

# **Role of the Supreme Court in Shaping Religious Freedom Jurisprudence in India**

**Mita Paul<sup>1</sup> and Dr. Sayyad Ismail Nasir<sup>2</sup>**

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

<sup>2</sup>Research Guide, Department of Law

NIILM University, Kaithal, Haryana

**Abstract:** *Religious freedom constitutes one of the most significant facets of constitutional democracy in India. The Supreme Court of India has been central to interpreting and enforcing religious freedom under the Constitution of India. This paper examines the evolution, judicial philosophy, and landmark jurisprudence of the Supreme Court in defining and safeguarding religious liberties. It discusses key decisions that have shaped the parameters of individual and community religious rights, balancing them with public order, morality, and equality.*

**Keywords:** Religious Freedom, Supreme Court of India, Constitutional Law

## **I. INTRODUCTION**

Religious freedom occupies a central place in India's constitutional framework, reflecting the nation's historical commitment to pluralism, tolerance, and coexistence. As a civilization shaped by diverse religious traditions, India's constitutional makers envisioned a secular State that neither promotes nor suppresses any religion, but rather ensures equal respect for all faiths. This vision finds expression in Articles 25 to 28 of the Constitution of India, which guarantee freedom of conscience and the right to freely profess, practice, and propagate religion, subject to reasonable restrictions. The Supreme Court of India, as the final interpreter of the Constitution, has played a decisive role in defining the scope, content, and limitations of religious freedom, thereby shaping a distinct jurisprudence that balances individual liberty, group rights, social reform, and constitutional morality (Austin, 2009).

The complexity of religious freedom in India arises from the need to reconcile deeply rooted religious practices with the transformative goals of the Constitution. Unlike purely individualistic notions of religious liberty, Indian constitutional law recognizes both individual and collective dimensions of religion. The Supreme Court has consistently emphasized that religious freedom is not an absolute right and must operate within the broader constitutional framework that includes equality, dignity, public order, morality, and health. Through its interpretative authority, the Court has attempted to harmonize religious autonomy with the imperatives of a modern, democratic, and egalitarian society (Basu, 2018).

One of the most significant contributions of the Supreme Court to religious freedom jurisprudence is the development of the essential religious practices doctrine. First articulated in *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954), this doctrine empowers the Court to determine which practices are essential to a religion and therefore constitutionally protected. By distinguishing between core religious practices and secular or optional activities, the Court asserted its authority to regulate religious institutions without violating fundamental rights. This doctrine has become a defining feature of Indian constitutional law, influencing decisions across Hindu, Muslim, Christian, Sikh, and other religious traditions.

The Supreme Court's role has been particularly prominent in cases involving conflicts between religious practices and social reform. The framers of the Constitution envisaged religious freedom not as a shield for social inequality, but as a right compatible with reformist ideals. This is evident from Article 25(2), which permits State intervention to enact laws for social welfare and reform. The Court has repeatedly upheld this provision, asserting that religious practices inconsistent with constitutional values of equality and dignity cannot claim immunity. Landmark judgments such as *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) and *Indian Young Lawyers Association v. State of Kerala* (2018)

demonstrate the judiciary's willingness to subject religious customs to constitutional scrutiny when they infringe upon gender justice and human rights.

At the same time, the Supreme Court has shown sensitivity toward minority rights and freedom of conscience. In *Bijoe Emmanuel v. State of Kerala* (1986), the Court upheld the right of students belonging to the Jehovah's Witnesses faith to refrain from singing the national anthem on religious grounds, affirming that genuine beliefs rooted in conscience deserve constitutional protection. Similarly, in *T.M.A. Pai Foundation v. State of Karnataka* (2002), the Court reinforced the rights of religious and linguistic minorities to establish and administer educational institutions, recognizing autonomy as an essential aspect of religious freedom in a plural society.

Another important dimension of the Court's religious freedom jurisprudence concerns the right to propagate religion. In *Rev. Stanislaus v. State of Madhya Pradesh* (1977), the Supreme Court clarified that the right to propagate does not include the right to convert others by force, fraud, or inducement. This interpretation sought to balance the freedom of religious expression with the protection of vulnerable communities from coercive practices. The judgment has had lasting implications for State legislation regulating religious conversions and reflects the Court's broader approach of ensuring that religious liberty does not undermine public order or individual autonomy.

