

## A STUDY ON FREEDOM OF THOUGHT CONSCIENCE RELIGION AND BELIEF

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### ABSTRACT:

India is a standout amongst the most differing country as far as religion, it being the origination of four noteworthy world religions: Hinduism, Jainism, Buddhism and Sikhism. Despite the fact that Hindus shape near 80 percent of the populace, India additionally has locale particular religious practices: for example, Jammu and Kashmir has a Muslim greater part, Punjab has a Sikh dominant part, Nagaland, Meghalaya and Mizoram have Christian larger parts and the Indian Himalayan States, for example, Sikkim and Ladakh, Arunachal Pradesh and the territory of Maharashtra and the Darjeeling District of West Bengal have expansive groupings of Buddhist populace. The nation has huge Muslim, Sikh, Christian, Buddhist, Jain and Zoroastrian populaces. Islam is the biggest minority religion in India, and the Indian Muslims frame the third biggest Muslim populace on the planet, representing more than 14 percent of the country's populace. Freedom of thought (likewise called flexibility of still, small voice or thoughts) is the opportunity of a person to hold or think about a reality, perspective, or thought, autonomous of others' perspectives. It is unique in relation to and not to be mistaken for the idea of the right to speak freely or articulation. All people have the privilege to think unreservedly, and to engage thoughts and hold positions in light of principled or religious or different convictions. Subject to specific impediments, people likewise have the privilege to show or show religious or The

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different convictions, by method for love, recognition, practice and instructing. Enactment, strategies and projects must regard the privilege to flexibility of thought, inner voice and religion or conviction, unless they unmistakably can be categorized as one of the admissible impediments talked about beneath.

**Key words:** religions, territory, flexibility, nation ,articulation

**Introduction:**

This research is about the a study on freedom of thought ,conscience and religion or belief. Freedom of Religion in India is a basic right ensured by Article 25-28 of the Constitution of India. Modern India appeared in 1947 and the Indian Constitution's introduction was corrected in 1976 to express that India is a mainstream state. Every subject of India has a privilege to hone and advance their religion gently. In any case, there have been various occurrences of religious bigotry that brought about uproars and viciousness, strikingly, the 1984 Anti-Sikh mobs in Delhi,1990 Anti-Hindu mobs in Kashmir, 2002 Gujarat Anti-Muslim mobs and the 2008 Anti-Christian mobs. A few culprits of the 1984 Anti-Sikh uproars in Delhi have not been conveyed to equity regardless of across the board condemnation. Everybody has the privilege to flexibility of thought, inner voice and religion; this privilege incorporates opportunity to change his religion or conviction, and opportunity, either alone or in group with others and out in the open or private, to show his religion or confidence in educating, practice, love and recognition. India does not acknowledge any religion as state religion. India keeps up outright nonpartisanship and fairness towards all religions. Subsequently India is an ideal case of a mainstream state-flanked by theocracies in the East and West. A mainstream state does not try to manage human relations with God or his otherworldly goals. Secularism is worried about the control of men's social relation. The main aim of the research is to study about depthness of freedom of religion to analyse whether it really reached its objective as per the provision available in constitution.

**HYPOTHESIS:**

Null hypothesis:

There is no significant changes in freedom of religion under constitution of India.

Alternative hypothesis:

There is significant changes in freedom of religion under constitution of India.

**METHODOLOGY:**

Doctrinal research which is sometimes also referred to as armchair research, which is essential for a library base study as the material needed by a researcher may be available in libraries, archives and other data bases. Doctrinal research is a research of legal proposition by way of analyzing of the existing statutory provision along with the present case laws by applying the reasoning power of researcher.

**REVIEW OF LITERATURE:**

C.D.DE JONG (2000)-freedom of thought, conscience and religion or belief In this book ,the author comes to the conclusion that the eventually freedom of thought conscience and religion or belief may be the best instrument against a world government by materialistic forces.

PATRICK N.WALSH (2013)-right to freedom of religion or belief in Muslim majority countries

Current development in constitutional drafting are spurring renewed analysis of the existing constitutional landscape in the majority of Muslim countries

MARY ANNE WALDRON(2013)- free to believe: freedom of conscience and religion

As such ,this book widens the debate about this fundamental freedom and influence of public opinion on what is often a misrepresented and misunderstood issue

**WHAT IS THE PRIVILEGE TO FLEXIBILITY OF THOUGHT AND RELIGION OR CONVICTION:**

All people have the privilege to think unreservedly, and to engage thoughts and hold positions in light of principled or religious or different convictions. Subject to specific impediments, people likewise have the privilege to show or show religious or different convictions, by method for love, recognition, practice and instructing. Enactment, strategies and projects must regard the privilege to flexibility of thought, inner voice and religion or conviction, unless they unmistakably can be categorized as one of the admissible impediments talked about beneath.

