

# The Role of Indian Courts in Safeguarding Religious Pluralism

**Khaleda Rehman<sup>1</sup> and Dr. Sayyad Ismail Nasir<sup>2</sup>**

Research Scholar, Department of Law<sup>1</sup>

Supervisor, Department of Law<sup>2</sup>

NIILM University, Kaithal, India

**Abstract:** *This paper explores the crucial role played by Indian courts in safeguarding religious pluralism within the country. India, with its rich cultural and religious diversity, has witnessed various challenges to religious harmony over the years. The judiciary, as one of the pillars of democracy, has been instrumental in interpreting and upholding constitutional principles that promote religious pluralism. The paper delves into landmark cases where the Indian courts have addressed issues related to religious freedom, tolerance, and protection of minority rights. It also examines the legal frameworks and constitutional provisions that empower the judiciary to act as a guardian of religious pluralism. Additionally, the paper considers the evolving nature of religious tensions and the proactive measures taken by the courts to mitigate conflicts and foster an environment of inclusivity.*

**Keywords:** Religious Pluralism, Safeguarding, Constitutional Rights

## REFERENCES

- [1] Abdel Haleem, Muhammad, Sharif, Adil Umar, & Daniels, Kate eds. *Criminal Justice in Islam: Judicial Procedure in the Sharia* (London; New York: I.B. Tauris; Palgrave Macmillan, 2003).
- [2] Andrews, J.A. ed. *Human Rights in Criminal Procedure: A Comparative Study* (The Hague; Boston: M. Nijhoff; Kluwer, 1982).
- [3] Arora B.L. (2006): *Law of Speedy Trial in India*, First Edition, Universal Publishing Co. New Delhi.
- [4] B.B.Mitra on the Code of Criminal Procedure, 1973 1( S.R.Roy ed., 18th ed., Calcutta: Kamal Book House) at 127.
- [5] Baker, J. H. *Criminal Courts and Procedure at Common Law 1550-1800*. In *Crime in England 1500-1800*, ed. by J. S. Cockburn. 1977
- [6] Barbara R. Joshi, *Untouchable! Voices of the Dalit Liberation Movement*. (London: Zed Books Ltd., 1986).
- [7] Barton L. Ingraham : *The Structure of Criminal Procedure: Laws and Practice of France, the Soviet Union, China, and the United States*, Greenwood Press, 1987
- [8] Bassiouni, M. Cherif ed. *The Islamic Criminal Justice System* (London; New York: Oceana Publications, 1982).
- [9] Basu, D.D. (1973): *Criminal Procedure Code*, Prentice Hall of India, New Delhi.
- [10] Basu, D.D. (2008): *Human Rights In Constitutional Law*, Third Edition, Lexis Nexis Butterworth's, Wadhwa Nagpur.
- [11] . Basu, N.D. (2001) S.K. Bose (ed.): *Code of Criminal Procedure*, 9th Edition, Ashoka Law House, New Delhi
- [12] Basu's *Indian Penal Code*, 10th ed., Ashok Law House, New Delhi. 13. Baxi, Upendra (1982): *The Crisis of the Indian Legal System*, New Delhi.
- [13] Beattie, J. M. *Crime and the Courts in England 1660-1800*, Princeton, 1986.
- [14] Beattie, J. M. *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*. Oxford, 2001.
- [15] Bentley, David Jeffrey. *English criminal justice in the nineteenth century*. Hambledon: London, 1997.
- [16] Bradley, Craig M. ed. *Criminal Procedure: A Worldwide Study* (Durham, N.C.: Carolina Academic Press, 1999). 2d edition forthcoming June 2007

- [17] Bryett, Keith & Osborne, Peter. Criminal Prosecution Procedure and Practice: International Perspectives (Belfast: Stationery Office, 2000).
- [18] C. K . Takwani, Civil Procedure, 4th Edition, (Lucknow : Eastern Book Company, 2000). 20. C.H. Whitebread, Criminal Procedure: An Analysis of Constitutional Cases and Concepts, (1986) 407-408
- [19] Chakrabarti, N.K. (1997): Administration of Criminal Justice: The Correctional Services, New Delhi: Deep and Deep.
- [20] Cockburn, J. S. Trial by the book? Fact and Theory in the Criminal Process. In Legal Records and the Historian, ed. by J. H Baker. 1978