SUMMARY

India is a land of many religions but it is a secular state. India is not an anti-religion state. Out of Eight Major religious in the world, four have their origin in India. The constitution of India has accepted the principles of secularism. Secularism in India means that the religion will not play any part in the public affairs of the country. During the British regime, India was not completely a secular state, some of the religion enjoyed weightage in Europe Till the 16th century the state were under the direct or indirect control of the Pope and during that period the idea of secularism in the state system arose. The history of the struggle between Church and king in England is very eloquent, for various reasons the church tried to exercise its powers in such a way as to hamper the administration of the king. In India there was no organized church and there was no conflict between religious powers and the political power.

Religion is one of the important social institutions. Religion refers to the most sublime of human aspirations. Religion is being existed throughout the history of human society. It is a part of human social life. It shapes human behaviour in a major fashion. Religion is a system of belief in the existence of supernatural beings.

According to Emile Durkheim, religion is “a unified system of beliefs and practices related to sacred things, that is to say, things set apart and forbidden beliefs and practices which unite into one single moral community called a church, all those who adhere to them.”
Well known person James G. Frazer says that religion is “a belief in powers superior to man which are believed to direct and control the course of nature and of human life.”

According to, V.K. Krishna Iyer secular states means "the western genesis of the secular ideology the state versus the church must not petrify our thought when we develop the desideration of secularism as it applies to Indian conditions. Secularism in the political-as opposed to ecclesiastical – sense requires the separation of the state from any particular religious order. And it goes against any religion a privileged position in the activities of the state.

Fraternity assuring the dignity of the individual and unity and integrity of the Nation; in our Constituent Assembly this twenty sixth day of November 1949, do hereby, adopt, enact and give to ourselves this constitution." Dr. B.R. Ambedkar, Chairman of the Drafting Committee speaking on the Hindu Code Bill in 1951.

Secularism means separation of the State from the church, mosque, temple or gurudwara, non-existence of religious fanaticism and religious intolerance, separation of political and economic processes form religious dogmas and injunctions, and acceptance of sociological and social changes in personal family religions. The term secular was made facile from the Latin 'saeculum' and 'saeularis', which originally meant "an age or generation" the times or the world. In Christian Latin, the word signified an association overtly opposed to the church.

In 1947, the Constitution of India did not declare any religion to be the State religion or an otherwise privileged
faith tradition. It declared “equality of status and opportunity” to be one of the basic ideals of future polity, and non-discrimination on the basis of religion one of the people’s Fundamental Rights. Twenty-six years later the Preamble to the Constitution was amended to add the word “secular” to the prefatory description of the character of the country.

Simple dictionary meaning of religion is “Dharma”. “Religion” and “faith” are interchangeable words. Religion means what a man honestly believes in and approves of and thinks it his duty to inculcate on others, whether with regard to this world or the next Religion means a belief in any system of retribution by an overruling power. Religion must include the principle of gratitude to an active power that can confer blessings. During the British regime, India was not completely a secular state. Those who professed Islam or Christianity enjoyed weightage in service and in voting at the expense of the majority, viz., the Hindus. In Europe, It was in the 16th century that the idea of secularism in the state system arose. Till that time, the states were under the direct or indirect control of the pope.

Constitution plays important role to protect religion. In this regard sense of Articles 25 and 26 is not limited to matters of doctrine of belief. It extends also to acts done in pursuance of ‘religion’ and, therefore, contains a guarantee for rituals and observances, ceremonies and modes of worship which are integral part of religion. What constitutes an essential part of religions or religious practice has to be decided by the courts with reference to a
doctrine of a particular religion and include practices which are regarded by the community as a part of its religion.

In National Anthem case, the Supreme Court observed that no person can be compelled to sing the National Anthem “if he has genuine, conscientious religious objection.” In the instant case, three children belonging to the “Jehova’s witnesses” of the Christian community were expelled from the school for refusing to sing the National Anthem. They challenged the validity of their expulsion on the ground that it was violative of their fundamental right under Article 25 (1). A circular issued by the Director of Public Instructions had made it compulsory for all children in schools to sing the National Anthem. They had stood up respectfully when the National Anthem was being sung every morning at their school but they did not join in the singing of it. They refused to sing the National Anthem as according to them it was against the tenets of their religious faith which did not permit them to join in any rituals except if it be in their prayer to Jehovah, their God.

The Kerala High Court held that was their fundamental duty under Constitution to sing the National Anthem. It was held that if the pupil belonging to the religious group refused to participate in the singing of the National Anthem it would have a very bad influence on, the other pupils and the Head Mistress was therefore within her right not to permit them to attend the class until they gave in writing that they will participate in the singing of the National Anthem in the school.
Under Clause (2) (b) of Art. 25 the State is empowered to make laws for social welfare and social reform. Thus under this clause the State can eradicate social practices and dogmas which stand in the path of the country's onwards progress. Such laws do not affect the essence of any religion. This clause declares that where there is conflict between the need of social welfare and reform and religious practice, religion must yield. Social evils cannot be practised in the name of the religion. In *State of Bombay v. Varasu Bapamali*, an Act which prohibited bigamy was held valid under Clause (2) (b), Polygamy is not an essential part of the Hindu religion; therefore it can be regulated by law. In an *American case of Reynolds v. United States*, a State law made it a criminal offence to marry with another while having a living spouse. The appellant was punished for attempting to take a second wife under the sanction and command of his religion. The Supreme Court held that his punishment was valid under the statute which prohibited bigamy. The Court said, “Congress was deprived of all legislative power over mere opinion but was left free to take actions which were in violation of social duties or subversive of good order.” Prohibition of civil practices such as Sati or system of Devadasi has been held to be justified under this clause.

