



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.852 of 2025

Masjid A. Gousiya, through its Secretary, Sayyad Iqbal Ali, Gondia
vs.

The State of Maharashtra, through its Principal Secretary, Mantralaya, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Sanket Bhandarkar, Advocate for the Petitioner.
Mr. K.R. Lule, A.P.P. for the Respondents.

CORAM : **ANIL L. PANSARE & RAJ D. WAKODE, JJ.**
DATE : **1st DECEMBER, 2025.**

On 16-10-2025, following order was passed.

Heard.

2. *The petitioner has approached this Court with following substantive prayer :*

“1. Issue an appropriate direction to the respondent no.2 and 3 to restore use of loudspeaker in petitioner mosque, in interest of justice;”

3. *The petitioner is relying upon judgment passed by Coordinate Bench of this Court in Writ Petition No.4729/2021, to contend that within permissible decibel, loudspeaker could be played.*

4. *We have gone through the judgment wherein certain directions were given to the Commissioner of Police, Mumbai, indicating the action to be taken by police upon complaints received about the noise pollution.*

5. *The moot question, according to us, however is whether for practicing religion, installation of loudspeaker is mandatory? Or, for that purpose, the religious institutions like the petitioner can, as of a right, seek relief of installation of loudspeaker?*

6. *The petitioner shall accordingly place on record any legal document that permits the petitioner to install loudspeaker as of right to practice religion.*

7. *Issue notice to the respondents, returnable in four weeks.*
8. *Learned A.P.P. waives service of notice for respondents.”*

Thus the question is whether for practicing religion, installation of loudspeaker is mandatory/necessary.

2. Learned counsel for the petitioner fairly submits that he could not get any material to support on this point. The petitioner, therefore, is not entitled to seek relief of installation of loudspeaker, as of right. The petition is accordingly dismissed.

3. The issue of noise pollution, however, is recurring. It has been not properly addressed despite provisions of the Environment (Protection) Act, 1986 (for short ‘the Act of 1986’) and Noise Pollution (Regulation and Control) Rules, 2000 (for short, ‘the Rules of 2000’) framed under the Act of 1986.

4. The Hon’ble Supreme Court in the case of ***God (Full Gospel) In India Vs. K.K.R. Majestic Colony Welfare Association & Ors. [AIR 2000 SC 2773]***, while dealing with issue of noise pollution in context with practicing religion, in paragraph no. 2 observed as under :-

“(2) 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 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 day-time 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 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 to noise. Their rights are also required to be honoured.”

Thus, the Supreme Court observed 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 Supreme Court also highlighted the importance of other citizens entitled to enjoy reasonable quietness, particularly those who are of tender age and those who are aged, sick, people afflicted with psychic disturbances.

5. The Hon’ble Supreme Court in the case of *In Re Noise Pollution – Implementation of the Laws for Restricting use of Loudspeakers and High Volume Producing Sound Systems : Forum, Prevention of Env’n. and Sound Pollution Vs. Union of India & Anr. [AIR 2005 SC 3136 : 2005 AIR SCW 3525]*, in para Nos.9, 10 & 86 has held as under :-

“(9) Article 21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of this Court as also the High Courts 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. Therein are included, all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance. How and when a nuisance created by noise becomes actionable has to be answered by reference to its degree and the surrounding circumstances, the place and the time.

(10) *Those who make noise often take shelter behind Article 19(1)(a) pleading freedom of speech and right to expression. Undoubtedly, the freedom of speech and right to expression are fundamental rights but the rights are not absolute. Nobody can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge into aural aggression. If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious levels then the person speaking is violating the right of others to a peaceful, comfortable and pollution-free life guaranteed by Article 21. Article 19(1)A cannot be pressed into service for defeating the fundamental right guaranteed by Article 21. We need not further dwell on this aspect. Two decisions in this regard delivered by High Courts have been brought to our notice wherein the right to live in an atmosphere free from noise pollution has been upheld as the one guaranteed by Article 21 of the Constitution. These decisions are Free Legal Aid Cell Shri Sujan Chand Aggarwal alias Bhagatji v. Govt. of NCT of Delhi and others, AIR (2001) Delhi 455 (D.B.) and P.A. Jacob v. Superintendent of Police, Kottayam, AIR 1993 Kerala 1. We have carefully gone through the reasoning adopted in the two decisions and the principle of law laid down therein, in particular, the exposition of Article 21 of the Constitution. We find ourselves in entire agreement therewith.*

(86) *A noise disturbance, as defined by the ordinance, is any sound that is unpleasant, annoying, or loud; abnormal for the time or location; and prejudicial to health, comfort, property, or the conduct of business. Under the ordinance, it is unlawful to create a noise disturbance anywhere during "quiet hours," including multi-family buildings and townhouses. The "nuisance provision" prohibits some noise disturbances anywhere at any time."*

Thus, the Court held that right to life enshrined in Article 21 is not of mere survival or existence but it guarantees a right of persons to life with human dignity. The Supreme Court also noted that while there is a right to speech, there exist right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or minds of others.

