

# A STUDY ON RELIGIOUS FREEDOM IN PRIVATE EDUCATIONAL SECTOR WITH SPECIAL REFERENCE TO CHENNAI

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## Abstract:

Religious education is a significant component of human cultures thus it is no surprise that it is included in the curriculum it seeks to aid learners in appreciating the historical components and distinctiveness of nine different religions. The study sample size is 206 convenient sampling and a descriptive methodology were used for the sampling process the data analysis was done with SPSS the modernisation of technology within private entities is ongoing the study comes to the conclusion that private institutions should abide with article 28 on religious freedom. Freedom of religion or belief and education is a multifaceted issue that entails significant opportunities and far-reaching challenges. The school and colleges are the most important formal institutions for the realisation of the right to education. It provides a place of learning, social development and social encounter. At the same time, the school is also a place in which authority is exercised and some individuals, including members of religious or belief minorities, may find themselves in situations of vulnerability. Given this ambivalence of the environment, safeguards to protect the individual's right to freedom of religion or belief are necessary. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Keywords** — Discrimination, Education , Development , Freedom,Responsibility.

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**I. INTRODUCTION.** The private institutions has different kind educational activities such it deviates as practical learning and theoretical learning and have more opportunities to express other talents and co-curricular activities which it develops skills for students.However, it can also have negative effects resulting from insufficient or inadequate monitoring and regulation by the public authorities, schools and colleges without license, hiring of untrained teachers and absence of quality assurance. Further private institutions demand fees at a higher rate which middle class

people cannot afford that much due to this talented people also suffering by getting admissions in private institutions. Private institutions also follow their origin of religious belief which may cause other religious students to experience other religious practices where it affects their belief. In India, everyone has the rights to follow their own beliefs which are constituted in their culture but by the compulsion of private institutions it seems their rights have not been prioritized in private institutions. Private institutions follow a

“Shadow education” which is specifically supplemented by dimensions and has various growth. Private institutions had their own educational segment to provide knowledge where both positive and negative impact have been ensured in the private institutions. If fees would drastically increase every year by the institution then only affordable people can enter where from poor backgrounds are getting affected. Moreover private institutions are improving learning opportunities but have some negative impacts that affect schools and college students.

## **II. OBJECTIVE:-**

~ To examine the private institutions allowing others on their own religious practices inside the institution.

~ To Analyze the Lack of Religious Freedom in Private Education .

~ To Recognise the Principle Concerned With Equality and Fairness in Education.

## **III.LITERATURE REVIEW**

John Witte (2022) , The author highlights some of the longstanding legal underpinnings of religious freedom in education, with a particular focus on religious freedom in private education. Private schools of all sorts, the Court repeatedly held, are viable and valuable alternatives to public schools, and parents and students have the right to choose between them. Private religious schools, moreover, allow parents to educate their students in their own religious tradition, a right that they must enjoy without discrimination or prejudice.

Renato Saegar Magadhase (2022) made a comparative study and analyzes three countries- Australia, Brazil and the United States of America- and the way they approach the issue of religious pluralism in private schools. The factors are which

limited should be imposed on the State to protect the religious freedom of certain civil associations- particularly private schools. The paper finds the State that give private schools the possibility of operating in the religious sphere independently, without interference by the State that seeks to reduce the ethos proposed by the school. It is concluded that private schools should have the freedom to combine their ordinary school schedule with their religious vision.

Nieves Fancourt , (2022) The author considers how the longstanding liberal principle of freedom of religion in education in England was recontextualised within a marketised system of school choice. First, the potential conflict between the right to freedom of belief and to education is outlined. The factors of religion is effectively one marker of school choice and strategic school selection, rather than purely a fundamental personal freedom. This is discussed in relation to neoliberal re contextualisation of existing law, and the neoliberal governance of religions. The paper finds narrative account of the development in England of the principle of religious freedom in education up to the Education Act 1944.

