

25th Jan, 2025

1. Strengthening India-Indonesia Ties Beyond China Factor

GS 2 (International Relations)

• Why in News:

- **The Republic Day visit** of Indonesian President Prabowo Subianto to India marks a pivotal moment in the bilateral relationship between the two nations.
- **The evolving dynamics** reflect aspirations for a broader and deeper strategic partnership, emphasizing mutual goals and regional collaboration.
- India and Indonesia must also identify areas of collaboration beyond the China factor - **The Indo-Pacific is one such domain.**

• Growing Engagement Between India-Indonesia:

- **Past diplomatic framework:**
 - During the 2nd terms of Indonesian President Joko Widodo (Jokowi) and Indian Prime Minister Narendra Modi, foreign ministers Retno Marsudi and S. Jaishankar established a solid diplomatic rapport through **regular consultations**.
 - Strengthened ties were further highlighted during their **respective presidencies of the G20** in 2022 and 2023.
- **Shared global aspirations:** Both Prabowo and Modi seek to **elevate their countries' global stature**, showcasing ambitions that align on fostering **strategic autonomy**.

• Key Opportunities for Collaboration Between India-Indonesia:

- **BRICS and beyond:**
 - Indonesia's BRICS membership, granted in 2023, offers avenues for cooperation.
 - Leveraging the platform, the two nations **can bring strategic weight to the bloc**, focusing on common interests while **navigating Indonesia's economic ties with China**.
- **Indo-Pacific focus:**
 - Indonesia's evolution in embracing the Indo-Pacific concept, particularly its alignment with India's Indo-Pacific Oceans Initiative (IPOI), offers potential for maritime collaboration
 - Joint efforts under the IPOI's maritime resources pillar can further regional objectives.
- **Integrating IPOI and AOIP:**
 - Under Jokowi, Indonesia played a leading role in crafting ASEAN's Outlook on the Indo-Pacific (AOIP).
 - Indonesia has committed to **supporting the maritime resources pillar** under the IPOI.
 - By collaborating on projects within this pillar, the two nations can promote a pro-regional agenda beyond ASEAN, aligning with Prabowo's vision of creating an "ASEAN Plus" policy.
- **Trilateral partnerships:**
 - Existing frameworks like the **India-Indonesia-Australia trilateral** offer opportunities for enhanced cooperation.
 - Prabowo's visit opens the possibility of **integrating Japan** into this dynamic, creating a robust trilateral partnership for **regional security and development**.
- **Regional architecture engagement:**
 - India and Indonesia can collaborate more effectively in ASEAN-led mechanisms like the East Asia Summit (EAS) and ASEAN Regional Forum (ARF).
 - Expanding prior consultations can address divergent views, particularly on issues like **Myanmar**.
- **BIMSTEC integration:** Inviting Indonesia to join the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) can bolster its **integration with India's eastern neighborhood**, enhancing regional cooperation.

BEYOND THE CHINA FACTOR
Indonesian President's visit could be a new turning point for an old partnership

GURJIT SINGH

AN INVITATION of Indonesian President Prabowo Subianto to India likely to be the first step in a new era of strategic partnership between the two nations. The visit is also a timely reminder of the dynamics reflecting a broad aspiration of the global stage beyond the influence of APEC. Prabowo's vision suggests an attempt to mitigate the complexities of the international system and to align with India more closely with its own.

While Indonesia is one of India's most important foreign investors, Retno Marsudi and S. Jaishankar established a solid diplomatic rapport through **regular consultations**.

White Indonesia is unlikely to align with China's vision of a "Belt and Road" initiative, which established infrastructure and economic cooperation along the coastlines of the Indian Ocean and the South China Sea. Specifically, India's new Indo-Pacific policy is designed to support the ASEAN Outlook on the Indo-Pacific (AOIP). This was adopted in 2022, and it is a clear commitment to the Indo-Pacific Oceans Initiative (IPOI). The two countries have also signed a memorandum of understanding on the IPOI.