6. The Supreme Court in yet another case viz. **Forum, Prevention**

of Env'n. and Sound Pollution Vs. Union of India & Ors. [2005 AIR SCW 5890] while dealing with the limited power of exemption from the operation of Rules of 2000, held in paragraph no. 9 as under :-

“(9) Looking at the diversity of cultures and religions in India, we think that a limited power of exemption from the operation of the Noise Rules granted by the Central Government in exercise of its statutory power cannot be held to be unreasonable. The power to grant exemption is conferred on the State Government. It cannot be further delegated. The power shall be exercised by reference to the State as a unit and not by reference to districts, so as to specify different dates for different districts. It can be reasonably expected that the State Government would exercise the power with due care and caution and in public interest. However, we make it clear that the scope of the exemption cannot be widened either by increasing the number of days or by increasing the duration beyond two hours. If that is attempted to be done, then the said sub-rule (3) conferring power to grant exemption may be liable to be struck down as violative of Articles 14 and 21 of the Constitution. We also make it clear that the State Government should generally specify in advance, the number and particulars of the days on which such exemption will be operative. Such specification would exclude arbitrariness in the exercise of power. The exemption, when granted, shall not apply to silence zone areas. This is only as a clarification as, this even otherwise, is the position of law.”

Thus the Supreme Court, while acknowledging that there are limited powers of exemption from the operation of the Rules of 2000, also cautioned that the power to grant exemption so conferred on the State Government cannot be further delegated and shall be exercised by reference to the State as a unit and not by reference to districts. The Court further clarified that the scope of exemption cannot be widened either by increasing the number of days or by increasing the duration beyond two hours.

7. The provisions of the Rules of 2000 and various pronouncements on this point including the judgment of this Court at Principal Bench cited by the petitioner in *Criminal Writ Petition No. 4729/2021 (Jaago Nehru Nagar Residents Welfare Association and anr. Vs. The Commissioner of Police,*

Mumbai and ors.) has significance in context with the consequences of noise pollution. It is a serious threat to public health and welfare. It causes “fight to flight” syndrome, releasing cortisol and other harmful chemicals into the flood stream. Over time, these chemicals built up in the body, leading to a host of health problems, including cardiovascular disease, aggression, chronic fatigue, headaches, high blood pressure, mental illness and anxiety. Noise pollution caused in between levels of 80 to 110 decibels (dB) can cause hearing damage. Noise pollution above 120 dB can exceed human pain threshold and noise pollution in between 140 to 160 dB can cause ear drum rupture.

8. In this context, we would like to highlight certain issues which are existing in Civil Lines area of Nagpur. There are various clubs and marriage halls. Certain portion of the clubs is given for various programs, most of which are for marriage ceremonies. The celebration is obvious. The system/means deployed for celebration is, however, violating the provisions of the Act of 1986 and the Rules of 2000. Not only that the system/means deployed have output far beyond the permissible decibel volume, but are continued beyond 10.00 p.m. Along with these means, celebrations are held by bursting crackers that too at midnight. Further, the space/lawn is given without proper arrangement of parking vehicles and, therefore, the vehicles are parked on public road causing unnecessary traffic hazard to the residents of the vicinity and the passers by. To name few such venues, are C.P. Club, Srushti Lawn, Ladies Club, Officers Club, Rani Kothi, Vasantrao Deshpande Sabhagruh, Jawahar Vastigruha/Sabhagruh etc. In our view, while permitting various celebrations, these venues should take responsibility of ensuring adherence to the provisions of the Act of 1986 and the Rules of 2000. The competent authority should also examine whether change of user of land by these venues is sanctioned under the relevant provisions of law and if yes, how is it sanctioned without making provisions for parking space.

9. Another set of entities is Durga Mata Mandir, Shiv Hanuman Mandir, temples in Telangkhedi vicinity, Chiranshah Baba Dargha, Hazrat

Shah Baba Dargha, Beriwala Baba Dargha etc. In these religious places, various activities such as *bhajans*, *ajans* etc. are performed on loudspeakers and in complete violation of the provisions of the Act of 1986 and the Rules of 2000. Then comes WCL Ground, where sports activities are organized using loudspeakers. The Gondwana Club, on Holidays, use speakers to play housie beyond 10.00 p.m.

10. Civil Lines area is also hub for bikes and motor vehicles with bursting sound of silencers. There are various other challenges as well but in context with above, if the article published in Sakal Newspaper on 27-11-2025 is to be believed, Nagpur City is amongst sixth most sound polluted city out of ten identified in the State of Maharashtra.

11. Learned Additional Public Prosecutor (APP) submits that the State Government has, by taking cognizance of the judgment passed by the Division Bench of this Court in the case referred to above i.e. Criminal Writ Petition No. 4729/2021, issued an order dated 21-7-2025 for taking various measures to control sound pollution.

