I®'eface

In this era of globalization often the question arises that what is common future or better future the people want. The aim of mentioning about this question is not to quest for the answer of this as several answers are bound to come on the basis of the divergent views of the people. The question is raised here to give salute to the view of the former Canadian Prime Minister Pierre Trudeau who answered for just noiseless society. The pollution caused by the noise is a growing problem and pose a danger to the life of the people of whole world. It is an established fact now that noise has the worse potentiality to work like a slow agent of suicide.

Exposure to high noise is a known risk and it is proved to cause not only the bio-chemical changes in human beings but also affects animals, other living creatures and non living things. Exposure to sufficiently intense noise for a long enough perception causes vasoconstriction with a consequent increase in blood pressure which leads to turn to smooth muscle hypertrophy, narrow lumen in small vessels and increased resistance in blood flow and the consequence of it is the blood pressure, sleep disturbance, annoyance, interferes into communication, hampers the ability of work, causes contraction of the flex muscles of the limbs and of the spine, works as a catalyst to increase in adenocorti-cortopic hormone (ACTH) affecting sympathetic division of the autonomic nervous system etc. High exposure of noise even may responsible for coursing peptic ulcer and for giving birth to the psychiatric problems. High intensity of noise even may lay birth to the problem of miscarriage, nystagmus, vertigo etc. So really now a day the problem of noise pollution is not confined within any national border.

The problem of noise pollution reaches on its alarming stage in India and especially acute in a metropolitan city like 'Kolkata'. This research when in one aspect, makes a detail study as to the various sources of noise pollution and the harmful effect of it by specifically quoting the views of the experts, researchers,
medical practitioners, by carrying on survey and suggests for the scientific control mechanism, in another aspect makes a thorough study about the relevant legislations both as well as the Centre and of States of India to control noise pollution. The main focus of this research work is to discuss at length about the legal framework of India as to the problem of noise pollution. To do this task a greater emphasis has been given on the discussion of the various international covenants, treaties, summit etc; through which the international concern about the problem reflects, the role of specialised agencies of the United Nations, the study of the legislations of United States of America, United Kingdom, European Union, Japan, some OECD countries etc. and there after a comparative analysis of the noise laws of these countries with India has been made in order to hold out a model legislation on noise control in India. We have no Central Legislation on noise pollution and needless to mention that the wrong policy of the Union as well as the State Governments activated the degradation of environment caused by noise.

The inactive attitude of the law makers and policy makers regarding the problem of noise pollution, specially when it has posed a serious challenge to human survival all over the country, compelled to conduct this research work by lurking into the legal framework of some developed and developing countries.

In order to innovate this socio-legal study sufficient importance has been given on the positive outlook of our superior judiciary regarding noise pollution by making the discussion of the various case decisions. A comprehensive legislation about which this research paper advocated has given a sacrosanct place in it to the kind view of the superior judiciary. The model legislation and the model policy as to control noise pollution, which is the outcome of this research work also has given due importance to the view of the people, which is obtained by empirical study on 'Greater Kolkata', as we the people are the victim of the noise pollution.
and on the principle a law or the policy should be formulated for the cause and well being of the people, not the vice — versa. This research work suggests for that type of legal control which is best suited to the Indian Culture. A very realistic approach has been taken at the time of conducting this research and naturally opposes the practice of making captive listeners in the name of freedom of speech and expression guaranteed under Art. 19 (1) (a) or the right to religion guaranteed under Art. 25 to 28 of the Indian Constitution. Civil liberty implies the existence of an organised society maintaining law and order, without which liberty would be lost. Professions of rights, distanced from realities of life, would make liberties unreal. Art 21 of the Indian Constitution guarantees freedom from tormenting sound, freedom from aural aggression and right to be let alone in order to lead life and personal liberty properly. It is the need of the hour to enact legislation, immediately to give effect to this scientific and realistic interpretation of Art. 21 of the Indian Constitution in order to give justice to the people in the field of social, economic and political and about which this research paper strongly persuades for.

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