

"From Personal Need to Public Right: The Judicial Recognition of Sleep Rights"

Dr. Nisha Jindal^{1*}

^{1*}Assistant Professor, University Institute of Laws, Panjab University Regional Centre, Ludhiana.

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ABSTRACT

Adequate sleep is a fundamental human need, essential for overall well-being and quality of life. The recognition of sleep as a public right is an emerging legal frontier, with significant implications for human dignity and rights. This research paper explores the evolution of sleep rights from personal necessity to public entitlement, examining the judiciary's role in recognizing and protecting this right. Through a critical analysis of landmark cases and constitutional provisions, this paper sheds light on the judicial recognition of sleep rights, the circumstances under which restrictions may be imposed, and the implications for individual dignity, human rights and fundamental rights. By tracing the trajectory of sleep rights, this research provides new insights into the judiciary's role in safeguarding this essential aspect of human life by giving special and unique space under Indian constitution.

Keywords: sleep rights, judicial recognition, human rights, constitutional law, human dignity

Bio Data of Author

Dr. Nisha Jindal (LL.B., LL.M, Ph.D.), is an Assistant Professor at the University Institute of Laws, Panjab University Regional Centre, Ludhiana. Dr. Jindal is a gold medalist from Panjab University. She had done her Ph.D. in Copyright Laws from Maharaja Agrasen University. With a remarkable academic background, she has actively participated in numerous seminars, conferences, and workshops, showcasing her expertise in the field. She had been invited as a judge in various competitions. Dr. Jindal was also invited for guest lectures on different platforms. She was awarded best contributor for moot court competition by the Association of World Education Events.

"From Personal Need to Public Right: The Judicial Recognition of Sleep Rights"

Dr. Nisha Jindal^{**}

Sleep which is a small word but having good as well as bad drastic affects on the body as well as on the society. At first glance, sleep is deceptively simple. For most of the peoples, it's just a matter of getting comfortable, closing the eyes and drifting into slumber. But despite how simple it seems, sleep is one of the most complex and mysterious body processes known to science. Sleep is a normal body process that allows the body and brain to rest.¹ But sleep is a basic human need like other needs of human i.e. drinking, eating and breathing. Proper sleep plays a vital role in good health and well-being throughout the lifetime of persons. During sleep, the body gives healthy brain function and maintain the physical health. A good and proper sleep, increases the thinking level, reaction of the person, working style, learning capacity, and many more. When a person fall asleep and enter non-REM sleep, the blood pressure and heart rate fall. During sleep, the parasympathetic system controls the body, and heart does not work as hard as it does when a person awake as such it is helpful for the functioning of heart. In children and teens, sleep also helps support growth and development. When a person sleep some of the key things that happen which includes Energy conservation and storage, self-repair and recovery because being less active makes it easier for the body to heal injuries and repair issues that happened while awake and brain maintenance.

^{**} Assistant Professor of Laws, University Institute of Laws, Panjab University Regional Centre, Ludhiana

¹ <https://my.clevelandclinic.org/health/body/12148-sleep-basics>

Sleep deficiency can lead to physical and mental health problems, injuries, loss of productivity, and even a greater likelihood of death. Getting inadequate sleep over time can raise the risk for chronic (long-term) health problems. Moreover, it can also affect the thinking level, mood, working capacity, performance and many more. It not affectson mind but also on the body organs and create many chronic health problems, including heart disease, kidney disease, high blood pressure, diabetes, stroke, obesity, and depression. Sleep deficiency also affectson heart and circulatory system, metabolism, respiratory system, and immune system. Sleep deficiency is also linked to a higher chance of injury in adults, teens, and children. For example, sleepiness while driving is responsible for serious crashes & accidents resultantly injuries and deaths. People who do not sleep enough or wake up often during the night may have a higher risk of: Coronary heart disease, High blood pressure, Obesity, Hallucinations and Stroke etc. It also effect on hormones, Metabolism.²

As such, If a person is not getting sufficient sleep or good sleep then only that person can tell how he or she feel. Without enough or good sleep, a body and brain can't work as they should be. As such, the good sleep or sufficient sleep is very much helpful for the human beings.

