



## Regulating Right to Freedom of Religion

 [drishtiias.com/printpdf/regulating-right-to-freedom-of-religion](https://drishtiias.com/printpdf/regulating-right-to-freedom-of-religion)

The High Court of Karnataka has issued guidelines to all city municipal corporations regarding granting permission for temporarily using public roads and footpaths.

- **Major Observation:**

- The **right under Article 25** (freedom to the free profession, practice and propagation of religion) of the Constitution of India **does not extend to public road and footpath.**
- One cannot get the rights to use public roads and streets just because it is for religious purposes.

- **Inspection is Mandatory:**

- Authorities cannot mechanically process applications filed under the State Municipal Corporations Act for grant of permission to temporarily use public roads or footpaths for any purposes, including for the celebration of religious festivals or functions.
- The authorised officers will have to **compulsorily inspect the premises**, including roads and footpaths, and will have to **take a report from the traffic police on the impact on traffic**, before granting any permission.
- Putting up temporary structures can be permitted only after ensuring that **such structures would not** cause any obstruction to the free flow of traffic or **curtail the right of citizens to free use of footpaths.**
- The corporations have been **directed not to permit digging up of roads** or footpaths while granting permission to put up temporary structures.

The **Supreme Court** has already held that it is a **fundamental right of citizens to use public roads for passage of vehicles**, and footpaths to walk (**in line with Article 21 of the Constitution**).

- **Display of the Permission at the Location:**

- The **copy of the permission** and conditions imposed for putting up temporary structures, including the period of permission, **should be displayed** prominently by those to whom the permission has been granted.
- Any structures **not displaying a copy** of the permission can be treated as **illegal and removed**.

## **Article 25: Freedom of Conscience and Free Profession, Practice and Propagation of Religion**

- **Fundamental Right Enshrined:** Article 25 says that all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion.
- The **implications** of this are:
  - **Freedom of conscience:** Inner freedom of an individual to mould his relation with God or Creatures in whatever way he desires.
  - **Right to Profess:** Declaration of one's religious beliefs and faith openly and freely.
  - **Right to Practice:** Performance of religious worship, rituals, ceremonies and exhibition of beliefs and ideas.
  - **Right to Propagate:** Transmission and dissemination of one's religious beliefs to others or exposition of the tenets of one's religion.
- **Scope:**
  - Article 25 covers religious beliefs (doctrines) as well as religious practices (rituals).
  - Moreover, these rights are available to all persons—**citizens as well as non-citizens**.
- **Restrictions:**
  - These rights are subject to **public order, morality, health** and other provisions relating to fundamental rights.
  - The State is **permitted to regulate or restrict** any economic, financial, political or other secular activity associated with religious practice.

## **Article 21: Protection of Life and Property**

- It declares that **no person shall be deprived of his life** or personal liberty **except according to the procedure established by law**.
- This right is available to **both citizens and non-citizens**.

**Source: TH**