

Topic: Restriction On Religious Instruction In Educational Institution Under Article 28 (1)

Name of the case: Aruna Roy v. UOI, AIR 2002 SC 3176

Bench: Justice M.B. Shah, Justice D.M. Dharmadhikari and Justice H.K. Sema

Fact of the case: Public Interest Litigation filed under Article 32 of the Constitution of India. It has been contended that National Curriculum Framework of School Education (NCERT) published by National Council of Educational Research and Training (NCERT) is against the constitutional mandate, anti-secular, and without consultation with Central Advisory Board of Education (CBSE) and therefore requires to be set aside.

Ratio: The Supreme Court has ruled that Article 28 does not ban a study of religion. The whole emphasis of Article 28 is against imparting religious instruction. There is no provision on study of religious philosophy and culture, particularly for having value-based social life in a society which is degenerating for power, cost for property.

The Supreme Court stated that the concept of secularism is not endangered if the basic tenets of religions all over the world are studied and learnt. Value-based education will help the nation to fight against fanaticism, ill-will, violence, dishonesty and corruption. These values can be inculcated if the basic tenets of all religions are learnt.

In the words of Justice Dharmadhikari: "Study of religion, therefore, in school education cannot be held to be an attempt against the secular philosophy of the Constitution."
