

**THE INDIAN ETHOS: A COMPREHENSIVE STUDY ON THE  
LIBERTY OF BELIEF, FAITH AND WORSHIP**

A DETAILED REPORT

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SUBMITTED BY

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UNDER THE GUIDANCE OF

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**AMITY UNIVERSITY MUMBAI, MAHARASTRA**

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This is to certify that the report titled “**THE INDIAN ETHOS: A COMPREHENSIVE STUDY ON THE LIBERTY OF BELIEF, FAITH AND WORSHIP**” has been submitted by **Sreejith M.R** in partial fulfilment of the requirements for the degree of **Minor Track (Human Rights)**. We hereby acknowledge that the work presented in this report is the bonafide research work carried out by him under the guidance and supervision of **Dr. Anuja Rane**, Amity Law School, Amity University Mumbai.

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Sreejith M.R  
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**LIST OF ABBREVIATIONS**

Sr. No	Abbreviation	Expansion
1	CH	Chapter
2	Govt.	Government
3	SCI	Supreme Court of India
4	HC	High Court
5	SC	Scheduled Caste
6	ST	Scheduled Tribe
7	Art.	Article
8	IPC	Indian Penal Code
9	BJP	Bharatiya Janatha Party
10	IND-PAK	India - Pakistan
11	IUML	Indian Union Muslim League
12	AAP	Aam Aadmi Party

## ABSTRACT

This research paper focuses on Articles 25-28 of the Constitution of India, 1949 which deals with the Right to Freedom of Religion. It seeks to provide a comprehensive understanding of constitutional articles and legal frameworks that protect religious freedom in India. The study also examines sociological and historical factors affecting freedom of religion, belief, and practice in various parts of the country. It further looks at how much different religious groups have impacted the freedom of religion, faith, and worship among others.

The report explores political challenges and social-cultural sustainability from which arises disagreement over exercising the right to freedom of religion, belief, and worship in India. It analyses the effect that social peace, harmony as well progress which are experienced by countries like India can be attributed to their rights regarding these freedoms.

The aim is therefore to answer several research questions including what rights are given by the Indian constitution concerning an individual's religious beliefs? What causes inconsistencies with such rights? How many ongoing impacts does banning religious customs have on democratic systems within India? Additionally, it will look into ways through which the Indian government has dealt with issues touching on freedom of religion as well as how politics is influenced by religion about safeguarding democracy for all people living in this diverse nation-state.

This work covers many areas because it deals with complex interrelations between politics, law, and religion in India. Thus, policymakers, scholars, or even the general public may find useful insights into these connections so that they can make informed decisions about them. By identifying disparities between cultural norms vis-à-vis constitutional guarantees this study could help illuminate possible avenues for legal/social change – while at the same time contributing towards wider appreciation of democracy within multi-religious societies like ours here where people hold different faiths together under one roof called INDIA.

## Chapter 1 Introduction

The topic of this research is the Right to Freedom of Religion in India as stated in Articles 25-28 of the Constitution of India. The objective of the research is to study the constitutional articles and legal frameworks that protect the right to freedom of religion and belief in India, as well as to examine the social and historical factors affecting freedom of religion across different parts of the country. The research also aims to analyze the political and socio-cultural challenges related to exercising this right in the Indian context. The research questions include the rights provided by the Indian constitution concerning religious beliefs, the reasons for inconsistencies with these rights, the impact of banned religious practices on Indian democracy, the government's approach to religious freedom issues, and the role of religion in upholding Indian democracy. The scope of the research includes the interplay between politics, law, and religion in India, and the study will involve a literature review, case studies, data analysis, comparative analysis, and historical analysis. The research findings may provide insights for policymakers, scholars, and the general public on the complex relationship between religion and state in India and contribute to discussions on democratic values and religious liberties.

### 1.1 Research Objective:

An analysis of the Right to Freedom of Religion in India as stated in Articles 25-28 of the Constitution of India, adopted in 1949.

- To study which constitutional articles and legal frameworks protect the right to freedom of religion and belief in India. This research aims to explore the social and historical factors affecting freedom of religion, belief, and practice across various parts of India.
- To examine how different religious groups contribute towards ensuring that there is freedom of religion, faith, and worship in India.
- To analyze political challenges or socio-cultural sustainability issues related to exercising this right from a perspective on Indian contextuality towards rights-based politics

The objective is to evaluate how much social harmony and peace development are affected by freedom of religion faith and worship being practiced in India.

## 1.2 Research Questions:

- What are the rights provided by the constitution of India concerning the religious beliefs of an Indian citizen?
- What are the underlying reasons and how have social factors of India's evolution led to inconsistencies with the rights guaranteed by the Constitution concerning religion?
- Do religious customs that were deemed illegal and outlawed by the Indian constitution continue to have an impact on Indian democracy?
- How has the Indian government addressed issues related to Freedom of Religion?
- Elucidate how religion affects politics in upholding India's democracy.

## 1.3 Scope of Research:

This research seeks to examine the interplay between politics, law, and religion in India. It attempts to understand the rights guaranteed by the Indian constitution on religious beliefs; the social conditions that lead to the infringement of these rights and also how banned religious practices continue affecting Indian democracy. Additionally, it will investigate how the Government of India dealt with issues around Religious Freedom and the role played by religion in sustaining the democracy of India.

There may be many benefits that can come out of this study; policymakers, scholars, or even ordinary people may find this research helpful in providing them with a deep understanding of the complex relationship existing between religion and state in India. It could identify areas where legal reforms are needed based on contradictions between societal norms versus constitutional freedoms thus putting forward suggestions for social changes as well. Furthermore, while looking at religion's involvement in politics it might also contribute to discussions on the promotion of democratic values within multi-religious societies. Generally, these investigations would widen our knowledge of Indian democracy as well as religious liberties.

## 1.4 Research Methodology

An in-depth study was conducted on this topic by reviewing existing literature. This includes going through the Constitution of India (articles 25-28), other legal documents, academic papers, books, and articles related to freedom of religion in India. Case studies were used to look closely at situations where religious liberty has been contested or protected. These are drawn from legal cases; news reports; historical events etc. In this research qualitative data is obtained from interviews and case studies which can be analyzed using methods such as thematic analysis, while quantitative data is obtained from surveys which can be analysed using statistical methods for trend identification and pattern recognition. Comparing how different countries deal with the issue of religious freedom may offer valuable insights. This means looking at legal provisions, societal attitudes, and case studies from various nations. Understanding what happened in the past is important too so as not to repeat the same mistakes. This therefore entails studying the history of religious communities within India as well as their development over time towards ensuring maximum individual rights protection.

## 1.5 Review of literature

1. Freedom of religion is a basic human right, which is considered the third most important right, after the rights to life and personal liberty, as well as speech and expression. The Indian Constitution acknowledges the autonomy of individuals in their connection with God, but, the Supreme Court of India has used the essentiality test to question this principle. [Freedom of Religion in India: Current Issues and Supreme Court Acting as Clergy: Faizan Mustafa, Jagteshwar Singh Sohi]<sup>1</sup>
2. This Western idea of secularism means that the government should not have anything to do with religion. Things are very different in India than they are in the West because religion plays a big part in people's daily lives. Indian law does not treat people of different religions differently. In India, everyone has the right to religious freedom, and you can't treat people differently because of their religion. The goal of this paper is to look at different ideas about secularism in India and the Indian constitution's protection of

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<sup>1</sup> Mustafa, F., & Sohi, J. S. (2017). *Freedom of Religion in India: Current Issues and Supreme Court Acting as Clergy*. *Brigham Young University Law Review*, 2017, 915.  
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/byulr2017&div=31&id=&page=>

religious freedom. In addition, it shows how important equality and religious freedom are in India. [Secularism and Religious Freedom in India: An Overview: Anas Jameel]<sup>2</sup>

3. The Supreme Court has paid little attention to the consequences of the linguistic discrepancy between Articles 25 and 26 about their interaction with other basic rights. From a textualist perspective, the omission of the term "subject to other provisions of Part III" in Article 26 implies that it may be interpreted as an independent and complete set of rules that are not influenced by other basic rights. This is one of the points that the respondents brought up in the Sabarimala Case. [Interplay of The Right to Religious Freedom with Other Fundamental Rights In the Indian Constitution: A Constructivist Coherence Analysis; Shubhangi Maheshwari and Shrey Nautiyal]<sup>3</sup>
4. The paper examines how India's complex regime of control and management of religious institutions and communities—ironically, Hindu institutions—affects their ability to promote human flourishing and socio-economic uplift among the most marginalized. I also discuss India's diverse religious institutions' freedom from state control, including how minority religious institutions have fewer government restrictions on their freedom to self-identify and self-govern than majority institutions like Hindu temples. Some minority institutions still suffer limits on some elements of their operations, but their independence to govern their affairs may sometimes translate into better agility and the capacity to innovate and thrive in 21st-century India. [The Freedom of Religious Institutions and Human Flourishing in India: A Present and Future Research Agenda: Rebecca Supriya Shah]<sup>4</sup>
5. The research illuminates India's problematic "Freedom of Religion." How it has hindered Indian society's progress and overshadowed other constitutional rights. It also shows that the courts and legislature have failed to implement and regulate freedom of religion as a basic right. Main sources include court decisions, laws, and prominent jurists' views. To support his claim, the author cites two national problems where religious freedom has

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<sup>2</sup> Jameel, A. (2021, March 1). *Secularism and Religious Freedom in India: An Overview*. ResearchGate. <https://doi.org/10.1729/Journal.33023>