Tomasz Huzarek (2021), The author included in this volume offer a multi-faceted view of the relationship between religious, religious freedom and education. The publication introduces topics in four parts, each containing a different view of the significant issue. The reader will be given an introduction to a philosophical view of the foundations of the education process, but also to the topic of religious freedom in the context of education, including religious education in action. The legal, social and political context was also included in the issues discussed in this publication.

Paul (2021), The author examines the constitutional allocation of power over primary and secondary education, and the place of and protection for freedom of religion or belief in government and religious non-government schools. This article provides both an overview of the

judicial treatment of constitutional, legislative, and common law protection and a consideration of emerging issues in religious freedom in both government and religious non-government schools, suggesting that the courts may soon be required to provide guidance as to how the available protections operate in both settings.

Michael poniatowski , (2021) The author examines freedom of conscience and religion in private schools, which seems to lie outside the mainstream of discussions on the presence of religious symbols or, more broadly, religious acts in public spaces. It explores the parallel historical formation of freedom of conscience/religion and the right to education. Then, the subject and object of this freedom are discussed in the context of private schools.

Rebecca Shah , (2021) The author examines how India's complex regime of control and management of religious institutions and communities—ironically, particularly Hindu institutions— influences the capacity of these institutions to promote various dimensions of human flourishing and socio-economic uplift among the most marginalised. The factors of the study landscape when it comes to the freedom of religious institutions from state control, and in particular discuss how some minority religious institutions experience fewer government constraints on some aspects of their freedom to self-identify and self-govern, especially when compared to some majority institutions ,such as Hindu temples. The paper finds some minority institutions still face constraints on certain aspect of their operations.

Olga S.Ivanovo ; et://al , (2019) The author was aimed at conducting a system analysis of the forms of interaction between religious organizations and modern states implementing the secular model regarding the regulation of religion component in the field of general education. The necessity with respect to the role of the state to guarantee activities of confessional educational organizations. The paper finds implementing general education

programs were substantiated. The the model of investigation of the role of religious organizations in system of general education: forms of state-confessional interaction is presented in a comprehensive and complete manner.

Dr.S.Krishnan (2018), The author explores the relationship between the principle of academic freedom and religiously-affiliated higher education. The arguments advanced are based on a general theory concerning the role of universities in a democratic society, and as such they are intended to apply to any such society, irrespective of the particulars of religious higher education in a specific national context. The paper concludes that none of these arguments are successful in claiming a different standard of academic freedom for religiously-affiliated universities; and that, further, a “secular” standard leaves such institutions adequate room to express their religious dimension.

Marie Juul Petersen (2018), The author provides a brief introduction to the relationship between freedom of religion or belief and education, identifying key areas of concern, and suggesting concrete actions that parliamentarians and religious belief leaders can take to address them. They have the right to be free from discrimination on the grounds of their religion or belief, or that of their parents. And they have a right to have and practice a religion or belief, or not to have or practice a religion or belief. Parents have a right to provide direction to their child in conformity with their own beliefs, in a manner consistent with the child's evolving capacities.

Renat (2017), The author explores the relationship between the right to education and the manner in which it interacts with freedom of religion and other rights which serve to protect minorities. The paper examines the manner in which this relationship is managed in three jurisdictions: France, Germany and India. This paper argues that the unique role of courts in the jurisdiction concerned, as well as historic and social specificity plays a role in the manner in which the

relationship is coordinated. Further, it identifies certain types of argumentation used by courts which incorporate these features in judgements which implicate this relationship. The paper finds the permissible degree of regulation of private schools in Germany and France to suggest an approach which may be applied when considering the regulation of minority run educational institutions in India.

Jeniffer (2016), The author examines that Freedom can exist only in the society of knowledge. Without learning, men are incapable of knowing their rights, and where learning is confined to a few people, liberty can be neither equal nor universal. Through education, communities can learn about the benefits of respecting diversity and at the same time ensure that religious rights do not threaten the rights of others. This paper begins by comparing the form of religious education in Indonesia and Austria. After that, the essay discusses the role of religious education in religious freedom, with some recommendations for future projects.

