

## [Judge Reverses Moslem Ban on Hindu Music](#)

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For many years Hindu religious processions in India, Sri Lanka and elsewhere have been forced to remain silent as they passed a mosque. Festival parades with thousands of devotees moving through a town would cease the playing of temple drums and other musical instruments within earshot of a mosque, pass by in eerie stillness, continuing the procession a block or two away. But all that changed when Judge B.P. Banerjee issued a decree from Calcutta's High Court that such religious practices cannot lawfully be restricted.

The case before the court involved a committee which wanted to hold a procession of a Durga image on Vijaya Dashami, October 4, 1984. A local magistrate had upheld a criminal code prohibiting the musical instruments near a Bamnabad mosque. The festival committee appealed. Justice Banerjee's landmark decision, which may well affect thousands of celebrations each year, was based on the law's protection of assembly and religious freedom.

He noted that processions have been an integral part of Hindu religious practice from "time immemorial and the same cannot be interfered with by any person." He quoted the Indian Constitution Article 19 protecting the right of citizens to assemble peacefully. In an unexpected twist, he said the prohibitory order had, in effect, "encouraged and supported the wrong-doers against the persons wronged," a reference to the limitations demanded by Moslems against common Hindu practices.

Responding to the argument that police were attempting to avoid any public disturbances which might arise, the judge castigated the magistrate for failing to protect the Hindus' Constitutional rights. If disturbances were anticipated, the magistrate should have restrained the Moslems, rather than prohibiting a lawful gathering and thereby denying fundamental religious rights. On a public road, he wrote, other religions have no legal objection or lawful excuse to limit legitimate religious practices. One exception was granted to the effect that processions

should not pass mosques on Friday afternoons when mass prayers are conducted.

The Durga festival continued undisturbed. One observer who says he has travelled widely in the world, noted that Moslems should not object when members of other faiths follow long-established and respected traditions. He complained that Moslems have two standards, "one for themselves and another for non-Muslims." Asked to expound on that accusation for Hinduism Today, he said that mosques are frequently built in public places, near Hindu temples or Christian churches. Five long daily prayers are broadcast faithfully through powerful amplifying systems, he said, with "little or no regard for the impact such constant bombardment has on non-Muslims who do not wish to hear the Arabic call to prayer."