<sup>3</sup> Maheshwari, S., & Nautiyal, S. (n.d.). *INTERPLAY OF THE RIGHT TO RELIGIOUS FREEDOM WITH OTHER FUNDAMENTAL RIGHTS IN THE INDIAN CONSTITUTION: A CONSTRUCTIVIST COHERENCE ANALYSIS*. [https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal\\_IJCL\\_volume-10\\_2021-pdf.pdf](https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal_IJCL_volume-10_2021-pdf.pdf)

<sup>4</sup> Shah, R.S. *The Freedom of Religious Institutions and Human Flourishing in India: A Present and Future Research Agenda*. *Religions* 2021, 12, 550. <https://doi.org/10.3390/rel12070550>

been overinterpreted. The research examines the voyage of the Uniform Civil Code and whether the state has fulfilled its constitutional commitment of 'endeavoring to obtain for every citizen a uniform civil code' as stated by Article 44 of the Indian Constitution. It shows the legal effort to outlaw the Jain religious practice 'Santhara' and how popular pressure finally prevails. [Freedom of Religion in India: A Fundamental Right and A Fundamental Impediment; Shivam Kaushik]<sup>5</sup>

6. This article examines the 1950 Indian Constitution's state-religion connection to define the Indian secular model. Despite the aim of separating state and church, the state intervened in religious issues in some situations. The constitution permits people to choose a religion and religious denominations to build and run religious and educational institutions, but it also empowers the state to intervene in religious concerns. The state's obligation to defend the rights of impoverished people in Indian society is a key cause. The study concludes with a short discussion of Hindu nationalists and Indian intellectuals' rising criticism of the secular system and ideology, which they blame on Indian political elite abuses. [Religion and the state according to the Indian Constitution; Erik Sand]<sup>6</sup>
7. The first long-term investigation of the state-religion interaction in South Asia, this book examines Indian secularism's beginnings. It questions whether communalism in India a product of colonial policy and modernization is entirely, whether the Indian state has generally been a benign or disruptive influence on public religious life, and whether the region has spawned a culture of practical toleration. The book covers cow worship and sacrifice, temple and shrine control, religious festivals and processions, proselytizing and conversion, community rioting, and religious teaching/doctrine and family law. It challenges the role of the state in religious life throughout time and regimes and highlights similarities and differences. The work enriches South Asian History and Religion literature." [A History of State and Religion in India; Adam Bowles]<sup>7</sup>

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<sup>5</sup> Kaushik, S. (n.d.). *FREEDOM OF RELIGION IN INDIA: A FUNDAMENTAL RIGHT AND A FUNDAMENTAL IMPEDIMENT*. *Www.academia.edu*. Retrieved April 24, 2024, from [https://www.academia.edu/37456605/FREEDOM\\_OF\\_RELIGION\\_IN\\_INDIA\\_A\\_FUNDAMENTAL\\_RIGHT\\_AND\\_A\\_FUNDAMENTAL\\_IMPEDIMENT](https://www.academia.edu/37456605/FREEDOM_OF_RELIGION_IN_INDIA_A_FUNDAMENTAL_RIGHT_AND_A_FUNDAMENTAL_IMPEDIMENT)

<sup>6</sup> Sand, E. (2009). *Religion and the state according to the Indian Constitution*. *Www.academia.edu*. [https://www.academia.edu/66692358/Religion\\_and\\_the\\_state\\_according\\_to\\_the\\_Indian\\_Constitution?rhid=27965093003&swp=rr-rw-wc-37456605](https://www.academia.edu/66692358/Religion_and_the_state_according_to_the_Indian_Constitution?rhid=27965093003&swp=rr-rw-wc-37456605)

<sup>7</sup> Copland, I., Mabbett, I., Roy, A., Brittlebank, K., & Bowles, A. (2013). *A History of State and Religion in India*. *A History of State and Religion in India*, 47. [https://www.academia.edu/1496805/A\\_History\\_of\\_State\\_and\\_Religion\\_in\\_India?rhid=27965625419&swp=rr-rw-wc-66692358](https://www.academia.edu/1496805/A_History_of_State_and_Religion_in_India?rhid=27965625419&swp=rr-rw-wc-66692358)

8. The chapter examines the practices and counter-practices of religion in modern South India, using Michel Foucault's idea of governmentality. Talal Asad's writings on religion and secularism, as well as the recent discussions on the crisis in Indian secularism, are significant sources of inspiration. Religion arose as a distinct philosophy and practice in India only during the contemporary colonial period. Both colonial and postcolonial states worked to define and establish religion, tradition, and custom, and to eliminate or change its negative features. Modern government creates citizen-devotees whose rights, welfare, and behaviors are protected and regulated. According to Foucault, governmentality involves the interaction between dominant technologies and self-technologies. Collective groupings, such as caste and community groups, have opposed governmental technologies of dominance in India. [Religion in the Time of Governmentality: Conduct and Counter-Conduct in Contemporary South India; Uma Maheswari Bhrugubanda]<sup>8</sup>
9. How do caste beliefs affect India's "development"? What is the connection between these judgments and traditional historical development theories? What impact did British colonization have in shaping modern views of caste as a problem? What are the goals of Indian philosophers, reformers, and politicians in addressing caste excesses? How is caste reflected in modern life? This course examines caste as a concept and actual reality in India to address issues of hierarchy, inequality, and societal transformation. Using historical and anthropological perspectives, this study will examine the significance of caste in Indian society, its debate within and outside the subcontinent, and its widespread influence on economic, political, and religious norms in recent and distant times. [Sample Syllabus: "Caste and Social Change in India"; Hester Betlem]<sup>9</sup>
10. Religion puzzles humans. If not for religions, humanity would have invented them. Man's existence demands a multidimensional universe creator. Since primordial times, supernatural forces, imagination, and religions have affected human behavior and views. Ambedkar: "Ignoring religion is like ignoring a live wire. Like other social influences,

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<sup>8</sup> Bhrugubanda, U. M. (2021). *Religion in the Time of Governmentality: Conduct and Counter-conduct in Contemporary South India. De Natura Fidei: Rethinking Religion across Disciplinary Boundaries. Vol. II.* Edited by Jibu Mathew George. Authors Press.

[https://www.academia.edu/71079732/Religion\\_in\\_the\\_Time\\_of\\_Governmentality\\_Conduct\\_and\\_Counter\\_conduct\\_in\\_Contemporary\\_South\\_India?rhid=27965828288&swp=rr-rw-wc-1496805](https://www.academia.edu/71079732/Religion_in_the_Time_of_Governmentality_Conduct_and_Counter_conduct_in_Contemporary_South_India?rhid=27965828288&swp=rr-rw-wc-1496805)

<sup>9</sup> Betlem, H. (n.d.). Sample Syllabus: "Caste and Social Change in India." *Www.academia.edu*. Retrieved April 24, 2024, from

[https://www.academia.edu/5457542/Sample\\_Syllabus\\_Caste\\_and\\_Social\\_Change\\_in\\_India\\_&nav\\_from=e4e90132-d661-4564-8913-454652e0d882&rw\\_pos=0](https://www.academia.edu/5457542/Sample_Syllabus_Caste_and_Social_Change_in_India_&nav_from=e4e90132-d661-4564-8913-454652e0d882&rw_pos=0)

religion may help or destroy society. A belief in something theoretical and partly practical that brings joy, value, or rewards is religion. Religion and "Dharma" are not alone. India has several religions, including Hinduism, Islam, Christianity, Jainism, Buddhism, Judaism, Taoism, Zoroastrianism, Bahaism, and many smaller and contemporary ones. Unwanted: institutional religion. Everyone may hold and express religious ideas and viewpoints in line with their conscience and sanctioned activities. The 2002 Gujarat riots showed that the present milieu favors religious violence. Religious unrest following Babri Masjid's demolition haunts individuals. Poverty, unemployment, illiteracy, population increase, corruption, and environmental damage have been eclipsed by religion. [Chapter -1 Introduction-Religion and Politics in India: A Historical Perspective; Gajendra Choudhary]<sup>10</sup>

## 1.8 Chapterization Summary

**Chapter 2 deals with freedom of religion (Articles 25-28).** Article 25 guarantees freedom of conscience and the right freely to profess, practice, and propagate religion subject to public order, morality, health, and other provisions. Article 26 gives religious denominations the right to manage their affairs in matters of religion, establish institutions, or acquire property for this purpose; however, it is subject under law as may be enacted by Parliament relating among other things to social welfare and reform or throwing open Temples of any class controlled by Government Hindu Religious Institutions Charitable Endowments Act 1951. Article 27 ensures that no person shall be compelled to pay any taxes for the promotion of a particular religion or religious denomination, but nothing in this article shall prevent payment out of public funds for anything that is done by educational institutions maintained entirely from such funds. This also means if somebody wishes not to get himself/herself educated under religious instruction then cannot be forced to do so against his/her will unless they want it according to; provided also that nothing herein contained shall affect any requirement imposed reasonable ground parent's guardians think necessary safeguarding child's morals health safety education cultural background upbringing. Article 28 says schools receiving aid public revenue must not offer prayers

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<sup>10</sup> Choudhary, G. (n.d.). CHAPTER -1 INTRODUCTION-RELIGION AND POLITICS IN INDIA: A HISTORICAL PERSPECTIVE. *Www.academia.edu*. Retrieved April 24, 2024, from [https://www.academia.edu/39836336/CHAPTER\\_1\\_INTRODUCTION\\_RELIGION\\_AND\\_POLITICS\\_IN\\_INDIA\\_A\\_HISTORICAL\\_PERSPECTIVE?rhid=27966559084&swp=rr-rw-wc-7444829](https://www.academia.edu/39836336/CHAPTER_1_INTRODUCTION_RELIGION_AND_POLITICS_IN_INDIA_A_HISTORICAL_PERSPECTIVE?rhid=27966559084&swp=rr-rw-wc-7444829)

worship conduct religious instruction however exceptions can be made to those established function trust endowments are required as a condition precedent.

