



Essential Religious Practice

[Source: IE](#)

- The Bombay High Court ruled that using **loudspeakers** is **not an essential religious practice** protected under [Article 25](#) or [Article 19\(1\)\(a\)](#) of the Constitution.
- **Essential Religious Practice (ERP):** [ERP](#) refers to **practices integral to a religion's doctrine**, protected under [Article 25](#). The judiciary determines ERP based on religious tenets.
 - **Santhara (Sallekhana):** In 2015, the Rajasthan High Court ruled **Santhara as non-essential to religion**, but the Supreme Court stayed the order, allowing the practice to continue.
 - **Triple Talaq Case:** The **SC invalidated instant triple talaq**, ruling it was **not an essential Islamic practice** and violated women's rights.
- **HC Ruling Related to Loudspeaker:** Bombay HC in ***Dr Mahesh Vijay Bedekar v Maharashtra case, 2016***, ruled for **strict enforcement of noise pollution rules**.
 - It clarified that **loudspeakers are not essential to religion** and banned their use from **10 pm to 6 am** and in silence zones, with exceptions for specific cultural or religious events (15 days/year).
- **Noise is considered as an "air pollutant"** and regulated under the [Air \(Prevention and Control of Pollution\) Act, 1981](#).
 - It mandates a maximum noise level of **55 decibels** in residential areas during the **day** and **45 decibels at night**.

THE LOUDEST ALLOWED

Under The Noise Pollution (Regulation and Control) Rules, 2000

INDUSTRIAL AREAS:

75 dB (A) leq during daytime; 70 at night

COMMERCIAL AREAS:

65 dB during daytime, 55 at night

RESIDENTIAL AREAS:

55 dB during daytime, 45 at night

SILENCE ZONES:

50 dB during daytime, 40 dB at night

■ **Silence Zones** are defined as areas comprising up to 100 m around hospitals, educational institutions, courts, religious places, or any other area which is declared as such by the competent authority.

■ **Sound levels** are measured in dB (A) leq, which is the time-weighted average of the level of sound in decibels on scale A, which is relatable to human hearing.

DAYTIME IS DEFINED AS **6 am to 10 pm**; NIGHTTIME IS **10 pm to 6 am**.

Read More: [Supreme Court on Religious Practices](#)

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