**WHERE DOES THE PRIVILEGE TO OPPORTUNITY OF THOUGHT AND RELIGION OR CONVICTION ORIGINATE FROM:**

Australia is a gathering to seven center global human rights settlements. The privilege to opportunity of thought, still, small voice and religion or conviction is contained in article 18 of the International Covenant on Civil and Political Rights (ICCPR). See additionally

article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and article 14 of the Convention on the Rights of the Child (CRC).

At the point when do I have to think about the privilege to flexibility of thought, still, small voice and religion or conviction?

You should consider the privilege in the event that you are taking a shot at enactment, an approach or a program that: might confine or meddle with the recognition or instructing of a specific religion or set of convictions, for example by managing conduct that may have this impact requires a man to uncover their religion or conviction influences a man's capacity to hold fast to his or her religion or conviction subjects lead that is required or empowered by a specific religion or conviction to criminal punishments sets dress guidelines that don't suit religious dress or images influences the privilege of the disciples of specific religions to watch occasions or times of rest identifies with arranging or land utilize that may make it hard to utilize or set up spots of religious love forces qualification prerequisites for government benefits that that can't be met by the disciples of specific religions directs the instructing of kids in a way that may undermine specific religions or convictions, or directs upright protest to military administration.

**WHAT IS THE EXTENT OF THE PRIVILEGE TO FLEXIBILITY OF THOUGHT, INNER VOICE AND RELIGION OR CONVICTION:**

Article 18 of the ICCPR secures the privilege to think uninhibitedly and to engage thoughts and hold positions in light of upright or religious or different convictions. This involves insurance against mentally programming or teaching. The privilege additionally ensures the privilege to exhibit or show religious or different convictions, regardless of whether independently or by and large, and whether through love, recognition, practice or instructing. The UN Human Rights Committee has deciphered religion to incorporate mystical, non-mystical and skeptical convictions, and has expressed that the privilege incorporates the privilege not to pronounce any religion and conviction. The privilege incorporates the privilege to receive a religion or conviction of a man's decision, including the privilege to leave a religion and change over to another.

The Government may not force limitations on the privilege to hold positions in view of religious or other conviction, nor may it force religious or different convictions. The Government may likewise be obliged to make positive strides, where essential and suitable to secure this right, where inability to do as such may bring about hostile assaults on religious

convictions.

The privilege to exhibit or show religious or different convictions requires the Government to perceive the privilege of people to take part in religious love, which would incorporate the building and utilization of spots of love, utilize and show of custom articles and images, recognition of occasions and times of rest, execution of formal acts, adherence to dietary controls, wearing of unmistakable attire and utilization of specific dialects.

The Human Rights Committee has expressed that, in specific conditions, the privilege may incorporate a privilege to can't, on upright grounds, to take an interest in obligatory military administration.

Article 18(4) permits guardians the freedom to guarantee the religious and good instruction of their kids in similarity with their own particular feelings. The Committee has expressed that state funded school guideline in religion is allowed under article 18(4), as long as it is given in a nonpartisan and target way. Guideline in a specific religion or conviction must be liable to exceptions that would suit the desires of guardians.

While the privilege to hold positions in view of religious or other conviction may not be limited at all, human rights law perceives that sensible limitations might be forced on the privilege to show or show religious or different convictions. Passable confinements and restrictions are talked about further beneath.

### **CAN THE PRIVILEGE TO OPPORTUNITY OF THOUGHT, INNER VOICE AND RELIGION OR CONVICTION BE RESTRICTED:**

#### **CRITICISM:**

Under article 4 of the ICCPR, nations may take measures criticizing from sure of their commitments under the Covenant 'in time of open crisis which debilitates the life of the country and the presence of which is authoritatively declared'. Be that as it may, the privilege to flexibility of thought, inner voice and religion is particularly rejected from the rights from which discrediting is allowed.

#### **IMPEDIMENT:**

Be that as it may, under article 18(3), the flexibility to show religion or convictions might be constrained as endorsed by law and when important to ensure open wellbeing, request, wellbeing, or ethics or the principal rights and opportunities of others. The justification for reasonable constraints do exclude national security explicitly, in spite of the fact that obviously

this might be an angle secured of/secured by different express confinements. The Human Rights Committee has expressed that constraints must be important to accomplish the coveted reason, and should be proportionate to the need on which the restriction is predicated.

