

NOISE NUISANCE AND RELIGIOUS FREEDOM: BALANCING RELIGIOUS ACTIVITIES AND RELIGIOUS FREEDOM WHEN ACTIVITIES OF RELIGIOUS HOUSES BRING DISCOMFORT TO THE NEIGHBOURHOOD.

By

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Abstract

Noise pollution is one of the fastest growing environmental concerns in the world. Noise is not healthy for human beings. Noise from religious activities in Nigeria has become a peculiar and predominant menace suffered quietly by people. Nigeria is a country with one of the largest number of churches and relatively high number of mosques in the world and a fertile soil for the growth of independent churches. This 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. The right to freedom of religion entrenched in the Constitution of the Federal Republic of Nigeria 1999 and other Human Rights Instruments is an inalienable right however, the exercise of this right in form of religious practices is not expected to disturb the peace of the environment or cause any public health disturbance. When it becomes disturbance to the quiet enjoyment of other's property it amounts to actionable nuisance that attracts the sanction of law.

This article discusses the issue of noise nuisance with regard to religious activities as well as the direct effect on the human health and the environment particularly in Nigeria. Furthermore, it examines religious freedom and its limitations. In addition, it also examines the regulatory measures in combating nuisance in places of worship in Nigeria. The article concludes with salient recommendations which if implemented could successfully regulate nuisance emanating from noise pollution generated through religious activities in Nigeria.

1.0 Introduction

Nigeria is one of the countries with the largest number of churches in the world and a fertile soil for the growth of independent churches.¹ This proliferation of religious houses is borne out of the understanding that in Nigeria, there is freedom of religious worship but central to this is the question of its environmental effects on the people in the society. It is a common sight to see a minimum of fifty different churches on a street of four kilometers long in Nigeria.² This may paint a terrible picture, but such is the present rate of church proliferation in the country. All these are not without the attendant emotional and psychological effects on individuals and the society at large. Outside speakers and music instruments used by these churches and mosques constitute a heavy source of noise,³ it is usually unfortunate to live close to a church organizing a vigil all through the night with the attendant singing, and drumming. Usually the vigil ends at between 4.00am and 5.00am. The chain of noise however continues with noise from mosques calling the Muslim faithful to partake in the early morning prayers. The Noise from these religious activities can disturb sleep and when sleep is disturbed, it affects mental functioning and judgment. Even students living in such environment lose concentration while reading at night and that alone is capable of reducing their productivity. Mindful of the health hazard associated with noise pollution, the Lagos State Government in June 18, 2009 and October 30, 2009, shut down one parish of Redeemed Christian Church of God (RCCG) and Mountain of Fire and Miracle Ministry (MFM) over alleged noise pollution, and for flouting the state environmental law.⁴ And in 2019 closed eight religious outlets comprising of Mosques and Churches, through the state Environmental Protection Agency, LASEPA for noise pollution⁵ This article examines among other issues, noise nuisance with regard to religious activities as well as the direct effect on the human health and the environment particularly in Nigeria,

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¹ M.O. Fayomi, *The Christian Response to Our Moral and Social Crisis* (, Hope Paper Mills 1993).

² I. O. Adesanya, 'Environmental Effects of Church Proliferation: The Redeemed Christian Church of God as A Case Study' (2011) 1 (15) *International Journal of Humanities and Social Science* 177.

³ M. O. Ajayi and D.Tarh-AkongEyongndi, 'An Examination of Noise Pollution: A Call for Regulation and Stringent Enforcement of Existing Laws' (2018) 1 (1) *Benson Idahosa University Journal of Private and Property Law* 88.

⁴ O. A.Akintaro, 'Perceived Effect of Noise Generated by Religious Houses on the Health of People of Osun State, Nigeria' (2014) 5 (19) *Journal of Education and Practice* 91.

⁵ O.Akoni, 'Nigeria: Clampdown On Noise Pollution - Lagos Shuts Eight Religious Houses' 17 November 2019 *Vanguard* <<https://www.vanguardngr.com/2019/11/clampdown-on-noise-pollution-lagos-shuts-eight-religious-houses/>> Accessed 29 May 2022.

religious right and its limitation and the statutory regulations in curbing the heinous menace of noise pollution as a form of nuisance.

2.0 Concept of Noise Nuisance

Noise is any unpleasant sound.⁶noise is a series or combination of loud, confused sounds that causes disturbance.⁷According to National Environmental (Noise Standards and Control) Regulations 2009, “noise means any unwanted and annoying sound that is intrinsically objectionable to human beings or which can have or is likely to have an adverse effect on human health or the environment”.⁸

Noise is any obstacle that interferes with the accurate transmission of a message or feedback. Noise is a prominent feature of the environment. It is also a series or confusion of loud sounds, irregular fluctuations accompanying a transmitted signal. Noise is a number of tonal components disagreeable to man and more or less intolerable to him because of the discomfort, fatigue, disturbances and, in some cases, pain it causes. Experts in medical science contend that chronic exposure to noise may cause noise induced hearing loss and it could also lead to stress induced ailments like hypertension, diabetes and psychiatric problems; hence, the normal noise level in any circumstances should not go beyond 60 decibels, anything beyond it is a threat to one’s hearing capacity.⁹A major World Health Organization publication, drawn from a Meta-analysis of 172 epidemiological surveys, linked cardiovascular diseases and other severe health outcomes to environmental noise.¹⁰The source of most outdoor noise worldwide is mainly caused by machines and transportation systems, motor vehicles, aircraft, and trains, industry, religious houses.

Nuisance on the other hand, is the condition on a property or some use of a property that interferes with neighbours’ability to enjoy their property, it is the unlawful interference with a person’s use or enjoyment of his property by another person. It can manifest in the form of noise,

⁶ E.Chianu, *Law of Trespass to Land and Nuisance* (3rd ed., Ambik Press 2014) 611.

⁷ Section 18 the National Environmental (Noise Standards and Control) Regulations 2009, “disturbance” means any act or instance of interrupting rest, calm, attention or quiet of another person.

⁸Ibid.

⁹I. O. Adesanya, ‘Environmental Effects of Church Proliferation: The Redeemed Christian Church of God as A Case Study’ (2011) 1 (15) International Journal of Humanities and Social Science.

