

BALANCING RELIGIOUS FREEDOM AND ENVIRONMENTAL PROTECTION: A LEGAL ANALYSIS OF NOISE POLLUTION FROM PLACES OF WORSHIP IN NIGERIA

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Abstract

This paper extensively examined noise pollution from places of worship: A legal analysis of Nigerian laws and regulations. The paper adopted the doctrinal review method to achieve this aim. Different religious bodies, that is, Christian, Muslim, Traditional worshippers are contributing directly and indirectly to environmental pollution through their activities at their worship centres without putting in mind and giving a hoot about how their neighbours feel around them. Generally statutory and policy provisions regulating noise pollution in Nigeria have lofty aims and are quite salutary, there is however the need for proper implementation. The threat posed by noise pollution to human health and the environment has not received the attention it needs. It is also necessary for the government to revise and restructure environmental legislations. The public in general, as well as the enforcement of the Statutory Acts on noise pollution, require this reform. In conclusion, the paper recommends the need for the effective implementation of the laws regulating noise pollution in Nigeria and advocates for the strict adherence to the enforcement of these laws and punishments rather than shutting down the religious worship centres which seem not enough to curb the menace.

Keywords: Noise Pollution, Environmental Pollution, Worship Centres, Religion, Laws, Regulations.

INTRODUCTION

1.1 Background to the Study

The right to freedom of thought, conscience and religion, commonly known as the right to freedom of religion or belief (FoRB) is a human right. It endows all individuals with the right to have, adopt, change or leave a religion or belief; to manifest and practice this religion or belief, alone or in community with others; and to be free from coercion and discrimination on the grounds of their religion or belief. It also protects the right not to have or practice a religion or belief. And it protects the right of parents to raise their children in conformity with their own beliefs. The right to have, adopt, change or leave a religion or belief can never be limited or restricted. The right to manifest and practice a religion or belief, however, can be limited in certain circumstances, most importantly when religious or belief manifestations or practices violate the rights and freedoms of others.¹

Worship, which involves unencumbered sounds or melodious tunes, is an integral part of manifesting a religious belief, particularly for those of the Christian faith. It should be noted that changes around the world, have caused acceptable norms and practices to be relegated, restricted or outrightly removed to reflect the modern day desire for solitude. Part of such changes is the modern desire for privacy, solitary life, and a move away from religion. This shift inevitably influenced the restriction imposed on sounds, considered to be unacceptable or above the level deemed appropriate,

¹ MJ Petersen & K Marshal, *The International Promotion of Freedom of Religion or Belief: Sketching the Contours of a Common Framework*, (Denmark: Danish Institute for Human Rights, 2019), 77

known as noise.² According to Yeates, noise pollution is defined as excessive noise that disrupts the natural biorhythms of daily living. Environmental pollution (caused by noise) is a type of pollution that poses a health and safety risk to human.³ Hence, any sound that causes discomfort, inconvenience to a person and affects his wellbeing is regarded as noise.⁴

Meanwhile, religion is considered to be a significant part of human civilization.⁵ Nigeria is a multi-religious society and as such, many people believe in one or another religion. Different religious bodies, that is, Christian, Muslim and Traditional worshippers are contributing directly and indirectly to environmental pollution through their activities at their worship centres without putting in mind and giving a hoot about how their neighbours feel around them.⁶ They believe that since it is religion, they are above the law and when they are being reported to law enforcement agencies, they believe that they are being persecuted.⁷

The increase in numbers of religious houses is borne out of the understanding that in Nigeria freedom of religion is entrenched in Section 38 of the Constitution of the Federal Republic of Nigeria 1999 and other Human Rights Instruments. Central to the exercise of this right to freedom of religion is the question of environmental effects, which the resultant noise pollution has on the people who reside in those environs. In addition, the regulation of noise in Nigeria is constitutionally provided for under section 20 where the government is encouraged to ensure the protection of the environment. There are regulations at the Federal level and in some states of the federation to manage noise pollutions. However, there is no single comprehensive law on the subject. At best, there are scattered regulations on the control of noise pollution by some agencies of government.