As such, the right to sleep is an inherent aspect of human dignity, and individuals are entitled to repose as freely and comfortably as they breathe. Disruption of sleep constitutes a violation of fundamental human rights, and denial of sleep can be tantamount to a form of psychological torture. Article 21 of the Indian Constitution deal with the Right to life and personal liberty. The Hon'ble Supreme Court of India as well as the Hon'ble High Courts considered the Right to sleep peacefully in night is a fundamental right of the person and covered the same under the purview of Article 21 of Indian Constitution and violation of the same also considered as violation of fundamental rights.

The pollution is a big enemy of humanity. There are many types of pollution however mainly there are three types of pollution i.e. air, water and noise. Noise pollution which is not only danger for body but also for mind too. It is not harmful for human beings as well as for the nature, animals and environment. A sound after one limit becomes the reason of noise pollution. Effects of noise depend upon the sound's pitch, its frequency and time pattern and the length of exposure. The courts take the noise pollution very seriously and passed various orders on the same. While dealing with noise pollution, the Hon'ble courts restrained the parties from committing the noise pollution as well as passed very guidelines for the State Govts. as well as for Central Govt. The courts in plethora of judgments held that the noise adversely affects on the rights of the persons to live as well as right to sleep. The court dealt and held that noise is as unwanted sound, categorized into natural and man-made and same is a shadow public enemy and no one can be permitted to violate the same on any ground even on point of religion. Right to live includes right to sleep, right to peaceful environment and right to live in an atmosphere free from the noise pollution is fundamental right guaranteed under Article 21 of the Constitution. Noise Pollution is a very serious menace that the people are facing Loudspeakers, heavy and light vehicles, three wheelers and two wheelers without silencers and impatient honking of horns are the main sources of the malady.

Moreover, the Central Govt., to protect the residents, environment and animals etc. from the noise pollution, The Noise Pollution (Regulation and Control) Rules, 2000, by using the powers given by the Environment (Protection) Act, 1986, has been passed by the Central Govt.:-

Sub-rule (5) of Rule 3 of the Rules prescribes:

(5) An area comprising not less than 100 meters around hospitals, educational institutions and courts may be declared as silence area/zone for the purpose of these rules.

Rule 5 of the Rules reads as under:

5. Restrictions on the use of loudspeakers/public address system.--(1) A loudspeaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loudspeaker or a public address system shall not be used at night (between 10.00 p.m. to 6.00 a.m.) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls.

(3) Notwithstanding anything contained in sub- rule (2), the State Government may, subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loudspeakers or public address systems during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year.

Ambient air quality standards in respect of noise for silence zone have been prescribed in the Schedule. Moreover, time as well as period of exemption for using the loudspeaker has been duly mentioned in the Rules of 2000.

In this case of **Moulana Mufti Syed Md. Noorur Rehman Barkati Vs State of West Bengal**³, the Hon'ble Calcutta High court **dealt with Azan from the Mosques through loudspeakers, Right to**

² <https://www.nhlbi.nih.gov/health/sleep/why-sleep-important>

³ AIR 1999 Cal 15

sleep as well as noise pollution. The writ application has been filed by Moulana Mufti Syed Md. Noorur Rehman Barkati, Imam and Khatib. Tipu Sultan; Shahi Masjid, Dharamtala and Chairman Gharib Nawaz Educational and Charitable Society, Calcutta and eight others for a declaration that Rule 3 of the Environmental (Protection) Rules, 1986 vis a vis Schedule III of the said Rule do not apply in case of Mosques more particularly at the time of call of Azan from the Mosques and for the further declaration that Schedule III of the Environmental (Protection) Rules, 1986 is ultra vires Articles 14 and 25 of the Constitution. The petitioners also prayed for withdrawal of all conditions and restrictions which were notified by the Police and other authorities pursuant to the order passed in the case of **Om Birangana Religious Society v. State, reported in 100 CWN 617** and in the said case, the court vide its Judgment dated 1st of April, 1996, certain restrictions and conditions on the use of microphones in the State of West Bengal were imposed. Out of many one condition was laid down which is as under:-