¹⁰ World Health Organisation, *Burden of disease from environmental noise. Quantification of healthy life years lost in Europe*, (WHO, 2011) available at <www.euro.who.int/.../burden-of-disease-from-environmental-noise.-qua...>accessed 29 May 2022.

vibration, smoke, fume, smell, pollution, flooding, fire etc.¹¹ Nuisance is classified into two, which are the private and public nuisance.¹²

Therefore, the expression “noise nuisance” generally indicates a form of unlawful inference with a person’s use or enjoyment of his property by other person noisy activities, and which might be detrimental to that person. In other words, noise nuisance 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 which interferes with the comfort and repose of any person of normal nervous sensibilities in the vicinity or hearing thereof.¹³

The tort of nuisance allows a claimant to sue for most acts that interferes with the use and enjoyment of his/her land. Usually, the court adopts objective test using the standards of the ordinary reasonable person.¹⁴ In *Popoff v Krafczyya*,¹⁵ 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.

When considering whether noise constitutes actionable nuisance a judge would take the following factors into consideration:

1. Definition of Noise because noise by definition is a subjective matter and the plaintiff must show that his physical discomfort would be that of the average man;
2. The character of the neighbourhood i.e the locality, usually, the nature of the locality where the nuisance complained of may be taken into account particularly where it bothers on interference with comfort and convenience of the plaintiff because what might be a noise in a residential area might not be a noise in an industrial or commercial area. In *Sturges v Bridgman*¹⁶ The plaintiff was a doctor who extended his consulting rooms to

¹¹ *Samoris v Maja* (1996) 7 NWLR (pt. 460) 336.

¹² E. Chianu, *Law of Trespass to Land and Nuisance* (3rd ed., Ambik Press 2014) 611.

¹³ Noise Nuisance, <<https://www.lawinsider.com/dictionary/noise-nuisance>> Accessed 29 May 2022.

¹⁴ D. U.Odigie, *Law of Torts* (Ambik Press Ltd 2008).

¹⁵ (1990) BCJ 1935.

¹⁶ (1879) 11 Ch. D 852.

back onto a sweet maker's premises. He was then disturbed in his work by the noise from the confectioners. He sued for nuisance. He won because the area in which he lived consisted mainly of doctor's consulting rooms and "what would be a nuisance in Belgrave square would not necessarily be one in Bermondsey"¹⁷;

3. Defendant's motive and malice;
4. Abnormal Sensitivity, if the plaintiff suffers harm only because himself or his property is exceptionally sensitive, his action may fail;¹⁸
5. Extent and duration of harm: where it is evanescent it must be substantial;¹⁹
6. Utility of defendant's conduct; The utility of the conduct is measured by its social value, its suitability for the location, and the ability of the defendant to prevent the harm.²⁰
7. The cost of abating the nuisance; large reduction of noise may cause large cost increase.²¹ If the interference with the plaintiff's interest is substantial, a determination must then be made that it is unreasonable for the plaintiff to bear it or to bear it without compensation.

In the case of *Abiola v Ijoma*,²² the plaintiff and defendant were occupants of adjoining premises in a residential area in Surulere, Lagos. The defendant kept chicken pens against the boundary wall. The plaintiff brought action that the chicken made excessive noise in the early hours of the morning and disturbed his sleep and that the smells from the pens interfered with his comfort. Plaintiff was awarded damages and injunction restraining further acts of nuisance by the defendant.

Dosunmu J, in the High Court of Lagos, held that this was actionable nuisance. Citing with approval the dictum of Luxmoore J, in *Vanderpant v Mayfair Hotel Co.*, the learned judge said, I do not believe that the plaintiff is being fanciful in all his complaints of excessive noise and smells and they are, in my judgement, more than a trifling inconvenience that an ordinary person living in that part of Surulere, which is a residential area can be called upon to bear.

¹⁷ Ibid.

¹⁸ *Robinson v Kilvert* (1889) 41 Ch. D. 88.

¹⁹ E. Chianu, *Law of Trespass to Land and Nuisance* (3rd ed., Ambik Press 2014) 611.

²⁰ J. C. Nagle, 'Moral Nuisances' (2001) 50 Emory L. J. 265.

²¹ See E. Chianu, *Law of Trespass to Land and Nuisance* (3rd ed., Ambik Press 2014) 611.

²² (1970) 2 All NLR 268

In *Moore v Nnado*²³ The plaintiff sued contending that the defendant caused excessive noise to be emitted from his bar by playing music unreasonably loudly until late every night. The court held that the defendant was liable to the plaintiff. The court also granted the order of injunction restraining the defendant from the said act of nuisance.

3.0 Religious Freedom

Religion refers to the attribute of the human being to go beyond himself into relationship with the divine or the supreme being.²⁴ It is the belief in the existence of God or gods and the activities that are connected with the worship of them. Black Law's Dictionary defines religion as "a system of faith and worship unusually involving belief in a supreme being and usually containing a moral and ethical code, especially, such a system recognized and practiced by a particular church, sect or denomination."²⁵ Religious freedom is a right guaranteed by local and international human rights instruments. 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). Appreciating the fact of man being a *homo religiosus*, Section 38 of the 1999 Constitution (as amended) provides thus:

- (1) Every person shall be entitled to freedom of thought, conscience, and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.
- (2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.
- (3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.
- (4) Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society.

²³ (1967) FNLR 156

²⁴ J. O. Ezeanokwasa and O. O. Mbanugo 'Religious Freedom and Its Limitations Under The 1999 Constitution of Nigeria' (2016) NAUJILJ 55.

²⁵ B. A. Garner, *Black Law's Dictionary* (10th edn, Thompson West MN 2014) 1482.