Charles J. Recso , (2014 ) The author examines a major challenge for educators and their lawyers in a world where there is 270 growth among individuals who identify as atheists 42 is accommodating the religious needs, or lack thereof, of students, particularly those who attend public schools. The factors are to educate children in environments where they can practice their faiths freely, the range of issues, as evidenced in illustrative litigation. The paper finds a major challenge for educators and their lawyers in a world where there is 270 growth among individuals who identify as atheists 42 is accommodating the religious needs, or lack thereof, of students, particularly those who attend public schools.

K.Chetty , Govindjee ; (2014) The author argues against the interpretation that the right to establish private schools includes the right to require religious conformity from non-adherent learners by way of a waiver of their religious freedom. Despite the importance of respecting the rights of religious

communities to protect and preserve their faith in private schools, it is submitted that this right cannot be exercised without regard for the religious freedom, dignity and best interests of non-adherent children.

Cornelia Rovx , (2013) The objective of the study is The National Policy on Religion and Education emphasized the value of recognising the diversity of belief systems in , particularly in the school system. The document focuses on the Constitutional values while the factors is based on the co-operative model of legal separation and the possibility of creative interaction between religion and state. The paper finds to implement this new approach in schools, both teachers and students from diverse religions and belief systems will be required to facilitate religions, values as well as belief systems other than their own, in a professional manner. Their professional skills in facilitating different belief systems may also be vital in the successful implementation of the policy in schools.

Richard N. Garnett , (2012 ) The author examines the study contribution to a volume of essays dealing with a range of contemporary challenges – challenges posed by new questions, and by new forces – to religious liberty. It considers the role that religious communities, groups, and associations play – and the role that they should they play – the thinking and conversations about religious freedom and relations. The factors that the model of investigation of the role of religious organizations in system of general education: forms of state-confessional interaction is presented in a comprehensive and complete manner Recognizing the non-confessional form of regulating religion component in the general education system as the most optimal form for modern secular states, it was justified to establish a correlatively equal state support for implementation of general education programs.

Regina Valyute , Dovile Gailutte , 2012 The objective of the study is the implementation of the freedom of religion or belief in educational environment, in particular the use of religious symbols and obligatory religious education, has been, and continues to be, a matter of controversy and discussion freedom of religion or belief and school education is a multifaceted issue that entails significant opportunities and far reaching challenges.

Manisuli Senyonjo (2009), The author analyzes the treatment of the freedom to manifest one's religion in educational institutions in light of recent judicial decisions by these two states' highest courts. From this review of the freedom to manifest religion in educational institutions, one may draw a few conclusions. First, a human rights approach to religion and its public manifestation can provide a language, discourse, and, in some cases, institutional structure for resolving freedom of religion disputes in educational institutions. This approach is understandable given that, in a democratic society where there are several conflicting religious beliefs, it may not always be possible for schools and universities.

Livid Andreeseque , (2008) The author explores the relationship between the principle of academic freedom and religiously-affiliated higher education. The factors based on a general theory concerning the role of universities in a democratic society, and as such they are intended to apply to any such society, irrespective of the particulars of religious higher education in a specific national context. A “secular” standard of academic freedom: arguments on the nature of academic disciplines in religious colleges; arguments concerning the relationship between the institutional mission of religious universities and academic freedom; and arguments from democracy and religious freedom. The paper finds different standard of academic freedom for religiously-affiliated universities; and that, further, a

“secular” standard leaves such institutions adequate room to express their religious dimension.

Michael W, NC Connell (2005), The author underlying purposes of academic freedom would not be advanced by its indiscriminate extension to religious colleges and universities and that, insofar as state action is involved in enforcing the norms of academic freedom, such extension would be unconstitutional. The effect of forcing religious schools to disregard religion in the hiring, tenuring, and disciplining of faculty would be to destroy the distinctive character of these intellectual communities.

Michael S Merry , (2004) The aim of the author which are often confused with values. The education of children is in the Public interest and therefore the state must assume its responsibility to its future citizens to ensure that they receive a quality education. The paper finds the prerogative of parents to educate as they deem appropriate end and the future begins. These freedoms are found in many jurisdictions, and not least because of the influence of international human rights.