Despite the efforts of the government to regulate noise pollution from places of worship, noise continues to increase in magnitude and intensity commensurate with the use of equipment. The various guidelines were observed more in the breach and coupled with the inefficiency of the statutory body for enforcing and implementing the regulatory laws, not much has been achieved in terms of managing noise pollution from places of worship. Meanwhile, according to many studies in Nigeria, the noise levels from places of worship in major cities in Nigeria are well above the permissible limits.⁸

For instance, indiscriminate widespread usage of loudspeakers, amplifiers, and microphone from places of worship has caused several health hazards to the health of man.⁹ Therefore, there is need to proffer legal measures to improve the situation. Meanwhile, the problems remain in the protection of environmental rights and the role of the Judiciary. Adopting the doctrinal review method, this paper seeks to examine noise pollution from places of worship: A legal analysis of Nigerian laws and regulations.

2. Conceptual Review

2.1 Noise pollution: Noise pollution generally indicates a form of unlawful inference with a person's use or enjoyment of his environment by other person's noisy activities, and which might be detrimental to that person. In other words, noise pollution means any loud, irritating, vexing or disturbing noise which, giving due regard to the actual and potential circumstances existing, is unreasonable and which causes distress, annoyance, discomfort or injury to, or

² G Fadairo, 'Urban centres noise pollution: Case study of Akure, Nigeria', (2013), 14(2), *British Journal of Arts and Social Sciences*, 33-34

³ Yeates W., Noise pollution in cities: 11 cities exposed to noise pollution. Available at: <https://www.krisp.ai/blog/noise-pollution-in-cities> (Accessed August 10th, 2024).

⁴ Longman Dictionary of Contemporary English (4th Ed.), (London: Pearson Education Ltd, 2005)

⁵ PJ Posas, Roles of religion and ethics in addressing climate change, (2004) 7(2), *Ethics in Science and Environmental Politics*, 31-49.

⁶ RI Adebayo, Abuse of religion and environmental pollution in Nigeria: An Islamic perspective, (2013), 21(1), *Journal of Intellectual Discourse*, 109-121.

⁷ *Ibid*

⁸ *Ibid*

⁹ *Ibid*

which interferes with the comfort and repose of any person of normal nervous sensibilities in the vicinity or hearing thereof.¹⁰

Usually, the court adopts objective test using the standards of the ordinary reasonable person.¹¹ In *Popoff v Krafczyya*,¹² The British Columbia Supreme Court approved objective test as follows:

In every case, it is not whether the individual plaintiff suffers what he regards as substantial discomfort or inconvenience, but whether the average man who resides in that locality would take the same view of the matter. The law of nuisance does not guarantee for a man higher degree of immunity from discomfort or inconvenience than that which prevails generally in the locality which he lives.

Places of worship: A place of worship is a specially designed structure or space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. A building constructed or used for this purpose is sometimes called a house of worship. Temples, churches, mosques, and synagogues are main examples of structures created for worship.¹³

A legal analysis: The word "legal," connotes something connected with the law.¹⁴ Law operates in a society based on certain methods, that is, by certain processes, which must be properly understood for the law to be put to best use as an instrument of social control. The legal method can therefore be defined as an attempt to explain or analyse the technique of 'thinking like a lawyer'.¹⁵

Laws and regulations: Laws and regulation are set of rules implemented by governments to ensure compliance and protect the rights of individuals and businesses.¹⁶ The primary objectives of a regulatory framework include ensuring compliance, protecting rights, promoting fair competition, and enhancing public safety¹⁷. Ghosh and Kathuria define a regulatory framework as a system of rules and guidelines designed to ensure compliance and evaluate the broader impacts of regulations.¹⁸