The Supreme Court's interpretation of secularism has also profoundly influenced religious freedom jurisprudence. Unlike the Western model of strict separation between religion and State, Indian secularism is based on the principle of equal respect for all religions. The Court has repeatedly affirmed that secularism is part of the basic structure of the Constitution, obligating the State to remain neutral while protecting religious diversity. This approach enables judicial engagement with religious matters when constitutional values are at stake, without compromising the secular character of the State (*Kesavananda Bharati v. State of Kerala*, 1973).

Despite its significant contributions, the Supreme Court's role in shaping religious freedom has not been without criticism. Scholars have questioned the judiciary's competence to decide theological matters under the essential practices doctrine, arguing that such determinations risk judicial overreach. Others point to inconsistencies in judicial reasoning across cases, particularly in balancing religious autonomy with social reform. Nonetheless, the Court's interventions reflect an ongoing effort to adapt constitutional principles to India's evolving social realities.

In contemporary India, religious freedom jurisprudence faces new challenges arising from changing socio-political dynamics, debates over personal laws, religious symbols, and conversion regulations. In this context, the Supreme Court's interpretative role remains crucial in preserving the delicate balance between faith and constitutionalism. By grounding religious freedom within the framework of dignity, equality, and constitutional morality, the Court continues to shape a jurisprudence that seeks to protect both diversity and unity in India's constitutional order.

## **CONSTITUTIONAL FRAMEWORK ON RELIGIOUS FREEDOM**

The Indian Constitution guarantees religious freedom principally through the following provisions:

**Article 25:** Freedom of conscience and free profession, practice, and propagation of religion,

**Article 26:** Freedom to manage religious affairs,

**Article 27:** Freedom from payment of any tax for the promotion or maintenance of any particular religion,

**Article 28:** Freedom as to attendance at religious instruction or religious worship in educational institutions.

These rights, while fundamental, are not absolute. They are subject to public order, morality, health, and other provisions of Part III of the Constitution (Constitution of India, 1950).

## **JUDICIAL INTERPRETATION AND LANDMARK DECISIONS**

### **1. The Early Phase: Protection of Religious Practices**

In *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954), the Supreme Court held that secular activities of religious institutions, such as administration of property, could be regulated by the State, provided it did not encroach upon essential religious practices. The Court adopted the "essential religious practice" test to demarcate secular regulatory measures from inviolable religious practices (Austin, 2009).

## 2. The Essential Religious Practices Doctrine

The concept of “essential religious practices” was further refined in *The Shirur Mutt case*, where the Court emphasized that only those practices which are integral to a religion’s core faith enjoy constitutional protection. Practices merely customary in nature do not qualify as essential.

## 3. Freedom to Propagate Religion

The Court’s interpretation of Article 25’s “propagation” clause in *Rev. Stainislaus v. State of Madhya Pradesh* (1977) clarified that propagation of religion means spreading its tenets through argument or discussion but does not include conversion by force or inducement. This balanced freedom of speech with protection against coercive conversion.

## 4. Secularism and Equality: Shah Bano to Triple Talaq

Although not exclusively a religious freedom case, *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) reaffirmed that all citizens are subject to secular law in matters affecting fundamental rights. More recently, in *Indian Young Lawyers Association v. State of Kerala* (Sabarimala case, 2018), the Court held that excluding women from entering a temple violated gender equality guaranteed under Articles 14 and 15, even though it implicated religious customs.

In *Indian Union Muslim League v. Union of India* (2017), the Supreme Court invalidated the practice of instant triple talaq as unconstitutional, asserting that religious practices inconsistent with fundamental rights cannot enjoy protection.

## 5. Accommodation and Limits of Religious Freedom

The Supreme Court has also held that religious freedom does not extend to practices that violate public order, morality, health, or other fundamental rights (*State of Madras v. Champakam Dorairajan*, 1951). In *A.S. Narayana Deekshitulu v. State of Andhra Pradesh* (1996), the Court upheld state regulation of religious institutions to ensure democratic functioning and prevent autocratic control.