### **Freedom of Religion (Articles 25-28)**

**Article 25: Guarantees freedom of conscience and free profession, practice propagation of religion.**

**Article 26: Gives every religious denomination the right to manage its affairs and own matters religion establishes and maintains the institution's charitable endowments.**

**Article 27: Prohibits compulsion of payers for particular religions or establishments requiring them to support these financially through general revenues while allowing a grants-in-aid system where money goes only towards secular education purposes.**

**Article 28: Bans teaching gods at government schools but permits it provided certain conditions such as consent being obtained from parents and guardians; also exempts those established run trusts endowments which make this mandatory.**

**Chapter 3 explores the social elements and discrepancies related to constitutional rights in India.**

It starts by looking at different social settings within the country such as **caste, religion, economic status, ethnicity, and language**. All these are major building blocks of Indian society but at the same time, they greatly influence peoples' cultural practices, individuality, and how they interact among themselves.

The second part of this chapter deals with socio-religious movements in India and their significance. **Many movements can be mentioned here like Brahma Samaj, Arya Samaj, Prarthana Samaj, Ramakrishna Mission etc.** These movements aimed at bringing about social change; they also worked towards equality besides making religious teachings relevant to our present times.

Moreover, it also **examines what religious freedom means in India together with its protection under the Constitution of India**. In this section constitutional provisions relating to freedom of religion are discussed i.e., Article 25, Article 26, Article 27 & Article 28. These articles guarantee the right to freely profess practice and propagate one's religion as well as the right to establish and maintain religious institutions; freedom from taxation for promoting any particular religion and freedom from religious instruction in educational institutions supported by the State among others.

Finally, case studies are used at the end of the chapter which show how complex conflicts arise when individuals exercise their right to practice their religions against societal norms and expectations. For example, **Bijo E Emmanuel vs State of Kerala; Shayara Bano versus the Union of India; Bramchari Sidheshwar Bhai vs State of West Bengal And Saifuddin Saheb vs State Of Bombay**

etc have been discussed here. Such cases give us an insight into what role does judiciary plays while interpreting religious rights vis-à-vis other social considerations.

**Chapter 4 of the paper analyses what happens to the Indian democratic system when certain religious practices are forbidden. It also looks at religious rituals and their limitation in India.**

While ensuring that the Indian Constitution guarantees freedom of religion, it allows for involvement by the state on matters concerning faith but only for social welfare promotion. The chapter then goes through various personal laws based on different religions in India which include marriage, divorce, and inheritance among other family relationships these legislations are often criticized for discriminating against women because they give preference or disadvantage one gender over another depending on its affiliation with a particular faith group and additionally explores prohibitions against acts likely to hurt someone's religious feelings as well controversies over conversion laws Several governments have enacted anti-conversion statutes in India. Some proponents claim that such legislation is necessary to prevent forced conversions while opponents argue that these laws violate individuals' rights regarding freedom of worship. The paper examines situations where constitutional law meets state law in regulating religious conduct within states and highlights conflicts between people.

Rights to practice their chosen religions & the government's need to regulate those practices as well as challenges associated with maintaining religious harmony among diverse communities living together within one nation. Finally, it discusses how to rise of religious nationalism affects secular democracy in a country like India where there is rising Hindu nationalism. **According to this chapter when we talk about inclusive democracy two things become clear; first, no minority can feel safe if the majority feels threatened and second democratic institutions cannot be stable without the protection of individual rights.** Therefore, all these issues should be addressed so that every person may enjoy his/her religion freely while still promoting equality among them.

**Chapter 5 examines the impact of religion on politics in India. It argues that politics and religion have been intertwined in India since it gained independence from Britain in 1947.** While the country's constitution declares it a secular state, religious beliefs continue to significantly affect governance. Political organizations exploit faith during elections, often ignoring ideologies or personalities for identity-based campaigns. This leads to clashes rooted in religion among politicians vying for power at different levels across electoral cycles. Religions also play a major role in shaping legislation within the country; this is particularly true when it comes to personal laws governing marriage, divorce, and inheritances. Additionally, religion influences foreign policy decisions made by Indian governments concerning nations such as Pakistan and Bangladesh.

The input further investigates how religion affects voting behavior patterns among Indians. For instance, according to an opinion poll conducted during the 2019 general elections; different communities

displayed varied party preferences based on their faith affiliations. Hindus largely supported the Bharatiya Janata Party (BJP) while Muslims, Christians, and Sikhs leaned toward Congress party candidate selections. The input establishes that tremendous influence over choices made at ballot boxes can be attributed to religious beliefs which creates a situation where devotion outweighs good governance or even quality of policies.

Furthermore, **the paper discusses about relationship between democracy maintenance in India through its institutions and religious systems.** It looks at both positive and negative roles played by various religions in safeguarding this form of government. The text scrutinizes Hindu nationalism as represented by the BJP which has been accused of being biased towards majority community interests while excluding minority groups from participating fully in the political decision-making process. The Citizenship Amendment Act passed recently is seen as controversial because it seems to target Muslims only thereby marginalizing them further besides supporting the establishment of Hindu statehood as well. Otherwise stated still aggravates communal conflicts especially when there are divisions along lines created by faith where politicians may take advantage for their gains as seen in the input. However, **religious parties also provide a platform for the representation of marginalized sections of society but at the same time, they pose a threat against secularism enshrined within the constitution of India which could lead to further alienation of this minority population.**

*The paper concludes by underscoring the importance of balancing political secularism and plurality in India. Political secularism ensures that no religion is given preferential treatment while political pluralism ensures that all groups irrespective of their faith affiliations are allowed to participate freely in making decisions related to governance. This balance needs to be restored if democracy has a chance to survive an inclusive one for matter since it is based on principles such as secularism and pluralism which recognizes diversity among individuals as well as communities.*

## Chapter 2 Rights Concerning Religious Beliefs in the Indian Constitution.

The Indian Constitution guarantees certain rights concerning religious beliefs. Chapter 1 focuses on the freedom of religion, as outlined in Articles 25 to 28. Article 25 grants individuals the liberty to practice, proclaim, and spread their religion while maintaining their conscience, subject to certain limitations. Article 26 grants religious denominations the right to manage their religious affairs and own and acquire property. Article 27 ensures that no one is compelled to pay taxes for the promotion of any particular religion. Article 28 prohibits religious instruction in state-funded educational institutions unless consent is given by the student or their legal guardian. These provisions aim to strike a balance between individual rights and the general welfare, promoting equal treatment without discrimination based on religion.

### 2.1 Freedom of Religion: Articles 25 to 28 of the Constitution of India

#### **Article 25: Freedom of Conscience and Free Profession, Practice and Propagation of Religion.<sup>11</sup>**

The liberty to practice, proclaim, and spread religion while maintaining one's conscience.

(1) Everyone has an equal right to freedom of conscience and the freedom to profess, practice, and spread their religion, subject to public order, morality, health, and the other requirements of this Part.

(2) This article does not alter the operation of any current laws or prohibit the State from enacting new ones. This includes:

- (a) regulating or prohibiting any political, economic, or social activity that may be connected to religious practice, as well as;
- (b) Offering social welfare and reform programs or opening up Hindu religious institutions of a public nature to all Hindu classes and sections.

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<sup>11</sup> Article 25 in the Constitution of India. (n.d.). *Indiankanoon.org*.  
<https://indiankanoon.org/doc/631708/>

**Article 26: Freedom to Manage Religious Affairs.**<sup>12</sup>

Every religious denomination, or any portion thereof, shall have the following rights, subject to public order, morality, and health:

- (a) to create and maintain institutions for religious and charitable purposes;
- (b) to conduct its religious affairs;
- (c) to own and acquire real estate, both immovable and mobile; and
- (d) to manage such real estate in compliance with the law.

**Article 27: Freedom to pay taxes for the promotion of any particular religion.**<sup>13</sup>

Nobody should be forced to pay taxes whose earnings are expressly designated to cover costs associated with the upkeep or promotion of any specific religion or religious section.

**Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions.**<sup>14</sup>

- (1) No educational institution that is fully funded by the state may provide religious teaching.
- (2) If an educational institution was founded under a trust or endowment that mandates that religious instruction be provided there, then nothing in section (1) shall apply to such institution.
- (3) A student enrolled in a state-approved educational institution or receiving financial assistance from the state shall not be obliged to participate in religious instruction or worship held there or on any property connected to the institution, unless the student, or in the case of a minor, his legal guardian, has granted permission to do so.

