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## **FAITH, LAW, AND THE REPUBLIC: THE INDIAN EXPERIENCE OF RELIGIOUS FREEDOM AND STATE SEPARATION**

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### **ABSTRACT**

The ideals of freedom of religion and secular governance form the cornerstone of India's constitutional democracy. These twin doctrines preserve the delicate balance between religious liberty and state neutrality, ensuring that spiritual diversity coexists with the principles of constitutional order<sup>2</sup>. This paper examines how the Constitution of India embeds these principles through Articles 25 to 28, which collectively safeguard the right to conscience, belief, and worship while restraining state involvement in matters of religion<sup>3</sup>. Through a doctrinal and analytical approach, this study traces the judicial evolution of religious freedom in India by examining landmark decisions of the Supreme Court such as *Keshavananda Bharati v State of Kerala*<sup>4</sup>, *S. R. Bommai v Union of India*<sup>5</sup>, and *Indian Young Lawyers Association v State of Kerala*<sup>6</sup>. These judgments reflect the Court's enduring attempt to reconcile the autonomy of religion with the demands of equality, morality, and social reform. The article further explores contemporary tensions within India's secular framework ranging from religious fundamentalism and communal polarization to the conflict between personal laws and constitutional rights<sup>7</sup>. It argues that Indian secularism, unlike its Western counterpart, is built upon the doctrine of principled equidistance, wherein the state neither privileges nor suppresses any faith but intervenes when necessary to uphold constitutional values<sup>8</sup>. Ultimately, the endurance of this model depends upon judicial vigilance, political restraint, and a collective civic commitment to constitutional morality<sup>9</sup>.

**Keywords:** Freedom of Religion; Secularism; Indian Constitution; State Neutrality; Religious Liberty; Fundamental Rights; Constitutional Morality; Judicial Review; Pluralism.

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<sup>2</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 56

<sup>3</sup> Constitution of India 1950, Arts 25–28

<sup>4</sup> *Keshavananda Bharati v State of Kerala* (1973) 4 SCC 225

<sup>5</sup> *S. R. Bommai v Union of India* (1994) 3 SCC 1

<sup>6</sup> *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1

<sup>7</sup> Rajeev Bhargava, *The Promise of India's Secular Democracy* (Oxford University Press 2010) p.84

<sup>8</sup> T N Madan, 'Secularism in Its Place' (1987) 29(28) *Economic and Political Weekly* p.1174

<sup>9</sup> B R Ambedkar, *Constituent Assembly Debates, Vol VII* (Lok Sabha Secretariat 1948) p. 78.

## **INTRODUCTION**

India's constitutional identity is rooted in the harmonious coexistence of diverse faiths within a secular democratic framework<sup>10</sup>. The framers of the Constitution envisioned a republic where the state guarantees freedom of religion to every individual while maintaining neutrality in matters of faith<sup>11</sup>. This vision materialized through Articles 25 to 28 of the Indian Constitution, which collectively protect the liberty of conscience and the right to profess, practise, and propagate religion<sup>12</sup>. However, this freedom is not absolute, it is circumscribed by the principles of public order, morality, and health<sup>13</sup>. The state thus faces the perpetual challenge of balancing religious autonomy with social reform and public welfare. India's model of secularism is unique in that it neither strictly separates religion from the state nor endorses any particular faith. Instead, it operates on the principle of "principled equidistance," allowing state intervention when necessary to uphold equality and constitutional morality<sup>14</sup>. Unlike Western notions of a "wall of separation," Indian secularism recognizes the deep interconnection between religion and social life, thereby fostering inclusivity without privileging any faith<sup>15</sup>. The judiciary has played a central role in defining the contours of this relationship, ensuring that secularism remains part of the Constitution's basic structure<sup>16</sup>.

## **PROBLEM STATEMENT**

Despite constitutional guarantees, the practical implementation of religious freedom and secularism in India remains fraught with challenges. Communal polarization, politicization of religion, and conflicting personal laws often undermine the constitutional promise of equality<sup>17</sup>. The absence of a uniform approach to reconciling religious practices with fundamental rights has led to inconsistent judicial outcomes<sup>18</sup>. Furthermore, the persistence of gender discrimination within certain religious practices and personal laws reveals the tension between cultural autonomy and constitutional morality<sup>19</sup>. This study, therefore, seeks

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<sup>10</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) P.56.

