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# **SECULARISM IN INDIA: ITS CONCEPT, ANALYSIS AND CHALLENGES**

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## **ABSTRACT**

This research paper explores the complexities of secularism within the socio-cultural context of India, a diverse and multicultural pluralistic nation. At its core, the principle of secularism, enshrined in the Indian Constitution, plays a crucial role in fostering unity in diversity, even in the face of various challenges and threats. Since gaining independence, the Indian Constitution has consistently emphasized that India is a secular nation with the primary ideology to promote social and economic democracy. Numerous articles within the Constitution and related legislation safeguard this essence, reaffirming and reinforcing its significance reflected in various provisions such as in Parts III, IV, and IVA of the Constitution.

However, the practical application of the secular concept has faced numerous challenges which has debilitated the core secular foundation of the nation. This paper addresses issues such as religious tension, political misuse of religion, hate crimes, minority oppression and widespread communalism all of which pose significant obstacles for Indian citizens to overcome in the past, present and the days to come.

Judicial rulings by various High Courts and the Supreme Court of India have played a critical role in application of constitutional provisions. Landmark judgments, some of which are discussed in this paper, have shaped secularism and established a stronger foundation for it. Alongside the Judiciary, the government also plays an equally important role in making sure that laws and policies are properly enforced, there is harmony in the society and citizens are treated equally.

**Keywords:** *India, Secularism, Constitution, Challenges, Judiciary, Judgments, Government.*

## INTRODUCTION

India is a multi-racial and multi-cultural nation, home to various races including Indo-Aryans, Dravidians and Mongoloids among others. Its population consists of numerous ethnic and tribal cultures, each with its own languages, values, traditions, and rituals. These diverse communities contribute to the nation's rich cultural tapestry and enhance its social fabric through their unique customs and profound knowledge. It is the birthplace of major religions such as Hinduism, Jainism, Buddhism and Sikhism. Significant populations of Muslims, Christians, Parsis, Jews, and other religious communities also reside in India. In addition, there are 22 scheduled languages recognized by the Eighth Schedule of the Indian Constitution, and hundreds of dialects spoken across the country, all of which contribute to India's linguistic diversity and cultural heritage.<sup>1</sup>

India is recognized as one of the largest democracies in the world. It has entered its 79<sup>th</sup> year of independence and has ushered into a new wave of secularism. To protect the rights of its citizens and prevent discrimination of any kind, the Indian Government and the Parliament have put various measures in place. The Indian Constitution ensures that all citizens are treated equally, regardless of whether they were born in India or have become naturalized citizens.<sup>2</sup>

Secularism upholds the rights and dignity of its citizens in India. The absence of a recognized state religion strengthens the foundations of democracy in the country. Religion significantly influences individual identities and community divisions in a multicultural country like India, which upholds egalitarian ideals. Indian secularism is rooted in these ideals and emphasizes respect for all religions rather than favouring one over another.

There have been numerous challenges to secularism which include religious conflicts, comprising of caste-based discrimination, religious prejudice, hate crimes, majoritarianism, and rampant communal violence with the recent example of the Manipur violence.

This paper aims to discuss and highlight the meaning and nature of secularism through the context of the Indian Constitution which acts as the source and foundation of secular values through various articles enshrined in it. The country faces varied challenges some of which is

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<sup>1</sup> Ayesha Ashfaq & Sehar Khurshid Durrani, *The Politics of Hindutva: A Looming Challenge for Secularism in India*, 7 PJA 18, 19-20 (2024).

<sup>2</sup> Kriti Parashar & Anil K. Dixit, *Concept of Secularism in Religious India: A Study*, 6 IJRAR 365, 368-369 (2019).

discussed in this paper. The role of the judiciary in upholding the values of secularism enshrined in the Constitution is also crucial in the context of its rightful implementation.