#### **Methodology**

The research is in the method of Descriptive research , Responses were collected from all the people through the convenient sampling method and the sample size is 204 . The tool used for the study is a structure questionnaire. The independent variables included in the study were age, gender , education and the dependent variables used for the study is to recognise the principle concerned with equality and fairness in education .SPSS was used to analyze the collected data.

Figures and Tables

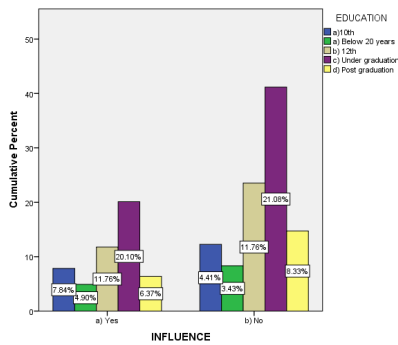


Fig 1 shows that Under graduated peoples are said No that the Private institutions are not influencing the students to practice their religious belief.

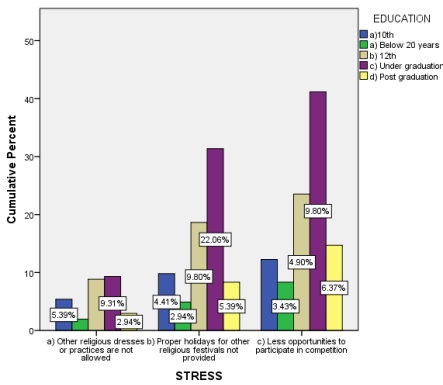


Fig 2 shows that the Under graduated students are highly affected to mental stress because the Private institutions give Less opportunities to participate in competition.

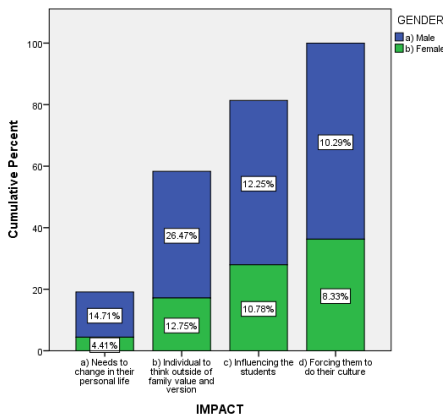


Fig 3 shows that major impact of religious belief in Private institutions are Forcing them to do their culture. The higher responses from Male.

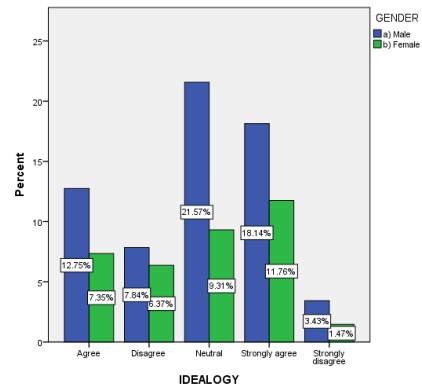


Fig 4 shows that causes of religious discrimination in education by ideology the respondents are highly responded as Neutral because it has various causes.

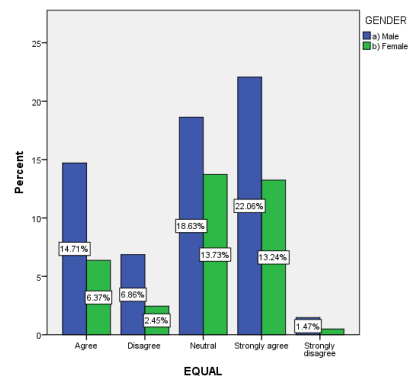


Fig 5 shows that Equal treatment is the main cause of religious discrimination in education and respondents were strongly agreed.

