

# Analyze The Evolving Interpretation of Religious Freedom in The Context of Personal Practices

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## ABSTRACT

In the context of Indian society, this essay examines the complex interrelationships between religion, secularism, and religious freedom. It starts by looking at how religion has historically shaped Indian civilization and emphasizes how secularization in the middle of the 20th century was a major shift in the country's sociopolitical environment. An analysis of Articles 25 to 28 of the Indian Constitution, which provide a framework for religious freedom, demonstrates the country's dedication to upholding the rights of individuals to practice their religion in a secular state. The report also highlights the complex interactions of cultural traditions, societal norms, and personal religious practices, emphasizing how these interactions shape people's identities and sense of community. The article illustrates the judiciary's role in defending religious liberties via the prism of notable Supreme Court rulings. In the end, it highlights how crucial it is to preserve religious freedom as a cornerstone of India's pluralistic culture, guaranteeing peace and cohesion among the country's diverse religious landscape.

**Keywords:** *Evolution, Interpretation, Religious Freedom, Personal Practices, Analyse, Human Rights, Constitution*

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## 1. INTRODUCTION

Human society has been ruled by religion since ancient times. Although some research suggests that tribes or civilizations existed before religion, this is not generally accepted. Our lives have always depended on religion. In Indian culture, this is particularly true. Humans are fundamentally religious, especially Indians. "A manifest tendency towards an outlook that is predominantly religious" is exhibited by Indian civilization. It is a well-known quote by Sir Harcourt Butler to state that "Indians are essentially religious as Europeans are secular." Indian culture is still primarily religious. Indian civilization has come a long way thanks to religion. As a result, the mid-20th century secularization of India was a momentous social, political, and religious development. India has remained secular even in the face of a strong religious presence. Secularism was viewed as the best alternative to communalism in religious India. The provision of religious freedom was used to support secularism. This was possible because the founders of the Indian Constitution (the "Constitution") wanted to base society on the notion that people were "inwardly associated" with religion. The vitality of the inner spirit, or the Indian people's spiritual connection to a greater power rather than their religious beliefs, was the most remarkable feature of Indian civilization. This spiritual bond was reinforced and religious tolerance was validated by the concept of Sarva Dharma Sambhava, which holds that all

religions are true. The framers did not support any one religion and instead permitted all of them [1].

The State would not enforce a uniform civil code in spite of a constitutional obligation since people might exercise their beliefs in private. The State would not meddle in matters of religion as long as it did not infringe upon other liberties guaranteed by the Constitution. Therefore, India's constitutional diversity management maintained multiple identities rather than just creating a "melting pot." The normative meaning of religious freedom is subject to change within and between communities, hence it is important to interpret it differently [2]. There are two fundamental sociological perspectives on religious freedom that focus on its customary nature and multidimensionality and provide some justifications for how it should be seen and understood. When combined, these two strategies could provide an explanation for the main myths and misunderstandings around human rights and religious freedom. Due to the usual character of religious freedom, ongoing efforts are needed to monitor and define it in public discourse and public policies that uphold it. The social construction of religious freedom and its vulnerability in political discourse and daily communication are highlighted by the presumption that human freedom exists and the risk that "this 'reality' may once again be lost to an individual or to an entire collectively." On the other hand, the multifaceted nature and intricate significance of religious freedom imply that misconceptions could arise not just in authoritarian nations [3].

### **1.1. Definition of religious freedom**

It is difficult to understand religious freedom because it encompasses a lot of the other terms and meanings that I will go over next. This makes discussing and defining it more difficult. Many official legal texts never give a clear definition of the term. They frequently point out actions that infringe on rights or religious freedom, but they hardly ever provide an explanation. The term is used 173 times in the US International Religious Freedom Act of 1998 without definition. The US State Department never defines the phrase in its annual reports on religious freedom because of this clause [4].

It is a presumptive interpretation. Violations of religious freedom are defined as follows in the 1998 law: The first category includes registration requirements and other nonviolent religious activities; the second category includes freedom of speech regarding religious beliefs; the third category includes changing one's religious affiliation or beliefs; the fourth category includes possession and distribution of religious materials like Bibles; and the fifth category includes imprisonment, forced labor, forced conversion to a different religion, beatings, torture, mutilation, rape, enslavement, murder, and execution. Torture, long-term incarceration without charges, abduction, and the flagrant denial of life, liberty, or security are all named as "especially severe violations of religious freedom" in the declaration [5, 6].

