

Topic: Religious Freedom Subject To The Right Of Others Under Article 25

Name of the Case: Rev Stainislaus v. State of Madhya Pradesh, AIR 1977 SC 908

Bench: Chief Justice A.N. Ray, Justice M. Hameedullah Beg, Justice R.S. Sarkaria, Justice P.N. Singhal, Justice Jaswant Singh

Fact of the case: The constitutional validity of Madhya Pradesh Dharma Swatantra Adhiniyam, 1968, was challenged in the High Court of Madhya Pradesh and the constitutional validity of the Orissa Freedom of Religious Act, 1967 was challenged in the High Court of Orissa. The two Acts prohibit forcible conversion and make offences punishable. The Madhya Pradesh court upheld the validity of the Act. The Orissa High Court held that Article 25(2) of the Constitution guarantees propagation of religion and conversion is a part of Christian religion, that the State Legislature has no power to enact the impugned legislation which in its pith and substance is a law related to religion and that Entry 97 of List 1 would apply.

Ratio: The Supreme Court while referring to the word propagate in Article 25(1), says that what Article 25(1) grants is not the right to convert another person to one's own religion but to transmit or spread one's religion by an exposition of its tenets. Article 25 guarantees 'freedom of conscience' to every citizen and not to the followers of any one particular religion. That means that there is no Fundamental Right to convert another person to one's own religion because if a person purposely undertakes to convert another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the freedom of conscience guaranteed to all the citizen in the country alike.