

RELIGIOUS FREEDOM

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Freedom of religion is fundamental right in India. India is one of the countries which is one of the most diverse nation in religion. It is the birth place of four major religions Jainism, Hinduism, Buddhism, and Sikhism. And most of the population of India is covered by Hindus. Freedom of religion is a principle that supports the freedom of individual or community, or community in public and private, in a country with a state religion, freedom of religion is generally considered to mean that the government permits religious practices of other sects besides the state religion, and does not persecute believers in other faiths. Religious freedom safeguard the rights of all people to hold their own religious beliefs and express them openly without fear. It ensures that people can freely choose or change their, religion faith it protects individuals from religious discrimination in employment, housing and other basic services, and prevents people from being denied the right to have a business, occupation likens based on their religion. Freedom of religion protects not only the individual person but also the organizations of religious that make faith possible. It is the right to form other religious institutes

ARTICLE RELATED TO RELIGIOUS FREEDOM

Freedom of religion in India is a fundamental right guaranteed by Article 25-28 and Article 19 of the constitution of India. Modern India came into existence in 1947 and the constitution preamble was amended in 1976 to state that India is secular state. These sections imply that the state will not discriminate, patronize or meddle in profession of any religion however; it shields individual religion or group by adding religious rights as fundamental rights.

ARTICLE-19

Freedom of speech and expression in article 19 guarantees the freedom of speech and expression. The primary purpose of article 19 is to protect the certain rights regarding freedom of speech. According to this article, every citizen has right to freedom of speech and expression; assemble peacefully (without arms); form associations or unions; move freely throughout the country; reside and settle in any part of India; and practice any profession, or any occupation.

The Article 19 explicitly states that the right to freedom of opinion and expression also includes the freedom to hold opinions without interference.

ARTICLE-25

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Article 25 states that every individual is “equally entitled to freedom of conscience” and has the right “to profess practice and propagate religion “According to article 25, the gates of Hindu religious institution should be opened to every section of Hindus. Here the term Hindu s also includes individual who professor religious and Sikh, Jain, or Buddhist religion. The same holds true for the term ‘Hindu religious institutions.

ARICLE- 26

Article 26 gives every religious group a right to establish and maintain institution for religious and charitable purpose, manage its affairs, properties as per the law. This guarantee is available to only citizens of India and not to aliens. It guarantees collective freedom of religion, subject to some limitations it guarantees to every denomination or a section of it the right to establish and maintain institutions for religious and charitable purpose and to manage in its own way all affairs in matters of religion. This provision also provides right to such denomination or a section of it to acquire and own movable and immovable properties and to administer such properties in accordance with law.

It mainly focuses on freedom to manage religious affairs as provided under article 26 of the constitution of India

Every religious denomination has the right to establish and maintained institution for religious and charitable purpose under article **26(a)**

ARTICLE 27-

FREEDOM FOR PAYING TAXES FOR THE PROMOTION OF ANY RELIGION

Under Article 27 the constitution lays down that no person shall be compelled to pay ant taxes, the compelled to pay any taxes, the proceeds of wick are specifically appropriated in payment of expences for the promotion or maintenance of any particular religious denomination.

ARTICLE 28-

NO RELIGIOUS INSTRUCTIONS IN GOVERNMENT EDUCATIONAL INSTITUTIONS

Article 28 prohibits the imparting of religious instructions in any educational intuitionism any educational institution which is wholly maintained out of state funds or receiving aid from the state.

According to article 28(3) in private educational institution which are recognized by the government or which are recognized by the government or which receive financial aid of any kind from the state, no person shall be compelled to get religious education or attend religious worship against his will.

The right of religious freedom, like other fundamental rights, has certain limitations. This right can be exercised subject to public order, morality and health. It also provides that the state shall have the right to regulate or restrict any economic, financial political or other secular activity that may be associated with a religious practice for social welfare and reform or the throwing open Hindu religious institutions of public character to all classes and sections of the Hindus. The term Hindus, include person professing the Sikh, Jain and Buddhist religious. The constitution recognizes the right of constitution recognizes the right of the Sikhs to wear and carry kurgan as a part of professing the Sikh religion.

CASES

S.R Bombay vs union of India

Supreme court of India ruled that India was already a secular state from the time it adopted its constitution, what actually was done through this amendment is to state explicitly what was done through this amendment is to state explicitly what was earlier contains implicitly under article 25-28

Saddar syedna taheer saifuddin vs state of Bombay

In this case constitution bench of the supreme court had struck down the Bombay prevention of excommunication act of 1949 on the grounds that it violated article 25 and 26 of the constitution twenty five years after the decision in sardar syedna (here after “the dawoodibohra case” in 1986 a writ petition was filed asking the court to review and overrule its decision . eight years after the filing in 1994 a two judge bench a seven judge bench was constituted that same year but it adjourned the case.

JUS IMPERATOR