While India and Indonesia do not always share the same perspective on issues in terms such as the South China Sea, they are moving towards a more coherent partnership. Prabowo, like his predecessor, has a clear vision of a global status. A critical challenge lies in how to manage the challenge of aligning Indonesia's stance with Prabowo's vision of creating an "ASEAN Plus" policy.

Another potential area is the development of a trilateral partnership between India, Indonesia, and Japan. Both India and Indonesia are in a strong position, particularly regarding China. This should expand Indonesia's role in the region. A robust India-Indonesia partnership will also help to shape the changing landscape of the Indo-Pacific neighborhood.

The writer is a former Indian diplomat to Germany, Australia, Ethiopia, and the United Kingdom.

- **Evolving Constitutional Interpretation:** As reflected in the Puttaswamy case, the challenge is to extend the values of dissent, dignity, and liberty enshrined in the Constitution, ensuring that the courts evolve with the changing societal and political realities.
- **Future of Constitutional Values:** The judicial system is urged to protect the ethical spirit of the Constitution and not undermine it through outdated or politically motivated interpretations, as this would defeat the core mission of justice.

3. Foundational Values, the Journey of the Indian State

GS 2 (Governance)

- **Why in News:**

- **Indian Federalism: Features, Contemporary Challenges and Resilience Shown**

- **The Unique Nature of Indian Federalism**
 - India's federal structure is **distinct**, designed to accommodate its diverse socio-cultural and historical realities.
 - Unlike classical federations, **India operates on a 'quasi-federal' model** that blends unitary and federal characteristics.
 - This **flexibility has enabled the country to address regional aspirations while maintaining national unity**, but the relationship between the Union and States has often been fraught with challenges.
- **The Role of State Governors: A Source of Tension**
 - **State Governors**, expected to act as neutral arbiters, **have often been perceived as partisan agents of the Union government**.
 - This has led to **legal disputes and strained centre-state relations**, particularly in politically sensitive contexts.
 - **Recent Supreme Court rulings have sought to reaffirm the constitutional mandate of neutrality**, strengthening the federal character of the Indian system.
- **Simultaneous Elections: A Contentious Proposal**
 - The **idea of holding simultaneous elections for the Lok Sabha and State Assemblies** has sparked significant debate.
 - Proponents argue that it would reduce costs and administrative disruptions, while **critics caution that it could centralise power and overshadow state-specific issues**.
 - This proposal underscores the tension between efficiency and the preservation of regional autonomy.
- **Linguistic Diversity and Federal Challenges**
 - India's linguistic diversity poses unique challenges to its federal structure.
 - The **marginalisation of regional languages** like Tamil, Kannada, Bengali, and Marathi **has fuelled demands for greater linguistic equality**.
 - **Perceptions of Hindi imposition have led to protests**, emphasising the need for policies that respect multilingualism while fostering national unity.

Foundational values, the journey of the Indian state



Sharmagavinda
is Spokesperson,
Gravida Network
Kadbagem and an
advocate in the

In the 75th anniversary of the coming into effect of the Constitution of India, it is imperative to evaluate the journey of the Indian state from the perspective of its foundational values before we plan the course ahead. After nearly three years of debate and deliberation, the Constituent Assembly of the Indian state adopted India's first ever legal document, the Constitution of India. Two months thereafter, the Republic officially came into force with the Constitution being given effect to. When Dr. B.R. Ambedkar delivered the dossier address

Rather than reinventing the wheel of the Constitution, there has to be a strong deference of India's democratic

and one that was well anticipated by Dr. Ambedkar, was that the document is not federal and does not have a federal character. Addressing this complaint while speaking in 1949, Dr. Ambedkar said that the Centre and the States are coequal in legislative and executive authority. He clarified to the Constituent Assembly that the emergency powers for the Union are only placed "in an emergency". As one only, "the regular conduct of Government" is to be carried on and people divided into several thousands of states would be a "disaster".

Secondly, in my view, one can only claim to have fostered federal feelings through social and political movements. However we succeeded to some degree in that, but the result of that is certain inaction and inaction in society. The answers must be in the negative, but, that does not mean that the Constitution has failed. It is an indication of how much further the country must travel.