## **2. HISTORY OF CONCEPT OF SECULARISM**

'Secularisation' was initially used in 1648, when Europe was finally emerging from thirty years of war. It alludes to the princes' acquisition of sole ownership over Church assets. According to Talleraud's 1989 declaration to the French National Assembly, all church properties were dispersed during the French Revolution. Additionally, a nationwide protest campaign was spearheaded by George Jack Holyoake in 1851, the same year that the name "Secularism" was established. Secularization was an inherent part of the progress paradigm. Even if secularization is still in its early stages and far from comprehensive, it has provided some solace. According to Peter Berger, "the process by which sections of society and culture are removed from the domination of religious institutions and symbols" is what secularization is usually used to describe these days [7].

A secular state, according to D.E. Smith's definition, is one that protects religious liberty for all citizens and businesses, treats all citizens equally regardless of their religious affiliation, does not have a constitutional connection to any one religion, and does not actively strive to promote or interfere with religion.<sup>3</sup> According to V.P. Luthara, it is a nation that is "not devoted to, connected to, or even remotely associated with religion" [8]. A citizen, rather than a member of a specific religious group, is the primary focus of a secular state. When determining the conditions of citizenship, religious views have no bearing on the rights and responsibilities of citizens [9].

### 3. CONSTITUTIONAL FRAMEWORK TOWARDS RIGHT TO RELIGION

It is imperative that everyone who may be seeking a solution to the question of God, if God is the question, hear the answer that religion has to provide. Therefore, there is a way to learn about and share one's opinions in the Indian Constitution. Every Indian citizen is guaranteed, with certain limitations, a basic level of conscience and the opportunity to develop his or her relationship with God or the divine (Articles 25, 26, 27, 28). The Indian Constitution is based on the belief that every Indian citizen has a basic level of conscience and offers protection for this potential.

- **Article 25(1)** – Sub-clause 25(2) (a) grants the people the freedom to practice, profess, and propagate their religion, as long as it does not interfere with public order, morality, health, or other provisions of the Part. Sub-clause 25(2) (b) authorizes the implementation of social welfare and reform programs, as well as the establishment of public religious spaces for all segments of the Hindu community. [10].
- **Article 26** - guarantees that all religious groups have the freedom to practice their faith as they see fit, to form and run their own organizations for religious and charitable purposes, to own and acquire real and personal property, and to use that property in a way that complies with the law while also protecting public health, morals, and order.

It is the individual's prerogative to discover and follow his own moral compass. A person's proclamation of his conscience takes the form of professing his belief when it is accompanied by all sorts of rituals and practices that go along with their religion or belief system. When this proclamation becomes an invitation to others to join this belief system through awareness and

persuasion, it takes the form of propagation. The Supreme Court ruled in *Rev. Stanislaus v. State of M.P.* that "what the article 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." This is a fine line to walk, but coercion can be a problem when it crosses it. A violation of the prohibition of the Article and an effort to convert someone by force would undoubtedly cause communal tensions to rise, which would have a negative impact on public order.

- **Article 27** - allows for the avoidance of tax payments, with the stated goal of use those funds to support or advance any religious group or sect..

Public monies should not be used to promote or support the teachings of any specific religion, as this article explains, as the Constitution is based on secular principles. However, there is a difference between taxes and fees. Taxes are used by the state for general administration, but fees are levied in exchange for specific services, so there is an element of service for the payer. In contrast, taxes do not involve any special treatment. Since "there must be co-relation between the levy imposed and the expenses incurred by the State for the purpose of rendering such services" in order for a fee to be considered a tax, its collection must be kept apart from the general revenue.

- **Article 28(1)** - indicates that schools funded entirely by the state are not allowed to teach religious subjects, but schools that receive funding from an endowment or trust and are simply managed by the state are allowed to teach religious subjects. School districts that accept public funding are exempt from the requirement that their students participate in religious instruction or worship on school grounds unless the student gives his or her informed consent (or, in the case of a minor, the guardian's consent is available).

