



LOUD SPEAKERS NOT ESSENTIAL PRACTICE : POLITY/ GOVERNANCE

NEWS: Why Bombay HC said use of loudspeakers is not essential to religion

WHAT'S IN THE NEWS?

The Bombay High Court directed the Maharashtra government to enforce mechanisms to regulate loudspeaker decibel levels, clarifying that loudspeaker use is not an essential religious practice and must adhere to noise pollution norms to safeguard public health.

1. Case Background

- **Who Filed the Plea?**
 - *Jaago Nehru Nagar Residents Welfare Association* filed the petition.
- **Key Complaints:**
 - Noise pollution due to loudspeakers at mosques and madrasas, especially:
 - **Early morning (5 AM)** prayers.
 - **Festivals:** Loudspeakers used until late at night (1:30 AM).
 - Despite complaints, police failed to act against violators.
- **Noise Pollution Norms:**
 - Permissible limits for residential areas:
 - **Daytime:** 55 decibels.
 - **Nighttime:** 45 decibels.
 - Reported violations: Over **80 decibels** at some locations, breaching legal limits.

2. Observations by the Bombay High Court

- **Use of Loudspeakers in Religion:**
 - Declared *non-essential* to any religion.
 - Not protected under Article 25 (freedom of religion).
- **Public Interest Priority:**



- No individual or institution can disturb **public peace** in a cosmopolitan city like Mumbai.

- **Noise Pollution as a Health Hazard:**

- Recognized as a serious threat to residents' health and safety, warranting strict enforcement of norms.

3. Court Directives to the State and Police

- **Decibel Monitoring Technology:**

- Use **mobile applications** to measure sound levels accurately.

- **Enforcement Plan:**

1. Issue **warnings** to first-time violators.
2. Impose **fines** for continued violations.
3. For repeat offenses:
 - Seize sound equipment.
 - Cancel licenses of institutions misusing loudspeakers.

4. The Essential Practices Doctrine

- **Definition and Origin:**

- A constitutional doctrine introduced during the *Shirur Mutt Case (1954)*.
- Supreme Court ruled that only rituals and practices integral to a religion are protected under Article 25.

- **Ambedkar's Vision:**

- Dr. B.R. Ambedkar emphasized separating religion from secular governance.
- State intervention is justified when a religious practice is non-essential or violates public interest.

5. Court Interpretations of the Essential Practices Doctrine

- **Landmark Judgments:**

1. **Bijoe Emmanuel vs State of Kerala (1986):**

- Jehovah's Witnesses' right to abstain from singing the national anthem upheld, as it conflicted with their religious beliefs.



2. Ananda Marga Case (2004):

- *Tandava Dance* on public streets was ruled non-essential for the Ananda Marga sect.

3. Multani Case (2006, Canada):

- Canadian Supreme Court upheld a Sikh student's right to wear a Kirpan unless it caused harm.

4. Muslim Airman Case (2016):

- Muslim airman's dismissal for keeping a beard was upheld, as it was deemed non-essential, unlike in Sikhism.

PLAINT AGAINST 9 MOSQUES & MADRASSAS

Noise Pollution Rules 2000 |

➤ Areas within 100m of schools/colleges, religious structures, hospitals, courts silence zones

➤ Noise level in silence zones cannot cross 50 decibels during the day & 40 at night; it is 55 & 45 for residential areas



The Plea | Two Kurla residents' associations move HC over police inaction against loudspeaker use

by 9 mosques and madrassas by 5am & past midnight

➤ HC says if a complaint is filed, police must first caution the offender, impose a fine for 2nd offence, then seize loudspeakers/amplifiers & cancel permit for use

“ If one or more religious places are using loudspeakers, it is not the individual ambient air quality limit of 55 or 45 decibels but the cumulative sound level of all loudspeakers in use at a point of time —Bombay HC

6. Broader Implications and Way Forward

• Balancing Religious Freedom and Public Interest:

- Religious practices should not override constitutional principles like equality, justice, and public health.

• Respecting Religious Integrity:

- The courts and state must treat internal religious practices with sensitivity.



PL RAJ IAS & IPS ACADEMY

MAKING YOU SERVE THE NATION

- **Action Against Violations:**

- Strengthen institutional mechanisms to enforce noise pollution laws.
- Conduct awareness campaigns to promote community compliance with sound norms.

Source: <https://indianexpress.com/article/explained/explained-law/why-bombay-hc-said-use-of-loudspeakers-is-not-essential-to-religion-9797904/>



**P.L. RAJ IAS & IPS ACADEMY | 1447/C, 3rd floor, 15th Main Road,
Anna Nagar West, Chennai-40. Ph.No.044-42323192, 9445032221
Email: plrajmemorial@gmail.com Website: www.plrajiasacademy.com
Telegram link: https://t.me/plrajias2006 YouTube: P L RAJ IAS & IPS ACADEMY**