

Laser Lights, Noisy Nights: Balancing Pleasure & Fright



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Introduction[1]:

Festivals are an integral part of cultural and social life in India and are always celebrated with great enthusiasm and spirit. However, the use of laser lights and loudspeakers during festivals has become a contentious issue from environment and health perspective. While these technologies can add excitement and entertainment to the festivities, they can also result in noise pollution, environmental concerns, and safety hazards that raise legal and regulatory challenges.

This year few people who attended immersion processions during Ganpati festival, specifically in the city, later faced issues related to hearing and eyesight due to heavy DJ sound music and high frequency lasers, respectively[2].

Now Navratri festival has begun, which spans nine nights and is celebrated with great enthusiasm and devotion in various parts of India. It typically involves a lot of music, dance, and cultural celebrations due to which again major environmental issues like noise pollution and health concerns are popping up.

Usage of Sound Producing Instruments in Festivals:

Every citizen of India has right to live in a decent environment and they have a right to live, right to sleep peacefully at night and right to leisure under the provisions of Article 21 of the Indian Constitution.[3]

To protect this right, we have Rule 5 of the Noise Pollution (Regulation and Control) Rules, 2000 ("Noise Pollution Rules") that restricts the use of loudspeakers, public address systems and sound producing instruments without obtaining written permission from the appropriate authority[4].

The Rule categorically states that, a loudspeaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at nighttime (between 10.00 p.m. to 6.00 a.m.) except in closed premises for communication within e.g. auditorium, conference rooms, community halls and banquet halls.

It should be noted that the State Government has the power to grant permission to use loudspeaker or public address system or any sound producing instrument subject to such terms and conditions as are necessary to reduce noise pollution, on or during any cultural or religious festive occasion during night hours (between 10.00 p.m. to 12.00 midnight) for limited duration not exceeding fifteen (15) days in one (1) calendar year.

In case any such type of exemption is granted by any state government authority, then such concerned authority is under obligation to specify the same in advance.

[1] The article reflects the general work of the author and the views expressed are personal. No reader should act on any statement contained herein without seeking detailed professional advice.

[2] [PIL to be lodged against use of DJ sound, laser lights during festivals - Hindustan Times](#)

[3] Free Legal Aid Cell Shri Sujan ... vs Govt. Of Nct Of Delhi And Others on 23 July, 2001: Equivalent citations: AIR 2001 Delhi 455, 93 (2001) DLT 28, 2001 (60) DRJ 297

[4] "authority" means and includes any authority or officer authorised by the Central Government or State Government and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force.

It should be remembered that this is not just a paper rule, but there is a valuable right granted to all citizens and an aggrieved person can file a complaint before the concerned Authority under Rule 7, if:

1. the decibel level of loud speakers or public address systems or any other noise source is being used, exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower; or
2. The peripheral noise level of a privately owned sound system or a sound producing instrument, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used.

AMBIENT AIR QUALITY STANDARDS IN RESPECT OF NOISE

Area Code	Category of Area/Zone	Limits in dB(A) Leq	
		Day Time (6.00 a.m. to 10.00 p.m)	Night Time 10.00 p.m. to 6.00 a.m.
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Usage of Laser Light in Festivals:

Laser lights are often used to create captivating visual displays during festivals. However, when used irresponsibly or without regard for safety regulations, they can pose significant risks. As per expert's opinion, "Anyone who focuses on a laser of 5 MW for even ten seconds can suffer from retinal haemorrhage." [5]

With respect to usage of laser lights there is no specific law in India exclusively governing laser devices, but one must remember that that general Indian laws like Indian Penal Code, Consumer Protection Act are likely to become applicable if public safety is at risk or any injury is caused to any person.

Legal Remedies:

In grave situations, citizens can raise their voices by filing complaint with the concerned Authority or approach the Courts to seek legal remedies by way of filing Public Interest Litigation (PIL).

The landmark judgement delivered by the Supreme Court case 'In Re: Noise Pollution (Suo Motu) [6] always serves as a guiding light on this issue of noise pollution. The Supreme court in its landmark judgement dated July 18, 2005 analyzed the impact of noise in great detail and had passed extensive directions on use of loudspeakers and horns not only at public places but also noise produced in private residences.

[5] <https://indianexpress.com/article/cities/pune/eye-experts-raise-concern-over-harmful-effects-of-laser-lights-used-during-festivals-8967999/>

[6] In Re: Noise Pollution - Implementation of the Laws for restricting use of loudspeakers and high volume producing sound systems (18.07.2005 - SC) : MANU/SC/0415/2005

Another recent important judgement was passed by the Nagpur Bench of the Bombay High Court in Mr. Pawan Shamsundar Sarada and Ors. V/s State of Maharashtra and others[7] wherein a resident association and the organizers were at loggerheads. The Court posed a question to itself: ...” a question would arise – Whether one pointed worship and devotion to the presiding deity of ‘Navratra Festival’ is possible if the celebration is noisy or is done in a manner as to cause annoyance and disturbance to others?” The Court emphasized that the venue of dandiya was a Silence Zone and parties had already arrived at a Memorandum of Understanding to resolve this issue. Thus, rejecting the stand adopted by the organizers, the Hon’ble Court held that Dandiya and Garba performances are the intrinsic part of a religious celebration and can be performed in purely traditional and religious way, which do not contemplate use of modern gadgets like, music system, loudspeakers, DJ sound etc.

Balancing Tradition and Legal Compliance:

Although there are various legal provisions and judgements, practically it is very difficult for the concerned authorities to always implement these provisions. It is often seen that the authorities don’t have the required technical infrastructure such as appropriate gadgets, equipment and labs for measuring the sound/noise levels. Secondly, they must deal with the social, religious and political stakeholders as well. Thus, more often than not implementation of legal requirements may be manipulated by organizers.

To avoid such situation, society as a whole, needs to come together to handle this menace. Along with the legal remedies available, it is equally important to spread awareness in general public regarding compliance of laws related to noise pollution and regarding harms caused by usage of laser equipment while celebrating cultural and social events.

Conclusion:

Laser lights and loudspeakers have the power to enhance the festival experience, but they must be used responsibly and in compliance with relevant laws and regulations. Festival organizers, participants, and regulatory bodies should collaborate to ensure that the zeal of festival celebrations is not spoiled by legal disputes and environmental damage. Authorities also need to create clear regulations that consider the cultural importance of festivals while ensuring that safety and environmental concerns are addressed.

[7]Mr. Pawan Shamsundar Sarada and Ors. V/s State of Maharashtra and others (Writ Petition No.5935 OF 2022)

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