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<sup>12</sup> Article 26 in the Constitution of India. (n.d.). *Indiakanoon.org*.  
<https://indiakanoon.org/doc/1858991/>

<sup>13</sup> Article 27 in the Constitution of India. (n.d.). *Indiakanoon.org*.  
<https://indiakanoon.org/doc/211413/>

<sup>14</sup> Article 28 in the Constitution of India. (n.d.). *Indiakanoon.org*.  
<https://indiakanoon.org/doc/1734560/>

## 2.2 Secularism and Religious Freedom in India: An Analysis of Constitutional Provisions and Their Conditions

**Article 25<sup>15</sup>** provides for the right to freedom of thought, conscience, and religion, including the freedom to change one's beliefs or religion and to manifest that religion or belief, alone or in community with others, in public or private. It also guarantees the right not to profess any religion. This article states that religious rituals should be distinguished from activities of a non-religious nature connected with them; it allows states to control or restrict commercial, financial, political, or other non-religious activities that may be associated with religious practices. Restrictions on these freedoms can only be imposed where they are necessary for public safety, order, health, or morals.

According to **Article 26<sup>16</sup>** every religious denomination or its representatives have the right to establish and maintain institutions for religious charitable purposes as well as the right to manage their affairs independently; acquire possess property movable immovable lawfully held; and administer such Property. The exercise of these rights should be subject only to limitations prescribed by law which are necessary to protect public morality order health safety within society generally.

Under **Article 27<sup>17</sup>** no person shall be compelled to pay taxes which directly or indirectly particular religious denomination or any part thereof funds support thereof. It upholds neutrality on matters concerning religions and prohibits the state from funding promoting favoring certain over others but this does not prevent governments from giving financial aid for educational purposes nor does it prohibit state subsidies granted under neutral criteria applicable alike persons irrespective of their beliefs and convictions. Such support must maintain fairness among different groups and ensure equality before law individuals.

In **Article 28<sup>18</sup>** teachings designated in this provision may not taught by schools wholly funded government however school authorities whose establishments do receive full state funding may

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<sup>15</sup> Article 25: Freedom of conscience and free profession, practice and propagation of religion - Constitution of India. (2023, March 31). Constitution of India.

<https://www.constitutionofindia.net/articles/article-25-freedom-of-conscience-and-free-profession-practice-and-propagation-of-religion/>

<sup>16</sup> Article 26 of the Indian Constitution. (n.d.). Indian Constitution Articles, All IPC Sections PDF Print. Retrieved April 22, 2024,

<https://indianconstitution.guru/constitution-of-india/part-3/article-26/>

<sup>17</sup> Article 27. Garg, R. (2022, July 20). Article 27 of the Indian Constitution. IPLeaders.

<https://blog.ipleaders.in/article-27-of-the-indian-constitution/>

<sup>18</sup> Article 28 in the Constitution of India. (n.d.). Indiakanon.org.

offer teaching provided parents and guardians give their consent thereto. It ensures that schools receiving financial assistance government remain secular while allowing administrations to run affordable independent schools to teach about faiths other than Christianity if desired by pupils' parents.

By following these provisions, we can establish a balance between individual rights and general welfare; respect for equal treatment without discrimination based on religion.

### **2.3 An Analysis of the Limitations on Religious Freedom: A Study on Articles 25, 26, 27, and 28 of the Indian Constitution.**

**Article 25<sup>19</sup>** states that everyone has the right to freedom of thought, conscience and religion. This includes the freedom to change one's belief or religion and the 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. The exercise of these rights may be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others.

**Article 26<sup>20</sup>** provides that churches shall have autonomy over their affairs; this includes the establishment and maintenance of religious institutions; management of the religious property; and control over rites, ceremonies, practices, and traditions. However, this autonomy is subject to public order; morality; health considerations.

According to **Article 27<sup>21</sup>**, no person shall be compelled to pay any taxes levied specifically for purposes benefiting any particular religion or religious denomination. No one should be required to receive religious instruction at any education institution wholly maintained by out-of-state funds where such instruction forms part of the curriculum unless that person himself desires it.

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<https://indiankanoon.org/doc/1734560/>

<sup>19</sup> M. J. I. (2020, November 3). Article 25 of the Indian Constitution Right to Freedom of Religious Conscience. <https://theindianconstitution.com/article-25-religious-conscience-freedom/>

<sup>20</sup> Mohapatra, R. (2024, January 20). Detailed Notes and Cases on Article 26 of the Indian Constitution. CLATalogue.

<https://lawctopus.com/clatalogue/clat-pg/article-26-of-indian-constitution/>

<sup>21</sup> Patil, A. (n.d.). Freedom from Taxation for Promotion of a Religion (Article 27) - Indian Polity Notes. Prepp. <https://prepp.in/news/e-492-freedom-from-taxation-for-promotion-of-a-religion-article-27-indian-polity-notes>

**Article 28<sup>22</sup>** declares that there must not be imposed upon children attending schools wholly maintained by the state any form of religious education which does not accord with the wishes of parents or guardians. This provision does not apply if attendance is otherwise than at such school is lawful parental consent has been obtained before applying for admission thereto; neither does it prevent reasonable exemptions being made respect from all or part thereof.

In order however, as above mentioned ensure equality before the law within the territory jurisdiction thereof Article 28 permits limitation exercise of these rights only so far as may be necessary having regard for other persons' rights protected under national security laws.

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<sup>22</sup> Patil, A. (n.d.). *Freedom from Attending Religious Instruction (Article 28) - Indian Polity Notes*. Prepp. <https://prepp.in/news/e-492-freedom-from-attending-religious-instruction-article-28--indian-polity-notes>

## Chapter 3: Social Factors and Inconsistencies with Constitutional Rights

### 3.1 Investigating the Diverse Social Environment of India: Analysing the Influence on the Society.

#### **Ethnicity:**

India is home to many different ethnic groups, each with its own unique culture, traditions, and ways of living. In India, ethnicity can often be seen as a tool used by people to achieve certain aims or goals. Usually, these expectations are based on shared features such as common language, religion, history, etc., which promote unity among members of the same ethnic group and differentiate them from others. The reason behind the rise of ethnic movements in India lies in the enormous diversity existing within this country; therefore, it is not surprising that such movements do their best to protect languages, cultures, and ways of life that are specific to some particular communities<sup>23</sup>.

#### **Language:**

India boasts an incredible linguistic variety – there are hundreds if not thousands of different languages spoken all over this landmass! Having so many tongues has greatly influenced social interactions and personal identification processes too. Linguists have classified Indian languages into four families: Indo-Iranian; Dravidian; Austroasiatic (Munda); Tibeto-Burman (Himalayan)<sup>24</sup>. Each one has its script systems along with a rich written heritage behind them; also, English became particularly important for gaining social status after the British colonization period<sup>25</sup>.

#### **Region:**

The diverse geographical features found across India have created various cultural practices, languages spoken cuisines eaten, etc.; all these being peculiar only to specific locations within the country's boundaries. Physical geography has played a vital role in shaping civilization here because several types of terrain coupled with varying climates posed challenges that had to be overcome thus giving birth to civilizations along rivers like Indus & Ganges basins where fertile plains were found. Terrains such as

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<sup>23</sup> Lotus Arise. (2022, October 6). *Ethnicity and Identity Movements in India - UPSC*. <https://lotusarise.com/ethnicity-and-identity-movements-in-india-upsc/>

<sup>24</sup> Verma, R. (2015, June 22). *How India changed the English language*. *Www.bbc.com*. <https://www.bbc.com/culture/article/20150619-how-india-changed-english>

<sup>25</sup> TimeLine, T. (2021, March 18). *Redefining Colonial Legacies: India and the English Language*. *Harvard Political Review*. <https://harvardpolitics.com/redefining-colonial-legacies-india-and-the-english-language/>

the Western Ghats or Himalayan Mountains functioned as barriers leading to the development of regional cultures and customs being different from each other.<sup>26</sup>

### **Economic Status:**

In India, economic disparities tend to overlap with other social categories like caste religion thereby affecting social ranking systems<sup>27</sup>. Mostly downtrodden communities face many economic hardships i.e. poverty, lack of good education facilities, healthcare, etc. India's economic fortunes depend on several factors including global conditions for trade; investment climate within the country itself as well as outside it through Multinational Companies that may set up branches or factories here; local demand patterns which can be either stimulated or increased by government policies designed to spur economic growth<sup>28</sup>. Economic growth would help reduce poverty thus requiring state intervention through the creation of more jobs.

### **Religion:**

Religion is very central to Indian society and it influences almost every aspect of life such as behavioral patterns, moral values, and even social identities themselves. Four major world religions i.e. Buddhism, Hinduism, Jainism & Sikhism originated from India alone and are collectively known as Dharmic Religions or Indic Religions whose adherents make up about 83% of India's population<sup>29</sup>. Religious minorities tend to face challenges both at societal levels (marginalization) & individual levels (economic opportunities). Throughout history religion has always played major roles in shaping politics; culture; economy etc., therefore having been a significant factor behind several historical events including wars among others.

### **Caste:**

The caste system continues to be one of the most deep-rooted social orders in India used to marginalize and exclude people based on their birth status. Caste is still a significant determinant of political alliances election tactics policy goals country like ours though other factors like religion language regionalism socioeconomic inequality also play a role in figuring out these variables<sup>30</sup>. Caste affects a

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<sup>26</sup> Vedanta, R. (2024, February 22). *Impact of Geography on Indian Society and Culture*. Medium. <https://medium.com/@ravivedantaias/impact-of-geography-on-indian-society-and-culture-a9c49f4d7fbf>

<sup>27</sup> The World Bank. (2023, September 27). *India Overview*. World Bank; World Bank. <https://www.worldbank.org/en/country/india/overview>

<sup>28</sup> Singh, T. (2021). *Economic growth and the state of poverty in India: sectoral and provincial perspectives*. *Economic Change and Restructuring*. <https://doi.org/10.1007/s10644-021-09345-5>

<sup>29</sup> Wikipedia Contributors. (2019, March 4). *Religion in India*. Wikipedia; Wikimedia Foundation. [https://en.wikipedia.org/wiki/Religion\\_in\\_India](https://en.wikipedia.org/wiki/Religion_in_India)

<sup>30</sup> Bhargavi, D. P. H. (2023, August 20). *Preserving India's Cultural Heritage: The Role of Languages*. *Www.thehansindia.com*.

