

Landmark Judgement

**Case Study: K.K.R. Majestic Colony Welfare Association
v. Church of God (Full Gospel) in India (2000) | Noise
Pollution Case**

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CHURCH OF GOD (FULL GOSPEL) INDIA VS K.K.R. MAJESTIC COLONY WELFARE ASSOCIATION (2000)

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The Supreme Court's ruling in "Case Analysis: Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association" emphasizes the significance of a person's right to a calm and peaceful environment and emphasizes that religious activities should be conducted in a way that respects this right without causing any disturbance.

Case Title: Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association

Court: Supreme Court of India

Citation: (2000) 7 SCC 282

Bench: Justice M.B. Shah and Justice S.N. Phukan

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Judgment: 30th August, 2000

Overview

The case addresses the significant problem of noise pollution, particularly as it relates to religious activity. Is it appropriate to disturb the peace and quiet of the surroundings with speakers and audio amplifiers? Without a doubt, no religion teaches or condones the idea that prayers should be offered with the intention of upsetting other people's tranquility by using drums or voice amplifiers. A socialized society cannot, for religious reasons, accept activities that frighten the weak or elderly, students or youngsters sleeping early in the morning or during the day, or people exercising in various ways. It is important to remember that young children in the area also have the right to fully utilize their collective right to a quiet place to sleep. When an understudy is getting ready for his evaluation, he can focus on his research without being distracted by his surroundings. Essentially, elderly and sick people have the right to a reasonable amount of quiet during their leisure time without being disturbed by loud noises.

Facts

1. Pentecostal Christians, a subset of Christianity, used the Church of God (Full gospel) in India, commonly referred to as the "Church," as a place of prayer.
2. It recited prayers using guitars, drums, and other like musical instruments.
3. They also recited their prayers over the loudspeakers.
4. The monastery was located near Madhavram High Road in Chennai's K.K.R. Nagar neighborhood.
5. One local charity group was the K.K.R. Majestic Colony charity Association.
6. This nonprofit organization filed a complaint with the Tamil Nadu Pollution Control Board, alleging that the church's noise pollution was disturbing the neighborhood.
7. A complaint was received by the Superintendent of Police and the Officer in Charge of Police.
8. The board's Acting Chief Environmental Engineer tested the ambient sound levels in the domain in response to the complaint.
9. The test results showed that traffic was the source of the noise pollution on Madhavram High Roads.
10. The welfare association then asked the High Court for a criminal order compelling the

Officer in Charge of Police and the Superintendent of Police to take the necessary measures.

11. In addition to one of its earlier decisions (Appa Rao, M.S. v. Govt. Of TN & anr.), which established guidelines for reducing noise pollution, the Court also took into account other scientific publications. (Among other things, these regulations included limitations on the use of the loudspeakers.

12. The High Court ruled that the charity society's requests were reasonable. The Jt. Chief Environmental Engineer's assessment merely noted that the Church was not the sole source of vehicle noise pollution, but rather a contributing factor to the already-existing irritation.

13. The Court mandated that the SP and the Inspector take the necessary steps to prevent noise pollution, including lowering the level of the institution speakers and prosecuting breaches against vehicles that produced noise.

Crucial Clauses:

The Indian Constitution's Article 25

Everyone has an equal right to freedom of conscience and the freedom to publicly proclaim, practice, and propagate religion, subject to the provisions of this Part, public order, morality, and health.

Nothing in this article will prevent the State from enacting laws governing or restricting any financial, political, commercial, or secular activity that may be related to religious practice, nor will it interfere with the operation of any existing laws.

Problem Raised:

Is it feasible for a particular group or sect to claim the right to raise noise pollution on the basis of religious convictions in a country with a wide variety of religions and groups?

Would it be permissible to break the peace or tranquility of the neighborhood by banging drums or reciting prayers using microphones and amplifiers?

if the freedom to practice and proclaim Christianity as granted by Articles 25 and 26 of the Constitution has been violated.

Whether the relevant governmental entities have the authority to restrict religious devotion based on the HC's cited ruling.

Arguments on Both Sides:

The petitioner

The two SPCB research papers attribute the noise pollution in the area to vehicle activity.

