PREFACE

Religion is the belief, which binds spiritual nature of man to supernatural being. It includes worship, belief, faith, devotion etc. and extends to rituals. A religion is, therefore, not merely an opinion, doctrine or belief. It has its outward expression in acts as well. Religious practice of performances of acts in pursuance of religious beliefs is as much a part of religion as faith or belief in particular doctrines. Religion is the belief which binds spiritual nature of man to supernatural being. It is worth mentioning that right to freedom of religion in India guaranteed under Article 25(1) like other constitutional rights is not absolute. This right is subject to a public order, morality and health and to other provisions of part-III of Constitution.

Under the International Covenant on Civil and Political Right (ICCPR) the human rights committee has determined that a religion is recognised as a state religion or it is established as official for traditional or comprised by the followers in the majority of the Population. It shall not be enjoyable for every are as per his own will related to the rights granted by the covenant. (USCIRF 2014 (Annual Report) HRC General Comment No. 22, at Para 9).

Under international law, the broad right to freedom of religion or faith may be subject to only such limitations as prescribed by law and must be protect in favour of public safety, order, health or morals or the fundamental rights and freedom of others. Limitations are not allowed on unspecified ground as prescribed by ICCPR Article 18. It has been considered that National security is not a permissible limitation, and states can not derogate from this right during a declared public emergency (ICCPR, Articles 2 and 5).
Finally, the committee has also stated that these limitations on the freedom to manifest a religion or belief must be based on principles not deriving from a single tradition. It should be a result of majority of conscience. (HRC General Comment No. 22, at para 8).

Hinduism is one of the most open-minded religions when it comes to religious freedom. Even that secularism and freedom of religion are the basic character of the Indian Constitution. In this regard Dalai Lama said "Not only Hinduism, Jainism, Buddhism, Sikhism which are the native religions but also Christianity and Islam have flourished here. Religious tolerance is inherent in Indian tradition."

This thesis comprises seven Chapters including conclusions and suggestions. First Chapter is introductory part of the thesis.

Second Chapter relates to status of religion and its historical development which were made as per situation. It tells about the history of religion.

Third Chapter reflects about constitutional provisions and judicial response in support of freedom of religion and its development.

Fourth Chapter explains about statutory and other provisions in regard of religion. Conversion of religion has been discussed in fifth Chapter and sixth Chapter is related to situation of freedom of religion at global level. Last Chapter tells about conclusions and suggestions necessary for the protection of freedom of religion.

It is hoped that the study will help the new researchers as well as students to a great extent.

(Sunil Kumar)
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Date: (Sunil Kumar)
ABBREVIATIONS

A.I.R. : All India Reporter
A.L. : Appeal Cases
All : Allahabad
AL.J. : Allahabad Law Journal
Art. : Article
B.H.C.R. : Bombay High Court Reports
C.M.L.J. : Civil and Military Law Journal
Chap. : Chapter
Col. : Column
Cr.L.J. : Criminal Law Journal
Cr.P.C. : Criminal Procedure Code
D.L.T. : Delhi Law Times
Del. : Delhi
DSG Act, 1971 : Delhi Sikh Gurudwars Act, 1971
DSGMC : Delhi Sikh Gurudwara Management Committee
Ed. or Edn. : Edition
eg. : Example Gratia (for example)
etc. : et. Catera (and the rest).
Guj. L.R. : Gujrat Law Report
H.C. : High Court
H.E.B. : Hindu Endowments Board
H.P. : Himachal Pradesh
HRC : Human Rights Commission
H.R.C.E. Act, 1925 : Hindu Religions and Charitable Endowment Act, 1925
Hyd. : Hyderabad
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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>ICCPR</td>
<td>International Covenant of Civil and Political Rights</td>
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<td>I.L.R.</td>
<td>Indian Law Report</td>
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<td>J.</td>
<td>Justice</td>
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<td>J.I.L.I.</td>
<td>Journal of the Indian Law Institute</td>
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<td>JJ.</td>
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<td>N.L.R.</td>
<td>National Law Review</td>
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<td>NGO</td>
<td>Non-Government Organization</td>
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<tr>
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<td>Punjab and Haryana</td>
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<tr>
<td>P.</td>
<td>Page</td>
</tr>
<tr>
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<td>Punjab Law Reporter</td>
</tr>
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<td>Rajasthan</td>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>S.C.J.</td>
<td>Supreme Court Journal</td>
</tr>
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<td>S.C.R.</td>
<td>Supreme Court Reports</td>
</tr>
<tr>
<td>S.C.W.</td>
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</tr>
<tr>
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<td>With effect from</td>
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<tr>
<td>WLR</td>
<td>Weekly Law Reports</td>
</tr>
</tbody>
</table>
LIST OF CASES