<https://www.thehansindia.com/featured/sunday-hans/preserving-indias-cultural-heritage-the-role-of-languages-816891>

person's entire life economically from primary school level up to retirement age where he or she may still find himself or herself not employed due to this discriminatory practice.

Sometimes these factors are mixed thereby creating complex social situations and inequalities. In terms of social stratification, an individual's caste system may affect how they bring up their children as well as which community they belong to or what faith they practice. It is important to appreciate this knowledge about the causes of inequality if we want our efforts for equalization in India to succeed.

### **3.2 Analyzing the Influence and Importance of Socio-Religious Movements in India<sup>31</sup>.**

#### **Brahmo Samaj<sup>32</sup>**

Raja Ram Mohun Roy founded the Brahmo Samaj in 1828 as an association devoted to reforming Hinduism. It rejected idolatry and superstition while promoting monotheism. Keshub Chandra Sen then took over leadership and renamed it the Brahmo Samaj of India, implementing more radical changes.

#### **Arya Samaj<sup>33</sup>**

Swami Dayanand Saraswati started the Arya Samaj in 1875 with the goal of social reform within Hindu society. Equality was one principle that they advocated for, along with the abolition of child marriage and caste prejudice among others. He also defined what he believed were true teachings of Hinduism and called for their restoration.

#### **Prarthana Samaj<sup>34</sup>**

The Prarthana Samaj was set up by Dadoba Pandurang and Atmaram Pandurang in 1867 as a means to bring about change through adopting modern ideals. Having been influenced by Brahmo Samaj, there were several shared principles between these two organizations.

#### **Ramakrishna Mission<sup>35</sup>**

Swami Vivekananda led the Ramakrishna Mission which aimed at making the Hindu faith more relevant to contemporary times so that it can be easily understood by people from diverse backgrounds. In this movement, universal aspects of Hinduism were emphasized while advocating for acts of charity.

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<sup>31</sup> Team, C. (2021, December 28). *Socio-Religious Movements in India*. ClearIAS. <https://www.clearias.com/socio-religious-movements-india/>

<sup>32</sup> Wikipedia Contributors. (2019, October 21). *Brahmo Samaj*. Wikipedia; Wikimedia Foundation. [https://en.wikipedia.org/wiki/Brahmo\\_Samaj](https://en.wikipedia.org/wiki/Brahmo_Samaj)

<sup>33</sup> Wikipedia Contributors. (2019, April 23). *Arya Samaj*. Wikipedia; Wikimedia Foundation. [https://en.wikipedia.org/wiki/Arya\\_Samaj](https://en.wikipedia.org/wiki/Arya_Samaj)

<sup>34</sup> Prarthana Samaj. (2023, September 22). Wikipedia. [https://en.wikipedia.org/wiki/Prarthana\\_Samaj](https://en.wikipedia.org/wiki/Prarthana_Samaj)

<sup>35</sup> Ramakrishna Mission. (2021, April 21). Wikipedia. [https://en.wikipedia.org/wiki/Ramakrishna\\_Mission](https://en.wikipedia.org/wiki/Ramakrishna_Mission)

### **Aligarh Movement<sup>36</sup>**

Sir Syed Ahmad Khan started the Aligarh Movement to create awareness among Muslims about education reforms required according to changed social customs prevailing at that time in India; thus, paving the way towards higher education among Muslims especially girls who had been left behind in other communities' due assorted reasons.

### **Theosophical Society<sup>37</sup>**

Madam H.P. Blavatsky & Col.S. Olcott jointly set up the Theosophical Society (TS) in 1875 intending to promote the idea of brotherhood of all men without regard for race, religion, or sex, etc where any person could join irrespective of his/her color/creed etc; influencing both Indian societies as well struggle for independence.

### **3.3 Religious Freedom in India: Constitutional Provisions vs Societal Forces**

The Constitution of India guarantees every citizen the right to freely profess, practice, and propagate his religion according to Article 25 titled "Freedom of conscience and free profession, practice and propagation of religion".<sup>38</sup> However, this right is not absolute but subject to public order, morality, and health among others. For instance, triple talaq or quick divorce in Islamic law has been criticized for being discriminatory against women<sup>39</sup>. The apex court declared it unconstitutional stating that it violated the right to equality as enshrined in fundamental rights.

Article 26 grants freedom in matters of religion: Every religious denomination shall have the right to establish and maintain institutions for religious or charitable purposes; manage its affairs in matters of religion; own acquire administer any property movable or immovable etcetera. But this too is subject to public order, morality, and health among other things. An interesting case where freedom of religion came into conflict with gender equality was the Sabarimala issue.

According to Article 27, no tax can be levied which is used for the promotion of any particular religion: A tax cannot be imposed by the state on grounds that it is meant for furthering propagation or

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<sup>36</sup> Wikipedia Contributors. (2019, April 18). Aligarh Movement. Wikipedia; Wikimedia Foundation. [https://en.wikipedia.org/wiki/Aligarh\\_Movement](https://en.wikipedia.org/wiki/Aligarh_Movement)

<sup>37</sup> Theosophical Society. (2022, May 9). Wikipedia. [https://en.wikipedia.org/wiki/Theosophical\\_Society](https://en.wikipedia.org/wiki/Theosophical_Society)

<sup>38</sup> Maheshwari, S., & Nautiyal, S. (n.d.). INTERPLAY OF THE RIGHT TO RELIGIOUS FREEDOM WITH OTHER FUNDAMENTAL RIGHTS IN THE INDIAN CONSTITUTION: A CONSTRUCTIVIST COHERENCE ANALYSIS. [https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal\\_IJCL\\_volume-10\\_2021-pdf.pdf](https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal_IJCL_volume-10_2021-pdf.pdf)

<sup>39</sup> Triple talaq in India. (2022, October 22). Wikipedia. [https://en.wikipedia.org/wiki/Triple\\_talaq\\_in\\_India](https://en.wikipedia.org/wiki/Triple_talaq_in_India)

preservation of any one faith or sect thereof. However, there have been debates about whether government support of religious institutions/activities indirectly promotes some religions.

Article 28 prohibits giving religious instruction at any educational institution wholly maintained out of state fund: Freedom as to Attendance at Religious Instruction or Religious Worship in Certain Educational Institutions<sup>40</sup>; provided that this does not apply if such instruction is being given to an endowment trust managed by the state stipulating thereon establishment.

These articles aim at safeguarding peoples' rights regarding worship while maintaining a secular state. Nevertheless, diverse social factors like cultural traditions, normative expectations within societies as well belief systems attached to various religions continue causing misunderstanding around the interpretation and application of these principles thus leading to conflicts or contradictions sometimes. It remains hard to strike a balance between these rights and equality, justice under the law.

### 3.4 Case Analyses

According to Article 25 of the Indian Constitution which is titled "Freedom of conscience and free profession, practice, and propagation of religion", every Indian citizen has the right to profess, practice and propagate his/her religion freely. However, this right is not absolute but subject to public order, morality as well as health.

**Bijo E Emmanuel vs State of Kerala**<sup>41</sup>: In this case, three students belonging to Jehovah's Witnesses were expelled from school for not singing the national song of India because it amounted to worshipping idols. Their religious belief prevented them from participating in such activities. Such an act infringes upon their fundamental freedom of religion guaranteed by the Supreme Court which held that deportation was illegal. This highlighted a clash between individual rights to practice one's faith with societal norms and expectations.

**Shayara Bano vs Union of India**<sup>42</sup>: The Supreme Court declared triple talaq or instant divorce pronounced thrice at once by Muslim husbands as violative of equality before law. This decision therefore made this kind of unlawful. It also exposed tension between people's basic rights and acts done by religious bodies.

Article 26 guarantees freedom to manage religious affairs: The right to form and maintain institutions for charitable or religious purposes; the right of every religious denomination (to) manages its affairs

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<sup>40</sup> *Constitutional and Legal Challenges Faced by Religious Minorities in India. (n.d.). USCIRF.*

<https://www.uscirf.gov/publications/constitutional-and-legal-challenges-faced-religious-minorities-india>

<sup>41</sup> Ahmed, Z. S. (2023, February 6). *Bijoe Emmanuel v State of Kerala - Case Analysis - Law Corner. Law Corner.* <https://lawcorner.in/bijoe-emmanuel-v-state-of-kerala-case-analysis/>

<sup>42</sup> Mahawar, S. (2022, October 21). *Shayara Bano v. Union of India. Ipleaders.* <https://blog.ipleaders.in/shayara-bano-v-union-of-india/>

in matters of religion; and acquire movable as well immovable property are protected under this provision. However, this also depends on such limits as public order, morality, and health.

**Bramchari Sidheshwar Bhai vs State of West Bengal**<sup>43</sup>: A denomination has the right to govern its affairs in relation to questions touching upon any particular faith is what the court held in this matter. Therefore, religious groups should be allowed to run their internal organizational structures without interference from outside authorities.

**Saifuddin Saheb vs State of Bombay**<sup>44</sup>: The Bombay Prevention of Excommunication Act 1949 was upheld by the court which stated that power excommunicate is not an essential part of religion and hence does not fall under Article 26. This showed a contradiction between individual rights and actions taken by religious organizations.