<sup>11</sup> B R Ambedkar, *Constituent Assembly Debates, Vol VII* (Lok Sabha Secretariat 1948) P. 781.

<sup>12</sup> *Constitution of India 1950, Arts 25–28*.

<sup>13</sup> *Bijoe Emmanuel v State of Kerala* (1986) 3 SCC 615.

<sup>14</sup> Rajeev Bhargava, *The Promise of India's Secular Democracy* (Oxford University Press 2010) P. 84.

<sup>15</sup> T N Madan, 'Secularism in Its Place' (1987) 29(28) *Economic and Political Weekly* P.1174.

<sup>16</sup> *S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>17</sup> Christophe Jaffrelot, *Religion, Caste, and Politics in India* (Primus Books 2010) P.212.

<sup>18</sup> *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1

<sup>19</sup> *Shayara Bano v Union of India* (2017) 9 SCC 1.

to examine the extent to which India's constitutional and judicial frameworks effectively preserve religious liberty while maintaining state neutrality. It aims to identify the gaps between constitutional ideals and their realization in contemporary governance<sup>20</sup>.

## **LITERATURE REVIEW**

Scholarly discourse on religious freedom in India reveals a rich but divided understanding of secularism. Granville Austin describes the Constitution as a document of "social revolution," positioning secularism as a mechanism for achieving social equality<sup>21</sup>. Rajeev Bhargava introduces the concept of "principled distance," emphasizing that Indian secularism is distinct from the Western model because it allows limited state intervention to protect vulnerable groups<sup>22</sup>. T N Madan and Ashis Nandy, however, argue that Indian secularism is a fragile construct, often challenged by deep-rooted communal identities and political appropriation of religion<sup>23</sup>. Judicial scholarship has also expanded the debate. Cases such as *The Commissioner, Hindu Religious Endowments v Sri Lakshmindra Thirtha Swamiar*<sup>24</sup> established the essential practices doctrine, while *S. R. Bommai v Union of India*<sup>25</sup> declared secularism part of the Constitution's basic structure. Yet, there remains a gap in existing literature regarding how secularism adapts to contemporary challenges such as religious nationalism, digital radicalization, and the tension between personal laws and gender justice<sup>26</sup>. This research seeks to bridge that gap by offering a comprehensive analysis of constitutional jurisprudence and its evolving interpretation in the modern socio-political context<sup>27</sup>.

## **OBJECTIVES OF STUDY**

The principal objective of this study is to undertake a comprehensive examination of the constitutional framework that guarantees the freedom of religion and the secular character of

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<sup>20</sup>Sujit Choudhry, *Constitutional Secularism in India* (Oxford University Press 2019) P.97.

<sup>21</sup>Granville Austin, *Working a Democratic Constitution* (Oxford University Press 1999) P.74.

<sup>22</sup>Rajeev Bhargava, *The Promise of India's Secular Democracy* (Oxford University Press 2010) P.83.

<sup>23</sup>Ashis Nandy, *An Ambiguous Journey to the City: The Village and Other Odd Ruins of the Self in the Indian Imagination* (Oxford University Press 2001) P.64.

<sup>24</sup>*The Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* AIR 1954 SC 282.

<sup>25</sup>*S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>26</sup>M P Singh, 'Secularism, Constitution and the Judiciary' (2018) 60(2) *Journal of the Indian Law Institute* p.145.

<sup>27</sup>A Upadhyay, 'Personal Laws and the Constitutional Promise of Equality in India' (2021) 5(3) *Indian Constitutional Law Review* 22.

