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Detailed Notes on Article 26 of Indian Constitution

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Edit TABLE OF CONTENTS Introduction Scope and Application of Article 26 of Indian Constitution Judicial Interpretation of Article 26 of Indian Constitution Conclusion

Introduction

Article 26 of the Indian Constitution, under Part III that deals with fundamental rights, addresses the right to manage religious affairs. It grants freedom to every religious denomination or any section thereof, subject to public order, morality, and health, to manage its religious affairs. It ensures that religious communities have the autonomy to manage their religious institutions and matters pertaining to their faith without external interference.

Article 26 plays a vital role in upholding India’s secular fabric by ensuring religious diversity and freedom. It safeguards the plurality of beliefs and practices, enabling various religious communities to manage their religious affairs independently.

Scope and Application of Article 26 of Indian Constitution

Article 26 grants the right to religious denominations, sections, or groups to manage their religious affairs, which encompasses the right to establish and maintain religious institutions, manage their properties, and administer their rituals, ceremonies, and customs.

It ensures that religious organizations have the freedom to conduct and regulate their religious practices, manage their internal affairs, and govern their religious properties without undue

interference from the state or other external entities.

The freedom to manage religious affairs is subject to certain limitations. Article 26 specifies that this right is subject to public order, morality, and health, implying that the exercise of this right should not infringe upon these essential considerations.

The limitation clause allows the state to regulate religious practices that may pose a threat to public order, morality, or health. It enables the state to balance the rights of religious denominations with the broader societal interests and necessities.

Judicial Interpretation of Article 26 of Indian Constitution

Over the years, the Indian judiciary has played a crucial role in interpreting and delineating the scope and application of Article 26. Various landmark judgments, including cases related to the management of religious institutions, have helped define the boundaries of this fundamental right.

Courts have often grappled with balancing the autonomy of religious denominations and the state's interest in regulating religious institutions. They aim to ensure that religious freedoms are protected without compromising the welfare of the society at large.

Shirur Mutt Case

This case involved the management and administration of the Shirur Mutt, a religious institution. The Supreme Court, in its judgment, elucidated on the scope of religious practices and the autonomy of religious denominations. The court held that the state could not interfere with religious practices unless they were found to be of a secular character and not essential religious practices.

Sardar Syedna Taher Saifuddin Saheb vs. State of Bombay

In this case, the court deliberated on the issue of religious practices and their interference by the state. The Supreme Court emphasized that the state should not interfere in religious affairs unless the practices were in violation of public order, morality, or health. The judgment reinforced the autonomy of religious institutions in managing their internal affairs.

Durgah Committee, Ajmer vs. Syed Hussain Ali

The case involved a dispute over the management of the Durgah. The court ruled that the practice of removing a Sajjadanashin by a court order is impermissible. It emphasized that religious denominations have the right to manage their religious institutions and that the state should refrain from interfering unless there are substantial reasons.

Sri Venkataramana Devaru vs. State of Mysore

In this case, the Supreme Court ruled that the management of religious institutions, including properties and rituals, is the exclusive right of the religious denomination. The judgment affirmed that state intervention should be minimal and only in exceptional circumstances where public order, morality, or health is threatened. The Supreme Court decision was on whether the restrictions on entry into temples for some sections, were " essential part of the Hindu religion". It held that such practices are unconstitutional and void, and opened the temples for all Hindus.

Conclusion

In conclusion, Article 26 of the Indian Constitution is a crucial provision that safeguards the right of religious denominations to manage their religious affairs. It upholds the autonomy of diverse religious groups, allowing them to practice, preserve, and propagate their faith and traditions.

While ensuring religious freedom, it also acknowledges the state's legitimate interests in maintaining public order, morality, and health. The article serves as a cornerstone in protecting India's religious diversity and pluralistic ethos, while also posing challenges in reconciling conflicting interests and social reforms in the context of religious practices and institutions.

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