

Topic: What Is Religion?

Name of the case: Commr. HRE, Madras v. Sri Lakshmindra, AIR 1954 SC 282

Bench: Chief Justice Mehr Chand Mahajan, Justice B.K. Mukherjea, Justice S.R. Das, Justice Vivian Bose, Justice Ghulam Hassan, Justice N.H. Bhagwati, Justice T.L. Venkatarama Iyer

Fact of the case: Section 21, 30 (2), 31, 55, 56 and 63 to 69 of the Madras Hindu Religious and Charitable Endowments Act 1951 was challenged.

Ratio: The Supreme Court has explained the meaning of religion in the constitutional context as follows:

“religion is certainly a matter of faith with individual or communities and it is not necessarily theistic. There are well-known religions in India like Buddhism and Jainism which do not believe in God or in any intelligent first cause.”

The guarantee under Article 25, subject to the exception mentioned, confers a Fundamental Right on every person not merely—

To entertain such religious beliefs as are allowed to him by judgement or conscience, but also

To exhibit his beliefs and ideas in search over outward acts and practises as are sanctioned and enjoined by his religion, and further,

To propagate and disseminate his religious beliefs, ideas and views for the benefit and edification of others.

It was further stated that the guarantee under the Constitution of India, not only protects the freedom of religious opinion, but it protects also acts done in pursuance of religion. Religious practises are reflective of matters concerning religion and if religion is to be venerated, then the practises annexed thereto are equally respectable and have to be compiled with.