A remarkable case of which is known as "The Vishwanath Temple Case, held that Any prevention of temple entry by the untouchables and the Harijans is forbidden, as it is a practice of untouchability and as such
is breach of civil rights of the so prevented. The offence is punished under substantive law.

Freedom in a society is not unrestricted. The individual religious freedom should measure with similar freedom of every other individual. Therefore, one can exercise his freedom only equally along with others. Art 25 which confers freedom on all persons equally. An individual should not profess, practise and propagate his religion, so as to restrict the freedom of other fellow-citizens. He has a duty towards others generally not to disturb or obstruct them in exercise of their freedom. Any breach of this duty is forbidden, and if the breach is likely to endanger the public peace, or law and order such breach of the duty can be made punishable by law.

Constitution is the Fundamental law of the land. Every person in India is governed by ground norm that is constitution of India. In real manner Religion is a system of faith and worship. In a case of *Commissioner HRE v. Lakshmindra Thirtha Swamiar, Sri Shriarur Mutt*. The remarkable observations laid down:

Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well known religion in India like Budhism and Jainism which do not believe in God or in any intelligent First cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who propose that religion as conducive to their spiritual well being, but it would not be correct to say that religion is nothing else but a doctrine of belief.
As per consideration of the title of thesis Freedom of religion the researcher has focused on the basis ideas, conversion and status of religion at global level. In real manner religion is related to the secularism. Secularism means a state which does not recognize any religion as a state religion. It treats all religion equally. The concept of secularism reflects liberty of belief, faith and worship. Article 25 to 28 of the constitutional guarantee to every person the freedom of conscience and the right to profess, practice and propagate religion. Even that the words secularism, socialism and integrity have been inserted by the 42nd amendment, 1976 of Indian constitution.

Judiciary is also playing a great role for the prevention of abuse of freedom of religion. The courts are playing their role as the custodian of the freedom of religion. It has made many attempts to safeguard the freedom of religion of the citizens of India. However in many cases, like Babri Masjid case, there is a long delay in pronouncing its judgment and it is still pending in court. It is a wrong practice. The courts should decide such type of cases as rapidly as it can but there are some implications also. Due to there procedural implications, the courts cannot move so much fast as they should be. The courts should decide such type of cases very fast so that the communal harmony should be maintained.

On the same footing it can also be concluded that to propagate and to profess a religion in a right direction it is necessary that the people should change their wrong thinking and give it a sound meaning. The position of
Religion in some countries has been described in specific manner.

Looking at the present seen of society people entertain the Freedom of Religion in this country, the researcher, suggests some following suggestions for making Freedom of Religion more effective as under concrete:

1. Freedom of Religion is granted by the Indian Constitution under Article 25 to 28. Meanwhile case of discrimination on the ground of caste, creed, and Race have been seen in India. This type of discriminating is related to the religion in any way. It should be checked through legal system. So that People can think religion for all.

2. There should be specific definition of religion to give a proper message to the nation. The term religion is not defined in the Constitution. In real manner Religion is a matter of faith with individuals or communities and it is not necessarily theistic. A religion has its basis in "a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well beings," but it will not be correct to say that Religion is nothing else but a doctrine of belief.

3. There must be certain restriction and limitations in matter of conversion of religion. Some persons get undue benefit by the conversion of religion. Even that after getting benefit they convert again their old religion. It is against humanity. In this practice they harm the benefit of other person.
4. Every human being is creature of Almighty God. In real sense of a person has thank to God then he should love and respect to each other without any self motive.

5. Conversion of Religion should be voluntarily or free from any fear. There should be no forced conversion of Religion. Interest of the person who wants to convert in another religion must be protected. There should no enforcement to convert the religion when the person has no intention to change the religion.

6. In some places it is not permitted to get entry in the temple as per his devotion because he belongs to reserve category. If General Category candidate is only permitted to worship in that temple then what is the importance of freedom of Religion? Constitution says India is a secular state. But people face such type of adamant. In this way what is the significance and execution of secularism?

7. Genetic system of human being is same in all world. It has been assumed that God is everywhere and that is supernatural power. If it does so it must be worshiped in certain manner by all persons. In this way it may be the freedom of religion in a perspective way.

Lastly, it may be submitted that the Freedom of Religion does not provide pleasure to people according to the concept of secular state. The Constitution needs to provide for systems with checks and balances to eliminate certain adamants which have been used to provide benefit to certain category. It is the ancient doctrine in India that the state
protects all religions but interferes none. While the motive of every person to get salvation following the religious path. Then that path may be unique one to avoid the all absurdity and complications on the name of Religion. The Supreme Court observed in a decided case of *S.R. Bommai v. Union of India* (AIR 1994 SC 1918) that "Secularism is a basic feature of the constitution." Religion is a matter of Individual faith and can not be mixed with secular activities. Justice Rama Swami observed that secularism is not anti-God. The concept of positive secularism separates spiritualism with individual faith. The state is neither anti-religion nor Pro-religion.

When all of persons assume that "Sabka Malik ek." Then there should be no division of category by the name of religion. Belief and love should be the main object of Religion. There should be a codified law to nourish religion so that no person can get undue benefit. At last we can say all religion should be treated equally but there motive should be one maintaining limitations and boundaries under law.

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