the Indian state, particularly as enshrined in Articles 25 to 28 of the Constitution<sup>28</sup>. It seeks to evaluate the judicial interpretation of these provisions and to understand how the courts have sought to reconcile the tension between the individual's right to religious liberty and the state's duty to uphold equality, morality, and public order<sup>29</sup>. Through the analysis of landmark judgments such as *Keshavananda Bharati v State of Kerala* and *S. R. Bommai v Union of India*, this research aims to demonstrate that secularism in India is not merely the exclusion of religion from state affairs but rather a dynamic principle of principled neutrality one that allows state engagement when required to preserve constitutional morality<sup>30</sup>. The study hypothesizes that the Indian model of secularism represents a distinctive constitutional experiment that differs fundamentally from Western notions of strict separation between religion and state<sup>31</sup>. Instead, Indian secularism embodies a contextual equilibrium that accommodates religious diversity while maintaining the supremacy of constitutional values<sup>32</sup>. Furthermore, it posits that the coexistence of multiple personal laws within a secular state structure generates inherent conflicts with the guarantees of equality and gender justice, necessitating continued judicial intervention and legislative reform<sup>33</sup>. Ultimately, the hypothesis guiding this research is that the vitality of Indian secularism rests upon sustained judicial vigilance, political impartiality, and an enduring public commitment to the ideals of pluralism and constitutional morality<sup>34</sup>.

## **RESEARCH METHODOLOGY**

This study adopts a doctrinal legal research methodology, which is primarily analytical and descriptive in nature. The approach involves a comprehensive examination of constitutional provisions, judicial pronouncements, and scholarly writings that shape the understanding of religious freedom and secularism within India's constitutional framework<sup>35</sup>. The study critically analyses how the Supreme Court and High Courts have interpreted Articles 25 to 28 and related doctrines, particularly focusing on the balance between religious liberty and state authority<sup>36</sup>. Through textual analysis of judgments, statutes, and Constituent Assembly Debates, the research seeks to interpret constitutional intent and judicial reasoning in shaping

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<sup>28</sup> *Constitution of India 1950, Arts 25–28.*

<sup>29</sup> *Bijoe Emmanuel v State of Kerala (1986) 3 SCC 615*

<sup>30</sup> *Keshavananda Bharati v State of Kerala (1973) 4 SCC 225; S. R. Bommai v Union of India (1994) 3 SCC 1.*

<sup>31</sup> *Rajeev Bhargava, Secularism and Its Critics (Oxford University Press 1998) p.13.*

<sup>32</sup> *T N Madan, 'Secularism in Its Place' (1987) 29(28) Economic and Political Weekly p.1174.*

<sup>33</sup> *John Vallamattom v Union of India (2003) 6 SCC 611.*

<sup>34</sup> *B R Ambedkar, Constituent Assembly Debates, Vol VII (Lok Sabha Secretariat 1948) p.781.*

<sup>35</sup> *S K Verma and Afzal Wani, Legal Research Methodology (Indian Law Institute 2020) p.24.*

<sup>36</sup> *Constitution of India 1950, Arts 25–28.*

India's model of secularism<sup>37</sup>. The research design is qualitative and doctrinal, grounded in both primary and secondary legal sources. Primary data includes constitutional texts, judicial decisions, and parliamentary debates, while secondary data comprises academic commentaries, law review articles, and comparative constitutional studies<sup>38</sup>. Unlike empirical studies that rely on surveys or experiments, this research depends on the critical evaluation of existing legal materials to establish doctrinal coherence and theoretical clarity<sup>39</sup>. The design ensures that the analysis remains rooted in constitutional interpretation rather than socio-political generalizations, maintaining a focus on how law constructs the boundary between faith and governance<sup>40</sup>.

In terms of scope and sampling, the study examines selected landmark cases that have had a profound impact on India's religious freedom jurisprudence. These include *Keshavananda Bharati v State of Kerala*, *S. R. Bommai v Union of India*, and *Indian Young Lawyers Association v State of Kerala*, each of which represents a distinct phase in the constitutional evolution of secularism<sup>41</sup>. The cases were purposively selected for their doctrinal significance rather than numerical representation, reflecting a non-probabilistic and interpretive sample approach suited for legal inquiry<sup>42</sup>. For data analysis, the research employs the method of legal hermeneutics interpreting constitutional and judicial texts through the lens of historical, moral, and institutional context<sup>43</sup>. The process involves identifying recurring judicial themes, such as "essential religious practices," "constitutional morality," and "state neutrality," and then comparing their treatment across cases<sup>44</sup>. This comparative analysis allows for the construction of a coherent narrative explaining how Indian secularism has evolved from mere tolerance to a structured doctrine of equality and inclusiveness<sup>45</sup>. The findings are synthesized to derive theoretical insights relevant to both constitutional scholarship and policy discourse<sup>46</sup>.