For instance, the Committee has maintained a legitimate prerequisite for railroad laborers to wear defensive headgear for security purposes, even where that necessity blocked the wearing of a turban by a Sikh. For another situation, the Committee found an infringement where a college required an understudy to expel a headscarf worn for religious purposes.

Some Australian hostile to segregation enactment accommodates exceptions for religious bodies. For instance, the Sex Discrimination Act 1984 contains an exclusion from the denial of separation on the grounds of sex, conjugal status, pregnancy or potential pregnancy for acts or practices by religious bodies and instructive foundations set up for religious purposes, where those demonstrations or practices adjust to the precepts, principles or convictions of that religion or are important to maintain a strategic distance from damage to the religious sensitivities of followers of that religion. The Age Discrimination Act 2004 contains a comparable exception from the disallowance of separation on the ground of age for bodies built up for religious purposes. The meaning of segregation in the Australian Human Rights Commission Act 1986 prohibits any refinement, rejection or inclination regarding work of a man in a religious organization, if the qualification, prohibition or inclination is made keeping in mind the end goal to maintain a strategic distance from damage to the religious susceptibilities of disciples of that religion

#### **RIGHT TO FREEDOM OF RELIGION AND BELIEF:**

India does not acknowledge any religion as state religion. India keeps up supreme lack of bias and unprejudiced nature towards all religions. Consequently India is an ideal case of a mainstream state-flanked by theocracies in the East and West.

A mainstream state does not look to manage human relations with God or his profound desires. Secularism is worried about the direction of men's social relations.

The arrangements identifying with "Right of Freedom of Religion" of the Articles 25 and 28 of the Constitution of India make India a mainstream state. To ensure, the 42nd alteration of the constitution embeds the expression "mainstream" in the prelude of the constitution.

**CONSEQUENTLY ON THE TOPIC OF RELIGION , INDIA POSITION IS:**

- India has no state religion,
- State does not segregate between religions,
- State can't force any duty to elevate a religion or to keep up religious foundation, •

Religious guidelines can't be conferred in instructive establishment keep running by state stores and In instructive organizations perceived by the state and getting help from the administration, religious guidelines can't be obligatorily given to an unwilling understudies. In instructive organizations keep running by religious foundations, religious directions can be offered just to understudies willing to get it. Religious directions can be given to the minors just with the express assent of their gatekeepers.

Article 25 of Indian Constitution gifts opportunity to each subject of India to purport, hone and proliferate his own religion. The constitution, in the introduction maintains to secure to all its subject's freedom of conviction, confidence and love.

Article 25 (1) enables each national to openly take after his own particular religion, subject to open request, profound quality and wellbeing. In this way for the sake of religion, submitting sati or child murder can't be allowed. The Hindu religious establishments of an open character must be tossed open to each Hindu. Rank framework or untouchability can't be honed on account of passage into open Hindu sanctuaries. Other than these rights to the people to declare, hone and engender religious of their decision, religious gatherings or categories are given four rights. These are on the whole correct to set up and keep up foundations for religions and altruistic purposes;

The net position accordingly is, each individual subject in India has full opportunity of religion. Nobody is subjected to any social, financial or political segregation basically on grounds of religion. Segregation in broad daylight work on grounds of religion is precluded by Article 16. Subsequently, every native of India is entitled for correspondence open door for open work. The religious minority, is given the privilege to build up and keep up instructive, magnanimous and religious foundations with least of obstruction by the state. Consequently no body is qualified for question the common character of the Indian country.

The right position is—while each individual is allowed to declare, rehearse or

engender a religion of his decision; transformation secured through power, extortion or allurements is absolutely unwelcome. The constitution takes each care to secure the religious minority group. All together that culture and religion of the minority group isn't overwhelmed by these of the greater part group.

Article 29 of the Indian constitution guarantees that the state might not force on a minority group any culture other than its own. Further, nationals of India can't be denied confirmation in State supported or State oversaw instructive organizations based on religion, standing, race, and so on. Workmanship. 30 allows the minority group, the privilege to set up and direct their own instructive foundation. The state will make no segregation in matter of helps to such organizations. All these demonstrate that Indian secularism is perfect and that privileges of the minority is completely secured in Ind.