- **Fiscal Federalism: Balancing Resource Distribution**
 - **Fiscal arrangements** under the Finance Commission and GST regime **have been a contentious issue**, with States often arguing that the system disproportionately favours the Union
 - **Delayed GST compensation payments**, especially during crises like the COVID-19 pandemic, have highlighted the vulnerabilities of the current fiscal framework and the need for reforms to ensure equitable resource distribution.
- **Delimitation Exercise: A Test of Federal Harmony**
 - The **upcoming delimitation exercise** to redraw parliamentary constituencies based on **population data** poses a significant challenge.
 - States with **successful population control measures** fear losing political representation, creating a conflict between policy success and equitable representation.
 - This issue exemplifies the complexities of India's federal system.
- **The Resilience of Indian Federalism**
 - Despite these challenges, **federalism remains a cornerstone of India's democracy**.
 - B.R. Ambedkar's vision of co-equal powers between the Union and States emphasises the need for mutual respect and cooperation.
 - **Judicial interpretations**, such as the **S.R. Bommai vs Union of India case**, have reinforced federalism as part of the Constitution's basic structure, ensuring its continued relevance in India's governance.
- **The Issue of Unequal Democracy: The Challenge of Social and Economic Justice**
 - **Legal and Institutional Challenges to Liberty**
 - Critics argue that India is increasingly veering towards becoming a police state, with stringent laws and practices that stifle dissent and curtail individual freedoms.
 - **Laws such as the Unlawful Activities (Prevention) Act (UAPA) and the Prevention of Money Laundering Act (PMLA)** have been criticised for their overreach, vague definitions, and potential for misuse.
 - **These statutes**, alongside the retention of colonial-era laws like sedition, are seen as tools to suppress political opposition and curtail freedom of speech.
 - While these measures are often justified in the name of national security, **their application has raised concerns about eroding democratic liberties** and violating constitutional guarantees.
 - **Caste and Social Inequalities: A Persistent Challenge**
 - One of the most enduring social issues in India is **caste-based inequality**, which continues to dominate the social and economic landscape.
 - Despite constitutional safeguards such as the abolition of untouchability and affirmative action policies, **caste still plays a significant role in determining access to education, employment, and social mobility**.
 - The intersections of caste, class, and gender exacerbate inequalities, leaving marginalised communities with limited opportunities to break free from systemic oppression.
 - The persistence of caste-based discrimination and violence indicates that India is far from achieving the vision of an egalitarian society.
 - **Economic Inequalities: The Growing Divide**
 - India's economic growth over the past few decades has been remarkable, but the benefits of this growth have not been evenly distributed.
 - The gap between the rich and poor has widened, with wealth concentrated in the hands of a few. Rural-urban disparities, unequal access to quality education and healthcare, and limited opportunities for upward mobility further deepen economic inequalities.

- **Front-Runners:** Maharashtra, Uttar Pradesh, Telangana, Madhya Pradesh, and Karnataka were categorized as **front-runners** for fiscal health. These states demonstrated **high developmental expenditure, consistent revenue growth, and improved debt sustainability**.
- **Fiscal Indicators:** States like Odisha, Goa, Karnataka, Maharashtra, and Chhattisgarh scored highest in the FHI over the **2014-15 to 2021-22** period, showcasing stable fiscal management and strong debt profiles.
- **Debt Sustainability:** Odisha was recognized for its **excellent debt sustainability** with the highest scores in **Debt Index (99.0)** and **Debt Sustainability (64.0)**.
- **Fiscal Health Index**
 - NITI Aayog's "Fiscal Health Index 2025" evaluates the fiscal health of Indian states.
 - **Sub-Indices Used:** The FHI report evaluates 18 major states based on five critical sub-indices:
 - **Quality of Expenditure**
 - **Revenue Mobilization**
 - **Fiscal Prudence**
 - **Debt Index**
 - **Debt Sustainability**
 - These sub-indices together provide a detailed, multi-dimensional view of a state's fiscal health.
 - Data for the Fiscal Health Index was sourced from the **Comptroller and Auditor General (CAG)**.
 - The FHI is designed to assist policymakers by offe

