 DOI: https://10.5281/zenodo.23276323

The Constitutional Grammar of Indian Secularism: An Analysis of Religious Freedom and State Neutrality

Prof. (Dr.) Shiv Kumar Dogra[1]
Bineet Singh[2]
© The Author(s), under exclusive licence to Oxford Law Review 2026.

Abstract

There is nothing irrational or unsecular about the decisive influence of religion in Indian society; Indian secularism, in fact, depends on some form of constitutional arrangement which ensures protection of conscience, recognition of religious institutions, anti-discrimination, and social reform mandates. Therefore, any equation of state neutrality with total institutional separation becomes much more complex in the light of these commitments. This paper analyzes their link by a doctrinal reading of constitutional provisions and some selected judgments by the Supreme Court. It argues that neutrality is more appropriately conceived as a regime of public justification, that is, any action the state undertakes with respect to religion should be justified on the basis of constitutional purposes, respectful of equal citizenship and subject to judicial review. The analysis reveals a perennial conflict between protecting religious autonomy and permitting courts to decide on which practices ought to be accommodated. It also distinguishes between freedom of conscience and the institutional claims to control members' choices. The answers to some proxy cases about religious endowments, conscientious objection, conversion, education, and gender exclusion show that unrestricted intervention and categorical noninterference provide a satisfactory protocol. The interpretive framework proposed in this paper directs courts to discern the disputed right, determine whether the government had the proper legal authority to impose the burden, assess the specific burdens imposed, and allow for proportional remedies where appropriate. This normative framework is described as a synthesis of constitutional commitments rather than an actual unified judicial test.

Keywords: Indian Secularism, Religious Freedom, State Neutrality, Constitutional Equality, Essential Religious Practices

1. Introduction

The Constitution of India protects religious freedom while permitting public regulation of activities associated with religion. Article 25 guarantees freedom of conscience and religious profession, practice and propagation, but expressly qualifies these freedoms. Article 26 protects denominational institutions, while Articles 14 to 17 challenge discrimination and entrenched hierarchy. These

[1] Professor, Department of Law, Himachal Pradesh University, Shimla; ✉ Email: shivkdograhpu@gmail.com
[2] PhD Scholar, Department of Law, Himachal Pradesh University, Shimla; ✉ Email: bineetsingh86@gmail.com

Copyright © Oxford Law Review. (editor@oxfordlr.com)

provisions create a constitutional problem more demanding than choosing whether the state should intervene in religion. They require an account of when intervention is justified, whose freedom it protects and how its limits should be determined (Constitution of India, arts. 14–17, 25–26).

The expression constitutional grammar describes the relationships among liberty, equality and institutional autonomy. Smith's early study examined constitutional arrangements alongside religious propagation, regulation, temple reform and education, showing the breadth of the secular state's responsibilities (Smith, 1963). Jacobsohn places constitutional theory and practice within their social and political setting, comparing India with Israel and the United States (Jacobsohn, 2003). These works support a contextual inquiry into Indian secularism rather than assuming that one model of separation settles every constitutional dispute.

The central research question is whether Indian constitutional doctrine supplies a coherent conception of state neutrality compatible with religious freedom. Three subsidiary questions guide the inquiry. How does the constitutional text distribute authority between individuals, religious communities and the state? How have courts distinguished protected religion from regulable activity? What standards can prevent both religious domination and excessive state intrusion?

The paper argues that neutrality should require constitutionally justified treatment rather than mechanical uniformity. Its contribution is to distinguish the neutrality of governmental purposes from the effects of government action and from the institutional competence of courts. A measure may pursue a legitimate purpose yet impose unequal burdens, a judgment may secure an inclusive outcome yet rely on problematic theological reasoning. A satisfactory doctrine must examine all these dimensions.

