
(1999) 04 AHC CK 0174
In the Allahabad High Court
Case No : C.M.W.P. No. 14168 of 1999

Chhidda Khan

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 06-04-1999

Acts Referred:

Constitution of India, 1950 — Article 25
Constitution of India, 1950 — Article 25
Constitution of India, 1950 — Article 25

Citation : (1999) 2 AWC 1558(1)

Hon'ble Judges : R.K. Singh, J;M. Katju, J

Bench : Division Bench

Advocate : Amar Nath Bhargava, for the Appellant;

Final Decision : Disposed Of

Judgement

M. Katju, J.—The case of the petitioner is covered by the Division Bench decision of this Court in Civil Misc. Writ petition No. 42403 of 1998, Mohd. V. Sharif Saifi v. State of U. P. and others. We issue the same directions in this case also.

2. However, we wish to issue a humble appeal to the general public to refrain from utilizing loudspeakers, whether it is for Akhand Ramayan. Azan, Kirtan, quawwali or public programmes, functions, marriages, or for any such purposes because this is causing a great deal of inconvenience and harassment to the general public, particularly to persons who may be having heart problems and want to get sound rest, students who wish to study, and others who do not wish to be disturbed.

3. In our opinion, no doubt everyone has a fundamental right under Article 25 of the Constitution to practice his religion freely, but his right should not be exercised in a manner which causes harassment or inconvenience to others. Hence we are issuing this humble appeal to people of all religions. We make it clear that this is only a humble appeal and not a binding order on the petitioner or on anyone. In religious matters, coercion should be avoided as that makes

people bigoted or fanatic. Hence the method to be used is gentle persuasions, and not coercion. We are, therefore, only issuing a humble appeal not to use loudspeakers, and are not passing any order in this connection. We have confidence in the good sense of the people of this country that they will abide by reasonable and good suggestions of the Court. We make it clear that since this is only an appeal, the authorities will not seek to enforce it, and we are confident that people of all religions will voluntarily accept it if they find it fair and reasonable.

4. With the aforesaid directions and suggestions the writ petition is finally disposed of.