The freedom of religion guaranteed by the 1999 constitution is not a solitary right to hold a religion but rather is a compound right embracing other freedoms that define religion as involving rational process, and a social reality, which thrives in interpersonal dynamics and concrete civil presence. It is guaranteed alongside freedom of thought and conscience.²⁶ The reason for this conceptual association in relation to these rights may not be far-fetched. According to Oraegbunam, there is a conceptual *koinonia* among the three concepts of thought, conscience and religion.²⁷ Surely, one would not fail to notice a connection among 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.²⁸

There is no gainsaying that in a multi-religious country like Nigeria, the need and respect for this human right cannot be over-emphasized. However, in spite of the fact that the people of Nigeria are multi-religious, the government machinery, organization, or institution is secular. Hence, the constitution prohibits in its section 10 any government from adopting any religion as a state religion.²⁹ The reason is to foster peaceful co-existence among adherents of different religions.

Freedom of religion is guaranteed also by international instruments, such as the Universal Declaration of Human Rights (UDHR),³⁰ the International Covenant on Civil and Political Rights (ICCPR),³¹ the African Charter on Human and Peoples' Rights,³² the European Convention on Human Rights (ECHR),³³ the Arab Charter on Human rights (ACHR) 2004,³⁴ and the American Convention on Human Rights.³⁵

In fact, religious freedom is so protected that it is even a crime in Nigeria to disrupt religious activities without lawful excuse, Section 206 of the Criminal Code, provides that, "any person who willfully and without lawful justification or excuse, disquiets, or disturbs a religious

²⁶ Ibid.

²⁷ I. K. E. Oraegbunam, 'Noise Pollution and Religious Freedom in Nigeria: Focus on the 2016 Bill for a Law to Substitute the Kaduna State Religious Preaching Law 1984' (2017) 8 (2) NAUJILJ 186.

²⁸ Ibid.

²⁹ E. Malemi, *The Nigerian Constitutional Law* (3rd ed. Lagos, Princeton Publishing Co. 2012).

³⁰ Universal Declaration of Human Rights 1948, Article 18.

³¹ International Covenant on Civil and Political Rights 1966, Article 18.

³² African (Banjul) Charter on Human and Peoples' Rights 1981 (Entry into force in 1986), Article 8.

³³ European Convention on Human Rights 2010, Article 9(1).

³⁴ Arab Charter on Human rights 2004 (Entry into force in 2008), Article 30(1).

³⁵ American Convention on Human Rights 1969 (Entry into force in 1978), Article 12(1).

worship is guilty of a simple offence and liable to imprisonment for two months, or a fine of ten Naira.”³⁶

The elements of this fundamental right can be outlined as follows: freedom of thought and conscience, freedom of religion, freedom to change one’s religion, freedom of irreligion, freedom to manifest and propagate one’s religion, freedom from coercion to receive religious instruction or to take part in or attend any religious ceremony or observance, freedom of a religious community or denomination from being prevented from providing religious instruction for its pupils, and no freedom to belong to any secret society, form one or take part in it.³⁷

3.1 Limitation to Right to Freedom of Religion

In spite of the wide latitude given to freedom of religion by law, the right to freedom of religion is not an authorization for one’s religion to be expressed wherever and whenever a person desires.³⁸ Its expression in the society has to be balanced out with other social values and interests. In this way the legal right to freedom of religion is interfaced with the legal duty to respect other key social interests. This fact is copiously provided for in section 45(1) of the 1999 Constitution which provides:

Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonable justifiable in democratic society -

(a) in the interest of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedom of other persons.

By the provision of section 45(1) of the it means that every right guaranteed under section 38 is not absolute and is liable for restriction including freedom of thought and conscience.

This same position is maintained also by the various international instruments on Human rights, for example, The UDHR provides in article 29(2) thus:

In the exercise of this rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just

³⁶ Section 206, Criminal Code Act, CAP C38 Laws of the Federation, 2010.

³⁷ I. K. E. Oraegbunam, ‘Noise Pollution and Religious Freedom in Nigeria: Focus on the 2016 Bill for a Law to Substitute the Kaduna State Religious Preaching Law 1984’ (2017) 8 (2) NAUJILJ 186.

³⁸ *Tega Esabunor & Anor. v Faweya & Ors* (2019) LPELR-46961(SC).

requirements of morality, public order and the general welfare in a democratic society.³⁹

The ICCPR in article 18(3) states that “freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”.⁴⁰

It must be noted that the derogation from freedom of religion is limited to the external manifestation of it for the obvious reason that it is hardly possible to regulate what is locked up in a person’s mind. There is hardly any police for thoughts, conscience, beliefs or ideas that are not put into actions. What this implies is that a person can hold whatever belief he wants in so far as it is not manifested. But if it is to be manifested, then it has to be subject to social requirements. In effect, though section 45(1) provides for the restriction of freedom of thought, conscience and religion or belief in all ramifications, what is possible is the limitation of the manifestation of religion and not the thought. The proliferation of religious houses has its advantages and disadvantages; however, care must be taken not to put the health of the people in jeopardy, because doing this will be counter-productive.

4.0 Religious Activities Constituting Nuisance

The following are religious activities that can constitute nuisance.

4.1 Vigil

A vigil is a religious activity in which staying awake is part of the devotion. Most of the religious houses can have months, weeks or days long vigil with loud speakers positioned outside the church thereby causing nuisance in the neighbourhood. While it is good to worship God, the abuse of religious rights through vigils in churches has also become a source of nuisance in Nigeria. No one is hindering any church from exercising their right to freedom of religion but while exercising this right, the neighbours in the nearby area should be put into consideration.

4.2 Morning Cries

This is another form of religious practice that causes nuisance. This common among the Christian faithful whomove about publicizing their belief in the early hours of the morning usually from 5am, sometimes they use megaphone or other public address system that can cause

³⁹ Universal Declaration of Human Rights 1948, Article 29(2).

⁴⁰ International Covenant on Civil and Political Rights 1966, Article 18(3); See generally the Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights Annex, UN Doc E/CN.4/1984/4 (1984).

disturbance in the neighbourhood.⁴¹In most cases, you do not need an alarm clock to wake you up as these missionaries scream on top of their voices and in some cases with a microphone. They do not care about the well-being of the residents of the areas that they preached in. While a person has the right to propagate his belief as guaranteed in the Constitution but that right is to an extent not to breach other people's right to quiet and peaceful enjoyment of their property.