According to *M.S. Appa Rao v. State of Tamil Nadu and Others*, authorities have no authority to interfere with a community's religious practices. The fundamental rights to freedom of conscience, freedom of occupation, freedom of religious practice and promotion, and freedom to manage religious matters are all violated, as stated in Articles 25 and 26 of the Indian Constitution.

The respondent

The appellant deliberately added religious connotations to the cause of the case. The High Court's ruling is limited to reducing noise pollution in that specific area. According to Article 19(1)(a) of the Indian Constitution, a High Court may order the protection of each citizen's fundamental rights. In the area of references, *Om Birangana Religious Society v. State and Others* is helpful.

Evaluation

The Court concluded that in an organized society, there are no unalienable rights. One's rights must be exercised in tandem with those of others. The state must step in to resolve competing interests when an open exchange of social forces is unable to produce a voluntary concord. A specific basic right would not be feasible in a vacuum inside a sealed container, the Court further decided.

It is possible for an individual's fundamental right to coexist peacefully with the exercise of another fundamental right by others, as well as with the State's legitimate and fair use of power within the framework of the Directive Principles and for the good of society at large.

The learned Judge instructed the authorities to simply follow the guidelines set forth in the Appa Rao case, which was decided by the Division Bench of the same High Court based on the Madras City Police Act of 1888 and the Madras Towns Nuisance Act of 1889, so the applicant's arguments were rejected. Additionally, it conforms with the Noise Pollution (Regulation and Control) Rules, 2000 and Rule 5 of **the Environment (Protection) Rules, 1986**, which were established by the Central Government under the **Environment (Protection) Act, 1986. Rule 3**, Regulation and Control of Noise Pollution, 2000.

Additionally, it should be mentioned that in certain parts of a city or town, pollution may be beyond the vast allowable ranges specified in the guidelines due to growing urbanization and industrial activity. This does not, however, excuse others from continuously raising pollution

levels by using speaker systems, voice boosters, drums, or other comparable musical instruments.

Therefore, in addition to the rules for the use of loudspeakers and voice amplifiers specified in the Madras Town Nuisance Act, 1889, and the Pollution (Regulation and Control) Rules, 2000, regulations imposing acceptable restrictions have to be put into place. Even if the principles were obvious, neither the voters nor the Execution Authorities are aware of them or their need to uphold them consistently. For whatever reason, the identical regulations or the guiding principles mentioned in multiple State Police Acts don't seem to be followed, despite the fact that there are numerous noise-polluting enterprises. As a result, the court's order to impose restrictions is reasonable.

Effects

Although the judicial concordance has been remarkable and praiseworthy, the real situation remains unchanged. It's time for people to take action since only human movement can alter this.

The following steps could greatly contribute to the resolution of the religious noise pollution problem:

No police force can effectively enforce a court order or any part of the law without the support of the general people. If people feel that it is against them, they take to the streets. The degree to which the ideals of any legislative or political mandate are widely accepted determines how effective it is.

Court rulings must be obeyed, and multiple meetings with organizations, Ganpati mandaps, and other governmental religious groups should be set up to determine their results.

A non-publicly traded sound system's peripheral noise level cannot be more than 5 dB (A) higher than the area's average air quality level when it is used near a private property.

Loudspeakers, amplifiers, and other devices that are proven to be producing noise levels beyond acceptable thresholds may be seized and confiscated by the state government.

The States must provide for the seizure and confiscation of loudspeaker systems, amplifiers, and any other equipment that is demonstrated to be making noise levels higher than those that are allowed.

NGOs can also make a big difference by helping states and spreading awareness.

Public knowledge of the harmful effects of noise pollution must be increased. The State must actively participate in this process. Prior to festivals, events, and ceremonies when fireworks

are anticipated to be used, particular public education campaigns must be carried out.

Conclusion

In this case, the court decided that the freedom of speech and expression cannot take precedence over the right to life. Noise pollution laws must be adequately applied since extended exposure to noise will harm both human health and the environment.

No religion mandates or advocates using voice amplifiers or drumming during prayers. The Supreme Court highlighted:

The High Court's directives cannot be deemed to be unlawful or incorrect in any way.

The preservation of human health and the environment was made possible by the rulings of the highest court.