#### **FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION:INTERNATIONAL AND REGIONAL STANDARDS:**

GA more full definition (which incorporates a reference to training, however rejects express acknowledgment of the privilege to change religious conviction) is found in Article 18 of the International Covenant on Civil and Political Rights of 1966:guarantees of religious freedom and regard for still, small voice and conviction are definitely found in the sacred requests of liberal law based social orders and in worldwide and provincial human rights instruments. To some degree, these mirror the worries at the season of those accused of drafting these instruments. Illustrations flourish, each with maybe quietly extraordinary emphases. Specifically, Article 18 of the Universal Declaration on Human Rights of 1948 gives that Everyone has the privilege to opportunity of thought, heart and religion; this privilege incorporates flexibility to change his religion or conviction, and opportunity, either alone or in group with others and openly or private, to show his religion or confidence in instructing, practice, love and recognition.

Everybody might have the privilege to opportunity of thought, heart and religion. This privilege might incorporate opportunity to have or to receive a religion or conviction of his decision, and freedom, either independently or in group with others and out in the open or private, to show his religion or faith in wor-transport, recognition, practice and instructing.

Nobody might be liable to pressure which would hinder his opportunity to have or to receive a religion or conviction of his decision.Opportunity to show one's religion or convictions



might be subject just to such restrictions as are recommended by law and are important to ensure open wellbeing, request, wellbeing, or ethics or the principal rights and flexibilities of others.

The States Parties to the present Covenant embrace to have regard for the freedom of guardians and, when applicable, lawful watchmen to guarantee the religious and good of their kids in similarity with their own feelings.

### **FREEDOM OF THOUGHT CONSCIENCE AND SPEECH:**

Opportunity of thought (likewise called the flexibility of heart or thoughts) is the opportunity of a person to hold or think about a reality, perspective, or thought autonomous of others' perspectives. It is not quite the same as and not to be mistaken for the idea of flexibility of articulation. 'Freedom of thought' is the subsidiary of and accordingly is firmly connected to different freedoms: opportunity of religion, the right to speak freely, and flexibility of articulation. It is an essential idea in the western world yet about every popularity based constitution ensure these flexibilities. For example, the U.S. Bill of Rights contains the celebrated certification in the First Amendment that laws may not be made that meddle with religion "or restricting the free exercise thereof". A US Supreme Court Justice (Benjamin Cardozo) contemplated in *Palko v. Connecticut* (1937) that: Such thoughts are likewise a crucial piece of worldwide human rights law. In the Universal Declaration of Human Rights (UDHR), which is lawfully official on part conditions of the International Covenant on Civil and Political Rights, flexibility of thought is recorded under Article 18: The Human Rights Committee expresses this, "recognizes the opportunity of thought, soul, religion or conviction from the flexibility to show religion or conviction. It doesn't allow any confinements at all on the flexibility of thought and soul or on the opportunity to have or receive a religion or conviction of one's decision. These flexibilities are protected unequivocally." Similarly, Article 19 of the UDHR ensures that "Everybody has the privilege to opportunity of feeling and articulation; this privilege incorporates flexibility to hold suppositions without interference..."

The Bill of Rights is the name by which the initial ten alterations to the United States Constitution are known. They were acquainted by James Madison with the First United States Congress in 1789 as a progression of authoritative articles, and became effective as Constitutional Amendments on December 15, 1791, when they had been confirmed by three-fourths of the States.

The First (Amendment I) to the United States Constitution is a piece of the Bill of Rights Palko v. Connecticut,, was a United States Supreme Court case concerning the consolidation of the Fifth Amendment security against twofold danger

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral bargain embraced by the United Nations General Assembly on December 16, 1966, and in compel from March 23, 1976.

### **PROTECTING THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**

#### **SUGGESTIONS:**

- \*Each and every persons have their own religious belief no one should interfere in it.
- \*Each and every person have rights to follow their religious duties.
- \*No one can say other people to follow their religious beliefs.
- \*No one can deprive other religious duties.

#### **CONCLUSION:**

The constitutional provisions such as freedom of thought, conscience, and religion, as well as the separation of State and religion are too broad and generally phrased not readily fit into specific cases. For example, what amounts to violation in terms of wearing religious symbols in educational setting, or ensuring the independence of the State from religion? Terms of such nature may be interpreted to embrace a wide variety of acts that are prone to uncertainty, making the need for elaboration very essential. Meaning of the terms “Secularism”, “matters of religion” and “minority” to be clearly defined in Constitution. Negative clause under Article 25 to be introduced to prevent an organization which admits to or excludes from its membership persons on grounds of religion, race or caste or any of them to engage in any political/public activity. Clear criterion should be provided pertaining to minority institutions, preventing misuse of protection of Article 30(1) for monetary benefits with regard to professional education. Clear-cut guidelines should be provided for good management of religious institutions/monuments and systems of audit. Promulgation of a uniform civil code, is to be provided A strong act be enacted regarding speedy trial and fair process with respect to communal and hate crimes as well as rioting.

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