One of the important conditions that was laid down was that there will be no user of any microphones between 9 p.m. to 7 a.m. except by the public authorities for discharging their emergent public duties and/or obligations and that the West Bengal Pollution Central Board was directed to maintain noise level register indicating the level of noise which could be permitted by use of microphones on any occasion or in any area. It was also directed that (i) The District Magistrate and other Officers would issue permission for use of microphone/loudspeaker subject to conditions and restrictions imposed by the West Bengal Pollution Control Board, and (ii) the person or persons or any business houses dealing with or letting or parting with or selling microphones/loud-speakers, shall be bound to seal the volume of the noise level according to the directions of the Pollution Control Board before letting or parting with or selling such apparatus for any purpose and in default thereof, they should not be permitted to deal with such items. So far as use of microphones and/or loud-speakers by any religious society or at any religious function is concerned, it could be used solely for the purpose of communicating the speeches and religious teachings and tenets to the persons who have attended such functions and it should not be operated in such a manner so as to give reasonable cause for annoyance to any persons in the vicinity. So far as public meeting is concerned, the same was directed to be use in such a manner and with such a volume which could not exceed the level fixed up by the Pollution Control Board which should be treated as registered level and that the volume should be regulated in such a manner so that it may reach all persons who joined the meeting in a particular area but not beyond that particular area, and it should not be operated in such a manner so as to give reasonable cause of annoyance to the persons in the vicinity.

Thereafter application for modification of order was passed by some of the Imam and while observing that application the court held that such authorities by granting permission to display microphones cannot make the public the captive listeners. The citizens have a right to enjoy their lives in the way they like, without violating any of the provisions of the law. A citizen has a right to leizureright to sleep, right not to hear and right to remain silent. He has also the right to read and speak with others. Use of microphones certainly takes away the right of the citizens to speak with others, their right to read or think or the right to sleep. There may be heart patients or patients suffering from nervous disorder and may be compelled to hear this serious impact of sound pollution which has had an adverse effect on them and it may create health problems.

The Division Bench again held that 27. Further use of microphone is not a integral of Azan and/or necessary for making Azan effective. Azan is there and will be there. But simply, because microphones has been invented and ultimately it is found that it is one of the major source of sound pollution and it affects the fundamental right of the citizens under Article 19(1)(a) of the Constitution and making the citizens captive listeners, suspending all their fundamental and legal rights. None can claim an absolute right to suspend other rights or it can disturb other basic human rights and fundamental rights to sleep and leisure. The argument that the Environmental (Protection) Act, Rules and the Schedule therein are ultra vires under Articles 14 & 25, is wholly misconceived as it had not resulted any discrimination and so far as Sound Pollution is concerned, citizens have a right to be protected against excessive sound under Article 19(1)(a) of the Constitution. The restrictions on the use of microphone as imposed by the Court, Central Pollution Control Board and the State Pollution Control Board has to be carried out by all concern at any cost. Simply because no such formal restrictions has been imposed in other parts of India and the fundamental rights under Article 19(1)(a) is enforced strictly in the State of West Bengal and it is not enforced in other parts of India that does not amount to any case of any discrimination. Accordingly, in our view, the petition is misconceived and have no merit at all. Accordingly, the petition is dismissed.

The issue of right to religion practice with the loudspeaker etc. came up for hearing before the Hon'ble Supreme Court of India in the case of **Church of God Vs K.K. R. Majestic Colony Welfare Association**⁴. The Hon'ble Supreme Court while dealing with the said issue aside the fundamental rights provided under the Constitution of India held that

No religion dictates disturbing the peace of others through excessive noise. In a civilized society, activities that disturb old, infirm, students, children, or others carrying on their activities are not permissible in the name of religion. Everyone, including babies and students, has a right to a peaceful environment. Old, sick,

⁴ AIR 2000 SC 2773

and those with psychic disturbances are particularly sensitive to noise and their right to quietness must be respected. Moreover, no religion dictates disturbing the peace of others through excessive noise. Even if such a practice exists, it cannot negatively impact the rights of others to be free from disturbance. Rights in an organized society are not absolute and the enjoyment of one's rights must be consistent with the enjoyment of rights by others. Fundamental rights must coexist in harmony. Right to listen includes right not to listen, Citizens should not be coerced to listen to something they dislike or do not require, including excessive noise from loudspeakers. This right is relevant when considering the use of loudspeakers in public spaces. Rules of 2000, prescribe maximum permissible noise levels for different zones (Industrial, Commercial, Residential, Silence Zone) during daytime and nighttime. "Silence Zone" is defined as areas around hospitals, educational institutions, and courts and restrictions apply to the use of loudspeakers, particularly at night (10:00 p.m. to 6:00 a.m.) except in closed premises. Authorities are responsible for enforcing noise pollution control measures and ensuring compliance with standards. If any complaint is made to the authority if noise levels exceed standards significantly, then the authority must act on complaint and take action against violators. Moreover, authorities have the power to issue written orders to prevent, prohibit, control, or regulate music, sounds from instruments including loudspeakers, and noisy trades/processes to prevent annoyance, disturbance, discomfort, or injury to the public or nearby residents.

