

We can't recommend the Prohibition of Religious Conversions Act, those who have attained the age of 18 years can convert to any religion

- Supreme Court

India's highest judicial system (Supreme Court) has given clarity on religious freedom. It issued a clear order on Friday (2021 April 8). A three - judges bench headed by Justice R.F. Nariman reacted strongly to a Public Interest Litigation (PIL) filed by BJP leader Ashwini Kumar Upadhyaya to recommend a Prohibition of Religion Act in the country. This case cannot be entertained as it is more like a Publicity Interest Litigation than a Public Interest Litigation. They decided to recommend that a law for the prohibition of religious conversion be framed. A three-judge bench made it clear that all citizens who have completed the age of 18 are free to practice the religion of their choice. The Supreme Court did not agree with the petitioner's contention that mainly SC.STs in the country were being lured and converted by foreign funds in the name of religious beliefs. Article 25 reminds everyone that everyone has freedom of religion. The bench expressed its displeasure that the petition was violative of Article 14 and 21. Therefore, the counsel for the petitioner was warned that they will have to take strict action against the petitioner using their powers under Article 32. A similar case is a church pastor in Madhya Pradesh, Rev. Stain slash Referring to the judgment of the Supreme Court on 17 January 1977 in the case of Stain Slash, the apex court dismissed the Public Interest Litigation (PIL) as not meritorious.

**- Hon'ble Justice B.R. Gavai, Hon'ble Justice R.F. Nariman,
Hon'ble Justice Rishikesh Roy**

ABOUT THIS BOOK

This book Constitution of India - Religious Freedom - Rights of Christians has been written by Human Rights Anti-Crime Association as a not-for-profit, but public interest organization only.

Our India has no official religion. But some people are trying to disrupt the unity and peace of the country in the name of religion for selfish gain. In this way, due to some reason without respect as an elder or children are killed and raped. Creating riots and murders without respecting the values of humanity, they are doing illegal things against the Constitution of India. Especially in our Telugu states, attacks on churches, pastors and Christians are being carried out by writing books contrary to the Bible, which is the holy book of Christians, and encouraging a group to attack each other without respecting their sentiments. In some places false cases are being filed and forced conversions are being made. To build churches, to pray at home, to work, to work, everywhere, somewhere, someone is hindering Christians. The reason is that they are having trouble due to their lack of proper understanding of the law and their rights.

So this book was written to create awareness about the rights of Christians, constitutional freedom of religion. Some complain that one asks if they are allowed to evangelize and the other does not tell them about the Bible. Those who are not aware of the law are violating the rights provided by the constitution by filing false cases.

Therefore, this book has been collected from various other (law) books and written from the government website to show religious rights and what to do if they are violated.

BODA RAKESH NAIK

High Court Advocate Pastor's Council of India Chairman
Human Rights & Anti Crime Association Chairman

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CONGRATULATIONS

From the beginning of the century to today i.e. 2018 years are passing but attacks on Christians continue. In our India are hating that this is a foreign religion, falsely propagating without believing that Jesus is the savior of the world, as the Bible is a false book, Religious fundamentalists, atheists and rationalists continue to rebel. In this order, they are beating and burying the servants of God, demolishing the churches, intercepting the evangelists, making false cases etc. and causing terror. At such a time as a joint High Court judge, AITCC National | Boda Rakesh Naik, Legal Advisor, Chairman of Human Rights Anti-Criminal Society, asked Christians and non-Christians how to behave according to the law, the rights written in the constitution and how to preach the gospel according to them. I appreciate them for bringing this book for us to inform about the relevant GOs and Sections.

Therefore, I hope that this book will be very useful in our society today so that everyone can do their service according to the law.

DR. LAZARUS PRASANNABABU M.A., B.L., M.B. Th., Ph. D.
AITCC National Vice President,
BOUI Joint Director, Visakhapatnam.

In order for human life to continue in the survival of human society, with happiness as long as man lives Living requires discipline. Laws are written for this training. If you can live within it The country achieves social progress. It is green. Everyone's life is happy

will be Two laws operate on every human being. 1. Physical Law (Constitution of India in our country) 2. Spiritual Law It is spiritual. Now if we consider the physical constitution, about 200 countries around the world have their own kingdoms, written for the people with experience and understanding, and the law that preaches the dharma.

India is the second largest country by population. Therefore, the people living in it are diverse

A mix of practices, beliefs, beliefs, ideas and a combination of different religions

the country Majority of the poor and weaker sections (BC, SC, ST) live in our country. All of them want to live peacefully and spiritually in the way of Christ. They are acting under the freedom of religion established under the Constitution of India. Therefore, it is a pleasure to write this book for public use by Mr. Boda Rakesh Naik, Advocate of the Joint High Court, Chairman of the "Human Rights Crime Prevention Society" with the intention of knowing the human rights contained in Article 14-28. And appreciated. I feel that this book is beneficial not only for Christians, but for all walks of life.

So every person knows the rights given to us by our constitution of India and one's beliefs One wants to live as a fighter on behalf of Christ who is respected and righteous.

Bro S. SATYAM PAL

Vice Chairman of Human Rights & Anti Crime Association, Visakhapatnam,

QUESTIONS-ANSWERS

1. Is it necessary for a Christian to study secular laws?

Answer: "Moses was educated in all the wisdom of the Egyptians and was powerful in speech and action" – Acts 7:22

"In the same way, our dear brother Paul has written to you according to the knowledge that was given to him. He teaches about these things in all his letters. But some of them are difficult to understand. Because they do not know the Law, these are the uneducated, the unstable, who do not understand the scriptures. II Peter 3:16

Saying that there is permission, reservation will be lost, caste will be change, "Satan will cheat us that we should not be deceived (we must learn to Law) and we do not know the wiles of Satan. II Corinthians 2:11

According to the aforesaid, we should know about our rights and responsibilities if we are not to be deceived. Hence this book was written.

2. Is permission necessary to evangelism?

Answer: According to Article 25, religion can be practiced and preached as it is a fundamental right is given to all citizens of India, If anyone obstructs by saying that permission should be taken to declare, the police will be called against them, Can be complaint. If any police action is not taken against them then U/s. 200 of Cr.P.C. to Complaint the Magistrate. If they are belonging to SC/ST categories may lodge complaint U/s. 14 (1) SC/ST (POA) Act, 2015 r/w 200 of Cr.P.C. in the nearest Special court for SCs and STs or may be file a writ petition Under Article 226 in the High Court. And no rules against the Bible do not tell the Bible. Peaceful meeting, Evangelism is a fundamental right guaranteed by the Constitution of India, so there is no need to take anyone's permission to preach the gospel.

Note: Visit our website www.pastorscouncilofindia.com for more details of Christian Laws, Rights and GOs, Schemes etc.

3. Is permission required for meetings and gatherings?

Answer : No permission is required for holding peaceful assemblies and meetings from anybody. But permission should be obtained from the respective owner of the ground or hall where the meeting is held. If you want to use sound system and horn for such a meeting, the relevant, the permission should be obtained from D.S.P or A.C.P of Area Police. If section 144 is in force in area A due to unavoidable reasons, police permission is mandatory to hold meetings in other places except churches temples.

4. Is it permissible to pray at home?

Answer : According to the judgment of Madras High Court in the case 19230/ 2014, Date 27-11-2014 no one's permission is required to worship at home.

5. Should permission be obtained for building a church?

Answer: In the state of Telangana, Vide Memo No. 804/M1/2015, dt. 23-07-2015 as per permission from Gram Panchayat and U/s. 202 of the Municipality Act., r/w G.O. Ms. No. 168 MA, date. 07-04-2012 from Municipality, permission should be obtained.

For more details about government schemes, financial assistance to Christians for church construction, burial sites, Christian cemetery, church development, Jerusalem trip, scholarship for Christian children visit www.tscmfc.in.

In the state of Andhra Pradesh, permission must be obtained from the district collector for the construction of a church. And for church building, for Christian cemetery, for Christian loans, for children's scholarship for more details For more details visit www.christian.minorities.ap.nic.in can get.

6. Will the reservation be lost if the SCs convert?

Answer : as per G.O.Ms. No. 341, Dated : 30-08-1977 who is converted from Scheduled Castes to Christianity are entitled to reservation at par with SCs in employment, education, employment etc. and Hon'ble Supreme Court is declared in CIVIL APPEAL No. 4870/2015, Date : 29-04-2016 that the Religion can be changed but caste cannot be changed. The caste they are born into belongs to them.

7. Will the reservation be lost if the tribal's convert?

Answer: According to the Scheduled Tribe Order 1950, even after conversion, they continue to be tribal's, there are no conditions for them in the constitution or anywhere else. Their reservation will not go away.

Indian Constitution-Rights of Christians

Constitution of India is a collection of distinctive features. It took the Constituent Assembly 2 years 11 months 18 days to finalize the Constitution.

Date of first meeting of the Rajyanga Parishad: December 9, 1946

Date of entry into force of the Constitution: November 26, 1949

First President of the Constituent Assembly Satchidananda Sinha

Constituent Assembly Adviser: B.S. Rao's

Preamble to the Constitution of India declared the country a "sovereign, socialist, secular, democratic, republican state. Every word in it has a broad meaning.

1. Sovereignty:

The main characteristic of every independent state is sovereignty, the absence of government under the control of any foreign power. India makes its own policies.

2. Socialism:

This term did not exist when the Constitution came into force. In 1976, the 42nd constitutional amendment added the words socialist and secular. The term socialism refers to the government's approach especially in formulating economic policies. The constitution declares that the government will work to eliminate inequalities in society by playing a leading role in the economy.

3. Secular:

There is no official religion in India. The kingdom does not follow any religion. Every person in the country can believe and practice the religion of his choice. The State shall not discriminate against any person or institution on the basis of religion. All religions are treated equally by the government.

4. Democracy:

According to the Preamble, the Constitution of India was framed by the people. It means that the people are the root cause of the formation of the government. This spirit of democracy is enshrined in the Constitution in the form of adult suffrage, elections, fundamental rights and responsible government.

5. Republic:

According to the Constitution of India, the head of state (President) is elected indirectly by the people, not hereditary like the British King. This is the main characteristic of a republic. Also for government jobs in the country all people are eligible.

6. Long written constitution:

The Constitution of India is the largest written constitution of any country in the world. Constitution | It had 395 articles, 8 schedules and 22 parts when it came into force. Keeping this in mind, H.V. Kamat compared the Constitution to Airavata. At present there are 450 articles, 25 parts and 12 schedules. Article 50 of the Constitution separates the Judiciary from the Executive. Thus the judiciary was given independence.

7. Judicial Review:

Judiciary is vested with the power to strike down laws made by the legislature if they are against the constitution. This is called judicial review. This approach was adopted by the Indian Constitution makers from the American Constitution.

8. Fundamental Rights:

Article 12 to 35 of Article 3 of the Constitution enumerates the fundamental rights. Currently, the right to equality, the right to freedom, the right to prevent oppression, the right to freedom of religion, the right to education and cultural rights are constitutional rights in the constitution. The right to property was removed from the list of fundamental rights and made a constitutional right. Citizens can use it to approach the courts when their rights are violated.

Right to equality

Equality in legislative eyes: A state within the territory of India A person shall not be denied equality in the eyes of the law or equal protection of the laws.