3. Legal Analysis of Nigerian Laws and Regulations

Nigerian legal regime on noise pollution can be considered under two main headings, the common Law and the policy and statutes. The common law intervention is through the actionable tort of nuisance.¹⁹ Through a court action for nuisance, an aggrieved person can obtain damages for injury suffered from the offensive noise and also injunction to stop any further emission of such noise.²⁰

In *Moore vs. Nnado*.²¹ The plaintiff sued contending that the defendant was causing excessive sound emitted from his apartment by playing music unreasonably loudly until late every night. The court held that the defendant liable to the plaintiff. The court also granted the order of injunction restraining the defendant from the said act of nuisance. Meanwhile, the common law remedy through court action does not offer a comprehensive and infallible solution to

¹⁰ Noise Nuisance, available at <<https://www.lawinsider.com/dictionary/noise-nuisance>> accessed 29 December 2024.

¹¹ DU Odigie, *Law of Torts* (Ambik Press Ltd, 2008), 88

¹² 15(1990) BCJ 1935.

¹³ Robinson J, *Religions of the World*, (England: Chelsea House Publishers, 2004), 72.

¹⁴ A.S. Hornby, *Oxford Advanced Learner's Dictionary* (6th ed.) (United Kingdom: Oxford University Press, 2000), p. 740.

¹⁵ A. Holland & J.S. Webb, *Learning Legal Rules*, (London: Blackstone Press Ltd. 1991), p. 11.

¹⁶ UR Oliveira & LS Espindola, A systematic literature review on green supply chain management: Research implications and future perspectives, (2018) 187(5) *Journal of Cleaner Production*, 537-561.

¹⁷ *Ibid*

¹⁸ R Ghosh & V Kathuria, "The effect of regulatory governance on efficiency of thermal power generation in India: A stochastic frontier analysis", (2016) 89(10) *Energy Policy*, 11-24.

¹⁹ E Malemi, *The Nigerian Constitutional Law*, (Lagos: Princeton Publ. Co., 2006), 231

²⁰ *J Luxmoore in Vandepant v. Mayfair Hotel Co. Ltd* (1930) 1 Ch. 138 recognizes the inevitability of some discomfort arising from noise in that it interferes with health enjoyment of the environment.

²¹ (1967) FNLR 156

noise pollution in Nigeria as a result of some inherent socio-economic factors, such as high cost of legal fees and the frustration of forensic battles in Nigeria where the adversary system of justice system is operated.²² Hence, the relevant policies on noise pollution includes:

3.1 The National Environmental Standards and Regulations Enforcement Agency (Establishment (NESREA) Act

The National Environmental Standards and Regulation Enforcement Agency is the main body charged with the responsibility of protecting Nigeria's environment, created by the NESREA Act 2007,²³ and in line with section 20 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). NESREA is responsible for the enforcement of environmental standards, regulations, rules, laws, policies, and guidelines. The law states that²⁴:

a) The Agency shall on the commencement of this Act, and in consultation with appropriate authorities:

i) Identify major noise sources, noise criteria and noise control technology; and

ii) Make regulations on noise, emission control, abatement, as may be necessary to preserve and maintain public health and welfare.

b) The Agency shall enforce compliance with existing regulations and recommend programs to control noise originating from industrial, commercial, religious domains, domestic, sports, recreational, transportation or other similar activities

The Agency is further charged with responsibility for the protection and development of the environment, biodiversity conservation, and sustainable development of Nigeria's natural resources, as well as environmental technology.²⁵ Enforcement of compliance with policies, standards, legislation, and guidelines on environmental health and sanitation, which includes pollution abatement, is at its core functions,²⁶ which are directed primarily at the prevention of pollution and environmental degradation rather than remedying environmental harm that had already occurred.