However, in the case of **Sayed Maqsood Ali Vs State of MP**⁵, the Hon'ble Madhya Pradesh High court while dealing with Right to sleep at night as well as noise pollution held that:-

Every citizen is entitled under Article 21 of the Constitution to live in a decent environment and has the right to sleep peacefully at night. Not for nothing it has been said sleep is the best cure for waking troubles and the sleep of a labouring man is sweet. Sleep brings serenity. Lack of sleep creates lack of concentration, irritability and reduced efficiency. It cannot be lost sight of that silence invigorates the mind, energises the body and quiets the soul. That apart, the solitude can be chosen as a companion by a citizen. No one has a right to affect the rights of others to have proper sleep, peaceful living atmosphere and undisturbed thought. No citizen can be compelled to suffer annoying effects of noise as that eventually leads to many a malady which includes cardio vascular disturbance, digestive disorders and neuro psychiatric disturbance. At this stage I may proceed to state that silent air is full of freshness. Silence brings bliss, noise invites chaos. Diligent attempts are to be made to curb noise starting from the street to stratosphere. The present generation has to keep itself alive to the situation and build a healthy society. It cannot afford to ponder like Hamlet "to be or not to be" or remain in a Parvati like situation 'najajanaTasthau'. The existing generation must remind themselves the message of a Latin poet "Death plucks my ears and says, Live - I am coming". Positive action is the call of the day, for to live is to act.

In the case of **Forum, Prevention of Env. And Sound Pollution Vs Union of India**⁶, the petitioners filed the SLP before the Hon'ble Supreme Court of India and challenged the Rules of 2000 as violation of the Constitution of India. The Hon'ble Supreme Court of India held that

freedom from noise pollution is part of the right to life under Article 21. Noise interferes with the fundamental right to live in peace and against forced audience. The court emphasize no noise pollution between 10 p.m. and 6 a.m., which is time for sleep and peace and Noise Rules, 2000, Rule 5(3) (permitting limited night exemption for loudspeakers) is based on violation of Article 21. The court further held that limited exemption power under Rule 5(3) is a reasonable restriction in public interest and does not dilute the fundamental rights. Moreover, Different religions and holy texts do not mandate use of loudspeakers for spreading teachings; rather, they emphasize willingness of audience rather forcing unwilling listeners is contrary to religious tenets and thus use of loudspeakers cannot be considered essential to performing any religious act.

However, in the case of another case **Rajendra Kumar Verma Vs State of MP**⁷, the Hon'ble Madhya Pradesh High court while dealing with Right to sleep at night as well as noise pollution held that:-

Noise Pollution covered under the definition of Public Nuisance as defined under section 268 of IPC and punishable under section 290 IPC and section 133 of Criminal Procedure Code (Cr.PC) empowered the Magistrate to issue conditional orders to remove nuisance including noise pollution. Moreover, Section 30 & 31A of Police Act, 1861 gives the powers to the police to regulate the assemblies and processions which include noise and this power also included to stop and disperse activities violating the license conditions. The Motor Vehicle Act as Central Motor Vehicle Rules also addressed the noise pollution regulations for vehicles as well as horns and silencers. Moreover, environmental law also has the provisions as well as rules to control and regulate the noise pollution. The Hon'ble court held that the rules passed against the laws passed by the Central Govt. are void. Moreover, Right to peaceful environment including sound sleep and free locomotion as an essential ingredient of the right to life under Article 21 of the Constitution of India. The authorities should also established call centre or online complaint system for reporting the noise pollution and authorities shall take immediate action on the same.