Commentary on Article 14: Commentary on Article 14: Articles 14 to 18 of the Constitution describe the right to equality first Articles 14 to 18 describe the right to equality. Article 14: The State shall grant equality in the eyes of the law or equal protection under the laws to any person. Says not to refuse. These articles state the functions of the state. Two phrases are used in these articles.

1. Equality in the Eyes of the Law

2. Equal Protection of the Laws.

The framers of the Constitution took the first phrase from England and the second phrase from the American Constitution. These two phrases can be found under Article 7 of the Universal Declaration of Human Rights.

Equality before law:- Equality before law It does not mean complete equality between human beings. It is not physically possible. This theory suggests that no individual has any special privileges due to birth, race or personal preferences, and those men and classes are equally subject to the general laws of the country.

The guarantee that all are equal before the law can be considered equivalent to the dicean concept of Rule of Law. The meaning of this doctrine is that the rule of law does not allow unfairness, unjustness and unreasonableness. No person is above the law. Every person shall be subject to the jurisdiction of ordinary courts irrespective of his rank.

'Equal protection of laws':- All persons should be treated equally in terms of privileges given by laws and responsibilities imposed under equal conditions. The same people should be treated the same. People in different situations should be treated differently.

Foreign diplomats, President of India and Governors of various states are exempted from the equality rule. Articles 14, citizens and non-citizens. Community persons, (natural persons) and legal persons (juristic persons) are protected by all. It guarantees that all people are equal in the eyes of the law irrespective of race, religion, sex, colour, nationality or caste. Article 14 with this Rule of Law has been declared as one of the fundamental features of the Constitution.

But this protection under Article 14 is limited by the Constitution (42nd Amendment) Act. By this amendment Article 31 (c) was added to the Constitution. Articles 31 (c) and 39 (b) or (c) states that statutes made by the State to implement the directive principles of State policy contained in Articles 14 cannot be challenged on the ground of violation. Article 14 does not permit class legislation. Either allows for reasonable classification. The doctrine of 'equal protection by the laws' does not mean that the same laws should be applied to all persons. It does not mean that every statute has universal application.

Because (Norms Standards) can be prescribed and discretionary powers can be given to the administration. Then such discretionary powers cannot be declared unconstitutional.

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:-

1. The Government shall not discriminate against any citizen solely on grounds of religion, race, caste, sex or place of birth or any of them.
2. Any citizen regardless of religion, race, caste, sex or place of birth depending on the reasons or any of them,
 - a) Public entertainment in shops, public restaurants, hotels shall not be subjected to any disqualification, obligation, restriction or condition in entering the premises, or
 - b) Using wells, ponds, baths, roads, public resorts, maintained wholly or partly with public funds or dedicated for public use.
3. Nothing in these Articles shall prevent the Government from making any special provision for women and children.
4. These articles or clause (2) of article 29, social and educational For the development of citizens belonging to backward classes, from making any provision for Scheduled Castes, Schedules can't avoid government.)
(Added by the Const. (1st Amdt.) Act, 1951]

Commentary on Article 15.

Article 14 describes the Principle of Equality in General while Articles 15 to 18 describe specific aspects of the Equality Principle. Articles 15 to 18 are available to citizens only. While Article 14 prohibits class classification, Article 15 allows reasonable classification.

Article 15 does not allow for discretion subject to certain exceptions. Article 15 confers individual rights (Rights in Personam). These rights are not available to companies or public corporations. These finances do not allow arbitrary decisions or unfavorable discrimination between a citizen simply because of religion, race, caste, sex, place of birth, any of these.

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The use of the word 'merely' here means that adverse discrimination not only on any one of these grounds but also on any other grounds not prohibited by Articles 15 (1) and (2), even if it violates Articles 14, is respected.

Article 15(1), state, religion, race, caste, sex or place of birth or any of these reasons prohibits.

Article 15 (2) does not allow citizens and governments to exercise discretion in entering shops, public restaurants, hotels, places of public entertainments, using wells, ponds, roads, etc.

Article 15 (3): This is the second exception to Article 15 (1), (2). It empowers the government to make special provisions to protect women and children.

Articles 15 (4): Second exception to Articles 15 (1), (2). Whereas Article 15 (4), enabling provision This clause was added to Article 15 by King's 1st Amendment Act, 1951. This clause enables the State to make special provisions to protect the interests of the Backward Classes. So this Article 15(4) is an exception to Article 15 and Article 29(2).

Commentary on Article 15 (4).

STATE OF MADRAS VS. Champakam Dorairajan (AIR 1951 SC 226) As a consequence of the judgment of the Supreme Court, Article 15(4) was inserted in the Constitution.

In this case the Government of Madras, for those belonging to the backward classes With the intention of helping, the Supreme Court has declared the government order to allow students to be admitted to the government medical college by determining the proportion of each caste (community) as unconstitutional on the ground that it is communal in nature.

On behalf of the State Govt. This GO is intended to implement Article 46 of the Constitution which states that the State shall pay special attention to improve the educational and economic well-being of the people belonging to weaker sections and strive to protect them from injustice. That is done

However, the Supreme Court opined that the implementation of the directive principles of state policy enshrined in Article 46 cannot be compromised by throwing away the fundamental rights guaranteed to citizens by Part 3 of the Constitution. Article 15 prohibits discrimination between citizens on the basis of caste. The court declared that the statute was invalid because of the contrary.

Then the Provisional Parliament brought the Constitution (First Amendment) Act by adding Clause (4) to Article 15. The amendment empowered the government to make special provisions for citizens belonging to socially, economically and educationally backward classes or Scheduled Castes or Scheduled Tribes. However, the term Backward Classes is not defined anywhere in the Constitution. In this context these questions arise.

- (1) What is social and educational backwardness?
- (2) What is the maximum limit for reservation?

These matters are questions to be decided under Article 15(4). M.R. In the case of Balaji VS State of Mysore (AIR 1963 SC 646)

- (1) The backward classes who belong to the backward classes, the most | G.O. issued by Govt. The Supreme Court said that it is not legislative.
- (2) The Court also held that under Articles 15 (4) the backwardness must be social and educational.
- (3) Although caste is a relevant factor, caste alone is not important in determining whether a class is backward or not. The court held that poverty, occupation and place of residence are relevant factors to be taken into consideration.
- (4) Article 15 (4) does not speak about castes. It only tells about the classes. The Supreme Court held that caste and class are not mutually exclusive.
- (5) The court also said that reservations (special provisions) should not exceed 50 percent.

Periyakaruvan Vs. It was decided in the case of State of Tamil Nadu (AIR 1971 SC 2303).

- (1) Classification of backward classes taken on caste basis is within the ambit of Article 15(4).
- (2) Treating each medical college as a unit, the action taken by the Government is not reasonable. It is the reservation of seats on the basis of that unit classification. Articles 14 and 15 are invalid for being negative.

In the case of Jayashree Vs. State of Kerala (AIR 1976 SC 2381), the Supreme Court, reversed both caste and poverty are relevant to determine the classes of citizens Decided to take it as subjects.

In the case of STATE OF UP Vs. Pradeep Tandon's (AIR 1975 SC 563) it was held that it is not valid to reserve seats for admission in colleges of Uttar Pradesh on the basis of rural background, but to provide reservation to students coming from the hilly areas, Uttarakhand, because they are socially and educationally backward. The Supreme Court ruled that it was justifiable.

In the case of SUNIL JATLLE Vs. State of Haryana (1984) 4 SCC 296, • The Supreme Court held that students studying in combined rural schools from classes 1 to 8 should be given priority for admission to MBBS and BDS courses over those studying in urban areas 15 (4) It was held to be in violation of Articles and therefore invalid.

In the case of PADMARAJ SAMARENDRA Vs. State, 1979 Patna 226 (FB) High Court, Cultural Seats for Admission in Medical Colleges Upheld the reservation.

In the case of STATE OF M.P. Vs. Nivedita Jain (AIR 1981 SC 2045), the Supreme Court upheld the legality of the executive order issued by the state government by completely relaxing the minimum qualifying marks for the students of Schedule Castes and Schedule Tribes in the Pre-Medical Examination for selecting students in Rajya Vaidya Colleges.

In the case of PRINCIPLES, GUNTUR MEDICAL COLLEGE Vs. Mohan Rao (AIR 1976 SC 1904, respondent, whose parents originally belonged to Hindu religion and belonged to Madiga caste, a scheduled caste. They converted to Christianity. Thereupon the respondent was born to them. The respondent gave up Christianity and re-converted to Hinduism. Later, claiming that he was a Scheduled Caste He applied caste for admission to Guntur Medical College. Although he was selected for admission on provisional basis, his selection was canceled on the ground that he was not a Hindu by birth. He challenged the cancellation order in court.

in this case Hon'ble Supreme Court, under Article 15(4) for Scheduled Castes, It held that the State Government, in exercise of this power, is empowered to make special arrangements and reserve seats in medical colleges for members of Scheduled Castes without violating Articles 15 or 29(2). Madiga caste is a scheduled caste. The statute does not require that the respondent should have been born a Hindu. What is required is that a significant part of life should be Hinduism. There is no need for him to belong to Scheduled Caste by birth. Dr. Neelima VS. Dean of PG Studies, A.P. Agricultural University, Hyderabad (AIR 1993 SC 229)

Article 16: Equal Opportunity in Public (Government) Employment :-

- (1) All citizens shall have equal opportunity for employment or appointment to any post under the Government.
- (2) No citizen shall be disqualified for any employment or post under the Government, or discriminate against any citizen in respect of such employment or post, solely on account of religion, race, caste, sex, descent, place of birth, residence or any of them.
- (3) Nothing in these articles shall make any enactment requiring residence in that State or Union Territory prior to such employment or appointment for appointment to any class or certain classes of employment or post under any local or other authority under the Government of any State or Union Territory. Does not avoid Parliament.
- (4) No section of the backward classes of citizens shall be referred to in these articles not enough representation in any service under Govt Appointments or posts for Atty, if deemed necessary It does not prevent the Government from making any provision for exclusivity.
- (4-A) Notwithstanding anything contained in these articles, if the Government considers that there is insufficient representation of the Scheduled Castes and Scheduled Tribes in the services under the Government, make reservation for the Scheduled Castes and Scheduled Tribes in matters of promotion, including consequential seniority, in any class or classes of the services under the Government. It does not prevent the Government from making a special provision.

(Inst. by the Const. (77th Amdt.) Act, 1995, w.e.f. 17-6-1995 and Amended by the Const. (8th Amdt.) Act, 2001, w.e.f. 17-6-1995]

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(4-b) Any reservation made under clause (4) or clause (4-A) in accordance with the rules contained in these articles shall treat the vacancies reserved for filling up in that year as a special class of vacancies in the following year or years out of the total number of vacancies in that year. It does not prevent the Government from considering such class of vacancies along with the vacancies of that year in determining the limit of 50 per cent reservation.

[Inst. by the Cont. (81st Amdt.) Act, 2000, w.e.f. 9-6-2000]

(5) Nothing contained in these articles shall prejudice the execution of any statute requiring a person holding the office of looking after the affairs of an organization belonging to any religion or sect, or a governing member of that organization, to be a person who has adopted a particular religion or to belong to a particular religious sect.

Commentary on Articles 16.

Equal opportunities for all citizens for appointment in government jobs

All citizens should have equal opportunities in matters related to employment or appointment in any of the following offices or positions. In the case of ASHOK KUMAR Vs. State of Bihar (1995) 5 SCC 403, the court held that the children of IAS & IPS officers are not entitled to reservation under OBC quota jobs.