**RESULTS AND DISCUSSION**

Figure 1 says that 51% of people responded Yes for Private institutions influenced the students by their religious belief and 49% of people responded No. Figure 2 says that causes of mental stress due to religious discrimination in Private institution, 44.6% respondents are highly responded for Proper holidays for other religious festivals not provided and lower responses for Less opportunities to participate in competition. Figure 3 says that major impact of religious education in Private institutions, 39.22% respondents are highly responded for individuals to think outside of family values and version, and 18.62% lower responses for Forced to teach other religious beliefs. Figure 4 says that causes of discrimination in education, the Uneven equal access are strongly agreed by the higher level of respondents, the Equal treatment is strongly agreed by 30.88% the higher level of respondents, the Religious ideology is Neutral, the Majority religions are agreed by higher level of respondents. Figure 5 says that 35.3% Equal treatment is the main cause of religious discrimination in education and respondents were strongly agreed.

**TABLE 1**

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
GENDER * IMPACT	204	100.0%	0	0.0%	204	100.0%

**GENDER \* IMPACT Crosstabulation**

Count		IMPACT				Total
		a) Needs to change in their personal life	b) Individual to think outside of family value and version	c) Influencing the students	d) Forcing them to do their culture	
GENDER	a) Male	30	54	25	21	130
	b) Female	9	26	22	17	74
Total		39	80	47	38	204

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.865 <sup>a</sup>	3	.076
Likelihood Ratio	6.982	3	.072
N of Valid Cases	204		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 13.78.

Null Hypothesis:- There is a significant relationship between Gender and opinion of the respondents about Impact of religious belief in Private institutions.

Alternative Hypothesis:- There is no significant relationship between Gender and opinion of the respondents about Impact of religious belief in Private institutions.

**LEGEND:-** ( Table 1) uses chi-square to analyze the relationship between Gender and their opinion on Impact of religious belief in Private institutions.

**TABLE 2**

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
OCCUPATION * PROBLEM	204	100.0%	0	0.0%	204	100.0%

**OCCUPATION \* PROBLEM Crosstabulation**

Count		PROBLEM				Total
		a) Promotions are given to their particular religion	b) Religious practices are not allowed to follow	c) Lack of equality in salaries	d) Forced to teach other religious belief	
OCCUPATION	a) Below 20 years	4	7	4	2	17
	a) Public employee	13	6	0	7	26
	b) Private employee	19	29	13	0	61
	c) Student	11	19	11	4	45
	d) Self employed	9	7	17	8	41
	e) Unemployed	3	3	6	2	14
Total		59	71	51	23	204

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	43.164 <sup>a</sup>	15	.000
Likelihood Ratio	53.627	15	.000
N of Valid Cases	204		

a. 9 cells (37.5%) have expected count less than 5. The minimum expected count is 1.58.

Null Hypothesis:- There is no significant relationship between Occupation and opinion of the respondents on Problem faced by teachers in religious belief Private institutions.

Alternative Hypothesis:- There is a significant relationship between Occupation and opinion of the respondents on Problem faced by the teachers in religious belief Private institutions.

**LEGEND:-** ( Table 2 ) uses chi-square to analyse the relationship between Occupation and opinion of the respondents on Problem faced by the Private institution teachers.

**TABLE 3**

**Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
GENDER * LACK	204	100.0%	0	0.0%	204	100.0%

**GENDER \* LACK Crosstabulation**

Count		LACK		Total
		a) Yes	b) No	
GENDER	a) Male	86	44	130
	b) Female	35	39	74
Total		121	83	204

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	6.948 <sup>a</sup>	1	.008		
Continuity Correction <sup>b</sup>	6.189	1	.013		
Likelihood Ratio	6.912	1	.009		
Fisher's Exact Test				.012	.007
N of Valid Cases	204				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 30.11.

b. Computed only for a 2x2 table

**Null Hypothesis:-** There is a significant relationship between Gender and Lack of religious freedom were the respondents faced lack of religious freedom in private education institutions.

**Alternative Hypothesis:-** There is no significant relationship between Gender and Lack of religious freedom were the respondents faced lack of religious freedom in private education institutions.