Article 27 guarantees freedom from taxation for the promotion of any particular religion: The state shall not impose tax whose proceeds are used directly or indirectly for promoting or maintaining any specific religion as interpreted by courts. However, **there have been debates about government funding religious bodies or activities that imply a bias towards some faiths.**

Any educational institution that is wholly maintained out of State funds shall not provide religious instruction under Article 28 of the Indian Constitution, which is named “Freedom as to Attendance at Religious Instruction or Religious Worship in Certain Educational Institutions.” However, this rule does not apply if any university is established by the state but endowed by it with a trust deed or other instrument requiring such teaching to be given there.

**D.A.V. College vs The State of Punjab**<sup>45</sup>: In this case, the Court held that teaching about Guru Nanak Dev Ji did not amount to religious instruction in an institution receiving aid from the State and thus did not violate Article 28. This example showed how close we are sometimes between teaching religion and teachings religions.

The judiciary has played an important role in shaping India’s debate on religious rights. These incidents reveal the need for a delicate balance between individual freedom of religion and societal norms or expectations.

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<sup>43</sup> *Verdict, C. (1995, July 2). Bramchari Sidheshwar Shai & Ors. etc. Vs. State of West Bengal etc. Court Verdict.* <https://courtverdict.com/supreme-court-of-india/bramchari-sidheswar-shai-ors-etc-vs-state-of-west-bengal-etc>

<sup>44</sup> *Sardar Syedna Taher Saifuddin Saheb v. State Of Bombay ., Supreme Court Of India, Judgment, Law, casemine.com. (n.d.).* <https://www.casemine.com>. Retrieved April 23, 2024, from <https://www.casemine.com/judgement/in/5609aafae4b014971140b64b>

<sup>45</sup> *D.A.V. College, Etc v State of Punjab and Others on 05 May 1971 - Judgement - LexTechSuite. (1971, May 5).* <https://lextechsuite.com/DAV-College-Etc-Versus-State-of-Punjab-and-Others-1971-05-05>

## **Chapter 4: Impact of Outlawed Religious Customs on Indian Democracy**

The discusses the impact of outlawed religious customs on Indian democracy. It begins by exploring the investigation of religious practices and their prohibition in India. The chapter then delves into various personal laws relating to religion, such as marriage, divorce, and inheritance, and how they have been seen as limiting the rights of women. It also discusses the banning of actions that upset religious sentiments and the debate surrounding legislation on religious conversion. The chapter concludes by examining the conflicts between constitutional law and state law in regulating religion in India, and the rise of religious nationalism and its impact on India's secular democracy.

### **4.1 Investigation of religious practices and their prohibition in India**

There are many dimensions to India's religious attachment which is not surprising due to the country's diversity, as it is known for cultural diversity and religious pluralism. Indian Constitution does not allow state intervention in matters of religion for social welfare but still protects its citizen's right to freedom of conscience, practice, and propagation of religion under Article 25. This chapter discusses various aspects of this right by giving a redressal mechanism wherever it is infringed. The discussion begins with the requirement to follow personal laws based on religion, followed by acts that outrage religious sentiments (Section 295A IPC), as well as spreading hatred between religions through words, gestures, etc. In addition to these issues, the issue of laws relating to conversion from one religion to another has also been discussed.

### **4.2 Various Personal Laws Relating to Religion**

In India, there are different areas such as marriage, divorce, inheritance, and other family relationships where personal laws based on religion apply. These rules extend to every aspect of life from birth to death. There are separate rules for each community derived from their respective sacred scriptures and rituals which vary according to their traditions. Hindus, Buddhists, Jains and Sikhs adopt Hindu Personal Law while Muslims use Muslim Personal Law derived from Sharia law. Many times, people have seen these limitations as a way to hold

back women or keep them unequal. For instance: "*triple talaq*"<sup>46</sup> In Muslim Personal Law, a man could end his marriage by saying the word "talaq" three times. In 2017, the Supreme Court of India said this was unconstitutional because it's complete discrimination and gender avoidance towards women.<sup>47</sup> This pivotal ruling stood for a notable stride towards achieving gender parity in India.

### 4.3 Banning Actions that Upset Religious Sentiments

The Indian Penal Code (IPC) includes provisions that criminalize actions with the intention of causing offense to religious sentiments. *Section 295A of the Indian Penal Code (IPC)*<sup>48</sup> prohibits intentional and malevolent actions aimed at offending the religious sentiments of any group by insulting their religion or religious beliefs<sup>49</sup>. This legislation aims to uphold social cohesion in a heterogeneous society such as India.

However, this legislation has sparked controversy due to its frequent use in stifling freedom of expression. Detractors contend that the legislation is ambiguous and open to interpretation, resulting in its improper application. Artists, writers, and scholars have faced legal charges for expressing views that were considered offensive by specific religious groups.

### 4.4 The Debate Regarding Legislation on Religious Conversion

Over the past few years, a number of Indian states have enacted legislation to govern religious conversions, commonly known as "anti-conversion laws". Typically, these laws mandate that individuals must obtain prior authorization from the state before changing their religion. Advocates assert that these laws are essential for preventing coerced conversions, while opponents argue that they violate the fundamental right to religious freedom.

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<sup>46</sup>Triple talaq in India. (2024, February 29). Wikipedia.

[https://en.wikipedia.org/w/index.php?title=Triple\\_talaq\\_in\\_India&oldid=1210979617](https://en.wikipedia.org/w/index.php?title=Triple_talaq_in_India&oldid=1210979617)

<sup>47</sup> Kale, S. (2017, August 22). India Moves to Ban Unjust "Instant Divorce" in Landmark Ruling.

<https://www.vice.com/en/article/kzz3kw/india-moves-to-ban-unjust-instant-divorce-in-landmark-ruling>

<sup>48</sup> Garg, R. (2023, May 23). 295A IPC punishment. IPleaders. <https://blog.ipleaders.in/295a-ipc-punishment/>

<sup>49</sup> <https://2009-2017.state.gov/documents/organization/171754.pdf>

#### 4.5 Debate on the Religious Conversion Bill

Authorities in many Indian states have presented “anti-conversion laws”<sup>50</sup> in recent years. Such laws typically require state permission to change religions. Critics contend that they infringe upon religious freedom, while their proponents believe that they prevent conversions obtained through duress. India is a tough nut to crack. Especially when it comes to social reform and religious freedom. The courts have done what they can, but their power only goes so far. They often invade the private space of religion and inhibit the progress of society. But again, a tough nut to crack. In India you need religious freedom, and you also need social reform for progress and justice — especially in such a diverse country. A July 2019 court ruling that declaring talaq (the Arabic word for divorce) three times automatically dissolves a marriage was another blow against gender inequality. The Supreme Court majority said that triple talaq was unconstitutional. The government then outlawed it — a move backed by many Muslims but denounced as an infringement on their faith by some conservatives. But the judiciary also has a role in enforcing laws without regard to religion. One recent example was its order that women be allowed to enter the Sabarimala temple; another was its quashing of a ban on cow slaughter imposed by Prime Minister Narendra Modi’s Bharatiya Janata Party (BJP) in Maharashtra state. So, its role goes beyond the regulation of religion. It protects constitutional values, promotes social reform, and mediates the tension between religious liberty and social change. For these reasons, it will always have a difficult job to do if India is to become more just and fairer.

#### 4.6 Religious Regulation in India: Constitutional and State Conflicts

In India, there are many religious regulations that expose the tensions between constitutional law and state law. The state has a challenging time reconciling constitutional freedom of religion with its regulatory power over religious practices for assorted reasons like safeguarding minority rights, preserving cultural traditions, and ensuring lawful public conduct. This is the source of the above description of tension.

India uses a complicated mechanism in performing religious rites because it has many religions. An example in this case is personal rules based on people’s faiths which Indians use to administer their religious ceremonies. Wedding, divorce, adoption, and inheritance cases

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<sup>50</sup> Qureshi, I. (2021, December 21). *Indian Christians fear attacks or jail over conversions*. BBC News. <https://www.bbc.com/news/world-asia-india-59724425>

among others are governed by these laws which are different in each of the major faiths practiced in the country. Besides managing educational facilities that belong to minority communities, there is also control by the government on such schools. It is done so that these institutions can conform to national policies and standards of education.

Another way through which religion is governed in India involves monitoring conversions into other religions. Such conversions are under surveillance by the government to avoid those that may be forced onto citizens as well as to preserve peace among different religious groups. There are prohibitions on using religious language while campaigning so as not to exploit emotions attached to beliefs at times when gaining political mileage seems necessary from them. Additionally, any act that might incite enmity grounded on religion or disrupt peace within society is illegal.

The term "secular" was incorporated into the Indian constitution in 1976. This signifies the state's impartiality towards all religions. However, it doesn't mean the state is indifferent to religion. Instead, it strives to ensure equal respect and protection for all religions under its authority. This unique framework of state-religion interaction in India is a testament to the country's commitment to keeping religious harmony amidst its diverse religious landscape.<sup>51</sup>

This system was introduced in India during the time of British colonialism, and it provides major religious communities with their own norms for families concerning marriage, divorce, inheritance, and adoption. This is a classic example of how constitutional law may coexist alongside religious regulation, which has continued to exist long after a country's independence. Also, it proves such tensions between constitutional ideas of equality and non-discrimination when they are not in harmony with personal legislation.