1.1. Methodology and scope

This study employs doctrinal research through reading of constitutional provisions and selected Supreme Court decisions, supplemented by books, a scholarly chapter and journal articles. Decisions are selected for their treatment of autonomy, essential practices, conscience, propagation, education and equality. Scholarly interpretations are distinguished from binding holdings and from this paper's recommendations. The method involves no original interviews or surveys, cited empirical scholarship supplies context without converting the study into field research.

The case study corpus covers foundational decisions from 1954 through the 2019 Sabarimala review reference. The inquiry is an interpretive analysis of that defined corpus, rather than an exhaustive account of subsequent litigation. Constitutional provisions provide the primary framework, reported case citations and accessible judgment texts permit verification. References use shortened case names in the discussion, with full citations in the bibliography. Where decision and report years differ, the report citation identifies the authority. The method has corresponding limits. Judicial decisions record disputes filtered through pleadings, jurisdiction and available evidence, they cannot establish how every community experiences secular governance. A persuasive constitutional interpretation may also encounter difficulties in implementation that judgment analysis alone cannot measure. The findings therefore concern the coherence and implications of legal reasoning. Research

Copyright © Oxford Law Review. (editor@oxfordlr.com)

into enforcement, institutional practice and affected persons' experiences would complement this inquiry, but would require a separate empirical design.

1.2. The constitutional foundations of secularism

The Preamble places liberty of belief, faith and worship alongside equality and fraternity. The Constitution (Forty-second Amendment) Act, 1976, inserted the word secular into the Preamble, but religious liberty and nondiscrimination were already constitutionally protected. The insertion therefore cannot plausibly be treated as the sole origin of India's constitutional secularism. Its legal meaning must be read through the operative provisions and the structural principles recognised in constitutional adjudication (Constitution of India, Preamble, Forty-second Amendment Act, 1976, s. 2, S.R. Bommai, 1994).

Article 25(1) protects all persons, not only citizens or members of recognised denominations. Its express inclusion of conscience places the individual at the centre of religious liberty. It protects the capacity to hold convictions and to express religion through conduct, subject to public order, morality, health and the other provisions of Part III. These qualifications prevent the freedom from becoming an unlimited immunity, but they are constitutional grounds requiring justification, rather than invitations to restrict unfamiliar beliefs (Constitution of India, art. 25(1)).

Article 25(2) identifies two distinct fields of legislative intervention. Clause (a) permits regulation or restriction of economic, financial, political and other secular activities associated with religious practice. Clause (b) permits social welfare and reform, including opening Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation II extends the specified references to Hindus to persons professing the Sikh, Jaina or Buddhist religion. The provision demonstrates that reform is internal to the constitutional arrangement, rather than an external exception to secularism (Constitution of India, art. 25(2)).

Article 26 protects every religious denomination or section thereof in establishing institutions, managing religious affairs, owning property and administering property according to law. Its opening limitations refer to public order, morality and health. Unlike Article 25(1), it does not expressly contain a general subordination to the other provisions of Part III. This textual difference matters when courts confront institutional autonomy and equality. It requires interpretive reasoning about their relationship, simply importing every limitation from Article 25 would overlook the constitutional wording (Constitution of India, art. 26).

Articles 27 and 28 impose more specific constraints. Article 27 concerns compulsory taxation whose proceeds are specifically appropriated towards promoting or maintaining a particular religion or denomination. It does not prohibit every public expenditure that incidentally benefits religious persons. Article 28 prohibits religious instruction in institutions wholly maintained from state funds, subject to its endowment exception and protects against compelled participation in religious instruction or worship in recognised or aided institutions without the requisite consent (Constitution of India, arts. 27–28).

Copyright © Oxford Law Review. (editor@oxfordlr.com)

The equality and minority protections complete this structure. Articles 14, 15 and 16 constrain discriminatory state action, while Article 17 abolishes untouchability. Articles 29 and 30 protect specified cultural and educational interests, Article 30 expressly recognises religious and linguistic minorities. These differentiated protections show why equal citizenship cannot always mean identical institutional arrangements. At the same time, minority protection does not itself answer every question about internal inequality or permissible regulation. Constitutional interpretation must explain how the relevant protections apply to the particular institution and dispute (Constitution of India, arts. 14–17, 29–30).