5. Renaming Controversy of the Jaffna Cultural Centre

GS 1 (Art and Culture)

- **Why in News:** The **Indian High Commission** in Sri Lanka announced the renaming of the **Jaffna Cultural Centre** to the '**Thiruvalluvar Cultural Centre**'. The renaming was done to honor the Tamil poet-philosopher **Thiruvalluvar**, a respected figure in Tamil culture.
- **Why the name change?**
 - The **Thiruvalluvar Cultural Centre** was renamed to recognize the cultural significance of Thiruvalluvar to Tamils worldwide.
 - This decision was part of India's ongoing efforts to celebrate and promote Tamil culture globally.
 - The renaming of the **Jaffna Cultural Centre** to **Thiruvalluvar Cultural Centre** caused controversy due to the removal of 'Jaffna' from the name.
 - Many in the Tamil community felt the change was disrespectful to their identity.
 - After backlash, India compromised by reinstating the word 'Jaffna' in the name.
- **Tamil Saint-Poet Thiruvalluvar**
 - Thiruvalluvar, also known as **Valluvar**, is a revered figure in Tamil literature and culture of the Indian subcontinent during the **Sangam period**.
 - He is known primarily for his work, the **Tirukkural**.
 - The 'Tirukkural', a collection of 1,330 couplets ('kurals' in Tamil), are an essential part of every Tamil household — in the same way as, say, the Bhagavad Gita or the Ramayana/Ramcharitmanas are in traditional North Indian Hindu households.
 - The collection is divided into 3 books: **Aram (virtue), Porul (government and society), and Kamam (love)**.
 - Thiruvalluvar contributed the Tirukkural or "Kural" to **Sangam literature**.
 - His teachings advocate for virtuous living and are celebrated for their universal relevance, transcending regional and cultural boundaries.
 - **Origin:** Valluvar is believed to have lived in Madurai and later in town of Mayilapuram or Thirumayilai (present-day Mylapore in Chennai), although there is no real proof.

'Jaffna' restored in India-built cultural centre's name in Lanka

Meera Srinivasan

COLOMBO

A strong backlash from politicians and intellectuals in Jaffna, over renaming the India-built Jaffna Cultural Centre as Thiruvalluvar Cultural Centre, has prompted Indian authorities to partially reinstate the original name, now calling the facility "Jaffna Thiruvalluvar Cultural Centre".

On January 18, the Indian High Commission announced the renaming of the Jaffna Cultural Centre as 'Thiruvalluvar Cultural Centre', "in honour of the great Tamil poet-philosopher Thiruvalluvar", High Commissioner Santosh Jha and Sri Lanka's Minister of Books and Sri Lanka's National Cultural Affairs Hindumai Sunil Senevi jointly unveiled the new name at a special event held in Jaffna.

Following the ceremony, which coincided with Tamil New Year, marked on January 14 that week, Prime Minister Narendra Modi and External Affairs Minister S. Jaishankar posted on X, welcoming the renaming. Tamil Nadu Governor R.N. Ravi termed it a "historic milestone" in Mr. Modi's

"continued efforts to celebrate and propagate the pride of Tamil language and culture worldwide". Mr. Jaishankar, in a statement, said that the move, or omission of the word 'Jaffna' from the name was a cause of concern, as was giving the name to a cultural centre, "in honour of the poet philosopher".

He added that the name change was "not in keeping with the principles of the Sangam period".