4.3 Call to Prayer in Early Hours

The call to prayer by Muslims, unlike the night vigil in Christendom, is a rite that does not usually last longer than five minutes on each of the five occasions it takes place daily. Prior to the commencement to the prayer, a human voice calls the faithful to prayer from the minarets. In order to extend the calls to others, loud speakers are used. Most times, the loudspeakers are tuned high producing outrageous noise that pollutes the environment.⁴² The noise of loud speakers⁴³ blasting the call to prayer at times can be so loud thereby becoming a complete nuisance.⁴⁴Though the time zone is limited, as the call does not usually last longer than five minutes on each of the five occasions it takes place daily,⁴⁵it becomes a nuisance when it continues for a long period of months or years to the people living around.

4.4 Christian Daily Programmes

This form of activities usually is common among Christian faithful, Noise of significant levels are generated from these congregational worships with the use of heavy public address systems and intensity of the voices of the worshippers oozing from inside,⁴⁶ while it is not bad as it is in line with Jesus injunction that the gospel should be preached to all nation⁴⁷ the public address system need be regulated in a way that is comfortable to the environment. When the volume of the public address system is not moderate it becomes nuisance attracting the sanction of the

⁴¹M. O. Ajayi and D. Tarh-AkongEyongndi, 'An Examination of Noise Pollution: A Call for Regulation and Stringent Enforcement of Existing Laws' (2018) 1 (1) Benson Idahosa University Journal of Private and Property Law 88.

⁴²M. O. Ajayi and D.Tarh-AkongEyongndi, 'An Examination of Noise Pollution: A Call for Regulation and Stringent Enforcement of Existing Laws' (2018) 1 (1) Benson Idahosa University Journal of Private and Property Law 88.

⁴³ "loud speaker" means any electro-magnetic or electrical or mechanical device capable of converting electrical signals or energy into sound, and includes an amplifier, microphone, gramophone or similar instrument. Regulation 18 of the National Environmental (Noise Standards and Control) Regulations 2009.

⁴⁴ K. Ajayi, Noise pollution: Religious Leaders Deny Knowledge of approved Decibels. The punch, 14th February 2012. Available online at <<http://www.punchng.com>> Accessed 29 May 2022.

⁴⁵Asy'kobi, 'Noise Pollution and Religious Freedom in Nigeria' (2016) Law Digest in Nigeria.

⁴⁶H. Ijaiya, 'The Legal Regime of Noise Pollution in Nigeria' (2014) 5 Beijing Law Review 1.

⁴⁷ Mark 16:15.

law.⁴⁸ The fact that religious grounds are places where the Supreme Being is worship should not be an excuse for breaching other people's fundamental right. While God made the day for man to toil, the night is naturally for rest and sleep. The right of residents to this natural pleasure must therefore not be hindered or interrupted.

5.0 Can Religious Leaders Be Sued for Nuisance?

According to Lord Atkins in the case of *Sedleigh-Denfield v O'Callaghan*,⁴⁹ the defendant in action for nuisance whether public or private, must be a party who bears "some degree of personal responsibility" for the nuisance complained of. This would normally include;

- a. The creator of the nuisance, whether or not he is in occupation of the premises. For example, the builder of a house which obstructs the neighbouring landowners' easement of light or way. In *Thomas v National Union of Mineworkers (South Wales Area)*⁵⁰, it was held that striking miners picketing in the road outside a factory could be liable in private nuisance.
- b. The occupier or tenant, or the person having authority, or control of the premises whether personally or through his servants or agents.
- c. The landlord, if he created the nuisance expressly or impliedly authorised or ratified it, and the failure to abate.

In *Harris v James*⁵¹ a field was let by *S* to *J* for *J* to work it as a lime quarry and to set up lime kilns. The plaintiff complained of smoke from the kilns and nuisance caused by blasting in the quarrying. *J* was liable as occupier and *S* for authorising the commission of a nuisance.

However, If the landlord has taken a covenant in the lease from the tenant that the tenant will not cause a nuisance and the nuisance is not an inevitable consequence of the letting the landlord is not liable

- d. An employer of the servant who commits the nuisance will be vicariously liable.⁵²

From the forgoing, pastors and other religious leaders can be sued for nuisance emanating from the religious activities carried out by them or with their authority. In the case of *Oluwaniyi v Adewumi*,⁵³ the Court of Appeal held that day and night noise nuisance emanating from clapping of hands, singing, shouting and drumming in a church is an actionable nuisance and the

⁴⁸Regulation 17 of the National Environmental (Noise Standards and Control) Regulations 2009.

⁴⁹(1940) AC 880 at 897.

⁵⁰ (1986) Ch 20.

⁵¹ (1876) 45 LJQB 545

⁵² National Open University of Nigeria, *Law of Tort II* (National Open University of Nigeria 2008).

⁵³ (2008) 13 NWLR [pt. 1104] 387.

Prophets of the church along with the church as a registered trustee under Part C of the Companies and Allied Matters Act 1990 can be joined in the suit.

In *Oduugbesan v Ogunsanya*⁵⁴ nuisance was established against the defendants who were trustees of an Aladura Church, which held services, sometimes between midnight and 5 a.m with ringing of bells, and wild shouts as devotees became possessed by the Holy Spirit.

In the most recent case of *Director of Environmental Health Services, Nnewi, and Nnewi North Local Government Area v Uche Chinedu*⁵⁵, The pastor of the New Spring Christian Church, NdiakwuOtolu, Nnewi, Uche Chinedu was prosecuted on a two count-charge under the public health laws of Anambra State. He was accused of mounting amplifier and have loud speakers in front of the church premises and tuned same at a very high decibel. All the three witnesses testified that the church activities particularly during the vigils held between 11pm to 4am constituted noise pollution as well as serious disturbance to an 86 year-old woman.

According to the charge the loud speakers have led to heavy noise pollution and restless night in his neighborhood, a condition said to be prejudicial to man's health punishable under Section 21 of the Public Health Laws of Anambra State 2006. The pastor was also accused of failure to comply with terms and requisition of abatement notice with reference No: 00000896 served on him punishable under sections 8(1), (4b) and 9(1), (2) of the Public Health Laws of Anambra State. In its judgment, the Nnewi Magistrate Court presided over by Emekwue ACI, directed the Director of Environmental Health Services and Nnewi North Local Government Area to seal off the church and stopped the defendant from continuing church activities in that community. The court also directed the defendant to relocate the church within ten days or face one-year jail term without option of fine. The magistrate also hinged the judgment on the ground that the land harbouring the church was got for residential purposes.

