



What is the meaning of the essential religious practice test? Explain how the test is used to determine the importance of religious identity in relation to fundamental rights. (150 words) (GS 2; Indian Polity) [18-03-22]

Recently it was in the news when the Karnataka High court has decided that 'hijab' is not an essential feature of Islam. To decide what all practises are important for religion, the Supreme Court devised a standard known as the "essential religious practise test." It all started in 1954 with the 'Shirur Mutt case.'

Religious liberty is one of the essential rights.

Article 25(1) of the constitution guarantees freedom of conscience and the right to freely profess, practise, and promote religion.

The state, on the other hand, has the authority to limit the right in the interests of public order, decency, morality, health, and other state objectives.

In identifying religious identity, the role of the essential religious practise test is important.

Identify a religious activity that is essential.

The essential characteristics of a religion are dictated by the principles of that faith. The role of religion's practise is established.

Constitutional safeguards

It will aid judges in determining which practises are constitutionally protected and which are not. It will ensure that courts decide whether or not the practise should be prohibited.

Criticism of such test:

- Legal experts have condemned it for pressuring the court to consider theological issues.
- Legal experts have urged courts to apply the standard to outlaw religious acts for the sake of public order rather than determining whether they are religiously essential.

Conclusion:

Religious rights will be maintained and their usage will not be objected to provided central religious practises are identified.

As a result, the important religious practise test has previously assisted courts in determining whether a practise should be protected or stopped.