BLOGS

Notes on Article 25 of the Indian Constitution

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Introduction

India is a secular state i.e. a state that is neutral towards all religions. A secular State should be equally respectful towards all religions and religious groups without favoring or putting any particular group at a disadvantage. Articles 25- 28 of the Indian Constitution deals with Freedom of Conscience, Free Profession, Practice, and Propagation of Religion.

Article 25 of the Indian Constitution

Article 25 of the Indian Constitution guarantees the right to freedom of religion to all citizens of India. This fundamental right ensures that every individual has the freedom to profess, practice and propagate any religion of their choice without being discriminated against on any grounds.

Article 25 should be read with Article 26. While Article 25 protects the rights of individuals, Article 26 extends it to a group of people. Article 25 applies to all persons and not just to citizens of India. It guarantees the freedom of conscience and right to propagate, profess the religion of their choice. However, this is not an unconditional right. This is subject to public order, health and morality.

Landmark Cases under Article 25

Article 25 has undergone various interpretations and modifications by the Indian judiciary over the years. This article discusses the landmark cases that have shaped the interpretation of Article 25 of the Indian Constitution.

1. Shirur Mutt Case (1954): This was the first case that interpreted Article 25 of the Indian Constitution. The court ruled that the term ‘religion’ includes all beliefs and practices that are

integral to a particular religion. The court also held that the state could regulate religious practices if they were against public order, morality, or health.

2. In the case of Bijoe Emmanuel v. State of Kerala, the Supreme Court of India upheld the right to freedom of speech and expression of three Jehovah's Witnesses students who were expelled from school for refusing to sing the national anthem on religious grounds. The Court ruled that the students' actions were an exercise of their fundamental right to freedom of conscience and religion, and that forcing them to sing the national anthem would violate their religious beliefs. The Court also held that merely standing in silence during the national anthem was a valid form of expressing patriotism.
3. Ramji Lal Modi v. State of UPBI involved the distribution of religious pamphlets, which the state had tried to restrict, but the Court held that such restrictions were unconstitutional. In this case, the Supreme Court of India held that the right to freedom of religion guaranteed by Article 25 of the Indian Constitution includes the right to propagate one's religion. The Court ruled that the state could not restrict or interfere with an individual's right to propagate their religion, as long as it was done peacefully and did not threaten public order.
4. Sardar Syedna Taher Saifuddin v. State of Bombay (1962): In this case, the Supreme Court held that the right to practice and propagate religion under Article 25 did not include the right to convert others to one's religion. The court also held that the state could regulate religious practices that were detrimental to the health and safety of the general public.
5. Durgah Committee, Ajmer v. Syed Hussain Ali (1962): In this case, the Court held that the right to manage religious affairs of a denomination was also a fundamental right under Article 25. The court also held that the state could intervene in religious matters only if it was necessary to maintain public order, morality or health.
6. Rev. Stainislaus v. State of Madhya Pradesh (1977): This case dealt with the right of minority communities to establish and administer educational institutions of their choice. The court held that the right to establish and administer educational institutions of their choice was an essential part of the right to propagate one's religion under Article 25.
7. S.P. Mittal v. Union of India (1982): In this case, the Supreme Court held that the right to religion under Article 25 did not include the right to sacrifice animals. The court held that the practice of animal sacrifice was not an essential part of any religion. It was held that a practice is considered essential to a religion if it is essential to the community following the religion.

8. Sabarimala Temple Case/ Indian Young Lawyer's Association v. State of Kerala (2018): This case dealt with the practice of prohibiting women of menstruating age from entering the Sabarimala Temple in Kerala. The court held that the practice was unconstitutional and violated the right to equality under Article 14 and the right to worship under Article 25.

Conclusion

In conclusion, Article 25 of the Indian Constitution is a fundamental right that ensures the right to freedom of religion to all citizens of India. The landmark cases discussed above have helped in shaping the interpretation of this article and have strengthened the fundamental right of citizens to practice and propagate their religion.

Important Questions on Article 25

1. What is the role of judiciary in widening the scope of Article 25?
2. What is the 'essential religious practice test'? Elaborate through cases.
3. What are the limitation of Article 25 of Indian Constitution? Can the state interfere with an individual's right to practice, profess and propagate their religion?
4. Does the freedom of religion include the right to manage religious affairs?
5. What is the relationship between Articles 25 and 26 of the Indian Constitution?