6.0 Who can Sue for Nuisance

The question of right of action in nuisance is clearly within the province of the type of nuisance complained of.

⁵⁴*S.O. Oduugbesan v. I.O. Ogunsanya & Ors* (1970) Unreported Suit No. LD/354/67.

⁵⁵Unreported with Charge number NMC/10c/2019.

In the case of private nuisance, a person who has an interest in the land affected is entitled to bring an action in private nuisance. Any occupier⁵⁶ or user of land may sue a neighbour for private nuisance.⁵⁷ A reversioner of land may sue if his reversionary interest in a land will be destroyed, damaged or affected by nuisance. An owner in fee, a lease or a person having statutory right of occupancy will have sufficient interest in land to maintain an action.

On the other hand, a person having no legal equitable or statutory interest in the property, such as a guest, a lodger or a member of the owner's family, cannot sue for private nuisance. In *Moloney v Laskey*⁵⁸, plaintiff brought an action for damages on personal injury when vibrations emitted from defendants premises caused an iron bracket to fall upon her in a nearby property. The Appeal court decided that plaintiff was a mere licensee without any interest in the land and as such she lacked the locus to maintain an action in nuisance.

In the case of Public nuisances, Public nuisances generally are indictable offences and the state therefore reserves exclusive right of action. However, the exception is that any person who can show that he has suffered particular injury over and above that suffered by the general public can sue for damages. The fundamental question that an aggrieved person has to answer affirmatively here is what his relationship with the damaged environmental medium is i.e. whether he is the owner and, then the exact nature and quantum of his loss. Once these questions are resolved in his favour, he becomes automatically and unquestionably vested with locus standi.⁵⁹ In *Adediran and Anor. v Interland Transport Ltd*,⁶⁰ The Court held that in the light of section 6(6) (b) of the 1999 Constitution, a private person can commence an action on public nuisance without the consent of the Attorney General or without joining him as a party.

Where nuisance is public and person is unable to prove how it affects him directly, his claim would fail.⁶¹

It therefore means that since noise nuisance is usually a private nuisance and sometimes public nuisance, anyone who can show that he has interest in the land and that he has suffered particular injury over and above that suffered by the general public can sue, as were the defendants in the

⁵⁶ Regulation 18 of National Environment (Noise Standards and Control) Regulations 2009 defines "occupier" in relation to any premises or facility, to include a tenant, agent manager, foreman or other person acting or apparently acting in the general management or control of the premises or of any plant or facility or machinery.

⁵⁷ See D. U.Odigie, *Law of Torts* (Ambik Press Ltd, 2008)

⁵⁸ (1907) 2KB 141; See also *Patricia Hunter v Canary Wharf Ltd* (1997) AC 677.

⁵⁹ A. K. Usman, *Environmental Protection Law and Practice* (Ababa Press Ltd, 2012) 213.

⁶⁰ (1991) 2 NSCC 708.

⁶¹ E.Chianu, *Law of Trespass to Land and Nuisance* (3rd ed., Ambik Press 2014) 610.

cases of *Moore v Nnado*,⁶² *Abiola v Ijoma*,⁶³ *Leeman v Montague*,⁶⁴ and *Adediran and Anor. v Interland Transport Ltd*,⁶⁵ the Attorney General of the Federation or of the State,⁶⁶ environment law enforcement agencies⁶⁷ and NGO⁶⁸ can also sue.

7.0 Should Religious Activities Be Regulated?

Nuisance in places of worship in Nigeria has become a daily menace that needs urgent attention in Nigeria. Some people are of the opinion that there should be absolute freedom of religion and that the law or government should not interfere with the affair of religion.⁶⁹ However, some authors are of the opinion that there should be some regulations regulating the administration of religious activities in Nigeria.⁷⁰

The writer is of the opinion that the freedom of religion in Nigeria should not be left at large despite the fact that this has been entrenched in the Constitution of the Federal Republic of Nigeria as the constitution and other international instrument also contain some limitations. The right of neighbours close to these religious grounds should be respected. The right of an individual should actively not affect the rights of another. The fact that religious grounds are places where the Supreme Being is worship should not be an excuse for breaching other people's fundamental right, even Jesus instructed us in the Holy Bible to love God and love our neighbour as we love ourselves,⁷¹ while alluding to this sacred injunction in the case of *Donoghue v Stephenson*⁷² Lord Atkin said:

your neighbour in Law include those persons who are so closely and directly affected by your acts, that you ought reasonably to have them in contemplation as being so

⁶² (1967) FNLR 156.

⁶³ (1970) 2 All NLR 268.

⁶⁴ (1936) 2 All ER 1677.

⁶⁵ (1991) 2 NSCC 708.

⁶⁶ *Attorney-General v P Y A Quarries Ltd* [1957] 2 QB 169.

⁶⁷ *Director of Environmental Health Services, Nnewi, and Nnewi North Local Government Area v Uche Chinedu*, Unreported with Charge number NMC/10c/2019; see also Section 32(3) of the NESREA Act 2007 which vests the agency with the power to conduct criminal proceedings in respect of offences under the Act.

⁶⁸ See *Registered Trustees of the Socio-Economic Rights & Accountability Project (SERAP) v President of the Federal Republic of Nigeria & Ors* Suit No: ECW/CCJ/APP/08/09.

⁶⁹ I. T. Sampson, 'Religious Violence in Nigeria: Causal Diagnosis and Strategic Recommendations to the State and Religious Communities' (2012) 120 African Journal on Conflict Resolution; see also Nigerian Christians say noise pollution law hinders worship <<https://www.anglicanjournal.com/>> Accessed 29 May 2022.

⁷⁰ M. O. Ajayi and D. Tarh-Akong Eyongndi, 'An Examination of Noise Pollution: A Call for Regulation and Stringent Enforcement of Existing Laws' (2018) 1 (1) Benson Idahosa University Journal of Private and Property Law 88; J. O. Ezeanokwasa and O. O. Mbanugo 'Religious Freedom and Its Limitations Under The 1999 Constitution of Nigeria' (2016) NAUJILJ 55.