## INTERPRETATION OF SECULARISM

After gaining independence, India sought to establish sui generis model of secularism, drawing from its unique social, cultural, and political history. This approach involved rejecting the western framework of secularism. The development of India's version of secularism has been influenced by the provisions of the written constitution, subsequent legislation, and judicial rulings, all of which have shaped the largest democracy in the world over time in response to social developments and constitutional values.<sup>3</sup>

The foundation of secularism in India today is based on the principle that religion and the state should remain separate. The state has no authority to interfere with an individual's freedom of conscience. Secularism views religion as a purely personal matter, distinctly separating it from other areas of life such as economic, social, cultural, and political aspects.<sup>4</sup>

The term "secular" is closely associated with religious tolerance. In a secular state, no individual or group is granted special privilege regarding national affairs or international relations. Every citizen has the right to choose their own religion and also choose not to practice any religion at all, making the relationship between religion and individualism an independent variable in a secular framework.<sup>5</sup> A secular state provides all religions equal protection and remains impartial or neutral in religious affairs. Thus, secularism implies that all religions have the same standing and are treated equally.<sup>6</sup> In the context of India, the state does not practice any religion, nor does it support the religious efforts of any specific community. It primarily follows the principles of "**Dharma Nirapekshata**" which means **the state is indifferent to any particular religion**, and "**Sarva Dharma Samabhava**" which asserts that **all religions are equal**.<sup>7</sup>

There also lies responsibility upon the State to refrain from endorsing any specific social group,

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<sup>3</sup> Malcolm Katrak & Shardool Kulkarni, *Unravelling the Indian Conception of Secularism: Tremors of the Pandemic and beyond*, 10 SNR 1, 1-2 (2021).

<sup>4</sup> *Secularism*, DRISHTI IAS (Feb 2, 2025, 04:12 PM), <https://www.drishtias.com/to-the-points/paper1/secularism-1>.

<sup>5</sup> Taufique Ali & Nureda Begum, *Secularism in India and Its Challenges*, 35 JNS 3981, 3985-3986 (2023).

<sup>6</sup> Arun Kumar Singh, *Myth and Reality of Secularism in India: An Analysis*, 19 TNEHUJ 74, 75-76 (2021).

<sup>7</sup> Sara Elias, *Concept of Secularism under Indian Constitution*, 6 JETIR 565, 565-566 (2019).

as this undermines the equal civic status of other groups. For instance, labelling India as a Hindu state imposes the dominance of the Hindu majority over other religious communities, such as Christians and Muslims. Additionally, the State should avoid imposing a religious lifestyle on its citizens, which encompasses various aspects such as education, attire, dietary choices, and personal relationships. This imposition infringes on individual liberties and contradicts the principles of a secular nation.<sup>8</sup>

## ROLE OF THE INDIAN CONSTITUTION

The word "secular" was added in the 42<sup>nd</sup> Amendment to the Preamble of the Indian Constitution in the year 1976. This inclusion of "Secularism" was considered essential due to the nation's diverse population.<sup>9</sup> An amendment to the Constitution was made by Mrs. Indira Gandhi, who was the Prime Minister of India at the time. She modified the phrase "**Sovereign Democratic Republic**" to "**Sovereign Socialist Secular Democratic Republic.**"

At present, the Constitution essentially embodies the concept of secularism. Secularism is reflected in several provisions of the Indian Constitution such as within Part III, which addresses Fundamental Rights, Part IV, which outlines Directive Principles of State Policy, and Part IVA, which discusses Fundamental Duties.<sup>10</sup> It has also become one of the fundamental principles of the Indian Constitution with the emergence of the Indian Constitutional ideology which promote social and economic democracy. This means that the Parliament cannot alter the foundational framework of secularism through amendments, as granted by **Article 368** of the Constitution.<sup>11</sup>

The framework laid down by the Constitution emphasizes the principle of equal tolerance for all religions, rather than prioritizing the separation of state and religion. It is essential to recognize that the state cannot adopt or promote a specific religion solely on its own. Any form of theocratic practice by the state is unacceptable. Instead, all citizens are treated equally and without discrimination. The State has the right to engage with various religious communities in order to promote peaceful coexistence and cultural advancement. These principles are

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<sup>8</sup> Cecile Laborde, *Minimal Secularism: Lessons for, and from, India*, 115 APSR 1, 4-5 (2020).

<sup>9</sup> Rohit Samhotra, *Secularism in the Holy Book of Indians*. THE LAW CODES (Feb 4, 2025, 02:40 PM) <https://thelawcodes.com/secularism-in-the-holy-book-of-indians/#:~:text=The%20'secularism'%20known%20in%20the,in%20all%20dimensions%20including%20religi on.>

<sup>10</sup> Rijul Agrawal, *The Fragile Balance: Challenges to Secularism in India*, 6 IJPSG 251, 252-253 (2024).