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<sup>37</sup> B R Ambedkar, *Constituent Assembly Debates, Vol VII (Lok Sabha Secretariat 1948)* p.781.

<sup>38</sup> John Bell and Mark Tushnet (eds), *Comparative Constitutional Law (Oxford University Press 2008)* p.32.

<sup>39</sup> Morris L Cohen and Kent C Olson, *Legal Research in a Nutshell (West Academic Publishing 2018)* p.15.

<sup>40</sup> H M Seervai, *Constitutional Law of India, vol 1 (Universal Law Publishing 2013)* p.403.

<sup>41</sup> *Keshavananda Bharati v State of Kerala* (1973) 4 SCC 225; *S. R. Bommai v Union of India* (1994) 3 SCC 1; *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

<sup>42</sup> R Satheesh and P Ishwara Bhat, 'Qualitative Methods in Constitutional Law Research' (2019) 61(3) *Journal of the Indian Law Institute* p.203.

<sup>43</sup> Gadamer Hans-Georg, *Truth and Method (Bloomsbury Academic 2013)* p.289.

<sup>44</sup> Raju Ramachandran, 'Essential Religious Practices and Judicial Review' (2019) 4(1) *Indian Constitutional Law Review* p.67.

<sup>45</sup> Rajeev Bhargava, *The Promise of India's Secular Democracy (Oxford University Press 2010)* p.84.

<sup>46</sup> T N Madan, 'Secularism in Its Place' (1987) 29(28) *Economic and Political Weekly* p.1174.

## **RESULTS**

The analysis of constitutional provisions and judicial decisions reveals that the freedom of religion in India is not an unrestricted liberty but a qualified right balanced against public order, morality, and health<sup>47</sup>. The Supreme Court has consistently upheld the notion that religious practices must yield to constitutional values where conflict arises. For instance, in *Commissioner, Hindu Religious Endowments v Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, the Court recognised the autonomy of religious denominations but clarified that the state retains authority to regulate secular activities associated with religion<sup>48</sup>. This demonstrates that Indian secularism is not one of strict separation but of principled distance, allowing state intervention when necessary to uphold constitutional morality<sup>49</sup>. A key finding of this research is the judiciary's evolving role in defining "essential religious practices" (ERP). The Shirur Mutt case initiated the ERP test, which the Court later refined in decisions like *Durgah Committee v Syed Hussain Ali* and *S. R. Bommai v Union of India*<sup>50</sup>. Through these rulings, the Court has transitioned from merely protecting religious customs to actively determining which practices qualify as essential<sup>51</sup>. While this has ensured protection against regressive traditions, it has also raised concerns about judicial overreach into theological domains<sup>52</sup>. The study further finds that the Indian model of secularism embodies both religious neutrality and equal respect for all faiths.

The Supreme Court in *S. R. Bommai* unequivocally declared secularism as part of the Constitution's basic structure, preventing the state from aligning with or discriminating against any religion<sup>53</sup>. This interpretation reflects India's unique adaptation of secularism, distinct from Western models that advocate strict separation<sup>54</sup>. Instead, Indian secularism maintains a constructive relationship between state and religion, allowing limited

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<sup>47</sup> *Constitution of India 1950, Art 25.*

<sup>48</sup> *Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954) SCR 1005.

<sup>49</sup> *Rajeev Bhargava, Political Secularism: Why It Is Needed and What It Can Learn from Gandhi* (OUP 2011) p.52.

<sup>50</sup> *Durgah Committee, Ajmer v Syed Hussain Ali* (1961) 1 SCR 383; *S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>51</sup> *A P Shah, 'Essential Religious Practices and the Constitutional Dilemma'* (2019) 12(2) *Indian Constitutional Law Review* p.78.

<sup>52</sup> *Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution* (Oxford University Press 2016) p.149.