⁷¹ Matthew 22:37-39; Mark 12:13 KJV.

⁷² (1932) A.C. 562.

affected when you are directing your mind to the act of omission that are called to question.

So your neighbour does not mean those closer or nearest to you but those who you foresee likely to be affected by carelessness on your part.

Therefore, when religious activities become nuisance they have to be regulated by law and when it come before the court it should be judged according to fairness and justice. In *Shodeinde v Registered Trustees of the Ahmadiyya Movement in Islam*,⁷³ Kayode Eso JSC said; “now it appears to me that the matters of faith are hardly matters for a court of law, but once it is there, the court should deal with them without passion, but only with justice according to the law being a guide”.

In the English case of *Williamson v Secretary of State for Education and Skills*⁷⁴ the House of Lord stated that while “everyone is entitled to hold whatever beliefs he wishes, when questions of “manifestation” arise ... a belief must satisfy some modest, objective minimum requirements. The belief must be consistent with basic standards of human dignity or integrity. ...” In other words, a person can hold whatever belief he wants in so far as it is not manifested. But if it is to be manifested, then it has to be subject to social requirements. The law must show zero tolerance for religious bigots who don’t care about the rights of others in their ‘zeal’ to impose their beliefs on others.⁷⁵

8.0 Regulatory Measures Combating Noise Nuisance in Places of Worship in Nigeria

The legal regime on Noise Nuisance in Places of Worship in Nigeria can be considered under two main headings; common law and statutes.

8.1 Common Law

Under common law nuisance is an action or omission on the part of the defendant that causes a lot of inconvenience, interference and damage to the plaintiff. It is actionable by the individual for damages or injunction against the defendant. The common law intervention is through the actionable tort of nuisance. 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. The common law rule which has been cited with approval in several

⁷³ (1983) NSCC 523.

⁷⁴ [2005] 2 AC 246

⁷⁵ *Tega Esabunor & Anor. v Faweya & Ors* (2019) LPELR-46961(SC).

cases in the Nigerian jurisprudence is as laid down in the case of *Vanderpant v Mayfair Hotel Co. Ltd*⁷⁶ where Luxmoore J. said:

Every person is entitled as against his neighbour to the comfortable and healthy enjoyment of the premises occupied by him, and in deciding whether, in any particular case, his right has been interfered with and a nuisance thereby caused. It is necessary to determine, whether the act complained of is an inconvenience materially interfering with the ordinary physical discomfort of human existence, not merely according to elegant or dainty modes and habits of living, but according to plain and sober and simple notions obtaining among English people.

In *Abiola v Ijioma*⁷⁷ the plaintiff and defendant occupied adjoining premises in a residential area in Surulere. The defendant kept poultry at the back of his house as a pastime.

The plaintiff sued the defendant claiming that excessive noise made by the chickens in the early hours of the morning disturbed his sleep and that foul smells from the pens interfered with his comfort. Dosumu J. of the High Court of Lagos held: That was actionable nuisance. The learned judge cited with approval the dictum of Luxmoore in *Vanderpant v Mayfair Hotel Co. Ltd*⁷⁸

In *Moore v Nnado*⁷⁹ The plaintiff sued contending that the defendant caused excessive noise to be emitted from his bar 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.

With the proliferation of religious places of worship, noise emanating from religious activities has become one of the most potent sources of neighbourhood noise in Nigeria. Noise is produced from drums, musical instruments, open-air crusades, night vigils, held by religious bodies particularly churches and mosques. It is common knowledge that churches and mosques have been and are still being established in residential areas and cause grave disturbance in the neighbourhood. It is submitted that noise created from religious activities may amount to nuisance in Nigeria if it is of such intensity as to substantially interfere with the comfort of residents. A lot would depend on the locality and the extent of the interference.

⁷⁶(1930) I Ch. 138.

⁷⁷(1970) 2 ALL NLR 268.

⁷⁸(1930) I Ch. 138.

⁷⁹ (1967) FNLR 156.

In the case of *Oluwaniyi v Adewumi*,⁸⁰ the Court of Appeal held that day and night noise nuisance emanating from clapping of hands, singing, shouting and drumming in a church is an actionable nuisance and the matron of the church along with the church as a registered trustee under Part C of the Companies and Allied Matters Act 1990 (now Part F of the Companies and Allied Matters Act 2020) can be joined in the suit against the church for the nuisance. In *Odugbesan v. Ogunsanya*⁸¹ nuisance was established against the defendants who were trustees of an *Aladura* Church, which held services, sometimes between midnight and 5 am with ringing of bells, and wild shouts as devotees became possessed by the Holy Spirit.

Similarly, in England, the position of the law is that church bell ringing can be a private nuisance at common law. In *Soltau v De Held*⁸² the plaintiff took a lease of a part of a mansion. The other half, which was then occupied as a private residence, was later converted into a chapel. The church erected a wooden frame on the roof of their part of the chapel from which a bell was suspended. The bell was then rung daily Monday to Friday, on five occasions commencing at 5 a.m. each tolling lasting about 10 minutes. On Saturdays the bell was rung six times and on Sundays even more often. Following a complaint by the plaintiff to the church authorities an amicable settlement was reached with the church agreeing to reduce the times when the bell would be rung. Subsequently, a church was built on the courtyard of the mansion. Six bells were installed in the steeple, the size of which was to be described by Vice Chancellor Kindersley as unusually large. The church was opened on May 14th. The day before, the peal of six bells was rung several times; on the 14th itself, the bells were rung at intervals all day. The bells were thereafter rung from the chapel and the church at different intervals continuously. In an action by the plaintiff the court held that the sound of church bells could constitute a private nuisance, and that in this case the bells in question, having regard to their number, size and proximity to the plaintiff's residence amounted to private nuisance. The court noted that the bells materially interfered with the ordinary physical comfort of human existence according to plain, sober and simple notions of living. An injunction was granted to stop the bells being rung so as to occasion any nuisance, disturbance and annoyance to the plaintiff and his family residing in their dwelling house.