<sup>11</sup> Elias, *supra* note 5, at 566.

implied by the concept of Indian secularism.<sup>12</sup>

The fundamental rights outlined in the Indian Constitution include important provisions related to religious matters and minority rights. For example, **Article 25** grants individuals the freedom to profess, practice, and propagate their religion. **Article 26** provides the freedom to manage religious events, while **Article 27** states that no person shall be compelled to pay taxes for the promotion or maintenance of any specific religion. **Article 28** stipulates that no religious instruction may be imparted in educational institutions funded by the State. Additionally, **Article 29** guarantees any particular section of society the right to preserve their distinct culture, language, or script. Lastly, **Article 30** addresses the rights of minorities to establish and administer educational institutions based on their language or religion.<sup>13</sup>

Also, the duty equally rests on the shoulders of the Indian citizens to promote peace and unity amidst the diversity which is also enshrined in the Constitution. As per **Article 52A(e)** of the Indian Constitution, which is part of the Fundamental Duties outlined in Part IV, citizens have a responsibility to promote a sense of fraternity and harmony among each other. This duty involves transcending differences in language, region, religion, and social class, as well as actively avoiding behaviours that undermine the dignity of women.<sup>14</sup>

## CHALLENGES TO SECULARISM

While secularism in India is often praised, it faces significant criticism due to several factors that have raised doubts about its principles and weakened foundation. This paper discusses some of these factors, beginning with religion, which can have a profound impact both positive and negative in cultures marked by deep-rooted hostility between majority and minority religious groups. India serves as a prime example of this phenomenon.

Political leaders and extremist religious groups often exploit religion to demonize and alienate minority faiths in their quest for political power. Political parties frequently secure votes and win elections by influencing voter decisions based on the religion they represent, with voting patterns commonly shaped by religious and caste identities which contradicts the values and

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<sup>12</sup> Divyanshu Chaudhary, *Indian Constitution Vis-À-Vis the Idea of Secularism: The Role of State in The Ongoing Trends*, 7 KSLR 100, 103-104 (2019).

<sup>13</sup> Kattrak & Kulkarni, *supra* note 3, at 2.

<sup>14</sup> *Article 51A in Constitution of India*, INDIAN KANOON (May 15, 2025, 11:00AM), <https://indiankanoon.org/doc/867010/>.

principles of secularism.

Hindutva, a form of Hindu cultural nationalism, presents a threat to Indian secularism by promoting the idea that Hinduism is superior and prioritizing the interests of the Hindu majority. This stance contrasts with secularism, which encourages cultural harmony among various faiths, religious tolerance, and pluralism in India. Secularism aims to foster a society based on reason and rationality, working to empower all citizens rather than allowing unfair societal norms to dictate the lives of any particular group.<sup>15</sup>

There has also been a rise in the episodes of hate crimes in the country. Crimes persuaded by prejudice against specific groups based on their ethnicity, gender, race, religion, or sexual orientation are known as hate crimes. In the last few years, there has been a concerning increase in the number of hate crimes in India which target individuals on the basis of their identity.<sup>16</sup> Amnesty International India launched an interactive data website called "Halt the Hate." This platform reveals a troubling number of suspected hate crimes reported in 2017 against vulnerable communities, notably Dalits and Muslims. The "Halt the Hate" website documents alleged hate crimes against Dalits, Adivasis, racial and religious minorities, transgender individuals, and other marginalized groups who are subjected to various forms of exploitation, discrimination, sexual exploitation, and even murder.<sup>17</sup>

Another significant obstacle in this context is the persistence of caste-based and religious prejudice within Indian society, particularly among the Hindu community where upper castes often show disdain for lower castes. As a result, many individuals from lower castes have opted to convert to non-Hindu religions such as Buddhism, Christianity, Islam, and Sikhism, where they have equal access to places of worship.