#### **4. PERSONAL PRACTICES**

A wide variety of faiths and customs make up India's religious diversity, which in turn reflects the country's storied past and vibrant present. The religious landscape is as varied as the country itself, encompassing intricate Hindu ceremonies, serious Muslim prayers, meditative Buddhist chants, and colorful Sikh festivities. Investigating these practices in the context of specific religious groups through case studies provides persuasive evidence of their relevance [11]. For example, Hindus' daily rituals—such as praying at home altars or taking part in temple ceremonies—are more than just acts of devotion; they are also symbols of who they are and how they have always done things. The five daily prayers during the holy month of Ramadan also help Muslims feel closer to one another spiritually and strengthen their bonds as a community. Historical legacies, regional traditions, and family traditions all have a role in shaping these activities, which in turn are impacted by socioeconomic and cultural variables [12]. Not only that, but the dynamics of modernity and globalization have had an effect on people's religious practices, creating new ways of expressing and interacting with faith while occasionally questioning long-established conventions. In spite of all these intricacies, personal religious

practices are still very important in the rich tapestry of Indian society, both in terms of defining individuals and their communities.

## 5. CASE LAWS FROM SUPREME COURT

When the government or other parties in India try to limit religious freedom, the country's highest court steps in to protect it, and other courts do the same. Religious freedom, however, is often at risk, particularly for oppressed populations. Five Indian court rulings on the challenges of safeguarding religious liberty [13].

### 1) **Bijoe Emmanuel v. State of Kerala, 1987 AIR 748 [14]**

*Bijoe Emmanuel v. State of Kerala*, a landmark case in Indian constitutional law, deals with the issue of freedom of religion and expression. As a result of their religious convictions, three students were disciplined and ultimately expelled for declining to perform the Indian national hymn. At issue here were the expulsion's legality in relation to the Kerala Education Act and Rules, the 1971 Prevention of Insults to National Honour Act, and the constitutional protections afforded to the children by Articles 19(1) and 25 of the Indian Constitution. Because it went against two circulars and the Kerala Education Act, which both students and teachers were required to follow, the High Court dismissed the complaint. The highest court in the land ruled that schools were in violation of students' constitutional rights and that no one is required by law to stand for the playing of the national anthem. The court highlighted the need of public bodies, like as schools, to respect and uphold the right to tolerance, which is deeply ingrained in the Indian Constitution.

### 2) **Shayara Bano v. Union of India (Triple Talaq case) (AIR 2017 SCC 1388) [15]**

In 2017, the Supreme Court of India and women's rights groups became involved in the historic case of *Shayara Bano v. Union of India*. As a member of India's Muslim faith, Bano questioned the legality of "triple talaq," an expedited divorce procedure. Gender justice principles and her basic rights were allegedly infringed by the practice, she claimed. The court, which included Chief Justice JS Khehar, determined that the practice of triple talaq was not fundamental to Islamic law and was therefore arbitrary. In contrast to the AIMPLB's contention that uncodified Muslim personal law is immune to constitutional court examination, the Union of India and women's rights organizations backed Bano's allegation. The court ruled that triple talaq violated the constitution and was therefore unlawful, citing the importance of gender equality and the necessity of subjecting personal laws to constitutional scrutiny. Religion, according to the minority view, is an issue of faith rather than reason, and the Constitution protects the religious liberty of believers.

## 6. CONCLUSION

The pluralistic spirit of India is reflected in the diversity of personal religious practices that permeate the cultural and social fabric of the country. As well as being acts of devotion, the rituals and prayers of many faiths—Hindu, Muslim, Buddhist, and Sikh—serve as symbols of identity and continuity with tradition. Maintaining unity amidst the country's religious plurality



has been greatly aided by the historical evolution of India's secular framework, which is based on the constitutional guarantee of religious freedom. In Articles 25–28 of the Indian Constitution, the freedom to worship, make a public profession of faith, and teach others about one's faith is protected from religious persecution and tyranny. The court, and the Supreme Court in particular, has been instrumental in protecting religious freedom by delivering seminal rulings in cases like *Shayara Bano v. Union of India* and *Bijoe Emmanuel v. State of Kerala*. Individual religious practices in India's rich tapestry of culture and religion remain important in the face of modernity's and globalization's pressures on religious freedom and communal harmony. That India's religious diversity may continue to serve as a unifying force for future generations is dependent on the country's commitment to religious freedom, which is fundamental to its secular and pluralistic ideology.

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