

# Freedom of Religion

Freedom of religion in India is one of the six fundamental rights promised by the Constitution of India under Article 25-28. The preamble of the Indian constitution was changed in 1976 to declare India as a secular state, marking the creation of modern India in 1947. The Supreme Court of India concluded that while this amendment just stated explicitly what had previously been implied by Article 25 to 28, India had already been a secular nation from the moment its constitution was enacted. Every Indian person has the freedom to peacefully practise and spread their faith.

Given that Jainism, Hinduism, Buddhism, and Sikhism all originated in India, it is one of the most religiously diverse countries in the world. India has a predominantly Hindu population, but there are also religious practices that are unique to certain regions of the country. For example, Jammu and Kashmir is a Muslim dominant states, Punjab holds a Sikh majority, Darjeeling in West Bengal has a significant concentration of Buddhists, etc. There are sizable populations of Muslims, Sikhs, Christians, Buddhists, Jains, and Zoroastrians in the nation. With about 14% of the population, Indian Muslims make up the third-biggest Muslim community in the world and are the biggest minority in the country.

## Freedom of Religion Article

Right to Freedom of Religion in Indian Constitution range from Article 25 to 28.

- Article 25 - Freedom of conscience and free profession, practice, and propagation of religion
- Article 26 -Freedom to manage religious affairs
- Article 27- Freedom as to payment of taxes for the promotion of any particular religion
- Article 28 - Freedom as to attendance at religious instruction or religious worship in certain educational institutions

## Article 25 of Indian Constitution

Article 25 of the Indian Constitution underlines the “freedom of conscience and free profession, practice, and propagation of religion.”

All residents are granted the freedom of conscience as well as the freedom to preach, practise, and propagate their religion.

- The aforementioned liberties are constrained by morality, public health, and order.
- Additionally, this article contains a clause allowing the State to enact laws:
  - This controls and limits any secular activity—financial, political, economic, or otherwise—associated with any form of religion.
  - This provides for the welfare and reform on a social level or setting up of Hindu religious organisations that are of a public manner which means that they are accessible to all classes and sections of Hindus. According to this clause, those who practise the Sikh, Jain, or Buddhist religions are considered to be Hindus, and Hindu institutions must be interpreted in the same way.

- People who follow the Sikh faith who wear and carry a kirpan are regarded as practising members of the Sikh religion.

## Article 26 of Indian Constitution

Article 26 of the Indian Constitution gives the citizens freedom and independence to manage or carry out their religious affairs.

The following rights are stipulated in this Article as belonging to every religious sect, health, subject to morality, and public order;

1. The right to create and support institutions with a religious or philanthropic purpose.
2. The freedom to conduct its own business when it comes to religion.
3. The ability to purchase real estate, both mobile and immobile.
4. The authority to manage such property in a legal manner.

## Article 27 of Indian Constitution

Article 27 of the Indian Constitution provides freedom from paying taxes for promotional activities of any specific religion.

According to Article 27, taxes that directly fund the upkeep and/or promotional activity of a specific religion or religious group are prohibited.

## Article 28 of Indian Constitution

Article 28 of the Indian Constitution bestows upon its citizens the freedom to propagate religious practices or instruction in certain religious educational institutions.

This provision enables the dissemination of religious instruction by academic institutions that are supported by religious organisations.

- This stipulates that no religious teaching shall be offered in establishments of public education.
- The aforementioned article does not apply to educational institutions managed by the State but founded according to any bequest or trust that mandates the imparting of religious teaching in such institutions.
- Anyone who attends a school that has received state recognition or receives financial aid is not obligated to take part in any religious teaching that may be offered there or to attend religious services there unless they have given their agreement. When it comes to minors, the guardians were supposed to have granted their approval.

## Right to Freedom of Religion and Secularism

Secularism refers to a separation from religion.

- It calls for the division of religion from politics, society, the economy, and culture.
- Here, religion is purely a question of personal choice.
- India is a secular nation without an official religion.
- Nevertheless, this also means that all sects and faiths are treated equally in India.
- The phrase is also included in the Constitution's Basic Structure. The 42nd Constitutional Amendment added this.

- However, the Supreme Court of India established that India has been secular from the founding of the republic in the 1994 case S. R. Bommai v. Union of India. The court's ruling confirmed the separation of church and state.
- In India's democracy, this idea is held in the highest regard.
- Given the wide range of religions that have lived in harmony in India for centuries, secularism is also a fundamental component of Indian culture.
- In India, there is no distinction in terms of the authority of the various religious communities.

## Western Secularism vs. Indian Secularism

As previously stated, the term "secularism" refers to the segregation of the Government from religion. However, this idea has rather different meanings in Indian and Western political systems. Below, we address this.

- Secularism in the Western paradigm refers to the complete severance of the Administration from the Church. This concept has its roots in the French Revolution, which attempted to create a "secular" government free from interference from the clergy or the church.
- Church and state would respect one other's spheres and refrain from interfering.
- However, in India, the separation between the State and religion is not complete.
- Even while the State must keep an appropriate distance from all major religions, it does have some influence—albeit a limited one—over religious matters.
- In India, the State has opted for a strategy of constructive engagement as opposed to the western approach, where the State does not provide financial assistance to any religious organisation.
- Religious minorities have the legal right to form their own academic institutions, and in a few situations, the state even offers financial support to these organisations.
- Numerous Hindu temples are under the direct control of the State.
- The State has established boards to oversee the operations of significant temples, as well as the Waqf Board and other boards.
- The term pluralism is more appropriate in India than the term secularism when referring to both the community and society.
- Up until recently, Western nations were relatively homogeneous, with few religious (and other) minority groups.
- For millennia, numerous religious communities in India have coexisted and thrived in harmony