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- He is generally thought to have belonged either to Jainism or Hinduism. However, almost every religious group has claimed him and his work as their own.
- Thiruvalluvar is often depicted as a **symbol of Tamil identity and pride**, and his contributions are honored through various celebrations, including Thiruvalluvar Day.
- This day, observed on the second day of Thai, serves as a tribute to his philosophical teachings and impact on Tamil literature.
- There is absence of concrete historical records regarding his life and exact date of birth. Some accounts place him in the **3rd or 4th century CE**; others date him to around 500 years later, in the **8th or 9th century**.
- **15th January** is celebrated as **Thiruvalluvar Day**.
- **Sangam Period**
 - Sangam Age is the period from the **3rd century BC** to the **3rd century AD** in south India (area laying to the south of the **Tungabhadra and Krishna rivers**).
 - Sangam period is believed to be the birth place of Tamil literature.
 - The Sangam literature is the earliest known literature in the Tamil language. It is also known as **“the poetry of the noble ones”**.
 - Three dynasties ruled during the Sangam Age:
 - **Cheras**
 - **Chola**
 - **Pandyas**
 - The period is speculated to have lasted between **300 BC to 300 AD**.
 - The Sangam was an institution to which most south Indian academics contributed, under the patronage of the Pandya kings. In fact, literature discovered of this era has been confirmed with archaeological evidence as well.

6. Research Identifies Tamil Nadu as the Birthplace of the Iron Age

GS 1 (History)

- **Why in News:**

- Iron age in India

- The Iron Age in India marked a transformative period characterized by the widespread use of iron tools and weapons, significantly advancing agriculture, warfare, and societal structures.
- Initially believed to have begun between 1500 and 2000 BCE, recent discoveries in Tamil Nadu have pushed the timeline back to as early as 3345 BCE.
- **Technological Advancements**
 - The Iron Age marked a significant leap in metallurgy, succeeding the Copper-Bronze Age.
 - Iron smelting required advanced furnaces capable of reaching 1534°C.
- **Archaeological Evidence**
 - **North India:** Early iron use was linked to Painted Grey Ware (PGW) cultures in sites like Hastinapur, Kausambi, and Ujjain.
 - **Central India and Deccan:** Iron-bearing Black and Red Ware (BRW) levels were found in Nagda, Eran, and Prakash.
 - **South India:** Iron artefacts appeared during the overlap of the Neolithic and Megalithic phases.

Iron Age began in TN hundreds of years earlier than believed: Study




third millennium BCE for the first time in the world, altering the understanding of global cultural trajectories.

Rajan and Sankhaman, the authors of the report, hypothesised that the Copper Age of northern India and the Iron Age of southern India may have been contemporaneous, suggesting a unique cultural trajectory south of the Vindhya.

“When cultural zones located north of Vindhya merged, a

Archaeological sites in Tamil Nadu also revealed varied metallurgical techniques. Three types of iron-smelting furnaces were identified at Kodumanal, Chettipalayam, and Perungulam, showcasing early innovations in extracting iron. Rudimentary circular furnaces, for instance, reached temperatures of 1,300°C, sufficient to produce sponge iron. These findings highlight the region's technological sophistication in producing

The Civilisation of South India to academic syllabuses. Globally, the last Age has been largely attributed to the Empire in Atlanta, where the technology is believed to have emerged around 1300 BC. In response, the Tamil Nada finds that this challenge is easily met. Dr Dilip Kumar Chakraborty, Senior Researcher of South Asian Archaeology at Cambridge University, emphatically emphasised the global application of the discoveries.

to establish museums at Keeladi and Gangai-konda-cholapuram to preserve and promote Tamil Nadu's archaeological heritage.

archaeology department, said they are glad to place this recent evidence to the academic world for their scrutiny.

future course of action," he said.

