

Reinterpreting Article 25: Religious Freedom and the Changing Nature of Secularism in Contemporary India

Yashnita Nambiar

Mayo College Girls School, Ajmer, India

Email: [nambiaryashnita\[at\]gmail.com](mailto:nambiaryashnita[at]gmail.com)

Abstract: *This paper investigates the evolving interpretation of Article 25 of the Indian Constitution, which guarantees freedom of religion, within the framework of contemporary political shifts. Through critical examination of landmark events, including the Ayodhya verdict, the Karnataka Hijab ban, and the Citizenship Amendment Act, the study explores whether India's constitutional secularism is being reshaped by majoritarian influences. Drawing from judicial rulings, media analysis, and NGO reports, the paper assesses the tension between religious freedom and political ideology, ultimately questioning the neutrality of the Indian State in religious matters.*

Keywords: Article 25, religious freedom, Indian secularism, Hindutva politics, constitutional interpretation

1. Introduction

India has evolved completely out of a struggle which was not only political but also really social and religious. The makers of the Constitution thought of a nation where all religions could coexist peacefully, and where the State would treat every religion equally. This vision was shown in the concept of secularism, which became a core feature of Indian democracy. Although the word "secular" was officially added to the Preamble in 1976, the idea was always present in the structure of fundamental rights, especially Article 25, which guarantees the freedom of religion to every citizen.

However, in recent years, the meaning of secularism in India has been hotly debated. Several events such as the Ayodhya temple verdict (2019), the Citizenship Amendment Act (2019), and the Karnataka hijab controversy (2022) have raised questions about whether the State is still neutral in matters of religion. People argue that the government is increasingly siding with Hindutva, an ideology that promotes Hindu cultural dominance, while supporters agree that these actions are necessary to correct historical injustices and ensure national unity.

This paper attempts to examine the changing interpretation of Article 25 by analysing laws, policies, and public discourse. It also explores how the balance between religious freedom and political agendas is shaping the modern Indian secular State. Is India still equally respectful of all religions, or has neutrality given way to selective preference? That is the central question this paper seeks to answer.

This paper seeks to critically examine the current interpretation of Article 25 of the Indian Constitution, assessing whether India's secular framework is being altered by the rise of majoritarian politics.

2. Need of Study

India's democracy is often described as the largest in the world, and its secularism is one of its most unique features. However, recent developments have sparked intense public debate about whether this secularism is weakening, evolving, or being selectively applied. While many studies have focused on communal riots, religious violence, or identity politics, there is limited information that specifically examines how Article 25 is being interpreted in today's political context.

This paper becomes necessary in a time when religious issues are no longer just social but deeply political. Events like the Ayodhya temple construction, the triple talaq ban, and the bulldozer propaganda based destruction mishaps in Muslim dominated areas are not just routine incidents. They are part of a larger narrative that suggests the possible redefinition of secularism in India, a shift from equal respect to majoritarian appeasement.

The study also gains importance because Article 25 is one of the most powerful yet complex articles in the Constitution. It promises religious freedom but also allows for reasonable restrictions. This dual nature makes it vulnerable to manipulation, especially when combined with political motives. By exploring the changing interpretation of Article 25, this paper hopes to provide clarity on whether the secular identity of India is still intact, or if it is being altered under pressure from dominant political ideologies.

Moreover, this topic is essential for young citizens, legal scholars, and policymakers who want to understand the thin line between religious freedom and religious preference. In a time where religion has entered courtrooms, parliaments, classrooms, and even dress codes, it is vital to ask: Is India still a secular state in practice, or only in principle?

This study is significant because it interrogates how legal interpretations of Article 25 are influenced by contemporary political ideologies, potentially altering India's foundational secular values. Such inquiry is crucial for legal scholars, civil society actors, and policymakers committed to upholding constitutional neutrality in a pluralistic society.

3. Review of Literature

The debate around secularism in India has been discussed by multiple scholars, legal experts, and journalists. Their studies clearly show that while secularism is a constitutional ideal, its application has often depended on the political situation of the time.

Rajeev Bhargava, a leading political theorist, argues that Indian secularism is not about strict separation of religion and State, as seen in Western countries, but about “principled distance,” where the State can engage with religion to ensure equality. However, in his later works, he warns that this principle is increasingly being misused to justify selective interference.

The Supreme Court’s judgment in *S.R. Bommai vs Union of India* (1994) is often cited as a landmark ruling that defined secularism as part of the basic structure of the Constitution. The Court held that any move away from secularism could justify the dismissal of a State government. However, recent court verdicts, such as the *Ayodhya* judgment (2019), have been criticised by commentators like Pratap Bhanu Mehta for favouring faith over facts, thus creating doubt about the Court's role in upholding secular ideals.

Reports by organizations like the People’s Union for Civil Liberties (PUCCL) and Amnesty International India have highlighted multiple times, incidents of communal violence, hate speech, and State inaction, especially after 2014. These reports show a pattern where the government’s silence or selective action raises concerns about religious neutrality.