In the case of Chattar Singh State of Rajasthan (1997) 7 SCC 303, the Supreme Court held that Scheduled Castes, Scheduled Tribes and OBCs are two distinct classes for the purposes of reservation under Articles 15(4), 16(4). P.G. In the case of Institute of Medical and Research VS, Faculty Association (AIR 1998 SC 1767) the Supreme Court held that reservation for a single post (whether by rotation or roster) is invalid as it provides 100% reservation.

Article 17: Abolition of untouchability :- Untouchability (untouchability) is abolished. Its practice in whatever form is prohibited. (Disability) is an offense punishable by law.

Commentary on Article 17.

Finances 17 should be read together with Finances 35 (a) (3). It also vests special powers in Parliament to make laws prescribing punishments for acts declared as offenses under Part 3 of the Constitution.

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Article 35 (b) authorizes the continuance of any statute prescribing punishment for any act punishable under Part 3, subject to adaptation or modification under Article 372 of the Constitution.

The Parliament of India exercised this power and passed the Untouchability Offenses Act, 1955. This Act, Amendment of Untouchable Offenses and Amended by Miscellaneous Provisions Act, 1976.

This amendment act was renamed as "Protection of Civil Liberties Act, 1955". It came into force on 19 November 1955. Untouchability is not defined in the Constitution. The term refers to the social handicaps imposed on people belonging to certain communities who are born into certain castes. It does not apply to social welfare based on moral grounds. (Devarajaiah VS. Padmanna AIR 1961 Mad 35, 39)

People's Union for Democratic Rights VS. Union of India (AIR 1982 SC 1473) In exercise of fundamental right enshrined in Article 17 or Article 23 or Article 24 enforceable against private persons

Freedom of Speech and Expression: Freedom of Speech and Expression:

Means the right of a citizen to freely express his feelings through oral speech, writing, print or other means. These rights are conferred on individuals by Article 19 (1) (a) of the Constitution. However, this Constitution itself, through Article 19 (2), imposes certain limitations / restrictions / restrictions on these rights. These rights have no geographical boundaries. These rights not only in India, but also in the country can also be used outside.

Freedom of press also includes freedom of speech and expression.

In the case of RAMESH POWER Vs. State of Madras (AIR 1950 SC 124), Justice Patanjali Shastri commented that Freedom of speech and expression, freedom of the press, laid the foundation for all democratic institutions.

Because without free political debate, or without universal education, democratic institutions cannot survive. Therefore public affairs of government, these are very necessary.

Freedom to propagate ideas is only possible through Freedom of Propagation. Like freedom of publication, that freedom requires freedom of circulation. In fact, a publication has no value without circulation.

In the case of STATE Vs. Charita (AIR 1999 SC 1379), the Supreme Court held that "the press has no unfettered right to interview a prisoner under trial in a jail".

Life Insurance Corporation of India Manubhai D. Shah, (1992) 3 Supreme Court in SCC 637 case, about freedom of speech and expression elaborating, she said.

"The Court stated that freedom of speech should be interpreted broadly to include the right of citizens to disseminate their opinions either verbally "or in writing or through audio-visual instrumentalities or like radio, TV Spreads his views through other media the right includes freedom of speech, expression and press."

"Furthermore, the court, without regard to form, is a warning sign of danger to freedom of speech and expression, because, if permitted, arbitrary and irrational decisions will be made." It is believed that they will cause to come.

Cinema, a powerful tool of propaganda, is very powerful in impressing strong opinions on the minds of the audience. Therefore the message it conveys is negative for the community or any section of the community It should be seen not to be influential.

Therefore, to protect the society from bad consequences, it was felt that censoring by imposing restrictions on movies was justified. When a film is released without prior censoring It reflects evil on the society.

So to protect social welfare enshrined in Article 19(2) of the Constitution, Censorship Act was brought. Such censorship is justified. Article 19 of the Constitution stands up to the test there must be something that can be."

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(National Anthem Case)

Bijay Emmanuel v. State of Kerala, (1986)3 SCC 615, the case is famous as the "National Anthem" case.

The Supreme Court held that no person should be forced to sing the national anthem. It held that a person should not be forced to sing the National Anthem only when he has bona fide objections based on religious belief. Besides speech, expression. It also opined that freedom includes the right to remain silent. It is believed that this judgment leads to the consequences of people belonging to different religions disrespecting the national anthem, which is a collective symbol of national unity, in the name of religion. Article 19 (1) (a) which provides freedom of expression and refuses to sing the national anthem in the name of religious beliefs | The person should not have any involvement. (Freedom of Speech and Expression has nothing to do with a person who refuses to sing National Anthem in the name of religious belief)

LIC Vs. Manubhai D.Shah (AIR 1993 SC 171) held that the Supreme Court in this case does not prohibit the government from criticizing any administrative action. (State cannot prohibit criticism of executive action).

The press sector in India has not been privileged. That's it Just like any other common citizen.

The state and the press shall not be subjected to laws that abridge or limit freedom of speech and expression. This will limit the circulation of magazines. This reduces the scope of information dissemination. As a result, the freedom of the press to choose the methods of exercising the rights is taken away. Thus, the freedom of the press can be reduced. (Bennett Coleman | Union of India (AIR 1973 SC 106)

The state should not single out the press by imposing the heaviest burdens on the press. This limits the circulation of magazines. It seems to impose a penalty on the right to identify the means of selecting alternative media. Bennett Coleman v. Union of India (AIR 1973 SC 106)

The State shall not impose a specific tax on the press which intentionally restricts the dissemination of information. INDIAN EXPRESS VS. Union of India (AIR 1958 SC 578)

To Interviewing death row inmates:

M. HASSAN VS. Government of A.P. (AIR 1998 AP 35 FB) case, the Supreme Court held that the prison authorities had allowed a journalist and a videographer to interview death row prisoners in the jail. Denial, it held, was a deprivation of the fundamental right of citizens to freedom of speech and expression under Article 19 (1) (a).

In Maneka Gandhi Vs. Union of India (AIR 1978 SC 597) the Supreme Court case, the right to freedom of speech and expression has no geographical boundaries. It held that a person can express his views either within the country or outside the country.

Sales tax shall not be levied on news papers:

In the case of PRINTERS (MYSORE) LIMITED Vs. Assistant Commercial Tax Officer, (1994)2 SCC 434, the Supreme Court held that no sales tax can be imposed on news papers in the country. However, the Court held that this, the Gazette, taxation statutes or general statutes relating to industrial relations or the conditions of service of employees should not be construed to transcend government exchanges, created.

Censorship prior to publication of a news magazine:

In the case of Brij Bhushan Vs. State of Delhi (AIR 1950 SC 129) The Supreme Court, imposed censorship (free censorship) on a journal prior to its publication. 19 (1) (a) was held to be violative of Articles.

Circulation from one State to another State:

In the case of Ramesh dhapar Vs. State of Madras (1950 SC 124) the Court held that a journal should not be entered in a State and the number of pages not circulated held that the prohibitory statute was invalid.

The Number of Pages is Unlawful:

In the case of Bennett Coleman Union of India (AIR 1973 SC 106) the Supreme Court has challenged the News Print Control Order, which was passed fixing the number of pages to be published by a newspaper, as violative of the fundamental rights guaranteed under Article 19 (1) (a) and Article 14 of the Constitution. In this case the Court held that the News Print Policy was curtailing the petitioner's right to freedom of speech and expression and the News Print Policy, Articles 19 (2) | It was held that it was not a reasonable restriction within the scope.

SECRETARY I & B MINISTRY VS. Cricket Association of Bengal (1995)2 SCC 161. The Supreme Court held that there is no monopoly of the Government over the electronic media and a citizen has the right under Article 19(a) to broadcast any important event to listeners or spectators through radio/ T.V. opined.

In the case of TATA PRESS LIMITED VS. Mahanagar Telephone Nigam Limited (1995) 5 SCC 139, the Supreme Court held that commercial dress (advertisement) is part of freedom of expression.

Auto Shankar Atma Katha Case :

R. RAJAGOPAL VS. State of Tamil Nadu, (1994) 6 SCC 632 which held that "auto Shankar" became popular as an autobiographical case. The Supreme Court, in this case, related defamation against its officials.

It states that the Government has no power to impose prior restrictions on the publication of materials. Public officials who fear that they or their associates may be defamed may sue for damages upon publication of such material. Further, the court also opined that it is sufficient for the press to prove that the publication was made after proper investigation and determination of the facts. Whereas the rights enshrined under Article 19 do not exist during the emergency imposed under Article 352 of the Constitution. Censorship on the media when the state of emergency is in effect shipping is done.

Appropriate Restrictions on Freedom of Speech and Expression :- As we have discussed earlier, Article 19 (1) (a) does not confer an absolute right in this respect. Article 19 (2) describes the restrictions placed on freedom of speech and expression. These are grounds for imposing appropriate sanctions.

- (a) Security of the State
- (b) Friendly relations with foreign States
- (c) Public order
- (d) Decency or morality
- (e) Contempt of Court
- (f) Defamation
- (g) Incitement of an offence.
- (h) Sovereignty and integrity of India. (Sovereignty and integrity of India)

Let us briefly discuss the above points.

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(a) National Security: The Government may impose reasonable restrictions on the freedom of speech and expression of citizens keeping in view national security.

In the case of RAMESH THAPAR VS. State of Madras (1950 SC 124). The Supreme Court, elaborated the meaning of the term national security. Every public disorder should not be considered a threat to national security. This term refers to extreme violent disorders. For example security riots, state warfare are internal attacks.

(b) Friendly relations with Foreign States: This is another restriction imposed on Article 19 (1) (a), which was added to the Constitution by the Constitution (1st Amendment) Act, 1951. Placed The purpose of this restriction was to prevent the spread of malicious propaganda against a foreigner with good relations in India. The Foreign State Relations Act, 1932 made provisions for 'punishment' of Indian citizens for taking slanderous acts towards foreign dignitaries.

(c) To maintain peace and security (Public order): For this reason, this clause was added to the Constitution by the Constitution (1st Amendment) Act, 1951. | Supreme Court in the case of Ramesh Thapar VS State of Madras (1950 SC 124), Peace | Restrictions on freedom of speech and expression are not permitted by the Constitution on the grounds of security, and on that ground it has refused to impose restrictions on the right to freedom of speech and expression.

In the case of SUPERINTENDENT CENTRAL JAIL, FATEGARH VS. Dr. Ram Manohar Lohia (AIR 1960 SC 633) "the respondent, the General Secretary of the Socialist Party of India.

He gave a public lecture in Uttar Pradesh encouraging people not to pay the increased water tariff. He was arrested with that. He was prosecuted and acquitted by the High Court. The state government appealed in the Supreme Court, but the Supreme Court rejected it. The Supreme Court said in this case. "We cannot accept the contention of the Advocate General that a person has encouraged people not to pay tax or dues, thereby deteriorating law and order and leading to a revolutionary movement in the long run. We can only say that a fundamental right cannot be controlled on the basis of such baseless and fanciful ideas."

In the case of Babulal Parate VS State of Maharashtra (AIR 1961 SC 884) Dispute over the statutory validity of Section 144 of the Code of Criminal Procedure when it came to the trial, the "court" questioned the right to freedom of speech and expression, and the reason for the unjustified restrictions being imposed.