⁸⁰ (2008) 13 NWLR [pt. 1104] 387.

⁸¹ *S.O. Odugbesan v. I.O. Ogunsanya & Ors* (1970) Unreported Suit No. LD/354/67.

⁸² (1851) 61 ER 291.

The preceding discourse has shown that the tort of nuisance can be used as a tool for controlling neighborhood noise. However, a major problem with the common law approach to controlling noise is lack of precise standard to protect the environment. Standards for the control of noise pollution as we shall see later in greater detail under the regulatory guidelines are based on scientific standards that are used to measure compliance and may require technical skill. The common law and the Courts without such standard and the technical knowhow are ill equipped to effectively control noise pollution. However, the writer agrees that common law still plays a significant role in environmental protection. Common law action provides remedies where statutes do not make provisions.

8.2 Policy and Statutes

This section examines statutes and policy that have been put in place for the purpose of improving and protecting the environment from harmful activities of man especially noise pollution.

8.2.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)⁸³

The Constitution of the Federal Republic of Nigeria 1999 is regarded as the fundamental and supreme law of the land.⁸⁴ It provides basic framework for other laws and also establishes the powers and duties of various authorities and government. Previous constitutions before the 1999 constitution did not really pay attention to environmental protection. This was because prior to the early 1980s, the issue of environmental protection was a minor one in Nigeria. The Constitution which is the supreme law of Nigeria recognizes the importance of improving and protecting the environment and makes provision for it. Section 20⁸⁵ makes it an objective of the Nigerian government to improve and protect the air, land, water, forest and wild life of Nigeria.

The essence of embedding this environmental provision in the constitution is that it has enhanced the priority that the government should give on sound environmental management and sustainable development. However, the section of the law is not justiciable. The combined effect of section 33 (1) of the Constitution which states that; “Every person has a right to life” read in conjunction with the provision of section 20 as well as section 24 of the African Charter of Human and People’s Rights⁸⁶ can be relied upon by Nigerians to enforce violation of their right

⁸³Constitution of the Federal Republic of Nigeria 1999 Cap 24, LFN 2004.

⁸⁴ Ibid, Section 1.

⁸⁵Constitution of the Federal Republic of Nigeria 1999, Cap 24, LFN 2004.

⁸⁶*GaniFawehinmi v Abacha* (2002) 2 NSCQR 489 at 549.

to peaceful environment rather than relying solely in Section 20 of the Constitution.⁸⁷ Sections 33 and 34⁸⁸ which guarantee fundamental human rights to life and human dignity respectively have also been argued to be linked to the need for a healthy environment to give these rights effects. For instance in the Indian case of *T. Damodar v State of Andhra Pradesh*, Justice P. A. Choudhary of Andhra Pradesh High Court, while expressing his views on the need of the environment in the enjoyment of life and personal liberty under Article of the Indian Constitution rightly observed: “The enjoyment of life and its attainment and fulfillment guaranteed by Article 21 of the Constitution embraces the protection and preservation of natural gifts without which life cannot be enjoyed.”

The view of the learned judge seems to be based on the principle involved in Article 25 of the *Universal Declaration of Human Rights 1948* which stresses the quality of human living from the health point of view. It reads: “Everyone has a right to a standard of living adequate for the health and well-being of himself and his family.” The creation of adequate conditions for healthy living of the people is dependent on natural environment. Once it is disrupted by human activities; possibilities of healthy living become quite difficult.

8.2.2 The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007.

The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act (NESREA) 2007 is the major law on noise pollution in Nigeria. The Act established the National Environmental Standards and Regulations Enforcement Agency⁸⁹ saddled with the primary responsibility of enforcing environmental protection laws for the protection and enhancement of the quality of our environment.

Section 22 National Environmental Standards and Regulation Enforcement Agency (Establishment) Act, 2007, provide for the function of the agency in relation to the control of noise pollution thus:

- 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

⁸⁷*Attorney General of Lagos State v Attorney General of the Federation & Ors*

⁸⁸Constitution of the Federal Republic of Nigeria 1999, Cap 24, LFN 2004.

⁸⁹ NESREA 2007, Section 1.

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, domestic, sports, recreational, transportation or other similar activities.

In carrying out its functions, the agency has consciously made effort to checkmate and sanction harmful environmental activities in the country in conjunction with States established environmental agencies.

8.2.3 National Environmental (Noise Standards and Control) Regulations 2009

National Environmental (Noise Standards and Control) Regulations 2009, was made in furtherance of the exercise of the powers conferred on minister of environment who is also the director general of NESREA by Section 34 of the national Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007. According to Regulation 1 of the regulation, the primary purpose of the noise regulations is to ensure maintenance of a healthy environment for all people in Nigeria, the tranquility of their surroundings and their psychological well-being by regulating noise levels and generally, to elevate the standard of living of the people by prescribing the maximum permissible noise levels a facility or activity to which a person may be exposed, providing for the control of noise and for mitigating measures for the reduction noise and for giving effect to the provisions of section 22 of the NESREA Act 2007.⁹⁰

Regulation 2 (7) of the Act provide for the maximum permissible noise levels from a place or areas of worship to which a person in the noise control zone⁹¹ specified in column I of part VII of the first schedule may be exposed and shall not exceed the levels specified in column 2 during the time specified in the table.

The noise control zone specified in column I of part VII of the first schedule are residential, commercial and industrial zones.

⁹⁰ Regulation 1 of the National Environmental (Noise Standards and Control) Regulations 2009.

⁹¹ "Noise Control Zone" means geographical areas so designated, which under no conditions noise levels should exceed that which the agency designates for such zones including hospitals, school, designated residential areas and other institutions that the Agency may consider as requiring special considerations for noise control, Ibid, Regulation 18.

