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Introduction

India, as a diverse and pluralistic society, recognizes the fundamental importance of religious freedom. The right to freely profess, practice, and propagate religion is enshrined as a fundamental right in the Constitution of India, reflecting the nation's commitment to secularism and the protection of individual liberties. This project examines the constitutional, legislative, international, and judicial perspectives on this right, analyses its scope and limitations, and addresses contemporary legal challenges.

1. Constitutional Perspective

Article 25: Freedom of Conscience and Religion

Article 25 of the Constitution of India guarantees every person the freedom of conscience and the right to freely profess, practice, and propagate religion, subject to public order, morality, health, and other fundamental rights. The key elements are:

- **Freedom of Conscience:** The inner freedom to hold, change, or reject religious beliefs.
- **Right to Profess:** Open declaration and expression of religious beliefs.
- **Right to Practice:** Performance of religious rituals, ceremonies, and observances.
- **Right to Propagate:** Transmission and dissemination of one's religious beliefs, but not the right to forcibly convert others.

Limitations

These rights are not absolute. They are subject to:

- Public order, morality, and health.
- Other fundamental rights.
- State regulation of secular activities associated with religion.
- Social welfare and reform, including opening Hindu religious institutions to all classes and sections.

Articles 26–28: Collective and Institutional Rights

- **Article 26:** Grants religious denominations the right to manage their own affairs, establish institutions, and own property, subject to public order, morality, and health.
- **Article 27:** Prohibits the use of tax proceeds for the promotion or maintenance of any particular religion.

- **Article 28:** Restricts religious instruction in state-funded educational institutions.
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2. Legislative Perspective

While the Constitution provides the broad framework, several statutes and state laws further regulate religious practices:

- **Anti-Conversion Laws:** Multiple states have enacted laws prohibiting conversion by force, fraud, or inducement. These laws require prior notice or permission for religious conversions and penalize coercive or deceptive practices.
 - **Protection of Religious Institutions:** Laws such as the Hindu Religious and Charitable Endowments Acts regulate the administration of religious institutions, balancing autonomy with state oversight.
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3. International Perspective

India's constitutional guarantees align with international human rights standards:

- **Universal Declaration of Human Rights (UDHR), Article 18:** Affirms the right to freedom of thought, conscience, and religion, including the freedom to change religion and manifest it in teaching, practice, worship, and observance.
 - **International Covenant on Civil and Political Rights (ICCPR), Article 18:** Provides similar protections, with limitations only for public safety, order, health, or morals, or the fundamental rights of others.
 - **UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981):** Calls for effective measures to prevent religious discrimination and intolerance.
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4. Comparative Perspective

India vs. United States

- **India:** The right to profess, practice, and propagate religion is subject to reasonable restrictions. The state may regulate secular activities and intervene for social reform.
- **United States:** The First Amendment guarantees free exercise of religion and prohibits establishment of religion, with restrictions only if a practice violates general laws or public interest.

Aspect	India	United States
Constitutional Basis	Articles 25–28 (explicitly detailed)	First Amendment (broad, less detailed)
Restrictions	Public order, morality, health, social reform	General laws, compelling state interest
Propagation	Permitted, but not forced conversion	Permitted, with similar limits
State and Religion	Secular state, but can regulate religious institutions	Strict separation, minimal regulation

5. Judicial Approach / Perspective

Key Supreme Court Judgments

- Rev. Stainislaus v. State of Madhya Pradesh (1977):**
The Supreme Court held that the right to propagate religion under Article 25 does not include the right to convert another person forcibly. The Court upheld state anti-conversion laws, emphasizing that religious propagation must not infringe upon another’s freedom of conscience.
- Bijoe Emmanuel v. State of Kerala (1986):**
The expulsion of students for refusing to sing the national anthem on religious grounds was held unconstitutional, affirming the primacy of freedom of conscience.
- S.P. Mittal v. Union of India (1982):**
The Court clarified that essential religious practices are protected, but not every religious activity is immune from regulation.
- Recent High Court Observations (2025):**
The Allahabad High Court reiterated that Article 25 protects voluntary religious belief and expression, not forced or fraudulent conversions, and that Indian secularism is based on equal respect for all religions.

6. Contemporary Legal Challenges and Issues

Forced Conversions and Anti-Conversion Laws

While Article 25 guarantees the right to propagate religion, it does not protect conversions achieved through coercion, fraud, or inducement. Several states have enacted laws requiring prior notice for conversion and penalizing unlawful conversions, raising debates about religious freedom versus protection from exploitation.

Essential Religious Practices

The judiciary distinguishes between essential and non-essential religious practices. Only those practices deemed essential to a religion are protected under Article 25, leading to ongoing debates and litigation (e.g., Sabarimala Temple case).

Secularism and State Intervention

Balancing state intervention for social reform (e.g., temple entry for all castes, regulation of religious endowments) with religious autonomy remains a complex legal issue.

7. Suggestions and Possible Solutions

- **Clearer Guidelines on Propagation:**
The legislature and judiciary should provide clearer guidelines distinguishing legitimate propagation from coercive or deceptive conversion practices.
 - **Promoting Interfaith Dialogue:**
Encouraging interfaith dialogue can foster mutual respect and reduce tensions arising from religious propagation.
 - **Judicial Consistency:**
Courts should develop a more consistent framework for determining what constitutes an “essential religious practice.”
 - **Awareness and Education:**
Public education on constitutional rights and responsibilities can help prevent misuse and misunderstanding of religious freedoms.
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Conclusion

The right to freely profess, practice, and propagate religion is a cornerstone of India’s constitutional democracy, reflecting its pluralistic ethos. While the Constitution provides robust protections, these rights are subject to reasonable restrictions to maintain public order, morality, and health. The judiciary plays a crucial role in interpreting these rights and resolving conflicts. Ongoing legal developments and societal changes will continue to shape the contours of religious freedom in India.

References

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