The Indian government is also well aware of the caste system and acknowledges that the status of women in society should not be dictated by religious communities. Therefore, it must take action to initiate reforms aimed at ending prejudice. This is where **Article 25(2)(b)** of the Indian

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<sup>15</sup> Amit Singh, *Hindutva is at war with secular democracy in India*, THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE (Mar 3, 2025, 04:15 PM), <https://blogs.lse.ac.uk/religionglobalsociety/2024/02/hindutva-is-at-war-with-secular-democracy-in-india/>.

<sup>16</sup> Anjali Bose et al., *Rising Hate Crime in India: A Gender and Religion Perspective*, 2 JCP 72, 72-73 (2023).

<sup>17</sup> *Halt the Hate- Amnesty campaigns to document hate crimes in India*, INTERNATIONAL DALIT SOLIDARITY NETWORK (Apr 3, 2025, 01:50 PM), <https://idsn.org/halt-the-hate-amnesty-campaigns-to-document-hate-crimes-in-india/>.

Constitution comes into play, as it emphasizes that Hindu religious institutions of a public nature must be open to all classes and sections of Hindus.<sup>18</sup>

Communal violence poses a significant challenge to the unity of our nation. In the 1980s, there was a noticeable increase in religious tensions among various groups, including Hindus, Sikhs, and Muslims. This period saw several tragic events, such as the Sikh riots following the assassination of the then Prime Minister Indira Gandhi in 1984, the brutal killings of Kashmiri Hindu Pandits in the northern state of Kashmir around 1989, and the Bhagalpur riots in the same year.

Another significant episode of this period was the intercommunal violence that occurred in northern India. A notable development during this time was the emergence of the Khalistan movement. On one side, there were the Mandal and Kamandal disputes, while on the other side, important cases came to limelight such as the Shah Bano and the Ram Janmabhoomi case. The destruction of the Babri Masjid in the late nineties dealt a severe blow to Indian secularism.<sup>19</sup> On December 6, 1992, Hindu nationalists demolished the Babri Masjid in the city of Ayodhya, Uttar Pradesh, which led to widespread intercommunal riots across the country. According to Hindu mythology, Ayodhya is believed to be the birthplace of Lord Ram. The mosque, built by the Mughal General Mir Baqi in the 16th century, faced numerous objections starting in 1990, which fuelled a movement. This movement ultimately led to people visiting the site and demolishing the mosque to make way for a Ram temple, resulting in significant loss of life.<sup>20</sup>

Additionally, the Bombay riots in the late 1990s became a pivotal event in this context. Politics in the northeastern states were also heavily influenced by communal and religious factors. The Assam unrest of 2012 was a significant incident in the northeastern state of Assam, involving conflicts between the indigenous Bodo tribe and Bengali Muslims. This unrest was fuelled by long-standing ethnic tensions and disputes over land. Tragically, nearly 80 people lost their lives during the violence.<sup>21</sup>

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<sup>18</sup> Arun K Patnaik & Prithvi Ram Mudhiam, *Indian secularism, dialogue and the Ayodhya dispute*, 42 RSS 374, 383 (2014).

<sup>19</sup> Pochana Sai Nikhitha, *India's Secularism under Threat*, 2 IJLSS 166, 167-168 (2024).

<sup>20</sup> Shanta Barman, *Exploring Communalism's Impact on Indian Politics: Historical Analysis, Contemporary Trends, and Prospects for Harmony*, 3 JHSR 79, 92-93 (2024).

<sup>21</sup> *Id.* at 93.

A recent notable example of conflict is the violence in Manipur, where clashes have erupted between the indigenous communities such as Meitei, who are primarily Hindu, and the Kuki belonging to Christian community. The Central government has faced criticism for its delayed and inadequate response to this crisis, revealing a troubling disregard for the human rights of people belonging to marginalized groups. Such events raise attention to the precarious condition of religious minorities in India and cast doubt on the government's adherence to secularism and human rights laid throughout the Constitution of India.<sup>22</sup>

Majoritarianism also acts as driving force in influencing political decisions for the entire nation neglecting the interest and marginalization of minority groups and undermining the egalitarian values of a secular nation.<sup>23</sup>

## DEVELOPMENT

Various legislations have been passed to protect the rights of religious communities especially minority groups so that they are protected and are not suppressed or violated by the majority groups. The Indian Constitution plays a major role in protecting individual rights and interests alongside the role of the Indian government in the form of its policies and actions which also plays an equally important role in such a scenario.

