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Secularism and Religious Freedom in India: Navigating Recent Developments

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ABSTRACT

This research embarks on a comprehensive exploration of the historical evolution of secularism in India, aiming to unravel its nuanced facets and dynamics. The study endeavors to elucidate the meaning of essential religious practices, scrutinizing their significance within the broader framework of religious freedom. By undertaking a meticulous analysis of constitutional and legal provisions safeguarding religious freedom, the research seeks to provide a holistic understanding of the protective measures in place. Furthermore, the study critically evaluates recent challenges and threats to secularism, offering insights into the evolving landscape. A central focus is placed on navigating the intricate intersection between essential religious practices and the principles of secularism, shedding light on the delicate balance required for the preservation of religious freedom within a diverse and pluralistic society.

Keywords: *Constitutional provisions, Essential religious practices, Religious freedom, Secularism.*

I. INTRODUCTION

India, a nation celebrated for its kaleidoscope of cultures and a myriad of religious practices, has historically championed the principle of secularism as an integral pillar of its democratic ethos. This commitment to secular governance is deeply embedded in the fabric of the Indian Constitution, reflecting a vision that transcends religious boundaries to foster a society where diversity is not only acknowledged but embraced.

The rich tapestry of Indian society, woven with threads of various religions, languages, and traditions, stands testament to the nation's resilience in upholding the ideals of secularism. Secularism, in the Indian context, is not merely an abstract political concept but a guiding philosophy that shapes the coexistence of communities with distinct beliefs and practices.²

This article embarks on a journey to explore the intricate landscape of secularism in India, with

¹ Author is a PhD Scholar at KIIT School of Law, India.

² Raja gupta, *Indian Culture: A Rich Tapestry of Traditions, Customs, and Beliefs*, MEDIUM.COM (dec. 24, 2023), <https://rajagupta121.medium.com/indian-culture-a-rich-tapestry-of-traditions-customs-and-beliefs-98c6e53e7ad1>

a specific emphasis on the indispensable component of religious freedom. As the nation confronts contemporary challenges and undergoes transformations, it is increasingly crucial to delve into the nuanced interplay between secular principles and the right to religious freedom.

Secularism, as enshrined in the Indian Constitution, underscores the separation of religion from the machinery of the state. It is a commitment to ensuring that the government remains impartial in matters of faith, creating an environment where individuals are free to practice their chosen religions without fear of discrimination or persecution.

Against this backdrop, the exploration of religious freedom becomes paramount. Beyond being a constitutional guarantee, religious freedom in India represents the spirit of inclusivity, acknowledging the right of every citizen to profess and practice their faith openly. This inherent respect for diverse religious convictions serves as a foundation for fostering unity and understanding among the various communities that call India home.

In the current socio-political landscape, the nation grapples with recent developments that have shaped the discourse on secularism and religious freedom. Whether through legal battles that question essential religious practices or societal shifts that demand a re-evaluation of the secular fabric, these developments underscore the evolving nature of the relationship between religion and governance in India.

As we navigate through essential religious practices, relevant case laws, constitutional provisions, and potential threats to secularism, it is imperative to appreciate the dynamic and complex interplay between these elements. This exploration seeks not only to analyze the challenges but also to underscore the opportunities for fostering a society that remains true to its secular ideals while respecting the diverse religious tapestry that defines India.

II. OVERVIEW OF SECULARISM IN INDIA

Secularism, as a foundational principle enshrined in the Indian Constitution, serves as a linchpin in the nation's democratic framework. Emphasizing the separation of religion from the state, this concept is not merely a legal doctrine but a guiding philosophy that shapes the ethos of the country. At its core, Indian secularism strives to establish a society where the government remains impartial in matters of faith, ensuring that religious considerations do not unduly influence state affairs.³

The bedrock of India's commitment to secularism lies in its dedication to maintaining a neutral

³ Shah Ishaq, *Secularism In India Judicial And Constitutional Perspective*, LEGALSERVICEINDIA, (Dec. 22, 2023), <https://www.legalserviceindia.com/legal/article-6954-secularism-in-india-judicial-and-constitutional-perspective.html>

and inclusive stance in religious matters. The constitutional mandate to separate religion from governance aims to create an environment where citizens of all faiths can coexist harmoniously, fostering a sense of unity that transcends religious boundaries. This commitment to neutrality extends not only to the functioning of the government but also to various public institutions, reinforcing the idea that individuals should be treated with equality and dignity irrespective of their religious affiliations.