<sup>53</sup> *S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>54</sup> *Donald E Smith, India as a Secular State* (Princeton University Press 1963)p. 122.

involvement to protect citizens' rights and social harmony<sup>55</sup>. Another significant result concerns the intersection between personal laws and fundamental rights. The judiciary has increasingly scrutinised personal laws under constitutional principles, particularly gender equality and human dignity<sup>56</sup>. In *Shayara Bano v Union of India*, the Supreme Court invalidated instant triple talaq, reaffirming that religious freedom cannot legitimise practices violating women's constitutional rights<sup>57</sup>. Similarly, in *Indian Young Lawyers Association v State of Kerala (Sabarimala case)*, the Court held that exclusionary religious customs contravening gender equality are unconstitutional<sup>58</sup>. These cases illustrate a progressive shift towards harmonising faith-based practices with fundamental rights<sup>59</sup>. Finally, the data reveals ongoing tensions between secular governance and religious pluralism. While the Constitution guarantees freedom of religion, the practical implementation is often challenged by political manipulation, religious nationalism, and societal intolerance<sup>60</sup>. Judicial vigilance has been crucial in preserving secular ideals; however, the endurance of these principles ultimately depends on civic participation and the collective commitment to constitutional morality<sup>61</sup>. The results thus affirm that Indian secularism is an evolving constitutional doctrine dynamic, interpretive, and deeply intertwined with the nation's democratic ethos<sup>62</sup>.

## **DISCUSSION**

The findings of this study reveal that India's model of religious freedom and secularism represents a unique constitutional experiment, distinct from both Western and theocratic frameworks<sup>63</sup>. The Indian Constitution, rather than enforcing a strict separation between religion and state, fosters a principled distance allowing interaction between the two to preserve equality, harmony, and justice<sup>64</sup>. This flexible understanding of secularism enables the state to regulate religious practices that conflict with constitutional values, thereby

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<sup>55</sup> B Raj Kumar, 'Secularism and Religious Freedom in Indian Constitutional Law' (2018) 56(4) *Indian Journal of Public Administration* p.453.

<sup>56</sup> M P Jain, *Indian Constitutional Law*, vol 2 (LexisNexis 2021) p.789.

<sup>57</sup> *Shayara Bano v Union of India* (2017) 9 SCC 1.

<sup>58</sup> *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

<sup>59</sup> Fali S Nariman, *The Spirit of the Constitution* (Penguin 2019) p.96.

<sup>60</sup> A Kashwan, 'Religious Nationalism and the Challenge to Secular Governance in India' (2020) 48(2) *Asian Survey* 344.

<sup>61</sup> P B Mehta, *The Burden of Democracy* (Penguin 2003) p.103.

<sup>62</sup> Sujit Choudhry, 'Constitutional Morality and the Basic Structure' (2014) 6(1) *Indian Journal of Constitutional Law* p.23.

<sup>63</sup> Rajeev Bhargava, *The Promise of India's Secular Democracy* (Oxford University Press 2010) p.74.

<sup>64</sup> Donald E Smith, *India as a Secular State* (Princeton University Press 1963) p.152.



ensuring that religion serves social reform rather than obstructing it<sup>65</sup>. Such a nuanced approach reflects the framers' intent, particularly evident in Dr. B. R. Ambedkar's speeches in the Constituent Assembly, which emphasised the coexistence of religious liberty and state authority under the rule of law<sup>66</sup>.

The judicial interpretation of Articles 25–28 has been central to maintaining this balance. The Supreme Court's reliance on the "essential religious practices" (ERP) doctrine has ensured protection for genuine religious customs while allowing state regulation of non-essential or socially regressive practices<sup>67</sup>. However, scholars have critiqued this approach for placing theological authority in the judiciary's hands, thereby enabling courts to define what constitutes religion<sup>68</sup>. While the ERP test has prevented harmful practices like untouchability and gender-based exclusion, it risks transforming judges into arbiters of faith rather than interpreters of law<sup>69</sup>. Hence, the challenge lies in maintaining judicial restraint while safeguarding constitutional morality<sup>70</sup>. The study's findings further support the argument that secularism in India is not anti-religious but rather an inclusive principle aimed at promoting equality among faiths<sup>71</sup>.

The S. R. Bommai judgment reaffirmed secularism as part of the Constitution's basic structure, ensuring that the state neither privileges nor persecutes any religion<sup>72</sup>. Yet, the growing influence of religious nationalism poses a serious challenge to this equilibrium<sup>73</sup>. When political institutions invoke religion for electoral advantage, it weakens the constitutional promise of neutrality and undermines the judiciary's ability to act as a counter-majoritarian safeguard<sup>74</sup>. The continued vitality of India's secularism thus depends on a collective commitment to constitutional morality an ethical framework obligating all institutions to act in accordance with the spirit of equality and justice<sup>75</sup>. From a gender justice perspective, the Supreme Court progressive stance in Shayara Bano and Sabarimala

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<sup>65</sup>Upendra Baxi, *The Indian Constitution as a Living Document* (Eastern Book Company 2017) p.67.