Article 44 adds a directive that the state endeavour to secure a uniform civil code. Read with Article 37, it supplies a constitutional objective whose implementation remains a legislative responsibility, rather than a directly enforceable command overriding fundamental rights. Uniformity cannot therefore serve as a substitute for examining the substance of a proposed reform. A common rule may advance equality, but its constitutional assessment must still address liberty, discrimination and the distribution of burdens (Constitution of India, arts. 37, 44).

1.3. Secularism and the neutrality of public power

S.R. Bommai v. Union of India established secularism as a basic feature of the Constitution within litigation concerning proclamations under Article 356. The judgments connected secular government with equal treatment and rejected governmental identification with a particular religion. Their importance lies in locating secularism within the obligations of public power, rather than treating it solely as an individual entitlement. Conduct contrary to secular constitutional government can therefore have structural consequences, although the constitutional conditions for Article 356 and judicial review remain relevant (S.R. Bommai, 1994).

Bommai should not be reduced to a claim that any disputed religious policy automatically warrants dismissal of a state government. Nor does basic structure status eliminate the need to identify an operative constitutional violation in ordinary litigation. Its doctrinal contribution is to deny that electoral authority permits governments to abandon secular constitutional commitments. The decision also contains multiple opinions, an isolated observation should not be presented as though every judge adopted an identical theory of religion and politics (S.R. Bommai, 1994).

Bhargava's account of principled distance provides a normative explanation of selective engagement with religion. He argues for a contextual secularism that respects religiosity while opposing institutionalised religious domination, rather than requiring strict separation in every circumstance (Bhargava, 2019). Applied here, this approach permits differentiated treatment only where constitutional purposes justify it. Bommai supplies the corresponding constraint: governmental authority must remain secular. Principled distance therefore supports accommodation and reform, but cannot itself establish the validity of any particular measure without scrutiny of the relevant rights.

Neutrality also requires attention to effects. A formally general rule can burden a small religious community disproportionately, while an exemption may enable equal participation in public life. Conversely, a benefit described as accommodation may reinforce an institution's authority over

Copyright © Oxford Law Review. (editor@oxfordlr.com)

unwilling members. The question is therefore whose freedom the arrangement protects and what burden it transfers to others. This analytical distinction helps connect institutional secularism with the individual guarantees examined below.

Galanter identifies competing understandings of secularism, including distance from religion, impartiality and corrective oversight (Galanter, 1971). His distinction helps explain why describing a measure as secular cannot settle its legality. Contextual treatment also risks excessive official discretion. Public authorities should therefore state the constitutional purpose of a distinction and explain why comparable burdens receive different treatment. Recognition of diversity must increase the demand for reasons rather than provide a general exemption from scrutiny.

2. Religious autonomy and essential religious practices

In Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, the Court distinguished religious affairs from secular administration. Religion included practices and observances, rather than beliefs alone. Whether an activity belonged to religion had to be assessed with reference to the religion's doctrines, the involvement of expenditure or paid personnel did not by itself transform worship into commerce. At the same time, property administration could be regulated by law. The decision protected institutional autonomy while recognising a field of public oversight (Shirur Mutt, 1954).

This distinction remains valuable because religious institutions operate through both worship and material arrangements. Accounting obligations can protect beneficiaries without authorising officials to prescribe doctrine. Yet the boundary is difficult: expenditure may be integral to ritual and appointment rules may affect religious functions. Shirur Mutt accordingly resists the proposition that anything involving money is necessarily secular. Its reasoning requires examination of the function being regulated, not merely the institution's economic characteristics (Shirur Mutt, 1954).

