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## RELIGION, NATIONALISM, AND THE INDIAN CONSTITUTION: A CONSTITUTIONAL BALANCE BETWEEN UNITY AND DIVERSITY

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### ABSTRACT

This research paper explores the intricate relationship between religion, nationalism, and constitutional values in India. It traces the historical evolution of religion from a personal belief system to a politically mobilized identity, particularly during colonial rule and the freedom struggle. By examining religious reform movements, the rise of religious nationalism, and the eventual partition, the paper illustrates how the politicization of religion shaped competing national visions. It then discusses the constitutional response to this legacy, highlighting how the Indian Constitution seeks to promote secularism, religious freedom, and equal citizenship through its provisions and judicial interpretation. Drawing on key case laws, constituent assembly debates, and recent controversies, the paper critically analyses how the state continues to navigate the delicate balance between religious identity and democratic principles. The study concludes by reaffirming the Constitution's role as a safeguard against communal fragmentation and a framework for inclusive nationalism.

### KEYWORDS

Secularism, religious Nationalism, Indian constitution, citizenship, Freedom of religion, communalism, constituent assembly debates, Hindutva, Two nation Theory, CAA, Judicial Interpretation, fundamental rights, pluralism, constitutional morality.

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<sup>1</sup>Intern, Lex Lumen Research Journal.

## INTRODUCTION

India's foundation as a modern nation state is layered through its civilizational history. During independence, the framers of the Indian Constitution deliberately chose to separate the spheres of religion and governance, envisioning a secular republic where citizenship was not defined by faith. Nationalism was constructed around the shared memory of colonial resistance and the promise of a pluralistic democracy, rather than a homogenized religious identity. Nationalism was never mapped through the faith but through optimism of thoughts. The constitution, with its explicit guarantees of equality, liberty and secularism, was a conscious effort to forge national unity in a deeply diverse society.

The framers keeping in mind the very idea of separation of two most diverse and influenced communities of India gave their best to keep them solidified through the provisions of constitutional assets. However, the post-independence political landscape did not remain insulated from religious undercurrents. It seems like over the time the line between religion and nationalism began to blur through circumstances shaped by electoral politics and growing tensions among the people. What was once a pragmatic separation slowly evolved into a contested overlap, where the religion became a battleground in the narrative of Indian Nationalism.

Witnessing the recent trends, it is important to attempt to unpack how these entities initially distinct in principle have come to influence, challenge and reshape each other in India's post-colonial evolution. Through constitutional debates, case laws and legal and historical pattern, an attempt to understand how nationalism and religion are intended to function in India, but how they function and what they mean from the constitutional vision of secularism today.

## HISTORICAL CONSTRUCTION: FROM NATIONALISM TO RELIGION AND THE INDIAN CONSTITUTION

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Benedict Anderson famously describes a nation as socially constructed. community, imagined by the people who perceive themselves as part of that group. In India, nationalism was once synonymous with the freedom struggle. This spirit of nationalism was rooted in ideas of progress and development, not only politically but also socially, economically, and culturally.<sup>2</sup>

A nation cannot thrive in isolation from its core social institutions. Beyond the economic and political framework, a nation is a living network of institutions like family, education, work and religion. each of them shapes values, behavior and cohesion of its people. A truly great nation evolves in harmony with these institutions, drawing strength from their stability and adaptability. Without them, a nation risk becoming a hollow structure, orderly but rigid and suffocating leaning towards authoritarianism.

Overtime, these core institution of the nation evolved further, becoming intertwined with culture, language, art and heritage. Simultaneously, the rise of scientific temper and modern ideas began reshaping how societies thought and functioned. This evolution gave birth to a powerful; collective sentiment, a desire to preserve what remained of our identity, to protect our culture, our language and ultimately our nation. This spirit emboldened us to fight against centuries of oppression and backwardness and move forward towards a new era.<sup>3</sup>

Contrary to the narrative of constant conflict. Indian History is replete with the moments of profound religious solidarity and cultural synthesis. One of the most symbolic examples is the foundation of the Golden Temple (Harmandir sahib) in Amritsar. The holiest shrine of Sikhism its foundation stone was laid in 1588 by Sai Mir Mian Mohammed, A Muslim Sufi saint at the invitation of Guru Arjan dev showcasing deep interfaith respect and spiritual harmony.

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<sup>2</sup> Nationalism in India , Jstor

<sup>3</sup> National Law School of India Review, Vol. 30, No. 1 (2018), pp. 1-10 (10 pages)

The Bhakti and Sufi movements reinforced this unity, as saints like Kabir, Guru Nanak and Baba Farid preached messages that transcend religious labels, emphasizing love devotion and the futility of ritualistic divisions. These movements attracted followers from all communities creating a shared spiritual space beyond orthodoxy.