The maximum permissible noise levels for places or areas of worship as specified in column 2 during the time specified in the table in the regulation are 60 decibels⁹² for residential area, 75 decibels for commercial area and 85 decibels for industrial area during the day, and 40 decibels for residential area, 50 decibels for commercial area and 65 decibels for industrial area at night time. For the purposes of this measurement, daytime is reckoned from 06:00am – 10:00pm, while night is from 10:00pm – 06:00am.⁹³ This time takes normal human activity into consideration.⁹⁴ A decibel is the standard for the measurement of noise. The zero on a decibel scale is at the threshold of hearing, the lowest sound pressure that can be heard, on the scale arc. The Noise Regulations requires all owners or managers of any premises, from which noise emanates, which noise may be over and above the permissible levels, to measure its noise output and to ensure that it is within the maximum permissible noise limits allowed for such an environment.⁹⁵ This particular regulation has been grossly violated by some religious houses. According to a research carried out by Ononugbo and Avwiri in Port Harcourt City Local Government Area⁹⁶ in which they analysed noise pollution from churches and mosques mathematically, sound pressure level meter was used to measure the sound levels under the weighted range in churches on Sundays between the hours of 7.30 to 12.0 pm and on Fridays in mosques between the hours of 1.30 to 3.00pm afternoon session and evening at 6.00pm. Data obtained was analyzed using micro soft-excel. The result was that the average indoor and outdoor equivalent noise level in pentecostal churches are 95.1 dB(A) and 79.5 dB(A) respectively while that for orthodox churches are 93.6 dB(A) and 77.9 dB(A) respectively. The average indoor and outdoor equivalent noise levels in mosques are 72.1dB(A) and 100.6 dB(A).⁹⁷ According to the Regulation, complaint may be made to the Agency in writing if a person considers that the noise levels being emitted, or likely to be emitted, may be higher than the permissible noise level or reaching disturbing proportions. In any such complaint, it is not necessary for the complainant to show or prove personal loss or injury or discomfort caused by

⁹² Ibid, Regulation 18 “decibels” means a dimensionless unit used in comparison of the magnitude of sound pressures, intensities or powers.

⁹³ Regulation 2(7) of the National Environmental (Noise Standards and Control) Regulations 2009.

⁹⁴ Ibid.

⁹⁵ Ibid, Regulation 4.

⁹⁶ C. P. Ononugbo and E. Avwiri, ‘Noise Levels and Frequency Response from Religious Houses in Port Harcourt City Local Government Area’ (2019) 7 (1) International Journal of Environmental Protection and Policy 24-31.

⁹⁷ See also O.B. da Lilly-Tariah, Chibuike Nwosu, V. O Ikenga and O. C Mbalaso, ‘Sound Pressure Levels in Churches in Port Harcourt: A Study of Some Catholic, Anglican and Pentecostal Churches’ (2017) 9 (2) Global Journal of Otolaryngology 40.

the emission of the alleged noise. The Agency shall conduct due investigation and substantiation, take all reasonable steps to ensure that the noise is abated or controlled within permissible levels.⁹⁸ Where the Agency has reasonable cause to believe that any person is emitting or is likely to emit noise in any area in excess of the maximum permissible levels, or is causing or likely to cause annoyance, the Agency may serve an improvement notice on that person ordering all or any of the following; the stopping of the noise or prevention or discontinuance of any annoyance, or prohibiting or restricting its occurrence or re-occurrence; compliance with the permissible noise levels; the reduction of the level of noise emanating from the premises or facility to a level as may be specified in the notice,⁹⁹ the taking of measures to prevent or discontinue or stop the excessive emission of the noise; the prevention of any subsequent increase in the level of noise emanating from the premises or area.¹⁰⁰

Where a person violates these regulations he or she commits an offence and shall be liable to a fine of N5,000:00 for everyday the offence subsists and on conviction be liable to a fine not exceeding N50,000:00 or to imprisonment for a term not exceeding one year or to both. Where the offender is a body corporate, it shall on conviction be liable to a fine not exceeding N500,000:00 and an additional fine of N10,000:00 for everyday the offence subsists.¹⁰¹

Under these Regulations, the agency may seize, impound, confiscate or prohibit the use of any property, tool, machinery or other instrument which is likely to, or has caused the emission of excessive noise, if, in the agency's opinion the sanction would restore the permissible noise level in the area and the owner of any item seized, impounded or confiscated under these Regulations shall be responsible for the cost incurred.¹⁰²

9.0 Conclusion/Recommendations

States in Nigeria are prone to religious activities due to the multi religious nature of the country. These activities mostly take the form of congregational worships in Mosques, Churches and other nonconventional locations like motor-parks and residential buildings in the daytime and sometimes throughout the night. Noise of significant levels is generated by these congregational centers aided by the use of heavy public address systems which project voices of the worshippers with deafening intensity from inside such centres. Noise being an environmental hazard to the

⁹⁸National Environmental (Noise Standards and Control) Regulations 2009, Regulation 10.

⁹⁹ Ibid, Regulation 11(1).

¹⁰⁰ Ibid.

¹⁰¹ Ibid, Regulation 17.

¹⁰² Ibid, Regulation 12.

health of residents, disproportionate noise especially at odd hours infringes upon the rights of others. Therefore, this menace has to be addressed socially and legally.

Mindful of the above, the church, government and other denominations have a distinctive contribution to make in environmental sustainability. In order to do this, the following are hereby recommended for the church, government and the society at large.

Religious leaders need to be educated on the use of the environment so that their activities that are negatively affecting the environment are discouraged. They need to be informed of the implications of their actions on other creatures of God. This could be done effectively if the Ministry of Environment in each State of the Federation could organise enlightenment programmes for leaders of religions in form of seminars, conferences and workshops in collaboration with Muslim and Christian experts in environmental issues.

Also states' environmental agencies in the country should ensure they enforce environmental laws on noise pollution against erring religious centres. The closure of eight religious outlets comprising of Mosques and Churches by the Lagos State Government, through the state Environmental Protection Agency, LASEPA for noise pollution¹⁰³ should be a wakeup call on the other states governments. It is believed that the due implementation of existing laws, policies and guidelines on noise pollution will go a long way in addressing this menace and also bring a sustainable development in Nigeria and increase the quality of air.

¹⁰³O. Akoni, 'Nigeria: Clampdown On Noise Pollution - Lagos Shuts Eight Religious Houses' 17 November 2019 Vanguard <<https://www.vanguardngr.com/2019/11/clampdown-on-noise-pollution-lagos-shuts-eight-religious-houses/>> Accessed 29 May 2022.