Durgah Committee, Ajmer v. Syed Hussain Ali introduced a more restrictive formulation, warning that religious practices might include extraneous accretions and stressing essential and integral practices. These observations arose in a dispute concerning the administration of a religious endowment. Their broader implication is significant: courts may distinguish protected religion from practices they regard as unessential, even where participants attribute religious significance to them. The analytical movement is from identifying religious matters towards evaluating their centrality (Durgah Committee, 1961).

Sen argues that the essential practices doctrine has helped courts rationalise religion and legitimise extensive regulation of Hindu institutions, with consequences for denominational independence (Sen, 2010, ch. 2). This strengthens the objection that protecting religious freedom through judicial definitions of authentic religion can undermine autonomy. A centrality inquiry may privilege dominant or scriptural interpretations over internal diversity. The concern is institutional competence: authority to interpret constitutional limits does not establish theological expertise or justify judicial evaluation of spiritual worth.

Copyright © Oxford Law Review. (editor@oxfordlr.com)

An alternative approach should distinguish sincerity and religious character from claims that a practice is indispensable to an entire faith. For individual claims, a genuine conscientious commitment supplies a stronger starting point than a court's ranking of theological importance. Institutional claims still require evidence of denominational status and identification of the protected religious function. Neither approach dispenses with constitutional limitations. It relocates the decisive inquiry towards the actual interference and its justification, while acknowledging that essentiality remains part of the doctrine examined here.

Sincerity is also imperfect as a legal threshold. Courts may encounter strategic claims, inconsistent conduct or disagreement about who represents a community. These difficulties justify careful evidence, not an assumption that religious commitment must be uniform or immutable. A person can revise a belief without making it insincere. More fundamentally, recognition of a sincere claim establishes a reason for constitutional consideration, it does not automatically establish a right to exemption or defeat another person's rights.

2.1. Conscience and freedom of religious choice

Bijoe Emmanuel v. State of Kerala supplies a useful contrast. Three schoolchildren belonging to Jehovah's Witnesses respectfully stood during the national anthem but declined to sing because of their beliefs. The Court protected them under Articles 19(1)(a) and 25. It examined the absence of a valid legal obligation compelling their singing and emphasised genuine conscientious belief rather than whether that belief appealed to judicial reason. Respectful silence did not establish the disruption alleged against them (Bijoe Emmanuel, 1986).

The decision demonstrates how neutrality can require accommodation within a common public institution. The children did not seek control over the school's anthem ceremony, they sought freedom from compelled personal participation. Their claim therefore differed from an institutional demand to impose conduct on others. The doctrinal lesson is that public unity need not require identical expression. A court should investigate the alleged harm and the legal basis for compulsion before accepting administrative claims that uniform behaviour is necessary (Bijoe Emmanuel, 1986).
Religious propagation raises a different tension. In Rev. Stainislaus v. State of Madhya Pradesh, the Court held that the freedom to propagate religion did not include a fundamental right to convert another person. It upheld the challenged state legislation addressing conversion through force, fraud and the specified forms of inducement or allurement. The reasoning relied on the equal freedom of conscience of others and legislative competence concerning public order (Rev. Stainislaus, 1977).

Stainislaus must nevertheless be distinguished from the separate question of an adult's freedom to adopt a faith. In Shafin Jahan v. Asokan K.M., the Court set aside the annulment of Hadiya's marriage in habeas corpus proceedings and affirmed adult autonomy in intimate and religious choices. Investigation into alleged criminality could continue within lawful limits, but could not determine the marriage's validity through that route. Read together, the decisions expose the need to distinguish preventing coercion from substituting official or familial judgment for personal choice (Shafin Jahan, 2018).