To truly appreciate the significance of secularism in India, it is essential to delve into the historical context and evolution of this principle. The roots of Indian secularism can be traced back to the freedom struggle and the vision of the founding fathers who sought to create a nation that accommodated the diverse religious and cultural identities within its borders. The framers of the Constitution, cognizant of the potential challenges posed by religious diversity, meticulously crafted a document that would serve as a safeguard against religious discrimination and ensure the protection of individual freedoms.

The commitment to pluralism and religious diversity is not just a legal mandate but a reflection of India's social fabric. Over the years, the nation has navigated through a myriad of challenges and triumphs, consistently reaffirming its dedication to secular values. This commitment has manifested in various ways, from the promotion of religious tolerance to the celebration of festivals and traditions from diverse faiths on a national scale.⁴

The practice of secularism in India is not without its complexities and debates. Striking a balance between respecting religious sentiments and upholding the principles of a secular state is an ongoing challenge. The interpretation and implementation of secular ideals have been the subject of legal and societal discussions, reflecting the evolving nature of India's understanding of this crucial principle.

In essence, the overview of secularism in India showcases a nation committed to creating a space where individuals can practice their religions freely, unencumbered by state interference or prejudice. As India continues to evolve, the commitment to secular governance remains a dynamic and essential aspect of its identity, shaping the country's journey towards a harmonious coexistence of diverse religious beliefs and practices.

III. ESSENTIAL RELIGIOUS PRACTICES: CONCEPT AND SIGNIFICANCE

The concept of essential religious practices lies at the heart of discussions surrounding the intersection of religious freedom, cultural identity, and the role of the state in regulating matters

⁴ "S.M.A.W. Chishti, *secularism in India: an overview*, Vol. 65, No. 2, INDIAN POLITICAL SCIENCE ASSOCIATION, pp. 183-198 (2004)."

of faith. Essential religious practices encompass a spectrum of rituals, customs, and traditions that hold profound significance within a specific religious community. These practices are regarded as foundational elements integral to the identity and beliefs of a religious group, often forming the core expressions of their faith.⁵

Rituals may include ceremonies, sacraments, or acts of worship that have been passed down through generations and are central to the religious experience of adherents. Customs and traditions, on the other hand, may involve specific ways of life, dietary habits, clothing choices, or social practices that are deeply intertwined with the religious identity of a community. The protection of essential religious practices is viewed as a subset of the broader right to freedom of religion, acknowledging the profound impact these practices have on the ability of individuals to freely profess, practice, and propagate their faith.

Navigating the complexity of determining what qualifies as an essential religious practice is a formidable challenge for legal authorities and courts. The delicate balance between safeguarding religious freedoms and addressing broader societal concerns necessitates a nuanced approach. Courts often find themselves grappling with questions of whether a particular practice is truly indispensable to the essence of a religion or if it can be subject to regulation in the interest of public order, morality, or health.

The determination of essentiality often requires a deep understanding of the religious tenets and doctrines associated with a particular faith. Courts may engage in an inquiry to discern whether a given practice is considered mandatory according to the religious scriptures or whether it has evolved as a cultural or traditional aspect that holds symbolic importance. This intricate analysis involves a careful examination of the religious community's beliefs, historical practices, and the centrality of the ritual or tradition in question.⁶

The judicial scrutiny of essential religious practices is not merely a legal exercise; it reflects a broader societal dialogue on the boundaries of religious freedom within the context of a secular state. Courts aim to strike a balance between respecting the autonomy of religious communities and preventing potential harm or discrimination. The evolving nature of society, coupled with dynamic interpretations of religious texts, adds layers of complexity to these deliberations.

