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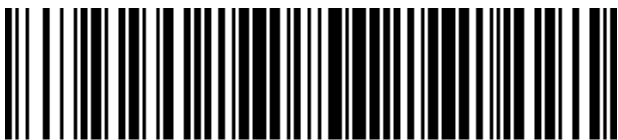
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Case Study: Church of God

Anupriya Gond

INTRODUCTION

PETITIONER:

CHURCH OF GOD (FULL GOSPEL) IN INDIA

Vs.

RESPONDENT:

K.K.R. MAJESTIC COLONY WELFARE ASSOCIATION AND OTHERS

DATE OF JUDGMENT: 30/08/2000

BENCH:

M B Shah, J. & S.N. Phukan, J.

FACTS

- Church of God in India was a prayer hall for the Pentecostal Christians . The church was located in K. K. R Nagar, Madhavram High Road, Chennai. This locality had a welfare association called K. K.R Majestic Colony Welfare Association.
- It recited prayers using drums, and guitar and other such musical instrument, it also used loudspeakers for the recital of their prayers.
- This welfare association made a complaint to the Tamil Nadu pollution control board stating that the church was causing noise pollution and was thereby creating nuisance for the residents.
- Complaint was also made to the superintendent of police along with the inspector of police. Based on the complaint the joint chief environmental engineer of the board conducted a test of the ambient noise levels in area.
- The test revealed that the noise pollution was due to the vehicular movement on Madhavram High Road.
- The welfare association the filed a criminal petition in the High Court , seeking an order to direct the superintendent of police and then Inspector of police to take action in this regard.
- it has been stated by the applicant that the aforesaid complaint has been presented with an ill will. the complainant wants to stop a religious minority institute from pursuing its religious activities. Actually noise pollution is due to the playing of vehicles and not due to the use of loudspeakers etc. The matter was referred to the High court of Chennai.
- The High Court held that the welfare association was justified in its demands. The report of the Jt. Chief Environmental Engineer suggest noting more than the fact the Church was not

solely responsible for the noise pollution, but that it added to the existent nuisance of vehicular noise pollution.

- The court directed the SP as well as the inspector to take the necessary step to cut down on noise pollution by taking action against vehicles that caused noise and to keep the speakers of the church at a lower level.
- Impugned by this order the Church moved to the supreme court .

ISSUES

- Whether the right to profess and practice Christianity which is protected under Art.25 and Art.26 of the Constitution is violated by the orders of the HC?
- Whether the judgement relied upon by the HC empowered the concerned authorities to interfere in religious practices?

COURT RESPONSE IN ISSUE

Under article 25 and 26 it says that no religion prescribe or preaches that prayers are required to be performed through voice amplifiers or by the beating of drums. In any case if there is such practice it should not adversely affect the right of others.

The court judgement relied upon by the High Court empowered the concerned authorities to take action based on guidelines laid down.

JUDGEMENT

In the interest of people, rules prescribing reasonable restrictions including the rules for the use of loudspeakers and voice amplifiers framed under (the Madras Town Nuisance Act. 1889 and also the Noise Pollution (Regulation and Control) Rules, 2000 are required to be enforced. In the present case,

- Leave Granted
- In a country having multiple religions and numerous communities or sects, whether a particular community or sects of that community can claim right to add to noise pollution on the ground of religion?
- Whether beatings of drums or reciting of prayers by use of microphones and loudspeakers so as to disturb the peace of tranquillity of neighbourhood should be permitted?

NO

In civilised society in the name of religion activities 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 there being any unnecessary disturbance by the neighbour, 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 upto 6 years of age are considered to be very sensible to noise. Their rights are also required to be honoured.

PRINCIPLES OF LAW-

Following principles have been propounded by the supreme court in this matter-

- The right to freedom of religion under articles 25 and 26 of the constitution is not absolute. It is subject to the provision of article 19 clause 1 sub-clause a.
- The use of drums, amplifiers loudspeakers, etc at a religious place is to be done in a manner so that the peace of others may not be disturbed.
- The wide and broad standard for Air in respect of noise laid down in noise pollution (Regulation and Control) Rules, 2000 are to comply necessary.

CONCLUSION

In this case Court has stated that right to freedom of speech and expression cannot override right to life. Proper implementation of noise pollution laws is of utmost importance because of the fact that expose to noise for a long time shall have detrimental effect to human health and the environment. Under article 25 and 26 it says that no religion prescribe or preaches that prayes are required to be performed through voice amplifiers or by the beating of drums. The court judgement relied upon by the High Court empowerd the concerned authorities to take action based on guidelines laid down.