Copyright © Oxford Law Review. (editor@oxfordlr.com)

This distinction also limits generalisations about conversion legislation. Stainislaus cannot, without further analysis, establish the validity of every later notice requirement, evidentiary presumption or restriction associated with religious change. Each provision would require examination of its language, burdens and constitutional justification. The proposed normative position is that protection against coercion should strengthen the agency of the person concerned. A regulatory scheme becomes suspect where religious choice itself, rather than demonstrable wrongdoing, supplies the reason for intrusive control.

Freedom of conscience also warrants attention to persons who reject religious affiliation. Reading the guarantee as protecting only membership in established faiths would neglect its individual character. The interpretive position advanced here is that neutrality should protect refusal, revision and nonparticipation alongside observance. Otherwise, state accommodation could inadvertently assume that everyone must belong to a religious community before making a claim to equal constitutional respect.

2.2. Equality and reform within religious institutions

Sri Venkataramana Devaru v. State of Mysore addressed the relationship between denominational autonomy and legislation opening a public Hindu temple to excluded groups. The Court harmonised Article 26(b) with Article 25(2)(b), recognising that the reform provision could apply to a denominational temple of a public character. The judgment also accommodated limited denominational observances. It illustrates an interpretive method that gives effect to both provisions while ensuring that autonomy does not nullify the constitutional authorisation of temple entry reform (Venkataramana Devaru, 1958).

The Sabarimala decision presented a more contested application of these relationships. In Indian Young Lawyers Association v. State of Kerala, a four-to-one majority invalidated the exclusion of women between the ages of ten and fifty from the temple. The majority opinions addressed religious freedom, denominational status, statutory authority and equality through differing routes. Chandrachud J.'s reasoning included an expansive engagement with exclusion and Article 17, it should not be treated as an undifferentiated holding adopted in every majority opinion (Indian Young Lawyers Association, 2019).

Indu Malhotra J.'s dissent questioned the standing of the petitioners and cautioned against evaluating religious practices through judicial rationality. It defended a stronger account of denominational autonomy and contested the majority's treatment of the practice. The disagreement exposes a genuine constitutional tension: courts must protect persons against legally actionable exclusion while avoiding unrestricted authority to redesign religious life. Accurately presenting the dissent clarifies this tension without implying that majority and dissent had equal precedential status (Indian Young Lawyers Association, 2019, Malhotra J., dissenting).

In the 2019 review proceedings, the majority in Kantaru Rajeevaru referred broader questions concerning religious freedom to a larger bench and kept the review petitions pending. That order was not a final merits determination resolving those questions. Within this paper's defined corpus, it demonstrates the continuing doctrinal difficulty surrounding the relationship

Copyright © Oxford Law Review. (editor@oxfordlr.com)

between equality, constitutional morality and religious autonomy. The analysis therefore treats the 2018 opinions and 2019 reference as distinct judicial acts, rather than describing the entire controversy as conclusively settled (Kantaru Rajeevaru, 2020).

Shayara Bano v. Union of India likewise requires attention to separate reasons. A three-to-two majority set aside talaq-e-biddat, but the judges forming that majority did not share one constitutional route. Nariman and Lalit JJ. relied on manifest arbitrariness in examining statutory recognition under the Muslim Personal Law (Shariat) Application Act, 1937. Kurian Joseph J. reached the result through a different analysis of Muslim law and Quranic requirements. The dissent defended a different understanding of personal law protection (Shayara Bano, 2017).

The case therefore does not establish that every form of uncodified personal law was unanimously subjected to Article 14. Its significance for secularism is more precise: agreement on protecting an individual can coexist with disagreement about whether relief should rest on constitutional scrutiny or interpretation internal to religious law. Reliance on internal interpretation may enable relief but leave wider equality questions unanswered. This paper favours clear identification of the legal source being challenged and the constitutional basis for reviewing it (Shayara Bano, 2017).