In essence, the definition and protection of essential religious practices encapsulate the ongoing tension between individual religious freedoms and the broader societal interest in maintaining

⁵ “SCO Team (Supreme court observer), *Essential Religious Practices: Court in Review*, SCOBSEVER, (Dec. 20, 2023) <https://www.scobserver.in/journal/essential-religious-practices-court-in-review/>”

⁶ “Gautam bhatia, *Essential Religious Practices*, INDCONLAWPHIL.WORDPRESS, (Dec. 24, 2023) <https://indconlawphil.wordpress.com/category/freedom-of-religion/essential-religious-practices/>”

order, morality, and public health. As legal frameworks continue to adapt to the changing landscape, the nuanced exploration of what constitutes an essential religious practice remains a critical aspect of the larger discourse on religious freedom and the delicate relationship between faith and governance.

IV. CONSTITUTIONAL AND LEGAL PROVISIONS SAFEGUARDING RELIGIOUS FREEDOM

(A) Constitutional Guarantees

Freedom of Religion (Article 25): It reflects the foundational principles of individual autonomy and freedom of conscience. It recognizes that the practice of religion is a deeply personal and intrinsic aspect of an individual's identity. The provision not only acknowledges the diversity of religious beliefs within the country but also emphasizes the importance of ensuring that individuals can freely choose, practice, and propagate their faith without fear of coercion or discrimination⁷. The freedom granted by Article 25 extends to both the public profession and private practice of one's religion. Individuals are not only entitled to openly express their religious beliefs but also to engage in the rituals, ceremonies, and customs associated with their faith. This dual aspect of freedom ensures that religious practices are not confined to private spaces but can be openly manifested in society.

While Article 25 guarantees the freedom of religion, it is not an absolute or unqualified right. The framers of the Constitution recognized that in certain circumstances, restrictions might be necessary to maintain public order, uphold morality, or protect public health. This recognition demonstrates a careful balance between individual liberties and the broader societal interests that the state has a duty to safeguard.

The interpretation of the limitations on the freedom of religion has been subject to legal scrutiny and interpretation. Landmark cases, such as the *Shirur Mutt Case*⁸, and *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay*⁹ underscores the limits of religious freedoms. Courts have clarified that while individuals have the right to practice their religion, this right is not absolute, and practices that go against public order, morality, or health may be subject to regulation.

The specified restrictions, including those related to public order, morality, and health, aim to

⁷ “Shubhangi Maheshwari and Shrey Nautiyal, *interplay of the right to religious freedom with other fundamental rights in the indian constitution: a constructivist coherence analysis*, volume-10, IJCL, (2021) https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal_IJCL_volume-10_2021-pdf.pdf”

⁸ “The Commissioner, Hindu Religious Endowments, Madras v. Shri Lakshmindar Tirtha Swamiyar of Shri Shirur Mutt, 1954 Air 282, 1954 Scr 1005.”

⁹ “Sardar Syedna Taher Saifuddin Saheb v. State of Bombay 1962 AIR 853, 1962 SCR Supl. (2) 496”

prevent the abuse of religious practices that may lead to social disorder, moral degradation, or health hazards. The determination of what qualifies as a reasonable restriction involves a careful assessment of the potential impact of religious practices on these critical aspects of societal well-being.

Article 25's essence lies in preserving an individual's religious autonomy while allowing the state to intervene in cases where social welfare or public harmony is at stake. Landmark cases such as *Durgah Committee, Ajmer v. Syed Hussain Ali*¹⁰ highlight the courts' deliberation on distinguishing essential religious practices from superstitious beliefs. This distinction has been crucial in determining the limits of religious freedoms.

Article 26 on the other hand contains no such restrictions and is only limited with respect to public order, morality, and health. The weight to be accorded to this difference has not been debated adequately over the years, leading to the vexed question of the interplay of the right to religious freedom and other fundamental rights. This question has gained importance because it is, presently, one of the questions pending before the Supreme Court in the reference made by the Court in the review petition against its judgement in *Young Lawyers Association v The State of Kerala*¹¹["Sabarimala case"].

Right to Equality (Article 14): Article 14 of the Indian Constitution embodies the principle of equality before the law. It ensures that all individuals, regardless of their religious affiliations, are subject to the same laws and are treated equally in the eyes of the law. This principle forms the bedrock of a just and fair legal system. In *State of Bombay v. Bombay Education Society*¹², the court emphasized the application of Article 14 in the context of educational institutions. The judgment highlighted the importance of providing equal opportunities in education without discrimination based on religion, reinforcing the principle of equality before the law.