A.V.G.P. Chettiar & Sons & Ors v. T. Palanisamy Gounder,
AIR 2002 (SC) 2171.
Acharya Jagdishwaranand Avadhut v. Commissioner of
Acharya Maharajashtri Narendra Prasadji Anandprasadji,
Adelaide Company of Jehovan’s witnesses Incorporated v.
Commonwealth (the jehovah’s witness case) 1943 67 C.L.R. 116.
Ahmedabad St. Xavier’s College v. State of Gujarat, AIR
1994 SC 1389 (para 75).
All India Imams Organization v. Union of India, AIR 1993 SC
2086.
Aruna Roy (Ms.) v. Union of India 1(2002) 7 SCC 368.
Arur Singh v. Badar Din, IR 1940 Lah 119.
Arya Smaj Education Trust Delhi v. Director of Education,
310.
Azeez Bashu v. Union of India, AIR 1968 SC 662.
Bai Tahira v. Ali Hussain Fidaalli Chothia & Anr, AIR 1979
2 SCC 316.
Ballabh Das v. Noor Mohammad. AIR 1936 PC 83.


Chengayya v. Kottayya; AIR 1928 Mad 905.

Chhutkao v. Gambhir Mal, AIR 1931 Oudh 45.

Church of God (Full Gospel) in India v. KKRM Colony Welfare Association AIR 2000 SC 2773.


Dr. Panjabrao Deshmukh Urban Co-operative Bank Ltd. v. The State Information Commission, AIR 2009 Bom 75.


Ewanlangki-E-Rymbai v. Jaintia Hills District Council


G.C. College v. Gauhati University, (1973) 1 SCC 192.
Gangadhara v. Ramanuja Pedda Jeeyangar Tirumalai, AIR 1926 Mad 162.
Housing Society Ltd. v. Karnataka State Chief Information Commissioner, AIR 2009 Kant 1.
Khati v. Mirza Hossain Beg, AIR 1962 Ori 95.
Kuttikrishna Menon v. Purushothaman Nambudiri. AIR 1936 Mad 223.
M. Ismail Faruqui (Dr.) v. Union of India, (1994) 6 SCC 360).
Margarrate v. Chacko, AIR 1970 Ker I.
Mohammed Shah v. Fasihuddin Ansari, AIR 1956 SC 713.
Motishah v. Abdul Gaffar Khan, AIR 1956 Nag 38.
Narendra Kumar v. Union of India, AIR 1960 SC. 430.
Navin Kumar v. Bombay Administration AIR 1989 Bom 88
Niharendu Dutt Majumdar v. Emperor, AIR 1942 F.C. 22.
Noor Mohammad v. Ballabh Das, AIR 1931 Oudh 293.
Per Willes J. Boxter v. Langley 38 L.JMC. 5
Pooran Singh v. State of M.P., AIR 1965 SC 1583
Ramesh Thapper v. State of Madras, AIR 1950 SC.
S. Azeez Basha v. Union of India, AIR 1968 SC 662.
S.A.P. Srinivasamurthy v. Commr C, & HRI & E, AIR 1973 AP.
Sant Das v. Babu Ram, AIR 1969 All 436.
Shri Girdhari Lal Bhargava v. All India Chess Federation. (Decided on March 20, 2009).
Sri Sabhanayagar Temple v. The State of Tamil Nadu, 1958 AIR 255, 1958 SCR 895
Sumit Kumar Bose & Ors. v. State of Orissa & Ors. (Decided on March 27, 2012).

Surya Pal Singh v. U.P. Governments, AIR 1951 All 674.


Tejraj v Madhya Bharat AIR 1958 MB 115.

The Bidar District Center Co-op Bank Ltd. v. Karnataka Information Commission, ILR 2008 KAR 3830.


Zafar Hussain v. Mohammed Ghiasud -Din, AIR N1937 Lah 552.

Zorach v. Clausion, (1952) 343 US 306