3.2 National Policy on the Environment and Noise Pollution

The National policy on the Environment of 1988 provided that programmes will be established to:²⁷ (a) set up standards including acoustic guarantees; (b) prescribe guidelines for the control of neighbourhood noise especially with respect to construction sites, market and meeting places. (c) Prescribe permissible noise level in noise-prone industries and construction sites and to ensure the installation of noise dampers on noise equipment; (d) set up quiet zones especially within game parks, reserves and recreational centres; (e) ensure compliance with stipulated standards by conducting periodic audit checks.

3.3 National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations and Noise Pollution. The National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulation of 1991 enjoined designated industrial layouts separate from residential areas and to create buffer zones separating industrial areas from residential areas.²⁸

3.4 National Guideline and Standards for Environmental Pollution Control in Nigeria. The National Guidelines and Standards for Environmental Pollution Control in Nigeria of 1991 were meant to monitor and control industrial and urban pollution.

²² OS Oyelade, Conflict resolution and human rights in traditional African society, (2007) 4(1) *International Journal of Law*, 45.

²³ National Environmental Standards and Regulation Enforcement Agency (NESREA) Act No. 25 July 30, 2007.

²⁴ Section 22 National Environmental Standards and Regulation Enforcement Agency (Establishment) Act, 2007.

²⁵ Ibid, section 7 (e).

²⁶ Ibid, section 7 (d).

²⁷ Paragraph 3.12

²⁸ Regulation 12(1) a and b National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations of 1991

3.5 Constitution of the Federal Republic of Nigeria 1999 (CFRN 1999) as amended

The Constitution of the Federal Republic of Nigeria 1999 as amended is regarded as the fundamental and supreme law of the land.²⁹ It provides basic framework for other laws and also establishes the powers and duties of various authorities and government. In addition, Right to freedom of religion is part and parcel of the bundle of fundamental rights guaranteed in section 38 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).³⁰

However, the right provided for in the said section extends from that of religion to those of conscience and thought. The reason for this conceptual association in relation to these rights may not be far-fetched. There is a conceptual *koinonia* among the three concepts of thought, conscience and religion. Surely, one would not fail to notice a thread of *Aryana* passing through the concepts when one immediately considers the fact that they are not only intangible and ultra-personal, but also emanate from inner consciousness and disposition. As if this is not enough, they are, so to speak, divine sparks in man commanding the correlative duty of respect from other men. It is within this context that one speaks of moral freedom, intellectual freedom, and religious freedom. The subjects of these rights are not likely to forfeit any of them at the slightest attempt to infringe upon them.

3.6 International regime for the control of noise pollution

The Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration in its article 4 provides that state parties are encouraged to establish National laws or regulations that shall prescribe measures to be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration. In addition, the Occupational Safety and Health Agency (OSHA) has set the danger level of 95 decibels (dB) and above for 4 or more hours per day as likely to induce permanent hearing impairment.³¹ The WHO has proposed the time base guideline for LAeq for 16 h daytime and 8 h night time, and the environmental noise level of 70 dB (A) LAeq, 24 h for industrial, commercial, shopping and traffic areas, indoors and outdoors areas to prevent impairments.³²

4. Noise Pollution from Places of Worship

Places of worship in this context is regarded as religious worship places which is inclined to the freedom of religion. Religion plays a significant influence in many nations, including Nigeria, at both the international and local levels. The acknowledgement of religious freedom and freedom of expression as essential rights in several international documents, as well as the Nigerian Constitution, was based on this.

The 1999 Constitution provides the right to freedom of religion as one of the essential rights, as stated in Section 38.³³ The phrasing of Section 38 emphasizes the notion that religion is a personal quality of a human being, not a civic one. In other words, this section gives everyone the freedom to express themselves, whether religious or not.³⁴ An individual using this freedom of speech is expressing his or her opinions on any problem that is directly related to his or her conscience, which may include religious ideas.³⁵ The European Court of Human Rights in the case of *Kokkinakis v Greece*³⁶ established the importance of the freedom of thought, conscience and religion observed that it is one of the pillars of a democratic society under the Convention. It is, in its religious component, one of the most important aspects of a believer's identity.³⁷

In exercising this right, any person can manifest their belief especially for those of the Christian and Islamic faith, through various practices integral to such acts like building places of worship, freedom of followers to express

²⁹ Constitution of the Federal Republic of Nigeria 1999 Cap 24, LFN 2004.