In addition to equality before the law, Article 14 guarantees equal protection of laws. This means that the state cannot arbitrarily discriminate between individuals and must afford them the same protection of laws. It prohibits the state from unfairly favoring or prejudicing any particular individual or group.

Article 14 acts as a potent safeguard against discrimination on the basis of religion. It reinforces the idea that in legal matters, individuals should be judged on their merits and not be subjected to discriminatory treatment due to their religious beliefs or background. This principle aligns

¹⁰ "Durgah Committee, Ajmer v. Syed Hussain Ali (1961) AIR 969, 1961 SCR (3) 922."

¹¹ "Indian Young Lawyers Association v The State of Kerala, (2019) 11 SCC 1"

¹² "State of Bombay v. Bombay Education Society (1954) AIR 1, 1954 SCR 568."

with the broader commitment to secularism in the Indian Constitution.

*Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of U.P.*¹³, exemplifies the application of Article 14 in matters related to the management of religious institutions. The court emphasized the need for a fair and transparent process in the administration of religious properties, ensuring equal protection of laws for individuals of all faiths.

The emphasis on fairness and impartiality is inherent in the guarantee of equal protection under Article 14. It requires that legal proceedings and decisions be conducted without bias or prejudice, ensuring that individuals, irrespective of their religious background, receive fair and just treatment.

While non-enforceable by courts, the Directive Principles of State Policy (DPSP) provide a guideline for state policy formulation. It emphasizes the state's commitment to fostering an environment conducive to freedom of conscience and religious practices, promoting social justice.

The DPSP goes beyond religious freedom and emphasizes the broader goal of social justice. It envisions a society where there is no discrimination on the basis of religion, caste, or creed. Articles 38 and 39, for instance, call for minimizing inequalities and ensuring that there is no concentration of wealth and means of production.

In *Mohd. Hanif Quareshi v. State of Bihar*¹⁴, the court determined that Article 48 instructs the state to prohibit the slaughter of cows, calves, and animals capable of yielding milk or performing draught work. However, this directive does not extend to cattle that were once used for such purposes but have ceased to do so.

With respect to the petitioners' claim that restrictions on cattle slaughter infringe on their religious freedom under Article 25, the court ruled that it was not proven that sacrificing cows during Bakra-Eid is an obligatory or essential practice in Islam; rather, it was considered optional.

The court supported a total ban on the slaughter of cows of all ages, calves, and she-buffaloes, considering it in line with the directive principles outlined in Article 48. However, it also rejected a total ban on the slaughter of "useless cattle". Consequently, the court deemed a total ban on the slaughter of bulls, bullocks, and she-buffaloes after they had ceased to be useful as invalid under the Constitution.

¹³ "Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of U.P. (1997) AIR 222, 1997 (4) SCC 606"

¹⁴ "Mohd. Hanif Quareshi v. State of Bihar (1958) AIR 731, 1959 SCR 629."

The court acknowledged the sentiments of the Hindu community, although it stated that the constitutional issue could not be decided solely based on these sentiments.

(B) Legislative Safeguards

a. Anti-Discrimination Laws:

The Protection of Civil Rights Act (1955) serves as robust legal mechanism to combat discrimination on the basis of religion and caste. These laws are designed to protect the rights of religious minorities and marginalized communities, ensuring that they are not subjected to prejudice or injustice.

The legislative framework, as exemplified in cases like the Sabarimala Temple Case ¹⁵, underscores its commitment to eliminating discriminatory practices. In the Sabarimala case, the courts addressed gender-based discrimination, highlighting the broader objective of these laws to create an inclusive and egalitarian society where religious freedoms are respected without bias.

The case emphasized the importance of anti-discrimination laws in tackling religious practices that perpetuate gender-based discrimination. The courts intervened to uphold the principles of equality and non-discrimination, contributing to a more inclusive understanding of religious freedom.

These laws work towards creating an inclusive and egalitarian society by actively addressing discriminatory practices. They align with the constitutional values of equality and social justice, fostering an environment where individuals can exercise their religious freedoms without fear of prejudice.

