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Right to Freedom of Religion

UDDANTIKA ANAND¹

ABSTRACT

Opportunity of religion is the option to pick what religion to follow and to revere without excessive impedance. This essential right is ensured by article 18 Universal Declaration of Human Rights, article article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief Opportunity of religion or conviction has many aspects and crosses with other basic liberties, like the right to opportunity of articulation or the right to life.

Article 25 says "all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health. question, arises whether the splitting up religion and the State in the complete sense can ever be continued in this age of ours, when political resolutions affect every aspect of human life, especially moral and religious issues, which people hold important in their lives.

The framers of the Indian Constitution layed down a model of political system that protects all religions with equal regard. The main aim of the constitution is to main a distance from religion however it does not stops the state to intervene in the matter of religion.

Keywords: *Rituals, Morality, secular, liberty.*

I. INTRODUCTION

Secularism and religion work hand in hand.so for better understanding both concepts should be clear. A secular nation is a nation where all the people are free to follow any religion .As India has many religions the constitution provides liberty to follow a religion of their of their own choice. For example providing of social welfare and reforms of hindu religious institutions of a public character to all classes of hindu* this means that a sikh is allowed to wear a turban and kirpan .(a hindu includes jain buddhist sikh and a hindu by birth)

Similarly the article 26 states that Freedom to manage religious affairs Subject to public order, morality and health, every religious denomination or any section thereof shall have the right. From this it is clear that there is a difference between managing a property and managing a religious affair. Therefore the right to administer property related with religion can be practiced only with accordance to law.

¹ Author is a student at IILM Law School, India.

II. JUDICIAL VIEW OF FREEDOM OF RELIGION

The term religion is not defined in constitution but it mainly means faith and not theistic . A religion may not only lay down rules to follow fir its followers but also rituals, food, ceremonies and way of worship.

In the qureshi case the slaughter of a cow was prohibited there are certain directive principles which the state expect the people to follow * it also infringed the right to practice of religion as muslims sacrifice one goat on bakr id therefore cow sacrifice was their part of practice.

III. THE FREE EXERCISE OF RELIGION

A person has two folds-

- Freedom of conscience
- Freedom to practice religion

The primary cases point out that the High Court of India has held a principled technique towards religion when sought after for legitimate importance of 'religion' and 'matters of religion' defended under articles 25 (1) and 26 (b) of the Constitution. If all else fails, it has kept a liberal significance of religion - as acknowledged in an enormous piece of the liberal democratic States

- covering in its ambit distort, guidelines and moral codes, services and observances.
- capabilities and strategies for adoration.

In any case, every so often, the High Court did not keep down to pass an extreme importance of 'matters of religion as defended under explanation (b) of article 26 of the Constitution confining them just to those essentials and necessary plain exhibitions critical to impart one's certainty." There the Court tracked down that particular shows of customs anyway embraced by a particular religion, at whatever point allowed to perform would ignore, on reasonable grounds, social guts and even explanation harm to life

Concerning a stringently plural society like India, where conflicting worth systems regularly rival each other, the principled procedure of the supreme Court on severe issues is to progress severe open door that gets human pride.

Along these lines, the Court could apply a liberal or a moderate procedure towards religion depending whereupon of the two better advances severe opportunity consistent with a lot of values that defend the holiness of human life and give a fortifying space to all to reside in pride.

IV. RELIGIOUS FREEDOM: SUBJECT TO REGULATION OF ECONOMIC, FINANCIAL, POLITICAL AND SECULAR ACTIVITIES ASSOCIATED WITH RELIGION

The State was given the authority to control religiously-related political, financial, and secular activities under Article 25(2)(a). The State does not have the authority to regulate religious activity as such. Finding out if a certain action falls under religious practise, or under financial, political, or secular activity related with religion, is not always simple. Even though they entail money spent, the employment of workers and priests, or the use of consumables, some activities are not considered secular according to Article 25(2)(a).¹²³ On the other hand, it has been determined that managing assets connected to a religious organisation or endowment is a secular activity that is subject to the state's regulatory.

(A) Religious Freedom: Subject to Public Health

It is the obligation of a government assistance State to give lawful shields to safeguard person's life and to keep up with great soundness of the local area. Be that as it may, this lifesaving objective of the State might oppose specific strict convictions and practices.

As per the penal Code of India, self destruction is a wrongdoing that applies to the individual who endeavors it and the people who backing or help to carry out it. Comparatively passing by starvation or by self-incurred torment to accomplish profound finishes is likewise an offense under a similar Code. The law, accordingly, prohibits self destruction regardless of whether the demonstration is spurred by strict goal.

Subsequently, the act of sati, for example, however a piece of Hindu strict conviction and rehearsed by certain segments of Hindus in certain pieces of India, was made a criminal offense by the law. For a situation on sati brought under the steady gaze of the Rajasthan High Court, the Meetings Judge gave a merciful sentence of a half year thorough detainment to every one of the individuals who were viewed as at legitimate fault for abetting sati on the ground that individuals of that specific region where sati was committed trusted it to be their strict obligation to incite the demonstration. However, Boss Equity Mr. Wanchoo of the Rajasthan High Court, who represented the Court in the moment case commented: "

The reasons he (the Meetings Judge) has given for this ludicrously permissive sentence are fairly bizarre in the twentieth hundred years. He is as yet not certain if individuals are off-base or directly in their veneration of Sati... He appears to feel for the perspective on individuals that it is their strict obligation to help a lady who needs to turn into a Sati."

(B) Restriction on Religious Instruction in Educational Institution

Clause (1) of the Article 28 alludes to the primary classification of instructive establishments, which is completely possessed by the State, where the denial to bestow strict guidance is outright. Neither the State nor a confidential office might give strict guidance in such foundations. Clause (2) of Article 28 arrangements with the second classification of instructive organizations in which the State does the organization in the spot of a legal administrator. Be that as it may, under this class the actual foundation is laid out under a trust or an enrichment wherein the conditions of the trust or gift require giving strict guidance, which is safeguarded under this statement.

Clause(3) of Article 28 arrangements with the third class of instructive establishments. These are possessed and overseen by strict sections, however go under the arrangement of awards in-help. These foundations are allowed to give strict guidance. The arrangement under article 28 (3) guarantees the soul provision by which the State safeguards the singular's on the whole correct to opportunity of still, small voice by setting them above religion and at the same time state protects religious pluralism.

Case law-DAV college Jalandhar v. State of Punjab *

(C) Protection of interest of minority

Sec29 of indian constitution talks about the protection of interest of minority no person shall be denied admission in any education institutions on the basis of religion race caste language or any of them.

V. CONCLUSION

Strict convictions and practices that negate these regulations, which are planned to advance all over government assistance of individuals predictable with the ever-evolving upgrade of human poise, should be re-imagined and refreshed to make space for these State measures.

For a really long time previously, the Indian culture had been a separated society under the watchful eye of the law as it was organized on a position based progressive social request as per which human people in their fundamental nature are not equivalent by birth. In this specific social and strict milieu, which is by all accounts one of a kind to Indian culture, article 17 along with article 15 (2) (4) and article 25 (2) (b)276 have the progressive potential to convey forward friendly change and to change the position ridden Indian culture into a libertarian social request, wherein the natural worth and pride of every distinct individual as an ethical subject is certified and safeguarded by the common law of the Constitution.