Vatuk's research documents Muslim women activists seeking gender equity through their own readings of the Quran and challenging male interpretive authority (Vatuk, 2008). This complicates any assumption that religious communities possess one uncontested position or that reform necessarily originates outside religion. For doctrinal analysis, the implication is to distinguish institutional representatives' authority from individual members' claims. Religious freedom can encompass internal disagreement and constitutional scrutiny should neither erase that disagreement nor presume that community leaders exhaust its legitimate expression.

3. Education and the boundaries of state engagement

Public education tests whether neutrality requires silence about religion. In Aruna Roy v. Union of India, the Court rejected the challenge to the National Curriculum Framework for School Education and distinguished religious instruction from education about religions. Academic study directed towards understanding does not necessarily constitute religious indoctrination. The distinction allows a secular educational institution to examine religion as a historical and social subject while remaining bound by Article 28 (Aruna Roy, 2002).

The practical legal inquiry must concern content and mode of instruction. A course described as comparative religion could still privilege a particular faith or compel devotional participation, conversely, a historical discussion does not become unconstitutional merely because it concerns sacred texts. Neutrality therefore requires scrutiny of what students are asked to learn or do. The constitutional distinction protects both intellectual access to religious traditions and the student's freedom against prescribed belief (Constitution of India, art. 28, Aruna Roy, 2002).

This example also reveals why the constitutional categories cannot be replaced by an all-purpose demand for equal treatment. The obligations of a wholly state-funded institution differ from the consent rules applicable to recognised or aided institutions and the constitutional text

Copyright © Oxford Law Review. (editor@oxfordlr.com)

contains an express endowment exception. A court must identify the institution's legal position before selecting the applicable rule. Precision about the form of state involvement makes neutrality legally workable.

4. Towards a coherent doctrinal framework

The preceding authorities support a structured approach, although they do not prescribe a single comprehensive test. First, adjudication should identify the claimant, the right and the challenged legal act. An individual's conscientious refusal, a denomination's management claim and a challenge to government patronage engage different provisions. This initial classification should prevent institutional claims from obscuring the rights of dissenting members and prevent individual claims from being dismissed merely because a religious organisation does not endorse them.

Second, courts should require a valid legal basis and an identifiable constitutional purpose for interference. Public order, health, social reform and financial accountability cannot operate as interchangeable labels. The government should explain the actual problem and the connection between that problem and the measure adopted. Where a measure involves religious classification, the explanation must address equality as well as the religious freedom provision. Administrative preference for uniformity is insufficient without further justification.

Third, adjudication should examine evidence of burdens and alternatives. An accounting requirement, a temporary administrative intervention and permanent displacement of religious management differ considerably in their effects. The least intrusive workable response deserves consideration, especially when worship or conscience is affected. This proportionality-oriented recommendation is a synthesis proposed by this paper, it does not claim that all the earlier decisions expressly applied a contemporary proportionality formula.

Fourth, courts should limit theological judgments to what is necessary for resolving the legal issue. They may need evidence about a practice's character, history or institutional setting, but should avoid deciding its spiritual worth. Constitutional morality should be connected to identifiable constitutional guarantees and reasons, rather than functioning as an unexplained conclusion. The authority to enforce equality does not remove the judicial obligation to specify jurisdiction, relevant facts and the applicable rights.

Finally, remedies should address the established violation while preserving lawful religious freedom. A defect in financial administration need not justify rewriting ritual, an unlawful exclusion may require effective access rather than a declaration alone. Reasons should explain how the remedy protects the successful claimant without unnecessarily burdening others. This attention to remedies converts neutrality from a general aspiration into a constraint on the exercise of public authority.

Kapur challenges the assumption that judicial victories framed as gender equality are necessarily transformative. Examining triple talaq, interreligious marriage and Sabarimala, she argues that apparently progressive reasoning can reproduce gender stereotypes and majoritarian understandings of religion (Kapur, 2020). This paper draws a methodological caution from that critique: assess both the outcome and the reasoning that produces it. A successful rights claim does

Copyright © Oxford Law Review. (editor@oxfordlr.com)

not dispense with scrutiny of stereotypes, institutional power or the remedy's effects on religious minorities.

