

1. "Right to Religion is the weakest of all the fundamental right as it is subject to public order, morality, health and all other fundamental rights". Do you agree? Elucidate with examples.

(12.5 Marks)

Answer:

- Fundamental Rights is a charter of rights contained in Part III of Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.
- One of the rights guaranteed by the Indian Constitution is the right to Freedom of Religion. As a secular nation, every citizen of India has the right to freedom of religion i.e. right to follow any religion. As one can find so many religions being practiced in India, the constitution guarantees to every citizen the liberty to follow the religion of their choice.
- The Right to Religion is weak and subjugated to Public order, Morality and Health because Fundamental rights come with certain reasonable restrictions. It also mentions that State can intervene in religious matters if there's a threat to public order, morality or health.
- The Religion determines personal law in India. Hindus, Sikhs, Jams and Buddhists come under Hindu law, whereas Muslims and Christians have their own laws. The laws of all communities except the Muslims are codified by an act of parliament. Muslim law is based on the Shariat.
- Almost all personal laws are grounded in gender bias and reflect the discriminatory nature.
- For example: provision of Sati; Human sacrifice practice; Triple Talaq; widow remarriage, etc.
- Therefore, there's a dire need to make a sharp distinction between religious faith & practices and maintenance of public and social order.
- The need is to establish Uniform Civil Code which is above all religion personal law and guarantees equal right and equal protection of law irrespective of religion.

PRACTICE QUESTIONS

Answer the following Questions

(12.5 Marks)

1. Most of the quasi-judicial bodies in India act as "a toothless tiger". Discuss the measures need to be taken to make them more effective.
2. Critically analyze the functioning of PRIs with respect to e-governance? How Digital India can help in improving the freedom, justice and good governance at the decentralized local self-government level? Give reasons in support of your answer.