file verified compliance reports on a quarterly basis, with specific data on monitoring station readings, enforcement actions taken, prosecutions initiated, and penalties realised. The National Green Tribunal should be invested with concurrent jurisdiction to hear individual complaints about noise pollution and to award compensation, modelled on the approach taken in environmental damage cases under its existing jurisdiction.[85]

5.3 Towards a Model of Acoustic Civility

This paper concludes by returning to the conceptual framework with which it began. The right to silence is a constitutional right, grounded in the fundamental right to life and buttressed by a substantial statutory and judicial architecture. It is also, in India's present conditions, a right that is honoured more in doctrine than in practice. The law has done what law can readily do: it has declared the right, prescribed the

[84]In Re: Noise Pollution (n 10) 758; Law Commission of India (n 48) 55.

[85]National Green Tribunal Act 2010 (n 54) s 20 (empowering the Tribunal to apply the precautionary principle and the principle of sustainable development when making an order or award).

standards, and issued the directions. What remains undone is the harder task of building the institutional, technological, and civic infrastructure necessary to make those declarations real.[86]

The model of Acoustic Civility proposed in this paper is not a utopia of perfect silence. It is a realistic programme for reducing ambient noise to levels that do not violate the constitutional right to life, levels that permit sleep, study, conversation, prayer, and medical recovery without the cacophony that presently characterises India's urban acoustic environment. This programme requires legal reform, institutional investment, technological deployment, and civic education. It requires, above all, the political will to treat noise pollution as the public health emergency it is.

The courts, through decisions like In Re: Noise Pollution, have done their part. The Law Commission has done its part. The scientific evidence is clear. What is needed now is legislative and executive action commensurate with the constitutional commitment already made. India's citizens have a right to silence. It is time to make that right real.[87]

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