During revolt of 1857 often called the first war of independence, Hindus and Muslims fought side by side against British rule. The sepoys regardless of religion rebelled under the symbolic leadership of Bahadur shah Zafar a Mughal emperor though they have their own supporting reasons but that doesn't cancel the unifying figure against colonial oppression.

These instances among many other reveals that communal unity was not only possible but actively practiced in Indian history. They serve as a reminder that religion, when unpublicized often became a bridge rather than a barrier.

But the Nationalism rooted in shared cultural and civilizational aspirations did not remain untouched. The colonial crown was threatened by the potential unity of such vast diverse nation and deliberately employed a policy of 'divide and rule'. They subtly encouraged communal distinctions in the light of a solution to a problem the crown faced, managing a vast, diverse country with multiple religions, castes, and regional loyalties, maintaining order and ensuring governance required a strategy that could manage this diversity. The colonizers thus adopted a policy that acknowledged and, in their view, 'accommodated' these social differences.

However, what began as a calculated administrative method to manage diversity gradually turned into a political weapon that deepened communal consciousness. Thus, this inclusive phenomenon of nationalism gradually narrowed, as religious identity was politicized and gave rise to deep-rooted hatred in its name.

## **Religion: From inner faith to public identity**

Religion, at its core, was never meant to define a person's identity in societal terms. It began as an intimate, personal aspect of one's inner self, i.e., a matter of individual faith and conviction. It reflected what a person chose to believe in, follow, or practice based on their conscience. Religion

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wasn't about belonging to a group or being labelled, but about the personal spiritual path one felt connected to.

The personal path could take the form of idolatry or aniconism, whether they want their faith to take the form of an Idol or a spiritual text, depending on what resonates with one's inner truth. The ritual, practices, and beliefs drawn from sacred text or spiritual teaching became a tool to nurture inner connections. Over time, these beliefs influenced and shaped an individual's thought values and moral compass.

The 'strategy of exploiting social, religious and regional differences to maintain power was not unique to the British crown. Long before colonialism, subcontinental politics has already seen instances where rulers of both indigenous and foreign lands used similar tactics to assert dominance. The Mughals, while largely known for their syncretic approach under rulers like Akbar, also at that time leaned on alliances with communities to control others. Earlier invaders like Muhammad Ghor and later regional sultanates often sowed divisions to weaken resistance and consolidate their rule, manipulating caste-based loyalties was not uncommon.

Rulers like Ashoka understood the political value of religion. His promotion of Buddhism and the moral philosophy of dharma unified a vast and diverse empire. This historical pattern from Ashoka moral unification to the sultan's selective patronage to British institutional communalism reveals that religion has long been embedded in the political architecture of the subcontinent. Thus, throughout history, religion has never been a matter of personal faith it was always an instrument of politics. Every ruling power understood one truth that religion could command not only beliefs but a deep emotional allegiance.

As aforementioned phenomenon of nationalism gradually narrowed, as religious identity was politicized and gave rise to deep-rooted hatred in its name. The results of the politization of religion redefined religious identity within the modern political context. Through many of these movements began as social or spiritual reforms, they soon acquired political overtones, laying the groundwork for the religious nationalism.

One such movement was the Arya samaj, founded by Swami Dayanand Saraswati in 1875. While its initial objective was to purify Hinduism by returning to Vedic principle. Where the influence of Christianity was induced it acted as a counter. Parallely, Aligarh movement led by Sir Syed Ahmed Khan sought to modernize Indian Muslims through western education and reconcile them with British rule. While Sir Syed himself was against Hindu-Muslim animosity the movement's emphasis on a distinct Muslim identity inadvertently laid the intellectual groundwork for Muslim separatism. His statement that Hindus and Muslims are two different nations, though not political at that time later became central to Muslim League's two nation theory.

This intellectual backdrop gave rise to the growth of religious nationalism on both sides, Vinayak Damodar Savarkar, through his 1923 work Hindutva: Who is a Hindu? redefined Indian identity based on shared ancestry and shared geography. His book thus, was not a religious philosophy but a cultural political project aimed at unifying Hindus under nationalistic identity which was directly opposing secular nationalism.

At the same time, the Muslim league under Mohammad Ali Jinnah Increasingly began advocating for Muslim political autonomy. What began as a demand for proportional representation turned into a demand for separate nation, culminating in the Two nation theory, which claimed that Hindus and Muslims were inherently incompatible due to their religious and cultural differences.

Once a personal affair this is how it became the reason for the bloodshed of partition. Thus emerged two competing visions of nationalism during India's freedom struggle. Mahatma Gandhi supported a civic and inclusive form of nationalism grounded in Sarva Dharm Sambhav {Equality of all religions}. Gandhi's Idea of India was that of a pluralistic moral community, where religion guided personal ethics but not political divisions.