The Supreme Court has generally held that anticipatory action by a Magistrate under Section 144 is an action taken as part of the maintenance of law and order when an emergency arises out of fear of danger to public order. It is not a substitute for suppression of legitimate actions. It held that the Magistrate could not reject it on the ground that it would abuse his officers. In the case of Madhu Limaye VS. Sub Divisional Magistrate Monghir (AIR 1971), the Supreme Court also held that as part of maintenance of public law and order, restrictions on fundamental right are permissible under Section 144.

(d) Decency or morality:- Freedom of speech and expression should not disturb the welfare of society. Sections 292 to 296 of the Indian Penal Code deal with indecency and obscenity. Writings, visual evidence, Obscenities can be suppressed and perpetrators can be punished, thereby inculcating decency and moral values.

In the case of RANJIT UDESHI VS. State of Maharashtra (AIR 1965 SC 881), the appellant was a bookseller. He, D.H. Sold a copy of Lawrence's novel "Lady Chatterley's lover". It is a forbidden book. I.P.C. A charge under section 29 of the In his Supreme Court, I.P.C. It was contended that Section 292 of the Constitution is invalid as it violates the right guaranteed under Article 19 (1) (a) of the Constitution, freedom of expression. 19 (1) (a) of the appropriate restrictions or restrictions on freedom of speech and expression, I.P.C. The Supreme Court held in this case that Section 292 has

(e) Contempt of court:- According to the Contempt of Court Act, 1971, contempt can be civil or criminal. Civil contempt means willful disobedience of any judgment, decree, order, order, writ or process of a court or willful breach of an undertaking given to a court.

The contempt of criminal means that the court is to interfere with or intercepting or intercepting the authority of the court. It means to publish by writing, speaking, or making gestures or visual representations through words.

Article 215 of the Constitution empowers the State High Court and Article 129 empowers the Supreme Court to punish contempt of court.

Appellant in the case of E.M.S. NAMBU PRASAD VS. T. Narayana Nambiar (AIR 1970 SC 2015) the Chief Minister of Kerala State, he made several criticisms on the judicial system in a press conference on 9 November 1967. The judiciary was an instrument of oppression, and the judges were characterized by class antagonism, class bias, favoring the poor over the poor, etc. In T Criticized.

When the matter came up for trial, he was charged, convicted of contempt of court and sentenced to a fine of Rs.1,000/- or one month's imprisonment. The law of contempt of court shall be applied without prejudice to the freedom of speech and expression conferred by Article 19 (1) (a) of the Constitution. The Supreme Court did not accept his argument. Dismissing the appeal, the Supreme Court ruled that there was no doubt that the appellant was guilty of contempt of court, judging from the point of view of the court and the administration of justice.

(f) Law of Defamation:- Anything that exposes a person to hatred, contempt or contempt is considered as defamation. The law of defamation is divided into two parts namely libel and slander. slander i.e. written slander (libel) slander i.e. statement made either by oral words or by gestures (Slander) Article 19(1) (a) The following right does not permit any person to violate the rights of others.

(g) Incitement of an Offence:- This cause was added to the Constitution by the Constitution (1st Amendment) Act, 1951. Article 19 (1) (a) does not confer any power on persons to incite others to commit offences.

This offense or omission may be punished by any statute for the time being in force.

In the case of the Bihar Government Shaila Baladevi (AIR 1952 SC 329) opined that it is lawful under Article 19 (2) of the Constitution to impose sanctions on those who commit murder or commit any other serious crime of the same nature as aggravation is dangerous to the security of nation.

(h) Sovereignty and Integrity of India:-

Restrictions on freedom of speech and expression can be imposed under Article 19(1)(a) keeping in view the sovereignty and integrity of India.

(i) Sedition:-

Concerns are not mentioned in Article 19(1)(a) of the Constitution. But the Court in the Case of DEVASRAN VS. State (AIR 1954 at 254) held that the restrictions imposed under Sections 124(a) and 153(a) of the IPC is exempted by Article 19(2) in view of public peace and security.

Commentaries on Articles 19(1) (b) and 19(3) Right to peaceful assembly, without arms

Article 19(1) (b) enshrines the right of the people to assemble without arms and peaceably. But this right is subject to restrictions or limitations imposed by Article 19(3). According to Article 19(3), any statute for the time being in force. In so far as it imposes any conditions in the interest of the sovereignty of India or the public peace, that Article 19(3) of the Constitution has no effect on the execution of the statute. That is, the Government has the right to impose suitable restrictions on the exercise of the right conferred by Article 19(1) (b).

One of the hallmarks of a democratic government is the right of the people to freely assemble. Meeting means meeting in public, public meetings are meant to sensitize people on matters such as religion, politics, economic conditions, etc. However, the Constitution itself provides scope for restrictions or restrictions or limitations on this right. Unlawful and disorderly assemblies may be dispersed by the Government in the interest of public peace.

In the case of Babulal Parate VS. State of Maharashtra (AIR 1961 SC 884) The Supreme Court has held that the orders of a Magistrate under Section 144 of the Code of Criminal Procedure against the assembly of more than five persons in a place where there was fear of disturbance of the peace as a result of demonstrations and counter-demonstrations were "constitutional").

Strikes and their constitutional validity:- in the case of C.P.M. (Marxist) VS. Bharat Kumar (AIR 1998 SC 184), the Supreme Court of India distinguished between the call for strike, hartal or general strike and their effect on the fundamental rights of the people, Expressed his views. It believes that the collective fundamental rights of all the people are greater than the fundamental right of an individual or a section of the people. Calling a bandh not only harms the nation in many ways but also disturbs the enjoyment of fundamental rights of others. So Bandhu No one has the right to call or ban.

'Bandh/strike ' speech and expression does not fall within the ambit of fundamental rights. Bandh is a warning to citizens to refrain from exercising their right to go to work or open their shops. It was passed by the Legislature If not prohibited, the courts must intervene to protect people's "rights" to work or study.

19 (1) (c) Commentary on Articles

Right to form societies, associations and unions:- Article 19(1) (c) guarantees to all citizens the right to form societies, associations or unions. While this right is restricted under Article 19(4). The State or Government may impose restrictions or limitations on this right having regard to peace, security, or moral values, or the sovereignty or integrity of India. The right to form associations or unions sounds like the right not to join an association. However, this cannot be said to be a fundamental right.

In the case of STATE OF MADRAS VS. V.G. Rao (AIR 1952 SC 196), the respondent was the General Secretary of an association called People's Education Society. This society is registered under the Registration of Societies Act. This association was declared by the Madras State Government as an unconstitutional association by an order. The respondent challenged in the Court that this order violates the fundamental right guaranteed under Article 19(1)(c).

The Supreme Court, Indian Insect Law (Amendment) Act, Section 15 (2) (b) of the Indian Insects Law (Amendment) Act, 1950, as amended, restricts the fundamental right to form associations. imposes, they are not reasonable within the ambit of Article 19(4), They were held to be unconstitutional and unconstitutional.

In the case of C. Balakotiah VS. Union of India (AIR 1958 SC 232) the appellants were railway employees. They were suspected to be involved in secret activities with the communists. Transportation is essential A general strike was called for with the intention of paralyzing the movement of goods, thereby creating agitation among the railway employees, thereby allegedly creating a threat to law and order and disturbance in the country. This | The General Manager of Railways removed them from service for this reason.

They went to the High Court under Article 226 of the Constitution. Their contention was that it was violative of Articles 14 and 19(1)(c) of the Railway Services (Protection of Internal Security) Rules, 1949, and therefore their removal from service was unconstitutional. The High Court rejected these arguments. They appealed to the Supreme Court but the Supreme Court dismissed their appeals. Supreme Court, taken against the appellants The reason was that the perpetrators were communists and trade union leaders, not because they were involved in illegal activities.

Therefore, the orders passed to remove them from service are not violative of Article 19(1)(c) as they do not infringe the fundamental rights guaranteed to them by the Constitution. opined. The appellants have a fundamental right to form an association. But they do not have the primary right to continue in government service. Therefore this order is to continue in the Communist Party or as members of the trade union Nothing prevents them from continuing.

In the case of Ramakrishna VS. President, District Board, Nellore, AIR 1952 Madras 253, held that the Government's order asking municipal teachers not to join unions unless they were officially sanctioned was a preemptive restriction on their right to form associations and unions, and was therefore in the nature of administrative censorship. The court explained that it was not received.

In the case of Suresh Swamy VS. State of Rajasthan (AIR 2001 Raj 244), the Supreme Court held that since the right to form association or union is a fundamental right of every citizen along with college students, it can be abridged or suppressed only by an act of Parliament. The State Government has no power to issue executive orders to amend or change the eligibility criteria for contesting elections of student unions or associations.

Commentary on Article 19 (1) (d).

Freedom of Movement All citizens of India, in any territorial area of the country Article 19(1)(d) of the Constitution enshrines the fundamental right to freedom of movement within any part of the country. However, on this right appropriate restrictions have been imposed by the Article 19(5).

They are :- (1) For the welfare of the general public.

(2) For the welfare of any Scheduled Tribes restrictions may be imposed on the movement of citizens.

Pursuant to this right every citizen can go where he wants and when he wants. However, this is subject to any statutory enactment made under Article 19(5) of the Constitution. Citizens of India, who may move from one place to another, to enter a certain area/not to enter a certain area and not to leave a certain area, will be hindered by the freedom of movement guaranteed by Article 19(1) (d).

A statute empowering a person to deport or enter In order to acquire legislative power, it is to make a statute under Article 19(5) should be within permissible limits. The Judiciary has restricted these articles to physical movement only. Intangible aspect of this freedom

I am getting protection under Article 21. Surveillance of a suspect to sense his movements and activities and maintain a record does not in any way infringe upon his right to move freely. In view of the welfare of the people, suitable restrictions may be imposed on the right to freedom of movement. Its purpose is to protect public safety, public peace and moral values of the people. (To maintain public security, public order, and public morality).

It is not permissible to impose such restrictions on this right to protect the interests of any scheduled caste/tribe. Because of other communities innocents on the religious, cultural, economic, educational and social characteristics of the tribal people Undesirable quantities may result.

In the case of STATE OF UTTAR PRADESH VS. Kausalya's (AIR 1964 SC 416), the Supreme Court held that the right of free movement of prostitutes can be restricted on grounds of public health and public morality.

In the case of Ajay Kanoo v. Union of India (1988) 4 SCC 156) Petitioner compel two-wheeler drivers to wear helmets. 19(1) (d) of the Rule, its constitutionality was challenged as violative of Article 19(1)(d). This rule is based on the Andhra Pradesh Motor Vehicle Rules, 1964 was made under

In this case, the Supreme Court declared the rule valid as it was made in public interest. Mandating drivers to wear helmets is an appropriate restriction on his right to travel described.

Freedom of movement, establishment of fixed abode (Freedom of residence) Explanation on Articles 19(1) (e) and 19(5) :- Citizens of India, to reside in any part of India, where

Explanation of Article 19(1) (e) and 19 (5) that they have the right to establish a permanent residence saying:-

Article 19(5) lays down appropriate restrictions for this, namely- (a) keeping in mind the interests of the general public and (b) keeping in mind the interests of the people belonging to the Scheduled Tribes.

The Government may impose suitable restrictions on this right. India. The purpose of this right is to enable a citizen to move freely and establish a fixed abode in any part of India.

Protection of Life and Personal Liberty:-

Article 21 of the Constitution of India deals with the most important right to protection of life and personal liberty of individuals. But these articles are summary referred to as articles.