The legislative framework reflects a holistic approach to ensuring equality for all citizens, transcending religious boundaries. By addressing discrimination and atrocities, these laws contribute to the overarching goal of fostering a society where every individual enjoys equal rights and opportunities.

b. Protection of Places of Worship Act:

Protection of Places of Worship Act enacted in 1991, serves as a critical legislative instrument to prevent the conversion of any place of worship and to maintain the religious character of such places as of August 15, 1947. The Act acts as a safeguard, aiming to prevent disputes over religious sites and uphold the sanctity of places of worship.¹⁶

¹⁵ "Ibid, 10."

¹⁶ "Sanjana Santhosh, *Place of Worship Act, 1991*, BLOG.IPLEADERS.IN (Dec 26, 2023),

This Act holds immense significance in preserving religious harmony by safeguarding the religious character of places of worship. It aims to prevent alterations that may disturb the longstanding religious fabric of the nation.

In *Ismail Faruqui v. Union of India*¹⁷ the court addressed the constitutional validity of the Acquisition of Certain Area at Ayodhya Act, 1993, which sought to acquire land in Ayodhya, including the disputed site of the Babri Masjid-Ram Janmabhoomi.

The court acknowledged the significance of the Protection of Places of Worship Act in this case. The Act's role in maintaining the status quo of religious places was emphasized, preventing any alterations that could disturb the prevailing harmony among different religious communities. The court's observations highlighted the Act's broader objective of preserving communal harmony by ensuring that the religious character of places of worship is protected. The emphasis on maintaining the status quo served as a means to prevent potential conflicts arising from alterations or disputes over religious sites. This legal protection contributes to fostering an environment where diverse religious communities can coexist peacefully.

Legal cases related to disputes over religious sites underscore the Act's crucial role in averting conflicts. By prohibiting alterations or conversions of places of worship, the Act contributes significantly to maintaining the sanctity of these sites and prevents disputes that could lead to inter-community tensions or discord.

M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das (2020)¹⁸ In the Ayodhya dispute judgment, the Supreme Court stressed the importance of upholding the status quo of religious sites, citing the Protection of Places of Worship Act as a means to preserve communal peace and prevent controversies over religious spaces.

*Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of U.P.*¹⁹ This case affirmed the Act's significance in maintaining the religious character of places of worship. The court highlighted its role in preventing disputes and fostering an environment where diverse religious communities can coexist harmoniously.

c. Other Relevant Legislation:

Various laws, including the Special Marriage Act (1954) and those related to religious endowments and charitable institutions, contribute to the protection of religious freedom. The

<https://blog.ipleaders.in/place-of-worship-act-1991/>

¹⁷ “*Ismail Faruqui v. Union of India* (1994) 6 SCC 360.”

¹⁸ “*M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das* (2020) 9 SCC 1.”

¹⁹ “*Ibid* 13.”

Special Marriage Act facilitates inter-faith marriages, while laws concerning religious endowments aim to ensure transparency and fairness in managing religious institutions.

The Special Marriage Act (1954) stands as a legislative effort to protect the rights of individuals to marry across religious lines. This law provides a legal framework for inter-faith marriages, affirming the right to choose a life partner irrespective of religious differences.

In *Lily Thomas v. Union of India*²⁰, the Special Marriage Act was upheld, where the court emphasized the importance of protecting individuals' rights to marry outside the constraints of religious considerations. The judgment reinforced the act's role in promoting freedom of choice in marital relationships.

Legislation related to religious endowments and charitable institutions contributes significantly to the protection of religious freedom by ensuring transparency and fairness in their management. These laws, evolving in response to challenges, aim to prevent mismanagement and promote equitable treatment of diverse religious communities.

*Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan*²¹ further highlighted the role of legislation in ensuring transparency in the management of religious institutions. The judgment emphasized the state's authority to regulate and ensure fairness in the administration of religious endowments.

In conclusion, these legislations play a crucial role in protecting religious freedom by facilitating inter-faith marriages and ensuring transparency and fairness in the management of religious institutions. The associated case laws affirm the importance of these legal frameworks in upholding individual rights and preventing mismanagement in religious matters.

V. RECENT CHALLENGES AND THREATS TO SECULARISM

In recent times, the foundational principle of secularism in India faces multifaceted challenges that have the potential to undermine the delicate balance between religious diversity and state neutrality. These challenges manifest in various forms, each posing a threat to the core tenets of secular governance.

