
(2015) 06 RAJ CK 0032
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6615/2015

Azmat-E-Rasool(s) Foundation and Others	APPELLANT
Vs	
The State of Rajasthan and Others	RESPONDENT

Date of Decision : 30-06-2015

Acts Referred:

Citation : (2015) 4 WLN 216

Hon'ble Judges : Ajit Singh and Anupinder Singh Grewal, JJ.

Bench : Division Bench

Advocate : R.N. Mathur, Senior Counsel and Syed Saadat Ali, Advocate, for the Appellant; Vishal Sharma on behalf of N.M. Lodha, Advocate General and Anurag Sharma, Additional Advocate General, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard on admission. By this petition, the petitioners have challenged the validity of order dt. 3.2.2015 passed by respondent No. 4 wherein all the students going to Government Middle and Higher Secondary Schools in the State of Rajasthan have been directed to compulsorily participate in the Sessions of singing of national song "Vande Matram", to perform Surya Namaskar, to do Yoga and meditation every morning to be held there.

2. The petitioners represent members of Muslim Community. According to them, national song mentions goddess Durga and its singing will amount to worshipping goddess which is prohibited in their religion. In reply to this submission, the State has referred to the edited version of national song which has been approved by the Congress Working Committee and the edited version does not refer to any goddess. According to the State Government, it is only this edited version of national song has been made compulsory for singing in Government schools.

3. The edited approved version of national song reads as under:-

4. The English translation of national song is as follows:-

"I bow to thee, Mother,

Richly watered, richly fruited, cool with the winds of the south, Dark with the crops of the harvests, the Mother !

Her nights rejoicing in the glory of the moonlight her lands clothed beautifully with her trees in flowering boom sweet of laughter, sweet of speech

The Mother, giver of boons, giver of bliss ! Vande Mataram"

5. From the reading of above-quoted edited approved version of national song, it is clear that there is no mention of any goddess or religion. We are, therefore, of the view that its singing has no religious overtones and no fundamental right of any citizen is violated if he is required to sing the same.

6. As regards direction to compulsorily perform Surya Namaskar and to do Yoga every morning in the school vide order dt. 3.2.2015, the respondent No. 4 has passed another order dt. 29.06.2015 clarifying that Surya Namaskar is part of practicing Yoga and the students will have option to practice or not to practice any particular Yoga. The State Government has thus, made performance of Surya Namaskar and practice of Yoga by the students in all the Government schools as optional.

7. Likewise, with regard to practice of meditation by the students, the Officer in-charge of the case has stated on affidavit on behalf of the State Government that no student will be required to chant any mantra while practicing meditation. Therefore, meditation without chanting of any mantra cannot be held to have any religious overtones. For these reasons, we find no good ground to admit the petition. It is accordingly dismissed.