5. Conclusion

Indian secularism derives its legal content from the interaction of conscience, institutional autonomy, equality and reform. The Constitution permits meaningful engagement with religion while limiting both sectarian government and unjustified intrusion. The cases examined show that neutrality cannot be reduced to abstention, identical treatment or judicial approval of selected religious practices. Its defensible core is the obligation to justify public power through constitutional reasons.
A coherent doctrine should begin with the right and claimant, identify lawful authority, assess the actual burden and explain the remedy. Protecting conscience requires respect for choices that judges or officials may not share. Protecting equality requires attention to exclusion without erasing the textual and institutional limits of adjudication. The constitutional grammar of Indian secularism is strongest when these obligations are reasoned together and when courts distinguish the law they apply from the reforms they recommend.

References

Aruna Roy v. Union of India, (2002) 7 SCC 368.

Bhargava, R. (2019). Reimagining secularism: Respect, domination and principled distance. In N. Bhuta (Ed.), *Freedom of Religion, Secularism and Human Rights* (pp. 21–52). Oxford University Press. DOI: 10.1093/oso/9780198812067.003.0002.

Bijoe Emmanuel v. State of Kerala, (1986) 3 SCC 615.

Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, AIR 1954 SC 282, 1954 SCR 1005.

Constitution (Forty-second Amendment) Act, 1976, section 2.

Constitution of India. Preamble, Articles 14–17, 19, 25–30, 37, 44 and 356.

Durgah Committee, Ajmer v. Syed Hussain Ali, AIR 1961 SC 1402, (1962) 1 SCR 383.

Galanter, M. (1971). Hinduism, secularism and the Indian judiciary. *Philosophy East and West, 21*(4), 467–487. DOI: 10.2307/1398174.

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

Jacobsohn, G. J. (2003). *The Wheel of Law: India's Secularism in Comparative Constitutional Context.* Princeton University Press.

Kantaru Rajeevaru v. Indian Young Lawyers Association, (2020) 2 SCC 1.

Copyright © Oxford Law Review. (editor@oxfordlr.com)

Kapur, R. (2020). Gender and the "faith" in law: Equality, secularism and the rise of the Hindu nation. *Journal of Law and Religion, 35*(3), 407–431. DOI: 10.1017/jlr.2020.42.

Muslim Personal Law (Shariat) Application Act, 1937, Act 26 of 1937, section 2.

Rev. Stainislaus v. State of Madhya Pradesh, (1977) 1 SCC 677.

Sen, R. (2010). *Articles of Faith: Religion, Secularism and the Indian Supreme Court.* Oxford University Press. Chapter 2, "The Doctrine of Essential Practices: The Judges Shape a Rational Hinduism," pp. 40–72. DOI: 10.1093/acprof:oso/9780198063803.001.0001.

Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368.

Shayara Bano v. Union of India, (2017) 9 SCC 1.

Smith, D. E. (1963). *India as a Secular State.* Princeton University Press.

S.R. Bommai v. Union of India, (1994) 3 SCC 1.

Sri Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255, 1958 SCR 895.

Vatuk, S. (2008). Islamic feminism in India: Indian Muslim women activists and the reform of Muslim personal law. *Modern Asian Studies, 42*(2–3), 489–518. DOI: 10.1017/S0026749X07003228.

Publisher's Note

Oxford Law Review remains neutral with regard to jurisdictional claims in published maps and institutional affiliations. Oxford Law Review or its licensors retain the rights to this article pursuant to the applicable publishing agreement with the author(s) or other rightsholder(s). Any self-archiving, reproduction, distribution, or reuse of the accepted manuscript or published version is subject to the terms of the applicable publishing agreement and applicable law.

Copyright © Oxford Law Review. *(editor@oxfordlr.com)*