(A) Rising Communal Tensions:

India has witnessed a concerning rise in communal tensions, where religious differences become flashpoints for social unrest. This challenge is particularly pronounced in instances where communities are pitted against each other, leading to violence and strained inter-

²⁰ “*Lily Thomas v. Union of India* (2000) 6 SCC 224.”

²¹ “*Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan* (1963) AIR 1638, 1964 SCR (3) 52.”

community relations.

- Ayodhya Dispute and Babri Masjid-Ram Janmabhoomi Case: The decades-long Ayodhya dispute, culminating in the Babri Masjid-Ram Janmabhoomi case, exemplifies the potential for communal tensions. The legal battle, intertwined with historical and religious sentiments, resulted in heightened communal emotions and necessitated delicate handling to prevent social unrest²².
- Communal Riots in Gujarat (2002): The riots sparked by the Godhra train burning incident, underscored the fragility of communal harmony. The aftermath witnessed widespread violence and polarization, highlighting the need for measures to prevent communal tensions from escalating²³.

(B) Politicization of Religious Issues:

The politicization of religious matters poses a significant threat to secularism by leveraging faith for political gains. When religious issues become tools in the political arena, the risk of deepening divisions among communities intensifies.

- Uniform Civil Code Debate: The ongoing debate around the implementation of a Uniform Civil Code has been susceptible to politicization. Political parties often use religious sentiments to gain support or oppose the idea, impacting the potential for a rational and inclusive discussion²⁴.
- National Register of Citizens (NRC) and Citizenship Amendment Act (CAA): The NRC and CAA issues have witnessed political discourse interwoven with religious considerations. Debates around citizenship and immigration have been framed in religious terms, potentially alienating specific religious communities²⁵.

(C) Legal Controversies and Landmark Cases:

Legal controversies, especially in landmark cases, can shape the trajectory of secularism. Decisions by the judiciary play a crucial role in either upholding the principles of secularism or contributing to challenges.

- Sabarimala Temple Case (2018): The Sabarimala Temple case centered on the entry of women of menstruating age into the temple, touching upon religious practices versus gender equality. The legal controversy highlighted the delicate balance between

²² “Babri Masjid-Ram Janmabhoomi Case, 1992 SCR (3) 850.”

²³ “Concerned Citizens Tribunal - Gujarat 2002: An Inquiry into the Carnage in Gujarat, 2002.”

²⁴ “Sarla Mudgal v. Union of India (1995) 3 SCC 635.”

²⁵ “Assam Sanmilita Mahasangha v. Union of India (2014) 4 SCC 1.”

protecting religious traditions and ensuring individual rights²⁶.

- **Citizenship Amendment Act (CAA) Challenges:** The legal challenges to the CAA have brought to the forefront issues related to religious discrimination. The courts play a crucial role in determining the constitutionality of such laws, impacting the secular fabric of the nation²⁷.

In conclusion, the rising communal tensions, politicization of religious issues, and legal controversies collectively pose formidable challenges to the secular ideals enshrined in the Indian Constitution. Addressing these challenges requires a holistic approach that balances the right to practice one's faith with the imperative of maintaining a secular and inclusive society.

VI. BALANCING ACT: NAVIGATING THE INTERSECTION OF ESSENTIAL PRACTICES AND SECULARISM

In the intricate interplay between essential religious practices and secularism, a delicate balancing act is required to uphold the principles of both religious freedom and the state's commitment to secular governance. This exploration involves analyzing tensions, understanding the judiciary's role, and formulating recommendations for harmonizing these vital elements.

(A) Analyzing the Tensions:

The tensions between essential religious practices and secularism arise from the challenge of respecting and preserving religious freedoms while ensuring that no religious group imposes its practices in a manner that contradicts the overarching secular ideals of the state.

- **Hindutva and Political Campaigns:** The use of Hindutva as a political tool raises questions about the intersection of religion and politics. Tensions emerge when religious sentiments are exploited for electoral gains, potentially compromising the secular fabric of the state²⁸.
- **Religious Attire in Educational Institutions:** Controversies surrounding restrictions on religious attire in educational institutions highlight the tension between upholding essential religious practices and maintaining a secular educational environment²⁹.

²⁶ "Ibid 10."

²⁷ "Ibid 31."

²⁸ "Manohar Joshi & Others v. Nitin Bhaurao Patil (1996) 1 SCC 169."