12. We have gone through the same to find that a mechanism is provided to take action once complaint is received by the police. We however, do not find any reason why should not police and the other responsible authorities take *suo moto* cognizance of sound pollution, considering powers under Rule 8 of the Rules of 2000 read with Section 15 of the Act of 1986. More so, when they have network in place. Almost in the entire city, police undertakes patrolling. In such circumstances, police should take cognizance of sound pollution particularly beyond period from 10.00 p.m. up to 6.00 a.m. and also where there is high density fire crackers celebration late in the night or where the bikers/motorists are driving in a rash and negligent manner with bursting silencers. Especially, when this is happening in the area where there is residence of Commissioner of Police, Nagpur and Deputy Commissioner of Police, Zone – VI within whose jurisdiction the above venues are located.

13. We are informed that the status existing in Civil Lines area is existing in entire Nagpur City. All this is happening only because there is no proper implementation of the provisions of the Act of 1986 and the Rules of 2000. Unless effective mechanism is evolved for implementation of the Rules of 2000 and directions given by various Courts, the order dated 21-7-2025 issued by the State Government will stand as an eye wash. We have, in the above petition, on previous date through our order dated 13-11-2025, suggested respondent no. 1 – State Government to consider to introduce a condition that loudspeakers or public-address system should not be installed at a height exceeding 15 feet, unless prior written approval is obtained from the competent authority for installation beyond that height. No steps are taken till date.

14. In fact the directions given by the Supreme Court as back as in the year 2005 in the case of **Noise Pollution (V), IN RE (Lahoti, C.J.) [(2005) 5 SCC 733]** are still awaiting implementation. The directions issued read as under :-

“XII. Directions

It is hereby directed as under:-

(i) Firecrackers

174. 1. On a comparison of the two systems, i.e. the present system of evaluating firecrackers on the basis of noise levels, and the other where the firecrackers shall be evaluated on the basis of chemical composition, we feel that the latter method is more practical and workable in Indian circumstances. It shall be followed unless and until replaced by a better system.

2. The Department of Explosives (DOE) shall undertake necessary research activity for the purpose and come out with the chemical formulae for each type or category or class of firecrackers. The DOE shall specify the proportion/composition as well as the maximum permissible weight of every chemical used in manufacturing firecrackers.

3. The Department of Explosives may divide the firecrackers

into two categories- (i) Sound emitting firecrackers, and (ii) Colour/light emitting firecrackers.

4. *There shall be a complete ban on bursting sound emitting firecrackers between 10 pm and 6 am. It is not necessary to impose restrictions as to time on bursting of colour/light emitting firecrackers.*

5. *Every manufacturer shall on the box of each firecracker mention details of its chemical contents and that it satisfies the requirement as laid down by DOE. In case of a failure on the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable.*

6. *Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions: (i) The manufacturer should be permitted to do so only when he has an export order with him and not otherwise; (ii) The noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order; (iii) These firecrackers should have a different colour packing, from those intended to be sold in India; (iv) They must carry a declaration printed thereon something like 'not for sale in India' or 'only for export to country AB' and so on.*

(ii) Loudspeakers

175. 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.*

(iii) Vehicular Noise

176. *No horn should be allowed to be used at night (between 10*

p.m. and 6 a.m.) in residential areas except in exceptional circumstances.

(iv) Awareness

177. 1. *There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the text-books which teach civic sense to the children and youth at the initial/early level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civic administration should be trained to understand the various methods to curb the problem and also the laws on the subject.*

2. *The State must play an active role in this process. Residents Welfare Associations, Service Clubs and Societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.*

3. *Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out. The above said guidelines are issued in exercise of power conferred on this Court under Articles 141 and 142 of the Constitution. These would remain in force until modified by this Court or superseded by an appropriate legislation.*

(v) Generally

178. 1. *The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.*

2. *Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air quality standards in respect of noise for different areas/zones, categorization of the areas for the purpose of implementation of noise standards, authorizing the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.”*

15. These directions remain on paper. We hope, the State Government will be sensitive to the issue involved which affects public

health and will come up with effective solution. One of the best ways of implementation of rules or orders is to provide the consequence of failure to implement rules or orders. The State Government may consider to issue fresh order with consequence of failure to implement the order.

16. We accordingly take *suo moto* cognizance of the noise pollution that is recurring in the Nagpur City and direct Registry to register it as *Suo Moto* Public Interest Litigation.

17. The article dated 27-11-2025 published in Sakal Newspaper is annexed with this order as Annexure – 1, the copy of order dated 21-7-2025 issued by the Government of Maharashtra is annexed as Annexure - 2. The Registry shall place the *suo moto* public interest litigation before appropriate Bench for further consideration.

(Raj D. Wakode, J.)

(Anil L. Pansare, J.)

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