In such situations where the state's norms contradict the constitution on religious practices due to India being a federal state there always have been conflicts. Various states have laws that make it difficult for members of minority religions to practice them freely. While freedom of religion is protected by the Constitution some legislation violates this right. Two rules from this list are: changing one's religion or killing an animal.

The primary aim of anti-conversion laws also known as religious conversion laws sometimes is to prevent people from changing faiths by force or fraud among other means. Critics however see these legislations as more often used to ban conversions per se, especially into minor

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<sup>51</sup> Teater, K. M., & Jenkins, L. (2019, April 26). *Religious Regulation in India*. *Oxford Research Encyclopaedia of Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.845>

religions which violate individual right to exercise personal freedom of religion. In Hinduism cows are considered sacred; therefore, laws preventing cow slaughter reflect the feelings of most Hindus on religion. Nonetheless, these regulations have been criticized because they hinder people who work in cattle and leather industries from earning their daily bread; besides they affect the eating habits of ethnic minorities like Christians or Muslims too. It does highlight India's varied religiously and culturally. In a way that contradicts the country's constitutional concept of religious freedom, indeed. But it shows you how difficult it is to guard people's rights while also respecting religious feelings in a society with so many religions. All of these problems need to be fixed so that religious freedom laws don't get in the way of fairness and acceptance. Protecting religion has always been a process and it changes all the time due to the faith and social situation of the country are constantly changing as well.<sup>52</sup>

Despite being protected by the constitution and legislative demands; obstacles are still a present issue. There have been many instances where people of different religious backgrounds clash over differences, leading to violence or religious intolerance. These scenarios are important. It's hard to find common ground when everyone is trying to keep their individuality while keeping the peace within society too, but it must be done.

Communities that have a variety of beliefs want them to be protected and often times state legislatures don't address these issues which only makes the situation worse. Strife like this occurs because there's an unsteady balance between what people believe in and how much freedom they should get from it. Try though we might, this equilibrium is very delicate.

This issue has always been more noticeable in communities with various religions as well, especially when the state needs to factor in all of their separate practices and constitutional principles into account. But as time goes on and cultures continue to adapt and change, these problems will only increase if not addressed properly. The best thing we can do then is keep talking about it openly and negotiating until every religious group is treated justly for who they are.

#### **4.7 Religious Nationalism and Its Impact on India's Secular Democracy?**

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<sup>52</sup> Teater, K. M., & Jenkins, L. (2019, April 26). *Religious Regulation in India*. *Oxford Research Encyclopaedia of Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.845>.

Religious nationalism is a big problem. When religious nationalism and political power get together democracy's secular fabric is under threat, and that's not good. It's not hard to see the damage when you look at India.

India has always been a place of strong secularism, but in recent years we've seen the rise of religious nationalism. As it turns out, this scares people both in our country and abroad. The secular democracy that India stands on relies on all religions being treated the same way. The Constitution even bans religious discrimination and gives freedom to religion. But many are afraid that this will all change with Hindu nationalism.

*Hindu nationalism, or Hindutva, as it is commonly known, is a political ideology that looks to set up the hegemony of Hindus and the Hindu way of life. Proponents of Hindutva argue that India should be a Hindu nation, despite its diverse religious landscape that includes significant populations of Muslims, Christians, Sikhs, Buddhists, Jains, and others.*<sup>53</sup>

It was hard to miss the inextricable bond between Hindutva philosophy and the Bharatiya Janata Party (BJP) – the ruling national party in India today. Some people say that the BJP uses religious symbols and language during its election campaigns as part of a plot to excite Hindu supporters. It is upon this backdrop that religious nationalism has become a major theme in political discussions in India because of the party's political success.

Firstly, Hindu Nationalism undermines India's traditional democratic system in several ways. First, it threatens to marginalize these minorities by increasing inter-religious conflicts internally. Hate speech and the spreading of rumours through social media are the main causes behind such cases of religious violence that have increased across India.

Moreover, emphasizing Hindu identity weakens pluralistic and diverse Indian society. Such an attitude is often developed through portraying 'them' as threats to the Hindu way of life.

Additionally, it intertwines religion with politics thus weakening democratic institutions like the state government. This declining trend is what critics refer to when they mention attempts at manipulating history textbooks, laws against proselytizing activities, and discrediting voices opposed to the status quo.

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<sup>53</sup> Ellis-Petersen, H. (2022, September 20). What is Hindu nationalism and how does it relate to trouble in Leicester? *The Guardian*. <https://www.theguardian.com/world/2022/sep/20/what-is-hindu-nationalism-and-who-are-the-rss>

In conclusion, religious nationalism can be a crucial tool for political mobilization but it presents huge problems to democracy's secular fabric. The rise of Hindu nationalism has led to heated debates about the future of Indian secular democracy. Even as India grapples with these issues still other nations are watching closely knowing very well that whatever happens will have far-reaching implications for the biggest democracy on earth.

## Chapter 5 Democracy's Dilemma: Religion in Indian Politics

### 5.1 Religion's Reign in India's Politics

The political climate of India has affected religion since the country gained independence in 1947. It seems like politics and religion have been fused as one for a long time. But this has taken a toll on the democratic values in India. That's why India became a secular state when it adopted its constitution in 1950, deciding to not include religion as official business for the nation. However, that policy was placed in a society where religion is seen as crucial to connecting people. This contradiction has led to questions such as why a postcolonial modern state decides against using a state religion's political capabilities.<sup>54</sup> Despite secularism being embraced by the State, Religion still influences governance in India. Political parties exploit it during election campaigns as they try to win voters over; identity politics reflects this phenomenon well too because people often follow their faith rather than backing an ideology or politician.

There have been plenty of religious riots throughout Indian history that seem coincidental with election periods, suggesting there may be more than what meets the eye going on between politicians and these tensions. Religion also plays a part in law-making processes with many personal matters like marriage, divorce, and inheritance heavily influenced by different traditions present in India. India's foreign policy is another factor that isn't left untouched by religion either. For example, when it came to relations with neighbouring countries such as Pakistan and Bangladesh religious factors took center stage<sup>55</sup>.

According to an American think-tank survey, quite several respondents said they had voted for the winning party during the country's most recent general elections back then when asked about their political stance. However, responses from various religions exhibited significant differences. ***In the 2019 elections, approximately 50% of Hindu voters expressed their support for the BJP, while the Congress party emerged as the preferred option for Muslims (30%), Christians (30%), and Sikhs (33%) voters***<sup>56</sup>. The survey had a question asking people which is better to run India. "Democratic system" or "authoritarian ruler controlling things

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<sup>54</sup>What Is Religion and Its Impact on Indian Society? (2022, September 28). *Vakilsearch.com*.  
<https://vakilsearch.com/blog/religion-and-its-impact-on-indian-society>

<sup>55</sup> Mitchell, T. (2021, June 29). 6. Nationalism and politics. *Pew Research Center's Religion & Public Life Project*. <https://www.pewresearch.org/religion/2021/06/29/nationalism-and-politics>

<sup>56</sup> Karmer. (2021, September 21). *Population growth and religious composition*. In *Pew Research*. Retrieved April 4, 2024, from <https://www.pewresearch.org/religion/2021/09/21/population-growth-and-religious-composition/>

decisively.” Out of the respondents, 46% said democratic while 48% preferred strong authoritarian control.

Religion is a crucial factor in Indian politics even though the country’s constitution says it must be secular. It affects how people vote, what laws are passed, and what policies are made in other countries. The idea of a secular state comes from the notion that religion should not affect public affairs but when religion holds such great social importance, it becomes a tangled issue<sup>57</sup>.

## 5.2 Religious Dogmas: Catalysts for Political Controversies and Conflicts

The influence religion has had on voting patterns in India, following its independence, is an extremely complex issue that is deeply rooted in the country’s unique socio-political structure. It creates significant hurdles for any secular force hoping to establish a diverse, all-encompassing democracy.

Post-independence India took on a secular constitution that promised equal rights to every citizen regardless of their belief. However, the nation’s history of religious plurality and communal conflicts<sup>58</sup> often finds its way into politics through political party alliances with certain groups. This creates a system where voting patterns are determined by religious affiliation.

Religion is a principal factor when it comes to shaping identity for individuals in India. It affects their social interactions, ethical principles, and world views. So, when a political party presents itself as a defender of these identities, it reaches voters who feel like their religion is at risk. Sometimes this insecurity overshadows non-religious factors<sup>59</sup>. There are Indian leaders and institutions out there that have significant sway over politics. Their endorsements or criticisms of parties can completely change the voting decision of one of their followers. And sometimes institutions actively engage in politics.

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<sup>57</sup> *Determinants of Voting Behaviour in India - GKToday. (n.d.). Wwww.gktoday.in. Retrieved April 23, 2024*  
<https://www.gktoday.in/determinants-of-voting-behavior-in-india>

<sup>58</sup> *Exploring Religion and Identity Politics in India. (2022, March 3). Pew.org.*  
<https://www.pewtrusts.org/en/trust/archive/winter-2022/exploring-religion-and-identity-politics-in-india>.

<sup>59</sup> *Kumar, N. (2019, September 12). Politics and Religion in India. Taylor & Francis.*  
[http://books.google.ie/books?id=hRmvDwAAQBAJ&printsec=frontcover&dq=Politics+and+Religion+in+India&hl=&cd=1&source=gbs\\_api](http://books.google.ie/books?id=hRmvDwAAQBAJ&printsec=frontcover&dq=Politics+and+Religion+in+India&hl=&cd=1&source=gbs_api)

When we break down political discourse, we realize it often uses religious emotions to create an “us vs them” narrative. This fear and skepticism towards other religious communities coerce them into voting for parties that promise protection for their ideologies.