⁵ AIR 2001 MP 220

⁶ 2005 (2) MOJR 531 (SC)

⁷ AIR 2015 MP 117

In the case titled as **Farhd K. Wadia Vs Union of India**⁸, the Hon'ble Supreme Court held as under: *Citizen has certain rights being 'necessity of silence', 'necessity of sleep', 'process during sleep' and 'rest', which are biological necessities and essential for health. Silence is considered to be golden. It is considered to be one of the human rights as noise is injurious to human health which is required to be preserved at any cost. Courts can intervene to curb noise pollution affecting these rights.*

In the case **Madhavi Vs Thilakan**⁹, the Hon'ble Kerala High Court held:-

The right to enjoy life as a serene experience, in quality far more than animal existence, is thus recognised. Personal autonomy, free from intrusion and appropriation is, thus a constitutional reality. The right to live in peace, to sleep in peace and the right to repose and health, are part of the right to live. We recognise every man's home to be his castle, which cannot be invaded by toxic fumes, or tormenting sounds. This principle expressed through law and culture, consistent with nature's ground rules for existence, has been recognised in Section 133(1)(b) of Criminal Procedure Code. "The conduct of any trade or occupation, or keeping of any goods or merchandise, injurious to health or physical comfort of community", could be regulated, or prohibited under the section.

The Hon'ble Supreme Court of India again in the case of **Ramlila Maidan Incident Vs Home Secretary, Union of India**¹⁰ again treated the right to sleep as a fundamental right and held that

An individual is entitled to sleep as comfortably and as freely as he breathes. Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril. To disturb sleep, therefore, would amount to torture which is now accepted as a violation of human right. It would be similar to a third degree method which at times is sought to be justified as a necessary police action to extract the truth out of an accused involved in heinous and cold-blooded crimes. It is also a device adopted during warfare where prisoners of war and those involved in espionage are subjected to treatments depriving them of normal sleep.

In the case **Dileep B. Nevatia Shashi Deep Vs State of Maharashtra**¹¹, the National Green Tribunal (Principal Bench New Delhi) in furtherance of development to protect the rights i.e. right to life and healthy environment as well as to curb the menace of noise pollution, covered the multi-tone horns on the public & private vehicles as well as sirens by the Govt & police vehicles and found that the same are violation of right to sleep as well as they are source of health hazards and banned the horns or sirens which are not as per stipulated standards. The Hon'ble Tribunal passed the following directions:

(i) We direct the Ministry of Road Transport & Highways to notify the standards for sirens and multi-tone horns used by different vehicles either under Government duty or otherwise within a period of 3 months...

(iv) The Police Commissioner of Maharashtra is also directed to ensure that no private vehicle should be allowed to use sirens or multi-tone horns in residential and silent zones and in the vicinity of educational institutions, hospitals and other sensitive areas and also during night except emergencies and under exceptional circumstances...

In the case of **Ryan Manuel Braganza Vs State of Goa**¹², a Public Interest Litigation has been filed for restraining the noise pollution while using the loudspeakers & amplifiers in the late night parties and using of loud music in the Goa Bars and restaurants. The court restrained them from using the loud music in the parties, functions in late night hours on account of noise pollution and violation of right to sleep of the residents. The Hon'ble Goa Bench of Bombay High court held as under:

Environment is an aggregate of all external conditions and influences affecting the life and development of an organism. Once it is disturbed, no better living conditions for human beings can be created. Hence to make the enjoyment of life more meaningful, the preservation and protection of natural environment must be given priority and the human activities causing ecological imbalances must be stopped. Noise may be safely defined as unwanted sound. Noise Pollution can be divided into two categories viz. natural and man-made. Natural causes of noise pollution are air, noise, volcanoes, seas, rivers, etc. Some of chief causes of man made noise pollution are machines and modern equipment of various types automobiles, trains, aeroplanes, use of explosive, bursting of firecracker and other things leading to noise pollution. Noise affects human life in many ways. It affects sleep, hearing, communication and mental and physical health and finally the peace of living. As such, noise not only causes irritation or annoyance but it does also constrict the arteries, and increases the flow of adrenaline and forces the heart to work faster, thereby accelerating the rate of cardiac ailment. The reason being that continuous noise causes an increase in the cholesterol level resulting in permanent constriction of blood vessels, making one prone to heart attacks. In this connection, two decisions with regard to the noise pollution delivered by the High Courts can be taken note of wherein the right to live in an atmosphere free from noise pollution is held to be the one guaranteed