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Article 21 states: No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law. These articles were originally written in the style of the 5th Amendment of the US Constitution. Appropriate legislation at the beginning If no person shall be deprived of life or personal liberty except by due process of law, the drafting body of the Legislature, through due process of law. The words "except according to the procedure established by law" have been substituted.

When this change was made, some of the members of the Legislative Assembly expressed concern. Because "following the procedure established by statute" the word the phrase was adopted from the Constitution of Japan. For this concern back from Thakur Das Bhargava and K.M. Munshi, due "Legislative Process" By (Due Process of Law) the Judiciary, A rightful position in the administration of justice and, therefore, its protective umbrella It is argued below that people can acquire their rights and freedoms. But Sri Alladi Kuppuswamy did not, due process clause Did not agree.

The United States Supreme Court has held that in developing the due legislative process" clause, it failed to follow a structured, uniform approach, resulting in conflicting decisions. Clause through legislative process gives supreme power to the judiciary to question the enactments of the legislative council and the actions taken by the executive body, so the constituents were not ready to accept the judiciary as the supreme legislative body.

According to the 21st economy, every person has the right to life and personal liberty. But this right is not absolute. This right is not an absolute right and it is subject to certain limitations. A person can be deprived of life and liberty by following the procedure prescribed by law. This right is available to citizens and non-citizens under Article 21.

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The Supreme Court of India, in the 1950 and 1960, was very narrow on these articles. A narrow interpretation has been done. A.K. Gopalan case (AIR 1950 SC 27) is a good example of this narrow approach. But the case of Maneka Gandhi (AIR 1979 SC 597), the Supreme Court applied the principle of liberal interpretation and widened the scope of these single-sentence articles to guarantee about 30 types of rights.

Rights to Freedom of Religion

Article 25 : Freedom of conscience and right to free practice and propagation of religion (Propagation of religion) :-

1. Subject to the public peace, morals and health and other provisions of this Part, to freedom of conscience and to freely adopt and practice the religion of his choice and to all people to promote it have equal rights.

(2) in these articles,

(a) Regulate or restrict any economic, financial, political or other secular activity related to religious practice;

(b) Shall not interfere with the operation of any existing enactment, or prevent the Government from making such enactments, making provision for the admission of all classes or sects of Hindus to Hindu religious institutions of a social welfare, reform or public character.

1st Clarification:- Sikh religion should be considered as including Kripanadharana and Kripanavahana.

2nd Explanation:- In sub-clause (b) of clause (2) about Hindus the directive includes a directive about the Sikh, Jain or Buddhist faiths. should be applied. And directives of Hindu religious organizations should also be applied accordingly.

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Article 26: Freedom to practice religion:-

(Freedom to manage religious affairs):- Every religious branch or any sub-branch subject to public peace, morality and health shall:-

- (a) To establish institutions for religious and charitable purposes and to manage,
- (b) To conduct its own affairs in religious matters,
- (c) To own and acquire movable and immovable property and
- (d) To manage such movable and immovable property in accordance with law.

Article 27:- Freedom in respect of payment of taxes for the promotion of any particular religion :- No person shall be compelled to pay any specified taxes to defray the expenses of promoting or maintaining any particular religion or sect of religion.

Article 28:- Religious instruction or religious practice (Pujadikams) in certain educational institutions freedom of Attendance when held:-

1. No religious instruction shall be given in any educational institution wholly supported by Government funds.
2. Charitable endowment requiring any religious instruction referred to in clause (1) Nor does it apply to any educational institution established under a trust and maintained by the Government.
3. No person attending any educational institution recognized by the Government or receiving the aid of Government funds shall be required to participate in religious instruction or to attend any religious service celebrated in such institution or on any premises connected therewith, unless the person so consents. If the person is a minor, his guardian must consent.

Commentary on Articles 25 to 28

India is a secular state with no religious involvement. Thus it is stated in the Preamble of the Constitution of India. 42nd Constitutional Amendment of 1976 By referring to the Constitution as "Secular (Secular) State". Words have been inserted. "Secular state" means neutrality and impartiality towards all religions. The secular state (government) looks at the relationship between man and man and ignores the relationship between man and God.

Regarding the word "Secular" mentioned in the Preamble of the Constitution of India, the Supreme Court, in the case of St. Jeviyor College Vs. State of Gujarat (AIR (1974 SC 1389) has explained well. "The State is not secular in nature.

Secularism is hatred towards God and dislike towards God. It treats a devotee and a person hostile to God (atheist) as the same. It excludes the affairs of God from the affairs of government. No person shall be discriminated against on account of the religion he professes."

In the case of SR BOMMAI Vs. Union of India, (1994) SCC 1 The Supreme Court has emphasized "Secularism" as a basic feature of the Indian Constitution.

Regarding all religions, the State (Government) should act impartially, and act on religious freedom, from 25 of the Constitution the 28th Articles duly elaborate.

Article 25:- It deals with Freedom of Conscience, Freedom of Religion, Practice and Propagation (of Religion).

Article 26:- It provides for freedom of religious affairs (Freedom to Explain about manages Religious Affairs).

Article 27:- It is the payment of taxes for the flourishing of any particular religion explaining freedoms.

Article 28:- It is prohibited to attend religious instruction, in certain educational institutions Explains the freedom to participate in religious services.

The first two articles (i.e. 25th and 26th articles) should be read together. Articles 25, guaranteeing individual rights, Article 26, guaranteeing the rights of [organized bodies (Nikayam) which means any religion or sect thereof. Both of these articles protect religious doctrines or things done in the nature of believers.

Article 25 Freedom of conscience, freedom to believe, practice and preach religion :- Clause (1) of Article 25 states that all persons have an equal right to freedom of conscience, to freely adopt, practice and propagate any religion. But this right is subject to other provisions of Article 3 of the Constitution, public peace and moral health.

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This is a restriction on religious freedom. Other restrictions imposed on religious freedoms are contained in Article 25(2).

25 (2) (a) of the Articles, the State (Government) deals with religion. It states that it has the power to enact any law regulating or restricting any economic, financial, political or other secular activity. Whereas sub-clause (b) of clause (2) of the same articles provides for social welfare, reform or Hindu religious institutions of a universal nature, providing admission to sectarians of all sections of Hindus. The statute states that the state government) can.

Freedom of Conscience, Free Practice of Religion:- Supreme Court on Freedom of Conscience, in the case of Rathilal VS. State of Bombay (AIR 1954 SC 386) explained.

'Freedom to follow intuition' means the beliefs that a person deems useful for his spiritual growth, related theory the court stated that it refers to the right to possess things. To be free to reform himself as he pleases in an effort to improve his relationship with God.

Meaning of right to freely adopt and practice any religion Supreme Court Punjab Rao VS. D.P. It is well explained in Mashram's case (AIR 1954 SC 282).

In this case, the court used the word 'religion' as freedom of belief, explained as the right to declare publicly. Who is that person, he thought by way of practical clarification, the right to practice one's faith has Activities following religious practices or religious beliefs to manage belief or belief in certain doctrines forms part of religion.

The right to preach religion means that a person can practice his religious beliefs It means the right to disseminate or announce for the advancement of knowledge to others. It is, without intimidation or undue pressure, to induce others to follow one's religious beliefs, religious propaganda, It can be organized either by an individual or by any organization (church).

Religious conversions and campaigns:- Is religious conversion included in religious campaigns? The most controversial issue is the right to freedom. Some Christian priests believe that the right to convert people of other religions is part of the right to preach are falling. But their view is clearly contrary to the judgment of the Supreme Court in the case of Stainulas State of M.P. (AIR 1977 SC 908).

Article 25 of the Constitution of Madhya Pradesh Dharma Swatantrya Adhi Niyam 1968 A lawsuit was filed in the Madhya Pradesh High Court that it was being violated. Challenging similar Religious Freedom Act, 1967 Act in Orissa High Court happened Both these laws made conversion a punishable offence.

"While the Madhya Pradesh High Court upheld the 1968 Act of that state, it declared that religious propagation was not part of the right. However, the Orissa High Court declared the 1967 Act of that state unconstitutional and stated that Article 25 of the Constitution guarantees the propagation of religion, and that conversion is part of Christianity opined.

When the issue came before the Supreme Court, the apex court upheld the constitutionality of these two laws, the Madhya Pradesh Religious Freedom Act, 1968 and the Orissa Religious Freedom Act, 1967. But the Hon'ble Supreme Court, Article 25, held that no "person has the authority to convert another person to his religion, where propaganda means a person propagating or propagating his religion by revealing its merits and demerits."

What is Religion:- The meaning of the word 'Religion' has been defined by Supreme Court, Commissioner hindu Religious Endowments, Madras Vs. Srilakshmi Chandra Theertha Swamiyalar, in the case of Sri Shirule Mat the rule was explained (AIR 1954 SC 282).

The court held that 'religion' means a matter of belief of individuals or communities which must be a property. It is believed that there is no. It states that Buddhism and Jainism are also religions and they do not believe in God. Undoubtedly the "foundation" of a religion lies in its beliefs or doctrines.

Those who practiced that religion. Those beliefs, or doctrines, are based on their spiritual Considered as means of elevation. Religion is nothing or doctrines nor is it correct to say that it is a set of beliefs. A religion has its followers. It not only lays down moral rules to be accepted, but also makes them accepted by its adherents. That is, religious practices It can prescribe its rules by performing ceremonies like ceremonies. Religious practices are considered part of religion. Praupams, " can also be extended to practices, food and dress.

Guarantees under the Constitution of India, freedom of religious opinion Apart from giving protection, they also give protection to the activities carried out by following that religion to spread that religion.

By placing the word 'religion' in Article 25 Clarified. What is included in the essential part of religion has to be determined primarily by keeping in mind the religious tenets. Article 25 (21) provides that the state of religious practice does not regulate the religious freedoms guaranteed by the Constitution except those which are against public peace, health and moral values. However, financial, Regulates commercial or political activities, even if they are inherently linked to religious practices.

Religious Denominations:- Acharya Jagadiswarananda Avadhoot Vs. Commissioner of Police, Calcutta, (1983) 4 SCC 522) is popularly known as the Ananda Marg case.

In this case 'Ananda Marg' is a socio-spiritual organization established in 1955. The purpose of this organization is to provide yoga and spiritual knowledge to every seeker Teaching Mahashiv's Tandava dance is an important ritual in the paths of joy. In the Tandava dance, a man's skull is used as a small knife, trishul, lathi and damuruka. The Police Commissioner of Calcutta did not allow them to be worn in processions through the streets of Calcutta as part of the Tandava dance. Questioning the constitutional validity of the Commissioner's decision, the Supreme Court was approached under Article 32 of the Constitution.

The Supreme Court rejected this petition. The Supreme Court, expressing its views, said: Anand Marg is not a separate religion. Basically it upholds the fundamental concepts of Hinduism and philosophical thought. Here the Supreme Court explained the nature of 'Religion'. A religious sect is a group of people who follow beliefs that they consider conducive to their spiritual advancement, their common organization. A typical name for these people is there is Tandava in public processions or places where people congregate The Supreme Court has ruled that performing dances is not a necessary religious practice for Ananda marg followers.

Therefore performing Tandava dance in public streets is not a fundamental right under Articles 25 and 26.

NATIONAL ANTHEM CASE :- BIJOI EMMANUEL VS. State of Kerala, (1986) 3 SCC 615 became known as the "National Anthem" case.

