

RIGHT TO FREEDOM OF RELIGION (ARTICLES 25 - 28)

The Right to Freedom of Religion is guaranteed to all Indians by the Constitution under Articles 25 to 28.

Right to Freedom of Religion

The Constitution of India guarantees the right to freedom of religion to not only individuals but also religious groups in India. This is enshrined in Articles 25 to 28.

Article 25 (Freedom of conscience and free profession, practice and propagation of religion)

Article 25 guarantees the freedom of conscience, the freedom to profess, practice and propagate religion to all citizens.

- The above-mentioned freedoms are subject to public order, health and morality.
- This article also gives a provision that the State can make laws:
 - That regulates and restricts any financial, economic, political or other secular activity associated with any religious practice.
 - That provides for the social welfare and reform or opening up of Hindu religious institutions of a public character to all sections and classes of Hindus. Under this provision, Hindus are construed as including the people professing the Sikh, Jaina or Buddhist religions and Hindu institutions shall also be construed accordingly.
- People of the Sikh faith wearing & carrying the *kirpan* shall be considered as included in the profession of the Sikh religion.

Article 26 (Freedom to manage religious affairs)

This Article provides that every religious denomination has the following rights, subject to morality, health and public order.

1. The right to form and maintain institutions for religious and charitable intents.
2. The right to manage its own affairs in the matter of religion.
3. The right to acquire immovable and movable property.
4. The right to administer such property according to the law.

Article 27 (Freedom as to payment of taxes for promotion of any particular religion)

According to Article 27 of the Constitution, there can be no taxes, the proceeds of which are directly used for the promotion and/or maintenance of any particular religion/religious denomination.

Article 28 (Freedom as to attendance at religious instruction or religious worship in certain educational institutions)

This article permits educational institutions that are maintained by religious groups to disseminate religious instruction.

- This provides that no religious instruction shall be provided in State-run educational institutions.
- Educational institutions administered by the State but that were established under any endowment or trust which requires that religious instruction shall be imparted in such institutions is exempt from the above clause (that no religious instruction shall be provided).
- Any person who attends any educational institution recognised by the State or receiving State aid shall not be required to participate in any religious instruction that may be imparted in such institution, or also attend any religious worship in such institutions unless he/she has given consent for the same. In the case of minors, the guardians should have given consent for the same.

WHAT IS SECULARISM?

The word 'secularism' means separate from religion.

- It entails the separation of religion from the government, social, economic and cultural aspects of life.
- Here religion is an entirely personal matter.
- India is a secular country with no State religion.
- However, this in India, also means that there is equal respect for all religions and faiths.
- The word is also a part of the Basic Structure of the Constitution. It was added by the [42nd Amendment](#) to the Constitution.

- This concept enjoys high regard in Indian democracy.
- Secularism has also been an inalienable part of Indian culture as seen by the multitude of faiths that have co-existed in this country for centuries.
- All religious groups in India have the same powers without any discrimination.

INDIAN AND WESTERN MODELS OF SECULARISM

The term secularism, as explained above, indicates the separation of the State from religion. This concept, however, has slightly differing connotations in the Indian and the western polity. This is discussed below.

- In the Western model, secularism connotes complete separation of the State from the Church. This owes its origin to the French Revolution where the revolution sought to establish a ‘secular’ government, one which had no influence of the church or the clergy.
- Both the institutions (church and government) would not interfere in each other’s domains.
- In India, however, the State and religion are not water-tight compartments.
- Even though the State has to maintain equal distance from all religions, the influence of the government does extend to religious affairs, albeit in a limited fashion.
- Unlike the western model, where the State does not offer financial support to any religious institution, in India, the State has chosen a positive engagement model.
- The state provides religious minorities the right to establish their educational institutions, and in some cases, also extends assistance to these institutions.
- Many Hindu temples are directly governed by the State.
- The State has set up Boards for the administration of large temples and has also set up the Waqf Board, etc.
- In India, when talking about society and the community, the word pluralism is better suited than the word secularism.
- Western societies have largely been homogenous with minimal religious (and other) minority groups, until recently.
- In India, for centuries, many religious groups have shared spaces in all respects and thrived together.

PSC Questions related to Right to Freedom of Religion

What is meant by right to religion?

The right to freedom of religion gives individuals the right to profess any religion of their choice. It also includes the freedom to change one’s religion or beliefs.

What is the meaning of freedom of religion as per Indian Constitution?

Article 25 gives every person the right to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health. Article 26 also gives all denominations the right to manage their own affairs in matters of religion.

How is right to freedom of religion a guarantee of secularism by the Indian Constitution?

The objective of this right is to sustain the principle of secularism in the country. The State shall not give preference to one religion over others.

DO THE RIGHTS PROVIDED UNDER ARTICLE 25-28 TRULY MAKE INDIA A SECULAR STATE. EVALUATE. (250 WORDS)

Secularism means that in India, State shall observe neutrality & impartiality to all religions.

The following are the provision provision's under the

Article 25 Freedom of conscience & free profession, practice & propagation of any religion which is a individual right

Article 26 freedom of manage religious affair, which is treated as a collective right.

Article 27 freedom as to payment of taxes for the promotion of any particular state.

Article 28 No religious instruction would be imparted in the state funded educational institutions..

The constitution guarantee that No person can do such religious things which affect the public order, morality and health.

The concept of **sarva dharma sambhav** is often mistranslated as All religions are same although with Gandhian approach it means "All path leads to the same destination" whereas **Dharma Nirpekhta** also states that India itself doesn't promote any religion. They are respected and all beliefs & methods of worship are accepted. All minority religions enjoy full freedom and in certain cases protected. This is opposite in some neighbouring countries such as Pakistan and Bangladesh which were part of India but later became Islamic countries. Secularism does not mean that state is hostile to a particular religion.

Recent Cases where Indian Judiciary played it's role

As in the case church of India Vs K K R magistic Supreme court directed no religion prescribes that prayers should be performed without disturbing the peace.

The Supreme Court in Panal Pitti v/s State of Andhra Pradesh mandated that while Article 25 and 26 grants religious freedom to minority religions such as Islam and Christianity, yet they do NOT intend to DENY the same guarantee to Hindus and other religion's.

1. Cracking of firework during Diwali and Morning Azana are also under scrutiny of supreme court.
2. Cow Slaughter as sacrifice of Cow on Bakrid is not an essential part of the religion.
3. No religions have right to stop the processions of other religions on the ground that it is a nuisance

Thus, Government of India come up with the Noise Pollution control an regulation rules 1999(amended 2002) which empowered the state government to permit the use of loud speaker in late night's and during the cultural or religious occasions for a limited period not exceeding 15 days. Therefore, Secularism is not yet become the part of society as a whole but Indian constitution promotes the concept of secularism with the fundamental right's which should also be inculcated in the society.