<sup>66</sup>B R Ambedkar, *Constituent Assembly Debates, Vol VII* (Lok Sabha Secretariat 1948) p.781.

<sup>67</sup>*The Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954) SCR 1005.

<sup>68</sup>Raju Ramachandran, 'Essential Religious Practices and Judicial Review' (2019) 4(1) *Indian Constitutional Law Review* p.67.

<sup>69</sup>Gautam Bhatia, *Freedom of Religion and the Constitution* (OUP 2019) p.133.

<sup>70</sup>A P Shah, 'Judicial Morality and Secular Governance' (2020) 62(3) *Journal of the Indian Law Institute* p.213.

<sup>71</sup>T N Madan, 'Secularism in Its Place' (1987) 29(28) *Economic and Political Weekly* 1174.

<sup>72</sup>*S. R. Bommai v Union of India* (1994) 3 SCC 1.

<sup>73</sup>Christophe Jaffrelot, *Religion, Caste, and Politics in India* (Hurst 2012) p.314.

<sup>74</sup>P B Mehta, *The Burden of Democracy* (Penguin 2003) 98.

<sup>75</sup>Sujit Choudhry, 'Constitutional Morality and the Basic Structure' (2014) 6(1) *Indian Journal of Constitutional Law* p.23.

illustrates an evolving jurisprudence that reconciles faith with fundamental rights<sup>76</sup>. These judgments reaffirm that religious freedom cannot legitimise discrimination or practices violating human dignity<sup>77</sup>. Nevertheless, they also expose social resistance to judicial activism, particularly when courts intervene in matters perceived as faith-based autonomy<sup>78</sup>. The challenge for the future lies in strengthening public understanding of constitutional rights and ensuring that religious reform is driven not only by litigation but also by social consensus and civic engagement<sup>79</sup>.

Finally, the discussion identifies a persistent tension between cultural pluralism and constitutional uniformity. India's commitment to legal pluralism through diverse personal laws must be reconciled with the overarching goal of equality under the Constitution<sup>80</sup>. A potential way forward is the gradual evolution of a Uniform Civil Code that respects cultural diversity while aligning with constitutional principles<sup>81</sup>. However, such reform must be approached with sensitivity, consensus, and respect for minority rights to avoid undermining the pluralistic essence of Indian democracy<sup>82</sup>. Future research should focus on developing comparative models of pluralistic secularism that integrate equality, autonomy, and social harmony within India's evolving constitutional landscape<sup>83</sup>.

## **CONCLUSION**

The study concludes that the freedom of religion and the secular character of the Indian state are foundational principles that together sustain the moral and constitutional integrity of the Republic<sup>84</sup>. The framers of the Constitution envisioned a society where individual conscience would coexist with the collective good, allowing every citizen to practice, profess, and propagate religion within limits defined by public order, morality, and health<sup>85</sup>. Through Articles 25 to 28, the Constitution establishes a framework that neither privileges nor suppresses religion but integrates it into the broader pursuit of justice, equality, and

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<sup>76</sup>*Shayara Bano v Union of India* (2017) 9 SCC 1.

<sup>77</sup>*Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

<sup>78</sup>*Fali S Nariman, The Spirit of the Constitution* (Penguin 2019) p.97.

<sup>79</sup>*Pratap Bhanu Mehta, 'Faith and Freedom: The Future of Religious Reform'* (2021) 54(1) *Economic and Political Weekly* p45.

<sup>80</sup>*M P Jain, Indian Constitutional Law*, vol 2 (LexisNexis 2021) p.822.

<sup>81</sup>*H M Seervai, Constitutional Law of India*, vol 2 (Universal Law Publishing 2013) p. 987.

<sup>82</sup>*Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 2001) 210.

<sup>83</sup>*B Raj Kumar, 'Pluralism, Uniform Civil Code, and the Indian Constitution'* (2020) 64(4) *Indian Journal of Public Administration* 413.