³⁰ *Ibid*

³¹ K Kaur, Noise Pollution A Serious Environmental Threat to Health. Law and its Control, *Fifth International Conference on International Environmental Law, organized by the Indian Society of International Law held from 8-9 December, 2007, New Delhi, India* 939.

³² BT Birgitta, LH Dietrich, 'Guidelines for Community Noise, (USA: World Health Organization, 1999).

³³ Section 38 CFRN 1999

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ (1993) ECHR 20

³⁷ Article 9 Human Rights Act 1998

themselves through songs, making a joyful noise and praying without ceasing as required in the bible, choosing religious leaders, priests and teachers, the freedom to prepare and distribute religious texts or publications etc. In manifesting a religious belief, the freedom of peaceful assembly and association would also be deployed irrespective of the religion. The constitution also enables individuals to spread their beliefs alone or in groups, in public or in private, but it prohibits coercion or compulsion of others to join a faith by depriving them of other rights or privileges without a valid justification. These liberties are limited, as they are in all circumstances when they infringe on the rights of others or jeopardize the welfare of society or public health.³⁸ The right to freedom of religion as provided by the Constitution is a compound right that encompasses other freedoms that describe religion as involving cognitive process and a social reality that thrives in social dynamics and substantial civil presence.³⁹

Several statutes have elevated respect for freedom of religion, and one of those is Section 206 of the Criminal Code, which stipulates that “whoever is voluntarily and without trial or justification deforms a place of worship is guilty of a simple offence and liable to imprisonment for two months or a fine of ten naira”.⁴⁰ This article of legislation presumes that any person or industry that disrupts or disquiets religious devotion by noise has been subjected to a criminal penalty. Despite the multiple provisions protecting the existence of religious freedom, the criminal code indicated a willingness to limit pollution levels. Although the legislation does not explicitly mention noise pollution, it states that “any person who conducts an act, or is guilty of illegal omissions, which causes any common hurt, danger, or irritation to anyone who may have reason to exercise any public right is guilty of a public nuisance”.⁴¹ This is one of Nigeria’s earliest laws dealing with noise pollution. As a result, Section 198 of the Penal Code mandates the payment of compensation to any individual who has sustained an injury as a result of the offence, in addition to any other punishment.⁴² Despite the broad legal protection afforded to freedom of religion, it is not pejorative. It is not an absolute right that may be exercised indefinitely.

Noise pollution at religious worship centres in Nigeria has become a daily scourge that requires an immediate solution. Some individuals believe that freedom of religion should be unrestricted and that the law or government should not meddle with religious matters. Other viewpoints contend that there should be some kind of legislation governing the management of religious activities in Nigeria. This article contends that, although being included in the Nigerian Constitution, freedom of religion in Nigeria should not be allowed to flourish in violating the rights of others in the society. For instance, people living near these holy places should have their rights protected. Therefore, it is of the utmost importance to note that Section 6 (6) (b) of the Constitution extends the judiciary to “all legal issues”.⁴³ This provision is actively demonstrated in the case of *Shodeinde v Registered Trustees of the Ahmadiyya Movement in Islam*⁴⁴, where Kayode Eso JSC states that “it seems to me that questions of faith are hardly within the jurisdiction of a court of law, but once they are there, the court should deal with them without passion, but only with justice as a guide”.⁴⁵