Appellants, school students and Christianity worldwide sect-followers of Jehovah's Witnesses, appellants in school morning prayers, refused to sing the national anthem. It is argued that singing like this is against their religious practices. According to the circular issued by the Director of School Education, Kerala State, it is compulsory for the students of the school to sing the national anthem, so the said students were expelled from the school. They first appealed to the Kerala High Court for their right to religion under Article 25 of their expulsion when they appealed claiming violation, their case was dismissed by the Kerala High Court. Later appealed to the Supreme Court.

Supreme Court, the appellants, indeed, according to conscience, their religious stating that their religious sect does not allow them to participate in any other rituals except the prayers of their God, Jehovah, who practice the faith, the deportation orders imposed on the appellants are set aside. The Supreme Court stated that these students are law-abiding and stand up respectfully while singing the national anthem as their religion does not allow them to do so.

Further, the appellants' refusal to sing the National Anthem, refusal to respect the National Anthem or Article 51-(a) of the National the court held that the singing of the anthem was not inconsistent with it as it was a primary duty. Circular 19 (1) (a) issued by the Director of School Education As a violation of Articles and deportation of the appellants, Article 25 of the Constitution Refusal to sing the National Anthem declared a violation of Section 3 of the Defamation (Prevention) Act, 1971 The court held that there was no violation of the rules. The boycott is on the 25th Articles freedom of conscience and freedom of religion under Articles Practice campaigns are considered a violation of the right.

Many people criticized this judgment given by the Supreme Court. This judgment is national It is believed to be against respect and unity. This judgment was given the judge was accused of belonging to the Christian religion.

Religion:- Ismail Farooqui VS Union of India (1994) 6 SCC | 360, after the demolition of the Babri Masjid in Ayodhya, the central government acquired the entire property belonging to the mosque through an Act to maintain peace and security in the country. The acquisition of land in that area, which was acquired by the government, was challenged in the court. Apart from Hindus | that they were also praying in that area thereby forfeiting their rights under Articles 25 and 26. Argued that it is offensive.

The Supreme Court said that the government can use its sovereign power (in exercise of its sovereign power) and take possession of mosques, churches, temples etc. places of worship if necessary to maintain peace and security as a violation under Articles 25 and 26. It is believed that it should not be considered. Besides, the Central Government Act, Religious | It is also held that the substantive part is not violated, and therefore it is constitutional opined. The evidence for the court's ruling is that while praying or worshiping is a religious practice, such prayers, wherever possible, are not an essential part of religious practice.

In the secular state of India, the level of a mosque is a place of worship of other religions, such as a mandhir, a church, etc. Not more than that. A mosque is not an essential part of Islamic practice. Muslims pray in the open air wherever necessary. In the right of religious worship anywhere and in every place as long as that worship is done effectively The right to worship is not included.

Demolition of Masjid:- Ghulam Khadar Ahmadabi Memon Vs Surat Municipal Corporation (AIR 1998 GJR 234) in the case of Surat Municipal in the State of Gujarat the Corporation was ordered under Section 12 of the Bombay Provincial Municipal Corporation Act, 1949 to demolish part of two mosques on the Surat main road. The petitioner Gujarat High Court held that the 'right to religion' guaranteed to the citizens under Articles 25 and 26 of the Constitution did not prohibit the government from taking over any place of worship for public purposes, and therefore, the demolition was lawful.

Hereditary Archakas:- in the case of A.S. NARAYANA Vs STATE of A.P. (1996SC 1965) the Petitioner, Head Priest of Tirumala Devasthanam. He stated that the cancellation of the inheritance rights of the priesthood and other office bearers violates Articles 25 and 26 of the Constitution, and about the validity of the Andhra Pradesh Charitable, Hindu Religious Organizations and Endowments Act. Challenged. The petitioners argued in this case that the cancellation of the petitioner's inheritance rights is interference in the practice of religious practices and religious traditions. However, the court termed the appointment of priests as a secular activity. The law regulates only the secular affairs of religious institutions or endowments, stating that it can be regulated by government decree. Priests and temple workers. So this Act has 25,26th articles It defended the said law stating that it was not being violated.

Priesthood - Secular activities:- in the case of Bhurinadh Vs State of Jammu and Kashmir, (1997) SCC 1711, the Supreme Court stated that the provision of priestly services is a secular activity and can be regulated by the Government under Article 25(2) of the Constitution.

Restrictions under Art. 25 on freedom of religion:-

1. Subject to freedom of religion, public peace, moral values, and other provisions of Part 3 of the Constitution. The interpretation of the Courts on the interpretation of its key points is given below.

Public Peace, Moral Values, Health (Court Judgments):- Ramjeelal Modi Vs. State of UP (AIR 1957 SC 622), the Supreme Court made it clear that the freedom of religion guaranteed under Articles 25 and 26 is subject to public peace, moral values and health.

Shifting Graveyard :- Ghulam Absas VS. In the case of State of U.P (1984) 1 SC 81, the court held that even though Shariat law opposes the shifting of a graveyard, the government is competent to order shifting of a graveyard in case of exigency in the interest of public peace.

Forced Conversion:- Reverend Stannis Laws State of M.P. (AIR 1977 SC 908) case, it was held that the conversion of a person from one religion to another is likely to disturb public peace and can be prohibited by statute opined.

Tandava Dance “Ananda Marg Case”:- Court, Tandava Dance, Human Skulls, Engaging in provocation with weapons or dancing in a public place doing so is not an essential part of religious right and in view of public peace and moral values passing an order prohibiting such procession under Section 144 of the Criminal Procedure Code (Cr. P.C.) is violative of Articles 25 and 26 of the Constitution.

According to Articles 25 (2) (a), by statute relating to religious practice Government can regulate economic, financial, political or other secular activities.

Cow Slaughter:- Mohammed Hanif Qureshi VS. State of Bihar (AIR

In a 1973 case, the court held that slaughtering of cows on Bakrid was not an essential ritual in Islam and it was legitimate for the government to prohibit it under Article 25(2)(a) of the Constitution.

In the case of STATE OF WEST BENGAL Vs. Ashitosh Lahari (AIR SC 464) the Government of West Bengal exempted the slaughter of cows on the day of Bakrid from the operation of the West Bengal Animal Slaughter Control Act, 1950. The Supreme Court heard the case and stated that killing cows on the day of Bakrid is not obligatory according to Islam.

Bigamous marriages:- in the case of STATE OF BOMBAY Vs. The Bombay High Court Rs. Debt (AIR 1952 Bom. 84) ruled that the Act prohibiting Bigamous Marriages is valid under Article 25(2) (b). Polygamy/Polygamy is not a compulsory subject in Hindu religion so it can be regulated by the government.

Right to enter temple:- (This is not an absolute right) In the cases of KODU VENKATA RAMANA DEVARU Vs. STATE OF MYSORE (AIR 1958 SC 255) AND SASTRI YAJNA PURUSADAS JI VS. Moolas Bhundhar Das Vaishya (AIR 1966 SC 1119), the Supreme Court held that the right to enter a temple for the purpose of worship is not absolute and unlimited in nature.

No person in Hinduism has the right to ask that temples should be kept open for worship at all hours of the day and night. Nor does he have the right to demand that he be allowed to participate by himself in worship which can only be performed by priests in person. The ruling held that the Legislative Council had no right to interfere with the traditional and ritualistic forms of idolatry that were actually permitted.

While the right under Article 25(2)(b) is the right of all classes and sections of people to enter a public temple, Article 25(1) deals with individual rights. (2) Articles, which are broad in scope and prescribe the Rights of the Communities.

Religious Rights of Sikhs:- Wearing turbans and carrying alms is a Sikh religious practice and this right is enshrined in Article 25. Each Sikh was allowed to carry with him only one kripan without a licence.

"Use of Loud Speakers by Christians for Propagation:- (Pulspal) IN INDIA VS. MAGISTIC COLONY WELFARE ASSOCIATION (AIR Church of God 2000 SC 2773) "Prayers of any religion disturbing the peace of others" or preaching by means of amplifying sound or by shouting The Supreme Court opined that since it has not been ordered, such usages, if any, should be followed in a manner that does not disturb the activities of others.

Commentary on Article 26:

Article 26 has 4 clauses namely : 1. Article 26 (a) Every religious branch or sect, religious and charitable association Can establish and maintain institutions for:-

Here the institutions should be established by a religious sect. Then the religious sect may ask that the management of the institution should belong to it.

ALIGARH MUSLIM UNIVERSITY CASE:- AZIZ BAHASA VS. Union of India (AIR 1968 SC 662) the Supreme Court held that the Aligarh Muslim University was not established by the Department of Muslim Religion, and therefore the right to manage it under Article 26(a) did not arise, and the Muslim minority had no power to manage the properties of that university.

Ramakrishna Mission Case:- in the case of Brahmachari Siddheshwar Sai Vs. State of West Bengal (1995) 4 SCC 646. (This came to be known as the Ramakrishna Mission case) Swamy the followers of Ramakrishna Paramahasam, some of whom followed a certain line of faith, collectively formed themselves into a system and named their organization "Ramakrishna Math" or "Mishanu". Their denomination, satisfying the test of religious elements in the definition of 'religious'. The Supreme Court ruled that it can be considered as a religious denomination within Hindu religion, and that religion has rights under Article 26 of the Constitution.

Department of Religion: Shri Acharya Jagadeeswarananda Avadhoot VS. Commissioner of Police | (AIR 1990 Cal. 336) Calcutta High Court in this case held that if tenets of a religious sect are important then that sect should be distinguished from the individual accordingly said

2. Article 26(c) : This Article provides that every religious sect or any branch thereof | Rights to own and acquire movable and immovable property of their own stating that they have

Acquisition of a Samadhi: In the case of MAHANT RAMAKISHAN Vs. State of Punjab (AIR 1981 SC 1576) compensation for land belonging to and appurtenant to a grave possession was made to pay and earn.

This acquisition was challenged in the Supreme Court. The Court held in this case that there was no fear of the continued existence of the Samadhi due to these acquisitions and that it did not result in complete or substantial destruction of the religious sect or institution concerned and therefore the right of the Government under Article 31(2) was subject to the right of the Government under Article 26-C. stated not to be infringed by the act.

Land Tax:- in the case of the Government of Tamil Nadu Vs. Ahobalamatam (AIR 1987 SC 245) case held that the imposition of land tax on the property of the religious department over the grave was not violative of Articles 26(c) and 26(d).

"Property of Religious Institution Acquisition:- In the case of Narendra Vs. State of Gujarat (AIR 1974 SC 2098), the court held that the government can acquire the property of a religious institution under Article 31(a \times 1) (a) for implementing agrarian reforms (can be acquired) The government can also acquire the assets of a religious department or organization which is in excess of the permissible limit by making a relevant ordinance.

Right to own property of a religious organization:- The court ruled in the above case that it is not the absolute right of the religious department to own and manage the property, but it is subject to the appropriate regulations imposed by the government. But it states that such regulations should not be disruptive to the continued existence of that religious sect. The Government may make laws regulating the management of the property of a religious sect. But those laws are the property of that religious organization Should not be derogatory to maintenance right.