Talking about some positive steps include the evolution of Hindu religious practices which has played a significant important role in promoting secular principles in the country. This development has also relied heavily on social changes or reform, particularly for marginalized groups such as women and lower castes. Over the years key efforts have been made to address social issues like child marriage, purdah, polygamy, prevention of intercaste unions, sati (suttee), and unjust succession laws among other practices. Additionally, there has been a focus on reforming state-sponsored practices that prevent women and dalits from entering temples and places of worship. The Hindu Marriage Act of 1955 was particularly important, as it made both polygamy and untouchability illegal under the Constitution.<sup>24</sup>

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<sup>22</sup> *The State of Secularism in India in 2024: A Human Rights Perspective*, HINDUS FOR HUMAN RIGHTS (May 15, 2025; 10:30PM) <https://www.hindusforhumanrights.org/news/the-state-of-secularism-in-india-in-2024-a-human-rights-perspective>.

<sup>23</sup> Hanumanthappa DG, *Secular Politics in India: Evolution, Challenges and Contemporary Relevance*, 10 IJPS 29, 32 (2024).

<sup>24</sup> Laborde, *supra* note 8, at 6.

**Ek Bharat Shreshtha Bharat** programme launched by government of India to promote the feeling of unity in diversity across the varied geographical locations in the country and interaction of one community with another. It was announced by the Hon'ble Prime Minister of India on 15<sup>th</sup> October, 2015 on the 140<sup>th</sup> birth anniversary of Sardar Vallabhbhai Patel, the first Deputy Prime Minister of India. This initiative makes an attempt to celebrate the unity in diversity of our country, to promote the feeling of integration by engaging between different states and union territories, to showcase the rich culture, heritage and tradition of different states, to set up long term alliance and create an environment which encourages and promotes learning amongst the states by sharing best experiences and practices.<sup>25</sup>

### **ROLE OF JUDICIARY IN SECULARISM IN INDIA**

The Judiciary has consistently played a pivotal role in interpreting the secular nature of the Indian Constitution. Even though at times it faced challenges in maintaining a firm stance, the Supreme Court asserted its authority as an activist to actively promote secularism. This assertiveness aligns with the nation's pluralistic ethos, and the Supreme Court has unequivocally declared secularism to be an unamendable feature of the Constitution.<sup>26</sup>

For the first time, the Supreme Court of India recognized the principle of secularism in the case of **Sardar Taheruddin Syedna Saheb vs. the State of Bombay (1962)**. Justice Ayengar clarified the essence of Articles 25 and 26 of the Indian Constitution which embody the principle of religious tolerance and also emphasized the secular nature of the country's democracy, which the founding fathers viewed as the cornerstone of the Indian Constitution.

A 13-judge constitutional bench ruled in this landmark case of **Keshavananda Bharti v. State of Kerala (1972)** that secularism is a fundamental principle of the nation. Chief Justice S.M. Sikri emphasized that the constitution's fundamental characteristic is its secular nature, concluding that secularism is an intrinsic aspect of the document that cannot be amended. However, the bench did not clarify what secularism means in the Indian context.<sup>27</sup>

The landmark case of **Mohd. Ahmed Khan vs Shah Bano Begum (1985)** showcased the

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<sup>25</sup> *Ek Bharat Shreshtha Bharat*, GOVERNMENT OF INDIA (Aug 28, 2025, 10:05 AM), <https://www.mygov.in/campaigns/ebsb/>.

<sup>26</sup> Sanghamitra Padhy, *Secularism and Justice A Review of Indian Supreme Court Judgments*, 39 EPW 5027, 5027-5028 (2004).