Thus, the mode of emitting noise pollution from places of worship through their activities range from the early hour calls to prayer by the mosque, early morning evangelism by the church, vigils by the church, and Ramadan lectures among others. The early hour call to prayer is one area of the Islamic religion where noise pollution is noticeable. The call of an individual who is usually the Cleric of the mosque or a volunteer invites the faithful to prayer from the use of loudspeakers.⁴⁶ The speaker volume is usually set at a high level, which leads to excessive noise that pollutes the environment. The call to prayer broadcast over the loudspeakers is a total nuisance.⁴⁷ The scenario described above

³⁸ *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo* (2001) FWLR pt 44 pp. 542

³⁹ EB Tylor, *Comparative Religion: An Anthropological Approach* 2nd Ed. (New York: Harper & Row Publishers, 1965), 10

⁴⁰ Section 206 Criminal Code Act

⁴¹ Section 183(1) Penal Code

⁴² Section 198 Penal Code

⁴³ Section 6(6)(b) CFRN1999

⁴⁴ (1983) NSCC 523

⁴⁵ *Ibid*

⁴⁶ TU Dickson, SD Audu & SM Nwaomah, The Effect of Religious Noise on the Environment of Ilishan-Remo, Ogun State” (2016) 10(1) *Babcock Journal of Management & Social Sciences*, 9.

⁴⁷ *Ibid*

has become a worldwide concern. There are substantial complaints and protests against the usage of loudspeakers from the Islamic faithful in Germany and other parts of Europe.⁴⁸ For example, Benjamin Netanyahu, Israel's Prime Minister, has expressed support for legislation prohibiting mosques from utilizing public address systems to summon people to prayer. Although the so-called Muezzin legislation applies to all places of worship, the practice is most common in mosques. Hundreds of thousands of Israeli people are subjected to the ear-shattering noise produced by the muezzin's calls to prayer daily, yet these believers show no concern and instead attack anyone who speaks out against the ear-shattering public address systems.⁴⁹

A similar scenario has been proven in India, where calls can start as early as 4 a.m., disrupting the sleep and comfort of residents. The situation in Nigeria is similar; according to Ajayi, "the cacophony of public address systems screaming the call to prayers by Muslim clerics at 5 o'clock is a tremendous annoyance. It is so appalling to imagine that in the twenty-first century when alarm clocks and phones abound with alarm systems, someone will still take joy in blaring religious calls over the speakers every morning. Some little children require restful sleep, but what about those of different faiths? Why do locations like government reserved areas have such low levels of noise pollution or are there no churches or mosques in such areas?"⁵⁰ These public address systems are placed at the entrance of the building, thereby emitting a lot of noise, which disrupts the sleep of those who live near religious centres. Even if the time zone is restricted, it becomes a nuisance to those who live nearby when it lasts for months or years.

Morning evangelism is another type of noise pollution practiced mainly by Christians. They go about early in the morning promoting their ideology. It is believed that spreading one's ideologies does not involve yelling early in the morning, sometimes with bells in their hands and waking up the entire town, but rather should be founded on interpersonal relationships. As provided by the Constitution, a person's freedom to disseminate his beliefs is protected to the degree that it does not infringe on other people's right to quiet and peaceful enjoyment of their property.

A vigil is a type of public disturbance perpetrated by religious organizations in Nigeria, particularly Pentecostal churches. This study assumes that religious freedom exists, although it does not specify to what extent. Why should churches go to such lengths to annoy by installing loudspeakers at their doors, causing the neighbourhood to be disturbed, all in the name of praying to their Creator? As a result, the Lagos State government ordered that loudspeakers be removed from church gates. No one is preventing any church from expressing its right to freedom of religion, but when doing so, the neighbours in the surrounding region should be taken into account. The annoyance caused by this activity is beyond resonance.⁵¹

The Ramadan lecture is a type of activity prevalent among Muslim believers. Ramadan is a Muslim fasting month that occurs once a year. During the 30 days leading up to the conclusion of the fast, Muslims may play recorded cassettes and movies, sometimes in the morning till the following morning continually until the completion of the fast. This act and action may be construed as practicing religious freedom, but in the writer's understanding, it is a nuisance and should be called as it is because other people's rights are violated.