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- **Urbanization and Agriculture**
 - Iron tools, like axes and ploughs, were pivotal in clearing forests and expanding agriculture, contributing to the second urbanization in the Ganga valley (800–500 BCE).
- **Social and Economic Impact**
 - Iron technology facilitated forest clearance, agricultural growth, and urbanization, leading to increased socio-economic stratification.
 - The period also witnessed the emergence of chiefdoms, states, and trading networks, culminating in the Mauryan Empire's integration of diverse regions.
 - The Iron Age laid the foundation for India's agrarian and urban transformations, influencing subsequent socio-political developments.
- **Key Findings of the Study**
 - The report, '**Antiquity of Iron: Recent Radiometric Dates from Tamil Nadu**', provides evidence that iron technology in Tamil Nadu existed as early as 3345 BCE.
 - The findings are supported by **Accelerator Mass Spectrometry (AMS)** and **Optically Stimulated Luminescence (OSL)**.
 - **Archaeological Sites Studied**
 - Iron-age samples were examined from key sites such as Sivagalai, Adichanallur, Mayiladumparai, and Kilnamandi, confirming Tamil Nadu's advanced metallurgical history.
 - **Key Archaeological Discoveries**
 - **Sivagalai**: Evidence from charcoal and potsherds dates iron technology to 2953–3345 BCE, with a paddy sample dated to 1155 BCE.
 - **Mayiladumparai**: Samples dated to 2172 BCE surpassed previous benchmarks for the region.
 - **Kilnamandi**: A sarcophagus burial dated to 1692 BCE is the earliest of its kind in Tamil Nadu.
 - **Tamil Nadu: A Pioneer in Metallurgy**
 - The findings establish Tamil Nadu as an innovator in early metallurgy.
 - Smelted iron, dated to the middle of the 3rd millennium BCE, shows the region's technological sophistication.
 - The Study hypothesise that the **Copper Age of North India and the Iron Age of South India were contemporaneous, reflecting unique cultural trajectories**.
 - **Advanced Iron-Smelting Techniques**
 - Three distinct iron-smelting furnaces were identified at:
 - **Kodumanal**: Circular furnaces capable of reaching 1,300°C, sufficient for sponge iron production.
 - **Chettipalayam and Perungalur**: Showcased other innovative smelting techniques.
 - These discoveries highlight Tamil Nadu's advanced understanding of pyro-technology and its ability to produce durable tools and weapons.
- **Significance of this study**
 - **Iron Age Timeline in India Revised**
 - Previously believed to have emerged between 1500 and 2000 BCE, the Iron Age in India has been pushed back by new data from Tamil Nadu.
 - Radiometric dating of a paddy sample from a burial urn in Sivagalai places iron usage as far back as 3345 BCE, marking the earliest recorded evidence of iron technology globally.
 - **Global Implications**
 - Globally, the Iron Age has been attributed to the Hittite Empire (1300 BCE), but Tamil Nadu's findings challenge this timeline.
 - **Turning point in Indian archaeology**
 - These findings represent a turning point in Indian archaeology, rewriting the history of the Iron Age and positioning Tamil Nadu as a key player in global metallurgical innovation.

7. Use of loudspeakers not essential part of religion

GS 2 (Governance)

- **Why in news:** Observing that the use of loudspeakers is not an essential part of any religion, Bombay high court directed the state to curb noise pollution by places of worship, irrespective of religion.

• Essential Religious Practices (ERP) Doctrine

- It governs which religious practices are protected under Arts. 25 & 26 of the Constitution.
- Overview
 - The doctrine is a legal framework created by the Supreme Court to balance the competing interests of freedom of religion and the state's ability to regulate practices.
 - It protects only those religious practices that are deemed essential to a particular religion.
- Key Features
 - **Freedom of Religion:** The doctrine protects practices that are essential to a religion, under the freedom of religion provisions in the Indian Constitution.
 - **State's Role in Social Reforms:** The doctrine allows the state to implement social reforms without infringing on essential religious practices.
 - **Bifurcation of Practices:** It distinguishes between essential and non-essential religious practices, offering protection only to those considered essential.
- Historical Context
 - **First Articulation:** The doctrine was first articulated in the 1954 case *The Commissioner Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiji of Sri Shirur Mutt*.
 - **Criticism:** The application of the doctrine has been criticized for being inconsistent and incoherent.
- Notable Examples
 - **The Durgah Committee, Ajmer v. Syed Hussain Ali (1961):** The court ruled that only practices that are essential and integral to a religion are protected.
 - **Ismail Faruqui v. Union of India (1994):** The court ruled that a mosque is not an essential practice for the religion of Islam.