4. Article 26(d):- Article 26 Fundamental right of religious sects to manage property: This clause states that a religious sect or its representatives have the fundamental right to manage property according to the statute. Dargah Committee Ajmer Vs. Syed Hussain Ali (AIR 1961 SC 1402) Apex Court held that Article 26 does not apply to property when the right to administer it is never vested in the religious department or when it is unlawfully surrendered or otherwise lost. Ratilal v. State of Bombay (AIR 1954 SC 388)

5. Article 26 (b): Each religious sect shall have its own affairs in its religious matters That religion has the right to manage.

Seva Puja: (Puri Temple Case) RAJA BEER KISHORE VS. State of Orissa (AIR 1964 SC 1501) Raja Bir Kishore Puri is the absolute and sole trustee of the Jagannadha Swamy Temple, the Government of Orissa through the Sri Jagannadha Temple Act, 1954 entrusted the management of the said temple to a committee constituted under the said Act. It is required for Sevapuja which is a purely secular affair in the temple this Act only deals with supply of goods the Supreme Court held that it was statutory because it was regulatory.

Establishment of social equality between all sects of Hinduism in matters of worship: Shastri Yajna Purush Das VS. Moolas (AIR 1966 SC 1119) | In the case the Supreme Court held that the main objective of the Bombay Public Hindu Places of Worship (Entry, Authority) Act, 1956, was to establish social equality among all sects of Hinduism in the matter of worship, and therefore it did not violate the fundamental right of a sub-sect under Article 26(b).

In government celebrations, coconuts are beaten etc.

In the case of Indian Atheist Association Vs. Govt of Andhra Pradesh (AIR 1992 SC 310) to prohibit beating of coconuts, pujas and recitation of mantras or suktas of various religions during government functions, the State, the petitioner requested to issue a writ of mandamus directing the Govt.

Andhra Pradesh High Court rejected this request. It states that these activities are good in Indian tradition and directed to get the blessings of God to continue the work undertaken uninterrupted.

It has also been stated that the secular state does not prohibit the practice of religion as there is no constitutional guarantee for an atheistic religion which believes that there is no God. Therefore beating of coconuts in government celebrations is said to be lawful.

KRATHU'S:- in the case of SRI ADI VISWESHWARA KASHI VISWANATH TEMPLE Vs. State of Uttar Pradesh (AIR 1997 (5) SCC 606) the Court held that Articles 25, 26 extend to statutes as well and are not limited to doctrines. Courts should be transactional. (Courts have to be pragmatic) The right to maintain a temple is not an intrinsic part of religion. Therefore it can be regulated by statute.

The Supreme Court held that a law which completely took away the right to manage property from a religious sect and handed it over to a secular authority was invalid and violative of Article 26(d).

Scope and object of Article 26: In the case of Sarendra Vs. State of Gujarat (AIR 1974 SC 2092) the Supreme Court explained that the religious denominations and sects thereof are protecting their rights. The four rights guaranteed by these articles, like Article 25, are subject to the elements of public peace, moral values and health. But the rights guaranteed under Article 26 are not absolute rights. They are subject to public peace, moral values and health.

Commentary on the 27th Articles

These articles are not for the development of any particular religion or sect

Prohibits imposition of taxes on anyone to manage. Taxing any religious development is against secular government policy. However, when such levy is in the nature of fees, it does not come within the prohibition under these Articles.

Tax and Fee - Distinction :- In the case of Ratilal Gandhi State of Bombay (AIR 1954 SC 388), the Supreme Court explained the distinction between tax and fee. A tax is a public authority that collects money by force for public benefit. will happen Provided to the taxpayers for any special purpose, but for the general expenditure of the Government, for public benefit | Taxation is done for However, the tax is not levied to confer any special benefit on a particular class of persons. Moreover, these collections are included in the general revenue of the government and used for general public purposes (Imposed for public purpose).

Tax as a common burden, whereas the benefit of paying tax to the taxpayer is to participate in the common interests of the government.

Fees are payments made for a specific purpose. For any particular work done or particular services rendered for the benefit of those from whom payments are sought. (Fees are payments primarily in the | public interest, but for some special service rendered or some special work done for the benefit of those from whom payments are demanded.) In the case of \$, there is always a Quid Pro Quo aspect, unlike in the case of tax. In each case, the fees charged by the Government are for the benefit of certain persons. It cannot be proved in every case that the expenditure incurred on any particular type of service rendered or work carried out is sufficient, but there must be a correlation between the amounts collected by the Government, the levy levied to be classified as fees and the amount spent by the State on such services rendered.

Fees for services rendered to maintain any religious sect If imposed, they do not fall under Article 27.

In the case of Jagannadha Ramanujaji Das Vs. State of Orissa (AIR 1954 SC 400), the Supreme Court held that under Section 9 of the Orissa Hindu Endowments Act, 1939, contributions levied towards the expenses of the Commissioner and his office are to be treated as fees and not a tax.

Commentary on Articles 28 (1).

Article 28(1):- This clause states that no religious teaching shall be instituted in any educational institution which is wholly funded by the Government. **Explanation on Articles 28 (2):-** This clause provides that nothing contained in 28 (1) shall apply to any educational institution established under an endowment or trust and maintained by the Government which requires religious instruction to be imparted.

Article 340 :- Appointment of a commission to inquire into the conditions of the backward classes : 1. Regarding the socially and educationally backward classes in the territory of India, and their experience. To inquire into difficulties, to remove such difficulties and to ameliorate their condition, be taken either by the Union or by the State. The President may, by order, appoint a commission consisting of such persons as he thinks fit, to recommend measures and grants to be made by the Union or the State in that behalf.

The order regulating such commission and the procedure to be followed by that commission should be maintained.

(2) The Commission so appointed shall investigate the matters assigned to it and submit a report to the President. He should also include in it the facts he finds and the recommendations he thinks fit.

(3) The President shall cause a copy of such report submitted to him to be laid before each House of Parliament together with an explanatory document detailing the action taken thereon.

Article 341:- Scheduled Castes:- 1. President, in relation to any State or Union Territory and Union Territory also a State shall, after consultation with its Governor, by public notification, designate, for the purpose of this Constitution in respect of that State or Union Territory as the case may be, the castes, races or tribes or sections of such castes, races or tribes or any other population groups. Can be specified.

(2) An Act of Parliament may add to or remove from the list of Scheduled Castes specified in the notification issued under clause (1) any caste, race or tribe, or part or group of any caste, race or tribe. but except in the manner aforesaid by a proclamation issued under this clause, and by any subsequent proclamation do not to change.

Article 342:- Scheduled Tribes:- 1. The President, in the case of any State or Union Territory, in the case of a State, after consultation with the Governor of that State, in the case of such State or Union Territory as the case may be, shall, for the purposes of this Constitution, be deemed to be Scheduled Tribes or aboriginal communities, or tribals or It can be defined as part of aboriginal communities or other communities.

(2) An Act of Parliament may include in the list of Scheduled Tribes specified in the notification issued under clause (1) any adivasi or aboriginal community or any section or group of aboriginal community. or can be removed. But the declaration (notification) issued under that clause shall not be altered by a subsequent notification except in the manner aforesaid.

RELIGIOUS CRIMES

Sec 295 of I.P.C :- Demolition or desecration of a place of worship with intent to insult the religion of a class.

Whoever, with intent to insult the religion of a class of people, destroys, damages or desecrates their place of worship or any form of worship which they consider sacred, or knowingly causes them to believe that their religion has been insulted by such destruction, damage or desecration. Whoever, shall be punished with rigorous imprisonment for a term which may extend to two years or with fine or with both.

Procedure: The offense is cognizable, non-bailable, negotiable. What is impossible is something that any magistrate can try.

Courts should show due respect to the religious sentiments of different communities on a case-by-case basis. Accused Towns in front of all the people in the field. The idol of Ganesha was broken in public. Before the break of dawn he made it clear that he wanted to break the idol of the god and insult the sentiments of the Hindus.

In the case of S. Veerabhadran Vs. E.V. Ramaswami Naicker, AIR 1958 SC 1032 : 1958 Cr. U 1565.

Sec 295-A of I.P.C:- By insulting religion or religious beliefs, doing acts which are openly and offensively intended to provoke the religious sentiments of that religion.

Whether by words, writings, gestures or gestures, or otherwise, blasphemy and treachery. Whoever, with the intention of inciting the religious sentiments of a section of the people of India, insults or attempts to insult the religion or religious sentiments of that section of the people, shall be punished with rigorous or simple imprisonment for a term which may extend to three years, or with fine, or with both.

Procedure: The offense is cognizable, non-bailable, non-committable, and triable by a Magistrate of the first class.

Sec 296 of I.P.C:- Disturbing religious assembly : Willfully disrupting a lawful assembly where religious prayer or religious worship is held. Whoever causes a disturbance, strict or general for up to one year shall be punished with imprisonment or fine or both.

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Procedure: This offense is cognizable. Bailable, non-negotiable and triable by any Magistrate.

Sec 297 of I.P.C:- Illegal entry into places like graveyards.

Any person who, with intent to injure the religious feelings of a person, insults the religion of a person, or knowing that it is likely to injure the religious feelings of a person. into any place of worship, into any place of idol, into a place specially set apart for the performance of funeral rites, or into the ashes of the dead or | Whoever trespasses into a place where an atheist is kept, or behaves disrespectfully to a dead body, or disturbs those assembled to perform the rites of a dead person, shall be punished with rigorous or simple imprisonment for a term which may extend to one year, or with fine. Either or both shall be punished.

Procedure: This offense is cognizable, bailable, non-committable and triable by any Magistrate.

Sec 298 of I.P.C:- Doing acts like uttering words with intent to injure religious sentiments.

If any person, with intent to offend the religious feelings of any person, speaks or utters anything or makes any sound or exhibits any posture in the sight of that person or places anything in the sight of that person, such person shall be liable to imprisonment for a term which may extend to one year, or to imprisonment for a term which may extend to one year, shall be punished with fine or with both.

Procedure: The offense is non-cognizable, bailable, cognizable and triable by any Magistrate.

Sec 153-A of I.P.C:- Religion, caste, place of birth, place of residence, language etc. on the basis of increasing enmity between different communities, and taking actions that disturb the harmonious atmosphere.

(1) Whoever, (a) on religion, race, place of birth, domicile, language, caste or community or on any other ground, whether oral or written | By words, gestures or gestures, promote or attempt to promote disharmony, enmity, hatred or dislike between different religious, ethnic, linguistic or regional groups or between castes or communities;

(b) undertakes any act which disturbs the harmonious atmosphere between different religions, races, languages or regional groups or between castes or communities, or disturbs or tends to disturb the public welfare; or (c) uses force or violence in a criminal act; With the intention of using or being trained to use, or knowing that persons participating in such activity will use force or violence, or engaging in such activity with the intention of using or being trained to use force or violence, or knowing that they have such intention, of any religion, race, language or regional group, caste or whosoever, by any cause whatsoever, shall cause fear, disturbance or insecurity among the members of the community, or conduct any exercise, movement, procession or other such act, shall be punished with imprisonment for a term which may extend to three years, or with both.

Commission of offense in place of worship etc.:- (2) Whoever commits the offense specified in sub-section (1) in any place of worship, assembly engaged in the performance of religious worship or worship, or in any place where religious prayers are held, shall be punished with imprisonment for a term which may extend to five years. . and a fine is also imposed.)

Procedure:

This crime is punishable. Non-bailable, non-compoundable and triable by a Magistrate of the first class.