5. Effective Strategies for Regulation of Noise in Nigeria

(i) Awareness and Data: There is need for serious and massive enlightenment awareness campaign to educate the populace on the health implications of noise pollution. Such awareness will also make the people to appreciate the nexus between noise pollution and sustainable living. This can be achieved through TV, radio, newsreels and cinema halls. In this regard one commends the government of Lagos state for declaring 17th of October (with effect from 2014) no horn day in Lagos State a good awareness strategy by the government but much more is needed. Additionally, availability of data mostly through research and development will enable policy makers to make informed decisions

⁴⁸ B Andreas, *Islam in Europe* (2010) Available at: <<https://www.islamicineurope.blogspot.com>> accessed May 1, 2025.

⁴⁹ *Ibid*

⁵⁰ K Ajayi, Noise Pollution: Religious leaders deny knowledge of approach decibels. *The Punch Nigeria* (14 February 2012) <<https://www.punchng.com>> accessed May 1, 2025.

⁵¹ *Ibid*

and effective regulations. This is the case with India which recently launched its first national air quality index as a further means of monitoring its rate of air pollution.⁵²

(ii) Legislation: There is need to have a single specific comprehensive law on noise pollution. This can be achieved by reviewing and harmonizing the various laws and regulations. The National Assembly and state Assembly should also pass a bill making it mandatory for respective governments to enact similar laws to combat noise pollution in Nigeria.⁵³

(iii) Regulation: Regarding the indiscriminate use of the exceptions which rendered the regulation ineffective, the strategy is to reverse the trend. Exception should be granted only when it is in the public interest to do so and for specific time and period.

(iv) Sanction: The use of the option of fine and paltry sum trivializes the seriousness of the problem of noise pollution. As a deterrent measure fine for first offenders should be increased by 200% while second offenders should have no option of fine.

(v) Enforcement: To make enforcement more effective the law enforcement agencies must work as a team through better inter agency coordination. In addition, the citizenry should be enlightened through public education to ensure a culture of compliance. Furthermore, as in India the judiciary should be encouraged to be more proactive to expand the frontiers of environmental litigation such that the fundamental right provisions will include the right to a noise free environment.

6. Conclusion

This paper extensively examined noise pollution from places of worship: A legal analysis of Nigerian laws and regulations. Generally statutory and policy provisions regulating noise pollution in Nigeria have lofty aims and are quite salutary, there is however the need for proper implementation. The threat posed by noise pollution to human health and the environment has not received the attention it needs. It is also necessary for the government to revise and restructure environmental legislations. The public in general, as well as the enforcement of the Statutory Acts on noise pollution, require this reform.

Considering the adverse effects of noise pollution on human health and the environment, it is proper to evolve proper approaches to address the issue of noise and protection of human and environmental health in Nigeria. The government should put in place regulatory agency that will assist in the measurement, control and enforcement of laws to achieve a desired goal. The relevant governmental institutions should raise public awareness on the topic and negative impacts of noise pollution on the health of man and his environment, as well as the regulations that control noise pollution.

There is the need to take advantage of the opportunities presented to man by technological advancement in the area of measurement and control of noise through the use of gargets like insulator and sound proofing to doors, walls, ceilings, using ear protection and zoning urban area to maintain a separation between residential area and zones of excessive noise. The paper recommends the need for the effective implementation of the laws regulating noise pollution in Nigeria and advocates for the strict adherence to the enforcement of these laws and punishments rather than shutting down the religious worship centres which seem not enough to curb the menace

⁵² VB Omubo-Pepple, MA Briggs-Kamara & I Tamunobereton-ari, 'Noise pollution in Port Harcourt metropolis: Sources, effects and control', (2010) 11(2), *Pacific Journal of Science and Technology*, 592-600

⁵³ *Ibid*