• Bombay HC on Loudspeaker Use

- In a significant ruling, the Bombay High Court has declared that the use of loudspeakers is not an essential practice of any religion.
- Court Observations
 - Loudspeaker use is not an essential part of any religion and is not protected under Article 25 (freedom of religion).
 - Noise pollution is a public health hazard and should be strictly controlled to safeguard citizens' rights.
 - Law enforcement must ensure compliance with noise regulations and avoid being passive in such cases.
- Case Background
 - Residents of Nehru Nagar, Kurla East, filed a plea citing noise pollution by religious places beyond permissible decibel limits and hours.
 - **Permissible limits: 55 decibels (daytime) and 45 decibels (nighttime) in residential areas.**
 - Complaints to local police stations were ignored, leading to the petition in the Bombay High Court.

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

OMKAR GOKHALE

MUMBAI, JANUARY 24

NO ONE can claim that their right to practice religion has been violated when permission to do so has been granted, the Bombay High Court held on Thursday.

The use of loudspeakers and public address systems by religious places did not demand an essential religious practice.

The Bench of justices Aja

S Gadkari and Shyam C Chaitanya, however, held that a penalty app

lied to citizens.

The litigants, including a

resident of Kurla, filed a

petition against the use of

loudspeakers, the cumulative sound

level of all loudspeaker/voice amplifiers in use

at a particular point of time – and not the

individual ambient noise level of 55 or 45

EXPLAINED LAW

permissible decibel limits and during pro

hibited hours.

Law on noise pollution

Under the Noise Pollution (Regulation and Control) Rules, 2000, noise levels in resi

dential areas are to be controlled to not exceed 55 decibels and, at night, 45 decibels.

Section 10 of the Maharashtra Police Act

also provides for the police to issue direc

tions to restrain, modify, or al

ter the permission to use

loudspeakers.

In their affidavit in

support of the petition filed

on January 12, the residents of Kurla

and Chinchwad areas against the use of loud

speakers by mosques and madrasas beyond

the court has suggested automatic calibrations of sound output. A law

describes – should be considered.

Directions by HC

Since the petitioners had pleaded that

the police were not taking action on their

complaints, the court issued directions to

the government and police on how to deal

with complaints relating to noise pollution. Since the plea was about noise pollution from places of worship, the court causticed the police to take action. The court also directed the police to issue a notice to the complainant, "more so to avoid such com

plaints being targets of ill will and derive

opportunity."

■ The state should have an initial mech

anism to control decibel levels in loud

speakers used at any religious place. One way

of doing this would be to carry out "calibration

and setting of sound output limits in these

speakers," the court said.

■ The Mumbai Police

should issue directions to police officers use a deci

bel level measuring mobile application to

check for violations.

■ The court also gave a four-step graded

punishment system for the police to institute.

While first time offenders could be let off

after a "caution", in case of repeat violations

fines must be imposed on the concerned

trials or organisations, and they must be

warned of strict action in case of further vi

olations. Thereafter, if violations continue,

the police can issue a notice to the concerned

organisation to cancel the licence for their use and ini

tiate a complaint against those using them.

The court also directed the state to issue a

notified circular on January 14 to seek to know what action the

government had taken in respect of 2,941

mosques and 1,000 madrasas which were being used

without permission. The next hearing is on March 18.

Previous ruling

The HC ruling referred to the 2016 ver

dict in Dr Mahesh Vige Bedkar v

Modi, which upheld the implementation of the Noise Pollution

Regulations and Control Rules.

The court had held that

places of worship could not escape being

penalised for noise pollution, and that the

"use of loudspeakers is not an essential part

of any religion". The use of loudspeakers

could not be claimed as a fundamental right

under Article 25 (freedom of religion) and Article 19(1)(a) (freedom of speech and ex

pression) of the Constitution of India.

The 2016 ruling referred to past SC judg

ments and directed that loudspeakers can

not be used in residential areas between 10 pm and 6 am.

Areas up to 100 metres around schools,

mosques, madrasas, religious places, and

cooperative societies are also covered.

The 2016 ruling also allowed

local authorities to make exceptions

in case of emergency.

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- **Key Directive**
 - Police must measure decibel levels using mobile applications and seize equipment violating noise norms.
 - Initial violations should result in warnings; repeated offenses may lead to fines, equipment seizure, and license cancellation.
 - Police must ensure complainant anonymity to prevent retaliation.