These factors combine to create a system where voters base decisions more on their religious beliefs than governance quality or policies provided by political groups that have nothing to do with religion. The danger lies in this phenomenon overshadowing secularism and promoting division among society’s majority/minority groups. To bring down the impact religion has on how people vote, there needs to be active political literacy sponsorship along with support for secular institutions that promote inclusivity narratives that shine light on religions other than one's own.

### **5.3 Case Studies of Religion-Politics Interplay in Upholding Democracy**

India’s democratic framework has been profoundly influenced by the dynamic between religion and politics, especially since independence.

#### **5.3.1 BJP Influence: A Glance**

The Bharatiya Janata Party (BJP), which is backed by the Hindu majority, has had a major presence in Indian politics since the 1980s. They promote Hindu nationalism and have pushed their agenda into many aspects of India’s social and political life. Critics believe their policies favouring the majority contribute to minority groups’ marginalization and challenge India’s secular principles as stated in the constitution. Some point to the BJP's pivotal role in building Ayodhya’s Ram Mandir as a symbol of Hindu nationalism.

Controversial legislation like “triple talaq,” an act of divorce among Muslims that rarely happens, and the Citizenship Amendment Act, which grants people from neighbouring countries citizenship if they are non-Muslim minorities, can be seen as ways to further belittle Muslims and establish a Hindu-majority state<sup>60</sup>.

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<sup>60</sup> Undefined, & InsightsIAS. (2019, May 3). INSIGHTSIAS - Top IAS Coaching in Bangalore. Insightsonindia. <https://www.insightsonindia.com/2019/05/03/1-how-does-religion-influence-politics-in-india-critically-analyse-in-the-light-of-recent-2019-report-of-united-states-commission-on-international-religious-freedom-250-words>

### 5.3.2 India's political system: Broken trust

Ever since India became independent in 1947, there have been parties representing religious minorities other than the mostly Hindu ones. Sikhs have the Akali Dal; Muslims have the Indian Union Muslim League. In building regional politics around the needs of their respective communities both have been important players<sup>61</sup>.

But these divisions come with a cost. In 1992, during riots ignited by religion-based politics, the Babri Masjid was demolished. Prioritizing religious identity and confronting fears of being subsumed by Hindu majoritarianism could isolate minorities and rupture societies further. It also creates opportunities for politicians to exploit religion for personal gain that do more to stoke communal tensions than anything else does. It does make sense for religious parties to affect policy-making processes — after all, implementing measures that target specific needs helps marginalized communities receive support they deserve. However, too much bias can aggravate societal gaps when some claim discrimination against them.

Religious parties mobilize voters under shared beliefs; this type of mobilization has been known to exacerbate tensions and politicize religion.

India's democracy is shaped by the many religious communities it holds, and religious parties give these groups a voice. However, when religion becomes the core of politics, it directly threatens the secular principles outlined in the country's constitution and puts minority groups at risk of being further marginalized<sup>62</sup>.

By enough time, majoritarian politics could eventually overshadow the democracy running in India. At a glance, these policies sound democratic, but they can abandon minority rights and create splintered societies. It's the complete opposite of what we know democracy as — a system that includes everyone. Pushing forward with majoritarian politics may also suppress majority interests. Majority-rules politics is all about favouring the larger population. In diverse countries such as India, this will lead to policies that ignore smaller communities' needs and

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<sup>61</sup> Amin, D. H. (2017). *Religion and Politics in India: Implications for Religious Minorities (1990-2010)*. *Journal of Applied Environmental and Biological Sciences*.  
[https://www.academia.edu/41553775/Religion\\_and\\_Politics\\_in\\_India\\_Implications\\_for\\_Religious\\_Minorities\\_1990\\_2010](https://www.academia.edu/41553775/Religion_and_Politics_in_India_Implications_for_Religious_Minorities_1990_2010).

<sup>62</sup> Aien. (2023, February 28). *Top Five Cases related to Religious Freedom in India* | ADF India.  
<https://adfindia.org/stories/top-five-cases-related-to-religious-freedom-in-india>

rights. If minorities feel excluded from the political process, you'll see a divided society start to form. Furthermore, implementing this political strategy weakens democratic norms. Granting power to the mob isn't the only thing necessary for a democracy to be successful; there must also be precautions taken to protect the rights and interests of all individuals. We are in essence undermining notions of equality and justice when we enforce policies that help one party while hurting another party.

Ultimately, religious parties do give marginalized groups representation in Indian politics, but they also threaten our democracy. To keep things running smoothly here in India, we need to find a balance between political secularism and pluralism. Political secularism makes sure no religion has an advantage so all citizens are free to practice their faiths as they please. Political pluralism ensures that every single group — religious or otherwise — has a voice when it comes to making decisions within our political process<sup>63</sup>.

Re-establishing this balance is crucial for keeping democracy alive here in India because it guarantees that everyone gets heard and that minorities are protected moving forward. India's challenge right now is finding a way for democracy to stay inclusive without sacrificing its principles or growing majoritarian politics further than it already has been. Every citizen has the commitment to upholding the values of secularism and pluralism that form the foundation of what our democracy is based on if we want to see progress soon.

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<sup>63</sup> Singh, G. (2013). *Religion, Politics, and Governance in India, Pakistan, Nigeria, and Tanzania. Interrogating India's Modernity*, 135–165. <https://doi.org/10.1093/acprof:oso/9780198092070.003.0007>

## Conclusion

Articles 25 to 28 of the Indian Constitution create a strong foundation for safeguarding religious freedom which in turn reiterates the secular character of the state. However, these rights are not absolute as they may be restricted by considerations of public order, morality and health.

Even so, sometimes these rights get violated because different social factors such as ethnicity, language, region, economic status, religion and caste are interrelated with one another. Socio-economic factors have also expanded the interpretation of state's responsibilities leading to debates and legal battles in cases like those related to affirmative action measures and 'equal pay for equal work'. The effect on Indian democracy by prohibited religious customs is huge. India regulates religion through various ways including religious personal laws and outlawing acts that outrage religious feelings but often these regulations show tensions between constitutional law and state laws. There are instances where religious nationalism poses a threat to India's secular democracy.

A mix of policies and laws aimed at religious conversion, interfaith relationships as well as cow slaughter have been used by government when dealing with issues concerning freedom of religion. Nevertheless, these actions tend to breed an atmosphere characterized by lack respect for other people's faiths which has led many people view them as being against toleration towards minority religions. But still there were cases where courts upheld freedom of religion such as *Bijoy Emmanuel v State of Kerala*. Religion plays a major role in Indian politics; it influences political decisions making processes and voter behaviour patterns too. In addition, Hindu majoritarian parties have been on rise this has posed challenge to secular forces besides also having democracy implications if people start voting based along religious lines then what will happen?

In conclusion it can be said that within India there is complex relationship existing among religion(s), politics(es) as well social factor(s). The constitution lays down provisions ensuring that everybody enjoys their right to worship freely without interference from other quarters

while at the same time maintaining state neutrality vis-a-vis religion(s). However, this is not always possible because different people have diverse needs which must be addressed by government hence resulting into conflicts between what ought to be done according law and practical political realities. Therefore, continuous dialogues coupled with legal review processes within democratic institutions remain critical towards ensuring

## Suggestions and Recommendations

The Indian Constitution has a good framework for protecting religious freedom. However, these provisions should be improved. This can be done by enforcing existing laws more strictly or introducing new ones where required. For example, it may help to make laws specifically against hate speech and discrimination based on religion. Education is key in shaping social attitudes. A secular education system that promotes respect among different religious communities could help to alleviate religious tensions. This may involve including curriculum content that teaches students about various religions and their practices which in turn creates a tolerant environment.

Promoting dialogue between communities of different faiths can foster understanding and respect among them. This can be achieved through community programs involving interfaith councils as well as public forums where people from diverse backgrounds meet freely to share thoughts and ideas about their beliefs leading to less stereotypes thus better relationships.

Religion's impact on politics need not infringe upon individuals' right to practice any religion they choose or none at all (freedom of religion). Stronger measures like stringent enforcement of laws against misuse of religion for political ends; making political parties accountable if found guilty inciting religious hatred for personal gains...may curb such involvement. Many religious conflicts arise from disparities in wealth distribution across societies . These disparities should therefore be addressed through inclusive development policies which recognise the marginalisation of some groups along economic lines regardless of their faith affiliations.

The judiciary plays a critical role in defending secularism and promoting religious freedom. Judicial activism especially when dealing with cases touching on matters faith can act as a counterbalance against abuse of religion. Courts should take up issues related to rights arising out of worshiping places without fear or favor so long as they do not violate any part(s) constitutionally guaranteed freedoms concerning this area. Civil society organizations (CSOs) have an important part to play in safeguarding secularism alongside ensuring respect for all religions is upheld within society at large . CSOs can engage in advocacy work; create awareness campaigns while also providing platforms where different faiths come together dialogue with one another. They could also work hand in glove with government and judiciary to protect religious rights of citizens

Media is very influential when it comes shaping public opinion. Therefore, responsible reporting particularly on those matters touching religion should be encouraged since this may lead to a tolerant society. Media houses might consider adopting guidelines that prevent them from publishing stories capable causing biases against any particular denomination or even inciting violence through their coverage of various events associated with worshiping places secularism and democracy are upheld in India.

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