²⁹ "State of Kerala v. Mother Provincial (2009) 7 SCC 681."

(B) Role of the Judiciary in Ensuring Balance:

The judiciary plays a pivotal role in interpreting and balancing essential religious practices with the principles of secularism. Landmark cases serve as touchstones where the judiciary has grappled with these tensions to establish legal precedents.

- *Shayara Bano v. Union of India (2017)*: In the context of triple talaq, the Supreme Court's decision highlighted the judiciary's role in striking down a practice deemed essential by some within a religious community. The judgment aimed to protect individual rights while navigating the complexities of religious practices³⁰.
- *Nirmohi Akhara v. Union of India (2019)*: The Ayodhya verdict addressed the competing claims of religious communities over a contested site. The judiciary's role in ensuring a fair and just resolution exemplifies its function in balancing essential religious practices with secular governance³¹.

(C) Recommendations for Harmonizing Religious Freedom and Secular Principles:

To achieve harmony between religious freedom and secular principles, it is imperative to formulate recommendations that guide legislative and policy decisions.

- **Legislative Clarity:** Legislators must provide clear guidelines on the protection of essential religious practices, ensuring that laws respect individual freedoms while safeguarding against the misuse of religious practices for non-religious purposes.
- **Education and Awareness Programs:** Initiatives promoting understanding and tolerance of diverse religious practices can contribute to societal harmony. Educational institutions can play a crucial role in fostering an environment where essential religious practices are respected without compromising secular principles.
- **Interfaith Dialogues:** Encouraging interfaith dialogues facilitates mutual understanding and helps bridge gaps between different religious communities. This can promote a culture of inclusivity while recognizing the importance of essential practices.
- **Periodic Legal Reviews:** Periodic reviews of existing laws and their impact on essential religious practices can ensure that legislation evolves with societal changes. This process involves soliciting input from religious leaders, scholars, and communities to address emerging challenges.

In conclusion, navigating the intersection of essential practices and secularism requires a

³⁰ “*Shayara Bano v. Union of India (2017) 9 SCC 1.*”

³¹ “*Nirmohi Akhara v. Union of India (2019) 9 SCC 418.*”

nuanced approach. Analyzing tensions, acknowledging the judiciary's role, and implementing recommendations can foster an environment where religious freedom coexists with the state's commitment to secular governance.

VII. CONCLUSION

As we conclude our exploration of the intricate dynamics surrounding secularism and religious freedom in contemporary India, it's imperative to delve deeper into the nuanced facets that define this complex terrain.

The recent trajectory has unfolded a dynamic intersection where secular principles and religious practices engage in a constant interplay. This dynamic is not static; it evolves in response to societal shifts, legal interpretations, and the broader socio-political landscape.

The promise of progress is juxtaposed against persistent challenges. The tapestry of India's secular ideals is woven with threads of rising communal tensions, the politicization of religious narratives, and legal controversies. These challenges, while posing hurdles, also present opportunities for introspection and growth.

The judiciary emerges as a central player in shaping the narrative of religious freedom within the contours of secularism. Landmark cases serve not only as legal benchmarks but as societal compass points, guiding the nation through the intricate maze of balancing individual liberties with the collective well-being.

India stands at a critical juncture, and the trajectory ahead demands collective action. Navigating recent developments necessitates a forward-looking approach, one that is cognizant of emerging challenges while remaining faithful to the core tenets of India's secular ethos.

The call to action resonates with the need for a comprehensive strategy. It encompasses societal introspection—individuals and communities reflecting on their roles—as well as legislative adaptability to address the evolving needs of a diverse and dynamic nation.

Beyond the legal and social realms, the true strength of India lies in embracing diversity. This is not merely a passive acceptance but an active celebration of differences—a recognition that the collective mosaic of religious practices enriches the nation and contributes to its unique identity.

In the final analysis, navigating recent developments in India's secularism and religious freedoms is a profound journey. It requires more than policy adjustments; it demands a cultural shift—a collective commitment to fostering an inclusive society where every citizen, regardless of religious affiliation, finds not just equality but a sense of belonging and harmony. The

ongoing narrative of secularism in India is not a static script but a living story, shaped by the actions, dialogues, and aspirations of its people.

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