**LEGEND:-** The above table uses chi-square to analyze the relationship between Gender and Lack of religious freedom were respondents faced lack of religious freedom in private education institutions.

**IV.CONCLUSIONS**

In conclusion, promoting religious freedom in private educational institutions is a crucial act for society which may affect the peace of the country. While private institutions have the right to establish their own educational regulations, morals and values, it is important to ensure that religious freedom is upheld while respecting the rights and beliefs of other individuals.

By implementing non-discrimination policies, respecting diverse religious beliefs, offering a diverse curriculum, providing opt-out options, promoting faculty and staff diversity, encouraging dialogue and open communication, and establishing oversight and accountability mechanisms, private institutions can create an environment that supports religious freedom and fosters inclusivity and understanding.

Striking a balance between religious freedom and individual rights requires ongoing effort and a commitment to creating a welcoming and respectful educational environment. By embracing these suggestions, private educational institutions can play a vital role in promoting religious freedom, empowering students to embrace their own beliefs, and fostering mutual respect and acceptance among individuals from different religious backgrounds.

**SUGGESTIONS**

Promoting religious freedom in education, particularly in private institutions, is an important aspect of ensuring a diverse and inclusive society. While private educational institutions have the right to establish their own educational philosophies and values, it is crucial to strike a balance that respects both religious freedom and individual rights. Private institutions should strive to create an



inclusive environment where students from various religious backgrounds feel respected and valued.

## REFERENCES

1. Chater, M. 2011. Endpiece: The Gove who kicked the hornet's nest. *Resource: the Journal of the National Association of Teachers of Religious Education* 33, no 3: 24–25.

2. Conroy, J.C., D. Lundie, and V. Baumfield. 2012. Failures of meaning in religious education.

*Journal of Beliefs and Values* 33, no. 3: <Q> pages to be added in proof stage.

Council of Europe. 2008. Recommendation CM/3. Rec(2008)12 of the Committee of Ministers to member states on the dimension of religions and non-religious convictions within intercultural education.

4. Jackson, R. 2007. European institutions and the contribution of studies of religious diversity to education for democratic citizenship. *Religion and education in Europe: Developments, contexts and debates*, ed. R. Jackson, S. Miedema, W. Weisse and J.-P. Willaime, 27–55. Münster: Waxmann.

5. Jackson, R. 2010. Religious diversity and education for democratic citizenship: The contribution of the Council of Europe. *International handbook of inter-religious education*. Vol. 4: Religion, citizenship and human rights, ed. K. Engbretson, M. de Souza, G. Durka and E. Arweck & R. Jackson Gearon, 1121–1151

6. Dordrecht, The Netherlands: Springer Academic Publishers. Jackson, R., J. Ipgrave, M. Hayward, P. Hopkins, N. Fancourt, M. Robbins, L. Francis and U. McKenna. 2010. Materials used to teach about world religions in schools in England. University of Warwick: Department of Children, Schools and Families.

7. Jackson, R., ed. 2012a. *Religion, education, dialogue and conflict: Perspectives on religious education research*. London: Routledge.

8. Jackson, R. 2012. *Religion, education, dialogue and conflict: An introduction*. Religion, education, dialogue and conflict: Perspectives on religious education research, ed. R. Jackson, 3-9. London:

9. Routledge. Keast, J., ed. 2007, *Religious diversity and intercultural education: A reference book for schools*. Strasbourg: Council of Europe Publishing. NATRE (National Association of Teachers of Religious Education). 2011. An analysis of a survey of teachers on GCSE change and RE in light of the EBacc changes: A second survey—June 2011 (v2.2).

10. Birmingham: NATRE. [http://www.natre.org.uk/docstore/NATRE%20EBacc%20Survey2%20report\\_final.pdf](http://www.natre.org.uk/docstore/NATRE%20EBacc%20Survey2%20report_final.pdf) (accessed July 12, 2012). Ofsted (Office for Standards in Education). 2010. *Transforming religious education: Religious education in schools 2006–09*. Manchester: Ofsted. OSCE