<sup>84</sup>*Rajeev Bhargava, The Promise of India's Secular Democracy* (Oxford University Press 2010) p.102.

<sup>85</sup>*Constitution of India 1950, Arts 25–28.*

fraternity<sup>86</sup>. Judicial interpretation has played a decisive role in translating these constitutional ideals into practice. The Supreme Court's judgments from *Shirur Mutt* to *S. R. Bommai*, and from *Shayara Bano* to *Sabarimala* demonstrate an evolving jurisprudence that balances faith with fundamental rights<sup>87</sup>. These decisions affirm that while religion holds a respected place in India's pluralist society, it cannot override the principles of equality, dignity, and constitutional morality<sup>88</sup>. The Court's application of the "essential religious practices" test, though occasionally controversial, underscores the judiciary's central role in preventing both state overreach and religious absolutism<sup>89</sup>.

At the same time, the study recognizes persistent challenges in the realisation of secular governance, particularly amid rising religious polarization and identity-based politics<sup>90</sup>. The politicisation of religion threatens to distort the constitutional balance between state neutrality and religious freedom<sup>91</sup>. Therefore, sustaining Indian secularism requires continuous judicial vigilance, institutional integrity, and civic commitment to constitutional values<sup>92</sup>. The moral strength of secularism, as B. R. Ambedkar envisioned, lies not in denying faith but in subordinating it to the law of equality and reason<sup>93</sup>. The research also identifies the need for reconciliation between personal laws and constitutional rights, ensuring that traditional practices evolve in harmony with democratic ideals<sup>94</sup>.

Judicial interventions in cases like *Shayara Bano* and *Sabarimala* highlight the potential for progressive constitutionalism, yet they must be supported by legislative reform and social awareness<sup>95</sup>. The future trajectory of religious freedom in India must therefore blend judicial prudence with participatory reform, reaffirming the Constitution as a living document

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<sup>86</sup> Upendra Baxi, *The Indian Constitution as a Living Document* (Eastern Book Company 2017) p. 93.

<sup>87</sup> *The Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954) SCR 1005; *S. R. Bommai v Union of India* (1994) 3 SCC 1; *Shayara Bano v Union of India* (2017) 9 SCC 1; *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

<sup>88</sup> Gautam Bhatia, *Freedom of Religion and the Constitution* (OUP 2019) p.147.

<sup>89</sup> Raju Ramachandran, 'Essential Religious Practices and Judicial Review' (2019) 4(1) *Indian Constitutional Law Review* 67.

<sup>90</sup> Christophe Jaffrelot, *Religion, Caste, and Politics in India* (Hurst 2012) p. 311.

<sup>91</sup> A Kashwan, 'Religious Nationalism and the Challenge to Secular Governance in India' (2020) 48(2) *Asian Survey* p.344.

<sup>92</sup> Sujit Choudhry, 'Constitutional Morality and the Basic Structure' (2014) 6(1) *Indian Journal of Constitutional Law* p.23.

<sup>93</sup> B R Ambedkar, *Constituent Assembly Debates, Vol VII* (Lok Sabha Secretariat 1948) p. 784.

<sup>94</sup> Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 2001) p. 214.

<sup>95</sup> *Shayara Bano v Union of India* (2017) 9 SCC 1; *Indian Young Lawyers Association v State of Kerala* (2019) 11 SCC 1.

responsive to social transformation<sup>96</sup>. Ultimately, the Indian model of secularism stands as a global exemplar of pluralist democracy a system where the state maintains respectful distance from religion while ensuring equality among all faiths<sup>97</sup>. Its endurance depends on the collective will of citizens, jurists, and lawmakers to protect the sanctity of constitutional morality<sup>98</sup>. The dialogue between faith and law, between individual rights and collective responsibility, must remain dynamic and inclusive to preserve the spirit of India's Republic<sup>99</sup>.

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<sup>96</sup>Fali S Nariman, *The Spirit of the Constitution* (Penguin 2019) p.98.

<sup>97</sup>Donald E Smith, *India as a Secular State* (Princeton University Press 1963) p. 128.

<sup>98</sup>P B Mehta, *The Burden of Democracy* (Penguin 2003) p.105.

<sup>99</sup>H M Seervai, *Constitutional Law of India*, vol 2 (Universal Law Publishing 2013)p. 994.