## JUDICIAL BALANCING: FUNDAMENTAL RIGHTS, PUBLIC ORDER, AND EQUALITY

The Supreme Court has consistently exercised a balancing approach. While individual religious freedom is protected, it cannot be used to justify actions that harm public order, morality, health, or other citizens’ rights. This equilibrium was evident in cases like:

**Bijoe Emmanuel vs. State of Kerala (1986):** Upholding students’ refusal to sing the national anthem on religious grounds, demonstrating respect for conscience.

**T.M.A. Pai Foundation v. State of Karnataka (2002):** Recognizing minority rights to establish and administer educational institutions without arbitrary state interference.

This balancing reflects the Court’s commitment to preserving religious liberty while preventing its misuse to undermine constitutional values.

## CRITICISMS AND CONTEMPORARY CHALLENGES

Despite the progressive role of the Supreme Court, critiques include judicial overreach into theological domains and inconsistent use of the essential practices doctrine. Some scholars argue the Court’s secular interpretation sometimes conflicts with community autonomy, highlighting persistent tensions between uniform constitutionalism and diversity of religious practices.

Contemporary issues such as personal law reforms, cow protection laws, and disputes over religious conversions continue to test the judiciary’s ability to protect religious freedom while upholding constitutional morality.

## II. CONCLUSION

The Supreme Court of India has played a decisive and enduring role in shaping the contours of religious freedom jurisprudence within the constitutional framework. Through its interpretative authority, the Court has transformed the abstract guarantees of Articles 25 to 28 into a living body of law that responds to India’s complex social, cultural, and religious diversity. By clarifying the meaning of freedom of conscience, religious practice, and institutional autonomy, the Court has ensured that religious liberty is not merely symbolic but practically enforceable. At the same time, it has consistently emphasized that religious freedom must function within the boundaries of constitutional values such as equality, dignity, public order, and secularism.

One of the most significant judicial contributions has been the development of the essential religious practices doctrine, which has allowed the Supreme Court to distinguish between core religious beliefs and practices that are secular or optional in nature. While this doctrine has empowered the State to regulate religious institutions and promote social reform, it has also placed the judiciary in the challenging position of evaluating theological claims. Despite criticism, this approach has enabled the Court to prevent the misuse of religion as a shield for discriminatory or oppressive practices, thereby aligning religious freedom with the transformative goals of the Constitution.

The Supreme Court's jurisprudence demonstrates a careful balancing act between respecting religious autonomy and enforcing constitutional morality. In cases involving gender justice, minority rights, and freedom of conscience, the Court has consistently prioritized individual dignity and equality over rigid adherence to tradition. Judgments addressing practices such as instant triple talaq, exclusion of women from religious spaces, and coercive religious conversions illustrate the Court's commitment to ensuring that religious freedom does not undermine fundamental rights. At the same time, decisions protecting minority educational institutions and individual conscience reflect judicial sensitivity toward pluralism and diversity.

Another defining aspect of the Court's role has been its interpretation of secularism as a basic feature of the Constitution. By adopting a model of principled neutrality rather than strict separation, the Supreme Court has allowed constructive engagement with religion while safeguarding the secular character of the State. This approach has enabled judicial intervention when religious practices conflict with constitutional mandates, without endorsing or favoring any particular faith. In doing so, the Court has reinforced the idea that secularism in India is a means of protecting religious freedom rather than restricting it.

The Supreme Court's role in shaping religious freedom jurisprudence has been both dynamic and transformative. Its judgments reflect an evolving understanding of religion's place in a constitutional democracy committed to justice, liberty, and equality. While challenges remain particularly regarding consistency and judicial competence in religious matters the Court's jurisprudence has largely succeeded in maintaining a delicate balance between faith and constitutionalism. As India continues to navigate tensions between tradition and reform, the Supreme Court's interpretative guidance will remain central to preserving religious freedom as a fundamental yet regulated right, rooted firmly in the values of the Constitution.

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