⁸ 2009 (1) RCR (Civil) 502 (SC)

⁹ Decided on 01.01.1988

¹⁰ 2012 Cr.LJ 3516

¹¹ 2013 (57) RCR (Civil) 1

¹² 2014 (6) ALLMR 76

by Article 21 of the Constitution of India. These decisions are *Free Legal Aid Cell Shri Sugan Chand Aggarwal Alias Bhagat Ji Vs. Govt. of NCT of Delhi and Others*, and *P.A. Jacob Vs. The Superintendent of Police, Kottayam and Another*.

Right to sleep as a fundamental right under Article 21 of the Constitution of India is also available to the employees/ labors also. The Hon'ble Punjab and Haryana High Court, in the case titled as **Haldari Cooperative Credit and Service Society Ltd. Vs Rameshwar**¹³ held as under

Right to sleep means right to undisturbed sleep and right to peaceful and undisturbed sleep is a fundamental right protected by Article 21 of the Constitution of India, being a biological necessity essential for health. After the day duty, the condition in an employment contract, such as imposing of night duty to protect employer's property by doing the rest in the same property, is harsh and inhuman and would amount to 24/7 working hours without proportionate compensation can be considered un-conscionable, unfair and violative of section 23 of Indian Contract Act as it offends public policy and the jurisprudential doctrine of distributive justice.

The right to peaceful and undisturbed sleep without fear of being visited by personal harm in the morning, I should imagine, is in the nature of a fundamental right protected by Article 21 of the Constitution of India. It is a biological necessity essential for health. A right encompassed or conferred by Article 21 cannot be waived even by consent or by any voluntary act.

To protect the residents right i.e. Right to sleep, the court of Appeal passed the order and imposed aggregated seasonal limits on the maximum number of aircraft movements permitted at the airport. In **R. v. Secretary of State for Transport ex. p. Richmond upon Thames London Borough Council and others**¹⁴, the Court of Appeal considered the power of the Secretary of state acting under powers conferred by him by Section 78(3) of the Civil Aviation Act, 1982, made an order imposing new night flight restrictions at Heathrow, Gatwick and Stansted Airports for various periods. The decision followed consultation papers and imposed aggregated seasonal limits on the maximum number of aircraft movements permitted at the airport. The restrictions in respect of the summer periods allowed more noise than that which had actually been experienced in the summer of 1988, but less noise than that which had been permitted under the restrictions in force at that time. The applicant local authorities, whose inhabitants were affected by aircraft noise, filed application for judicial review of the decision of the Secretary of State. It was held that in the context of the power of the Secretary of State what was important was that the people should be able to understand the policy objectives the Secretary had identified when he began the decision-making process and that they had a chance of making informed submissions to him about the way in which he should exercise his powers against that policy background. The situation since 1993 and subsequent consultation papers had set out the proposals fairly and rationally in an intelligible policy context, it followed that the Secretary of State had not infringed the legitimate expectation of local residents.

The prisoners cannot claim right to sleep in the jail premises on account of surprise night checking, if the same is done under the rules and not daily to harass. In the case **Suresh Jugalkishore Vs Superintendent, Central Prison**¹⁵, the double bench of the Hon'ble Gujarat High Court held as under:-

Surprise checks by jail officers, even at night, are a necessary and incidental part of maintaining prison discipline, preventing illegal activities, and ensuring efficient administration. Such checks, if conducted periodically and without excessive intrusion, do not violate a prisoner's right to peaceful sleep or personal liberty under Article 21, as the prison is not the prisoner's private dwelling but an administered facility.

The Hon'ble Supreme Court of India in the case of **Ramlila Maidan Incident Vs Home Secretary, Union of India**¹⁶ observed that

Undoubtedly, reasonable Regulation of time, place and manner of the act of sleeping would not violate any constitutional guarantee, for the reason that a person may not claim that sleeping is his fundamental right, and therefore, he has a right to sleep in the premises of the Supreme Court itself or within the precincts of the Parliament.

¹³2012 (2) ILR 15 (Punjab)

¹⁴(1996) 4 All ER 903

¹⁵1991 Cr.LR 389 (Guj.)

¹⁶2012 Cr.LJ 3516