The Karnataka High Court’s 2022 ruling upholding the ban on hijabs in educational institutions also drew attention to how religious freedom under Article 25 is being interpreted more narrowly. Legal experts like Gautam Bhatia have argued that the judgment prioritised uniformity over freedom, indicating a shift from individual rights to State-imposed values.

Studies published in the *Economic and Political Weekly* (EPW) have analysed how public policies, such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC), disproportionately affect Muslim communities. Scholars point out that these policies, while framed in legal language, hold really strong religious undertones that question the secular ideals that we have embraced for so long.

Also scholars like Christophe Jaffrelot and Arvind Narrain have gone back to the ideological roots of Hindutva, showing how its rise as a political movement has gradually reshaped the State’s attitude toward religion. They argue that Hindutva does not just

seek political power, but cultural dominance, which directly clashes with the equal treatment of all religions promised under Article 25.

Thus, the existing literature reveals a consistent story, while India claims to be secular, the growing influence of majoritarian politics has created a gap between constitutional promises and ground realities. This paper builds on these insights to assess the present and future of secularism in India.

4. Research Methodology

To understand how Article 25 is applied in today's India, especially amidst changing political and social dynamics, this paper wants to emphasise on certain important aspects.

1) Statistical Trends in Legal Actions

I reviewed data on legal rulings involving Article 25 over the last five years, including cases on hijab bans, anti-conversion laws, and waqf amendments. For instance, the Allahabad High Court’s 2025 ruling upheld the UP anti-conversion law, clarifying that coercive conversions fall outside Article 25 protection.

2) Incidents and State Responses

I compiled events like the 2023 Haryana Nuh riots, where 1,200+ structures in Muslim-majority areas were razed without proper notice, often justified under illegal construction. Such incidents help quantify the extent to which state powers, under the guise of Article 25’s limitations, have been used.

3) Case Studies of Instances:

a) **Meerut eatery poster incident (2025):** A restaurant owner was arrested for pasting “Hindus, beware” posters targeting a Muslim competitor, directing towards communal profiling in business spaces.

b) **Nupur Sharma’s remarks (2022):** Her comments on Prophet Muhammad led to multiple FIRs and police action, showcasing how religious speech can provoke state reaction and shape discussions on religious neutrality.

c) **Waqf Amendment Act (2025):** This law inserted government-appointed non-Muslims into waqf boards, causing protests and accusations of undermining Muslim institutional rights.

4) Judicial Review and Legal Analysis

I examined selected judgments, such as *Stanislaus v. State of Madhya Pradesh*, AIR 1977 SC 908, which clarified the distinction between propagation and conversion under Article 25, and the *Karnataka Education Institutions Hijab Case* (*Fathima Bushra v. State of Karnataka*, Karnataka High Court, WP No. 2146/2022), where the High Court ruled that wearing the hijab is not an essential religious practice under Article 25, a decision later appealed before the Supreme Court.

5) Media & NGO Reports

Data from PUCCL, Human Rights Watch, and Congressional Research Service reports were used to contextualize incidents of communal violence, conversions, and state interference with religious education.

6) Across Religions & Regions

I compared patterns across communities, Muslim, Christian, Sikh and across diverse regions, e.g., UP, Karnataka, Uttarakhand, to determine whether Article 25's restrictions are applied uniformly or selectively under majoritarian influence.

7) Global Comparative Lens

Drawing from international examples, e.g., Western jurisprudence on religious freedom, I contrast how India's principled distance approach holds up against literal interpretations and state policies found in, say, European democracies.

8) Bias and Media Limitations

Given the potential bias in media reports, this data was cross-referenced with legal documents, NGO studies, and court transcripts.

9) Scope Constraints

Given resource limits, this study focuses primarily on high-impact cases from 2019–2025. Future extensions could include public perception surveys or deeper archival research.

5. Conclusion

India has long projected itself as a secular democracy where religious equality is constitutionally protected. Yet, the current trajectory suggests a quiet but consequential transformation.

From courtrooms to classrooms, religious identity is becoming more visible and more contested. Some people feel their religious rights are being protected less, while others believe the government is only supporting the majority's beliefs. Policies may appear neutral on paper, but often affect one group more than others. Examples like uniform dress codes that restrict the hijab, religious teachings being introduced in schools, and targeted actions in specific communities show us how secularism is being quietly reshaped.

What makes this shift even more concerning is that it's not always done openly. The bias is subtle, hidden in laws, in rules, and in silence. Article 25 is still there, still powerful, but it is being tested. Courts have tried to balance religious rights with public concerns, and sometimes they succeed but legal action alone cannot protect secularism.

This study shows that if India wants to remain truly secular, Article 25 must be respected in spirit, not just in words. Religious freedom must be protected for everyone, majority and minority alike. We need awareness, fair laws, and strong institutions. Otherwise, we risk turning secularism into just a word on paper.

India does not need less religion. It needs more respect, for all religions equally.

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