Case Law:

Publication of news stories which create enmity between Hindu Muslims - either in the name of political ideologies or mixed with historical truths - should not be done. Babu Rao Patel v. State (Delhi Admn.), AIR 1980 SC 763:1980 Cr.LJ 529.

Sec 153-B of I.P.C :- Charges which disturb national unity

(1) Whoever, by spoken or written words, gestures, gestures or otherwise:-

(a) make or publish allegations that, being members of any religion, race, language or regional group or caste or community, they do not have faith and allegiance to the Constitution of India as legally constituted, or cannot uphold the sovereignty or unity of India, or

(b) preach, teach, counsel, propagate or publish in such a manner as to deny or deprive persons of any religion, race, language or regional group or caste or community of their rights as citizens of India, or

(c) preaches, teaches, advocates or appeals to the duties of members of any religion, race, language or regional group or caste or community, in such a way as to promote disharmony, enmity or hatred or dislike between such members and other persons, or Whoever publishes it,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) The offense specified in sub-section (a) shall be punishable with imprisonment for a term which may extend to five years, if the offense specified in sub-section (a) is committed in a place of worship or in an assembly engaged in the performance of religious worship or worship. And are liable to be fined as well.

Procedure:

This offense is cognizable, non-bailable, non-committable and triable by a Magistrate of the first class.

The right to freedom of religion is a fundamental right prescribed in Part III (Articles 25-28) of the Constitution of India. The Preamble to the Constitution of India also emphasizes a secular form of government. In 1918, Pt. Madan Mohan Malviya presided over a special session of Congress in Delhi and raised the issue of basic rights or fundamental rights. The right to freedom of religion was one of the components of those basic rights. Also, the Nehru Report of 1928 recommended basic rights. Later on, these developments culminated in Articles 25-30. Articles 29 and 30 emphasize on rights of minorities (religion or language). The 42nd Constitutional Amendment, 1976 added the word 'Secular' in the Preamble.

In Aruna Roy vs Union of India (2002), the validity of the National Education Policy was challenged on the grounds that it was violative of Article 28 and "anti-secular". The Supreme Court in this case ruled that secularism is susceptible to positive meaning that is developing an understanding and respect towards different religions and study of religions in school education is not against the secular philosophy of the Constitution.

Earlier in S.R Bommai vs Union of India (1994), the Supreme Court declared Secularism as the 'basic structure' of the Constitution. Justice Sawant opined that religious tolerance, equal treatment, protection of life, liberty, and property of all religious groups, and protection of places of worship are the essential elements of secularism. Justice B.P Jeevan Reddy opined that the State is neutral and should treat every section of society equally; it should not discriminate on the basis of religion.

A combined reading of Articles 25, 26, 27, 28, 29, 30, 44, 51(A) and the Preamble gives a broad idea of freedom of religion in India. It is the responsibility of the State to treat every religion equally. If the State is discriminating among different religions then it will violate the right to equality guaranteed by the Constitution. So, Justice Verma in M. Ismail Faruqui vs Union of India (1995), said that one can explain the concept of secularism by linking the right to equality with the right to freedom of religion, rights of minorities, an obligation of State, and obligation of citizens.

Freedom of Religion in India

Article 25 guarantees every citizen the freedom of conscience and the right to freely profess, practice, and propagate religion. The right guaranteed under Article 25(1) is not absolute; it is subject to public order, morality and health, and to other provisions of part III. The State, by virtue of section 25(2)(a), can regulate or restrict any economic, financial, political, or other secular activity related to religious practice.

Under Article 25(2)(b) the State may provide for (i) social welfare and reform, and (ii) to throw open Hindu religious institutions of a public character to all classes and sections of Hindus. On one hand, Article 25 tends to protect the rights of the individual and on the other hand Article 26 tends to protect the rights of the denomination. For the purpose of Article 26, the Government has identified communities like Sikh, Jain, and Buddhist as minorities under Section 2(c) of the National Commission for Minorities Act, 1992, irrespective of the fact that they are also included in the Hindu religion.

Religious Practices

The Supreme Court in Commr. Hindu Religious Endowment vs L.T Swamiar (1954) and Ratilal vs State of Bombay (1954), explained that religion is certainly a matter of belief and faith. It also includes religious practice. It also stated that only essential parts of the religion are protected by Articles 25 and 26. What constitutes an essential part of religion or religious practice has to be decided by the Courts on the basis of reading the doctrine and teachings of that religion. In Dargah Committee vs Syed Ali (1961), Justice Gajendragadkar said that what constitutes an essential and integral part of a religion or a religious practice has to be decided by the Courts with reference to the doctrine of a particular religion. In Govindlal vs State of Rajasthan (1963) the SC held that whether a practice constitutes an

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essential part of a religion or not is to be decided by whether it is regarded as integral by the community following that religion or not.

In Md. Hanif Quraishi vs State of Bihar (1958), the Court ruled that the slaughtering of cows on Bakr-Eid is not an essential or integral practice and it is not a part of the religious requirement that a cow must be sacrificed for earning religious merit on Bakr-Eid.

In Acharya Jagdishwaranand Avadhut vs Commr. of police, Calcutta (1984), the Court held that performance of tandava dance by Anand margis in procession or public places is not an essential practice to be performed by every Anand margis.

In Bijoe Emmanuel vs State of Kerala (National Anthem case) (1986), a two-judge bench of the SC ruled that Jehova's witnesses constitute a religious denomination. Compelling a student belonging to Jehova's witnesses to join in the singing of the National Anthem despite his genuine conscientious religious objection, would contravene the right guaranteed by Article 19(1)(a) and Article 25(1). The Court noted that Jehova's witnesses, wherever they are, do not sing the National Anthem, though they show respect to it by standing up whenever it is sung. They truly and conscientiously believe that their religion does not permit the singing of the National Anthem. However, in Shyam Narayan Chouksey vs Union of India (2018), the Supreme Court held that one is compelled to show respect whenever and wherever the National Anthem is played by virtue of Section 3 of Prevention of Insults to National Honor Act, 1971.

Whether right to propagate means the right to convert?

In Rev Stanislaus vs State of M.P (1977), the Supreme Court held that the word 'propagate' in Article 25 (1) does not grant the right to convert another person to one's own religion but it grants the right to transmit or spread one's religion by an exposition of its tenets. There is no fundamental right to convert a person to one's religion because if a person purposely undertakes to convert another person to one's own religion then it would impugn the freedom of religion guaranteed to all citizens in the country alike.

Disclosure of Religion in Forms or Applications

In Dr. Ranjeet Suryakant Mohite vs Union of India (2014), the Supreme Court held that the State cannot compel any citizen to disclose his/her religion while submitting forms or declarations. A citizen has a right to claim that he does not believe in any religion and therefore does not practice or profess any religion. A citizen can always claim that he belongs to "no religion".

Prevention of Ex-Communication

In Saifuddin Saheb vs State of Bombay (1962), the Supreme Court held that ex-communication based on religious grounds forms a part of the

management of the community. An enactment that took away this right of the head of the community to ex-communicate even on religious grounds was violative of Article 26(b) and is not protected by Article 25(2)(b) as a matter of social reform. However, the judgment was criticized on the ground that it prefers the denominational right to individual freedom of religion guaranteed by Article 25.

Entry to Temples

In Venkataramana Devaru vs State of Mysore (1958), the Madras Temple Entry Authorisation Act removed the disability of Harijans from entering Hindu public temples. The trustee of the temple contended that it was a private temple and so, it was outside the scope of the Act. This plea was rejected by the Supreme Court and it gave primacy to Article 25(2)(b) over Article 26 (b). However, the Supreme Court said that when there is a conflict then it makes a harmonious interpretation of the provisions.

In India Young Lawyers Association vs State of Kerala (2018), the Devaswom Board of Sabarimala temple imposed a ban on entry of women aged between 10-50 years under Rule 3(b) of Kerala Hindu Place of Public Worship (Authorisation of Entry) Rules, 1965. The Supreme Court held the rule discriminatory of the parent Act and allowed the entry of all ages of women to the temple.

Transfer of Management

In Bira Kishore vs State of Orissa (1964), the management of the Jagannath temple was transferred to a Committee from the sole control of the king by Sri Jagannath Temple Act, 1954. The Act was challenged on the ground that it was violative of Article 26(b). The Committee was given the responsibility to arrange for the proper performance of Sevapuja. Sevapuja has two aspects; secular and religious. The Act related to only secular functions as it regulated only provision of materials, etc. for the purpose of Sevapuja.

The Act did not affect the religious aspect of Sevapuja and the persons who were to perform the puja and other rites as per the dictates of the religion were left untouched; hence, the Court held it not violative of Article 26(b).

The Supreme Court in Sri Adi Vishweshwar of Kashi Vishwanath vs State of Uttar Pradesh (1997), held that taking over the management of the temple from Pandas and creating a board of trustees for the same purpose was not an interference in the matters of religion. It only regulated the administration of the temple which was in awful condition. It also held that the temple did not belong to any particular religious denomination.

In Bhuri Nath vs State of Jammu and Kashmir (1997), the Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988, which was passed by the Jammu and Kashmir state legislature for effective and proper management

of the shrine and convenience of the pilgrims, was challenged to be violative of Article 26(b); but the Supreme Court upheld the Act.

Usage of Loud Speakers in the name of Religion

In Moulana Mufti Syed Md. Noorur Rehman Barkati vs State of West Bengal (1998), the Calcutta police imposed a prohibition on the use of loudspeakers during Azaan on the ground that it disturbed public peace. This order was challenged saying it violated the fundamental right guaranteed under Articles 25 and 26. The Calcutta High Court gave priority to the right to live in a noise-free environment and upheld the restriction imposed by the Calcutta police.

The Allahabad High Court in Afzal Ansari and others vs State of Uttar Pradesh (2020), held that Azaan may be an essential and integral part of Islam but its recitation through loudspeakers or other sound-amplifying devices cannot be said to be an essential part of the religion. In the Re Noise Pollution case (2005), the Supreme Court asked the State to implement the laws restricting the use of loudspeakers and high volume producing sound systems as per the Noise Pollution Control and Regulation Rules, 1999.

Use of Firecrackers

In Arjun Gopal vs Union of India (2018), the Supreme Court gave several directions for the use of firecrackers-

- Those crackers having reduced emissions and green crackers would only be allowed to be manufactured and sold. All other types of crackers were banned.
- The manufacture, sale, and use of joined crackers was banned since they caused huge air, noise, and solid waste problems.
- The timing for the burning of firecrackers on Diwali was fixed from 8.00 p.m till 10.00 p.m only.

Hajj Subsidy Case

Justice Aftab Alam, in Union of India vs Rafique Shaikh Bhikan (2012), said that in the Quran getting subsidies from the State and visiting Mecca Medina is not desirable; it is not an essential part of the Muslim religion. If one is not able to generate income then the State is not supposed to give subsidies for visiting those places. It is against Islam and the Quran. The Court gave 10 years' time to the Central Government to withdraw the Hajj subsidy.

In 2018, the Central Government withdrew the Hajj subsidy fully. The government spending on Mansarovar yatra or Kumbh Mela or giving salaries to Qazis in West Bengal or giving patronage to the Waqf board are all violations of Article 27, but government justifies it on the grounds of i) composite culture and ii) distinction between tax and fees. **Tax** is a common

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burden and the only benefit a taxpayer gets is participation in common benefits of the State; whereas, **Fees** are payments primarily in the public interest but for some special services rendered or some special work done for the benefit of those from whom payments are demanded.