<sup>27</sup> *Id.* at 5027.

supremacy of the Indian constitution over personal laws. In this landmark decision, the Hon'ble Supreme Court stated that Section 125 of the Code of Criminal Procedure, 1973, is secular in nature. This means it applies to all spouses, regardless of their personal laws or religion, since the section does not reference any specific religion. Additionally, this code pertains to criminal law rather than civil law. This case has emphasized the rights of Muslim women in India concerning divorce and maintenance laws, paving the way for the implementation of a Uniform Civil Code that would unify all civil laws currently divided by religious customs and personal laws.<sup>28</sup>

In this landmark case of **Bijoe Emmanuel vs State of Kerala (1986)**, three students Bijoe Emmanuel, and two of his sisters, who were Jehovah's Witnesses were expelled by the school administration for refusing to participate in singing the national anthem. The Kerala High Court rejected their father's request for relief under **Article 19(1)(a)** of the Indian Constitution, which guarantees the fundamental right to freedom of speech and expression, as well as **Articles 25 and 26**, which pertain to the freedom to profess and practice any religion and to manage one's religious affairs. However, the Supreme Court overturned the Kerala High Court's decision in favour of the students, ruling that their expulsion violated their fundamental rights. The Court emphasized that Indian tradition, philosophy, and the Constitution all advocate for tolerance, which should not be compromised.<sup>29</sup>

In the case of **Indra Sawhney vs. Union of India (1992)** Justice Kuldeep Singh emphasized that secularism represents a unified, casteless, and harmonious society that transcends religion. He stated that secularism is a fundamental principle of the nation, rooted in tolerance and impartiality, rather than mere separation from religious aspect.<sup>30</sup>

The case of **S R Bommai vs. Union of India (1994)** marked a significant milestone in the history of the Supreme Court of India in upholding the nation's secular values. A nine-judge bench reaffirmed that secularism is an essential part of the basic structure of the Indian political system, clearly distinguishing the religious sphere from the political one. Justice B P Jeevan

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<sup>28</sup> Shifa Qureshi, *Mohd. Ahmed Khan vs Shah Bano Begum and Others (1985)*, IPLEADERS (Jun 30, 2025, 01:30 PM) [https://blog.ipleaders.in/case-law-summary-mohd-ahmed-khan-v-shah-bano-begum-others-1985-air-945/#Details\\_of\\_the\\_case](https://blog.ipleaders.in/case-law-summary-mohd-ahmed-khan-v-shah-bano-begum-others-1985-air-945/#Details_of_the_case).

<sup>29</sup> *Bijoe Emmanuel vs State of Kerala: Case Analysis*, IPLEADERS (Jun 30, 2025, 2:15 PM) <https://blog.ipleaders.in/discussion-bijoe-emmanuel-case/>.

<sup>30</sup> *Id.* at 5028.

Reddy emphatically stated that religion should not influence state matters.<sup>31</sup>

The **Sabarimala Temple Entry Case (2018)** involved the denial of entry for women, particularly those in their menstruating years aged 10 to 50, into the temple. This restriction was based on the belief that Lord Ayyappa, the deity of the temple, is a celibate god. After years of legal proceedings that began in 1991, the case which was initially decided by the Kerala High Court, upheld the customary religious practice. However, on September 28, 2018, a five-member Constitution bench of the Supreme Court, by a 4:1 majority, ruled that the custom prohibiting women from entering the temple violated their fundamental rights. The Court declared that this prohibition was unconstitutional and not an essential religious practice.<sup>32</sup>

## CONCLUSION

Indian secularism shows that people from different races, castes, cultures, and religions live peacefully together. This makes India the world's largest democracy and secular nation. The Indian Constitution provides the foundation for these secular values and directs the state's operations. However, numerous challenges still threaten these secular values at its core. This acts as a reminder that there is a long way ahead towards overcoming the obstacles and making India a truly secular nation. Over the years, the Indian judiciary, despite occasional conflicts, has demonstrated its paramount commitment to secular values and the protection of citizens' rights through landmark judgments. In particular, the Supreme Court acts as the guardian of the Constitution. In the end, it is the state alongside the judiciary who is responsible for upholding constitutional secular values and ensuring equal status and respect for all citizens. It must also promote progress through social reforms, education, and inclusive development, while citizens share the duty to foster mutual harmony in society.

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<sup>31</sup> *Id.* at 5028.

<sup>32</sup> *Sabarimala Temple Entry*, SUPREME COURT OBSERVER (Jun 11, 2025, 5:00 PM) <https://www.scobserver.in/cases/indian-young-lawyers-association-v-state-of-kerala-sabarimala-temple-entry-background/#:~:text=On%20September%2028th%202018%2C%20a,discriminatory%20as%20per%20Article%202015.>