On the other hand, leaders like Savarkar and Jinnah, each promoting religious based nationalism, though from opposing ends. Savarkar envisioned a Hindu nation while Jinnah's political Islam culminated in the demand for Pakistan. Both viewed national identity as inseparable from religious community a sharp contrast to the secular constitutionalism that post-independence India would later adopt.

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The partition of India in 1947 was the violent consequence of this religious polarization. What began as debates over identity, culture and representation snowballed into mass displacement, communal violence and a permanent scar on the subcontinent's shared history. Religion was now full transformed into the primary marker of political identity and nationalism, in both its major expression, became tethered to it.

### **The Constitutional response to religious Division**

The aftermath of religious manipulation and political fragmentation lead India's founding father acutely aware of the danger posed by communalism. They witness how religion could be twisted to divide, how it had been to justify discrimination and how it had ultimately led to the catastrophic partition of the country. In response, the Indian constitution was envisioned as a moral and philosophical counter to this history of division.

Secularism, as envisioned in the Indian context, was not the exclusion of religion from public life, but the equal treatment of all faith by the state. Through fundamental rights, directive principles and judicial interpretations, the constitution sought to dismantle the deeply entrenched religious hierarchies and prejudices that has long plagued the subcontinent.

'Secularism' the meaning of which is very simple. However, people named the politicians interpret it from their own understanding or misunderstanding. It is also some of them have hypocritically defined the meaning of secularism to suit their political ambitions. As politics became struggle for power the values of secularism have been repeatedly distorted by most politicians.<sup>4</sup>This term was found used in 1648 at the end of thirty years war of Europe. Secularism is described as a person who bases morality on the well-being of mankind without paying any attention to the religion, religious system and forms of worship even to the extent that the religion should not be introduced in public education or in management affairs.

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<sup>4</sup> S.M.A.W. Chishti

The Indian Journal of Political Science, Vol. 65, No. 2 (April-June 2004), pp. 183-198 (16 pages)

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The dimensional views of secularism may include the following three main conception:

- Religious freedom.
- Citizenship.
- Separation of state and religion.

## **Religious freedom**

it means that the individual is free to consider and discuss with other the relative claims of differing religions and come to his decision without any interference from state. The state is excluded from this. At the core of Indian secularism lies the guarantee of freedom of religion m enshrined primarily in Article 25 to 28 of the constitution. This dimension upholds the individual's right to **profess, practice and propagate** any religion of their choice, subject to consideration of public order, morality and health.

The Indian approach does not enforce a strict public private divide between religion and individual life; rather it accommodates the public expression of religion while ensuring the state does not promote or interfere unduly in religious practices. The supreme court, in several cases has emphasized that freedom of religion is an essential and inalienable right, integral to the constitution identity of nation.

## **Citizenship,**

the second dimension of secularism is equal citizenship, irrespective of religious affiliation. This principle is rooted in **Article 14, 15 and 16** which guarantee equality before law, non-discrimination, and equality of opportunity in public employment. In context secularism demands that the state treat all its citizens equally without privileging or marginalizing anyone based on religion. The idea of secular citizenship was a direct response to historical wounds of partition which religious identity had become determinant of nationhood. In state of Kerala v. N.M Thomas



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[1976]<sup>5</sup>, the court reaffirmed that equality under the constitution is not merely formal, but substantive requiring the state to eliminate historical disadvantage faced by certain communities.

However, the principle of equal citizenship irrespective of religion has come under strain in recent times, most notably with the enactment of **citizen (amendment) Act, 2019**. The CAA provides a path to Indian citizenship for illegal immigrants belonging to six religious minorities (Hindus, Muslims, Buddhist, Jains, Parsis and Christians) from Pakistan, Bangladesh and Afghanistan while excluding Muslim from its ambit.

Critics argue that this selective inclusion violates Article 14, By introducing **religious classification** into citizenship which was a domain historically protected from such discrimination. The law has also been challenged before the supreme court, and its constitutional validity remains under judicial review.

From secularism standpoint, the CAA raises complex questions about whether the Indian state is retreating from its religion neutral model of citizenship towards a majoritarian vision. Supporters claim it offer humanitarian protection to persecute minorities, but opponents argue that it marks a departure from the foundational idea of equal citizenship regardless of faith.

**Separation of state and religion**, unlike western model of a 'wall of separation' between church and state (as in USA), Indian secularism is based on the principle of principled distance or neutral engagement. The constitution does not mandate complete detachment of the state from religion; instead, it allows contextual intervention, especially when religious practices contravene constitutional values such as equality, dignity or public order. This concept has been judicially developed through cases such as:

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<sup>5</sup> State of Kerala v. N.M. Thomas, (1976) 2 SCC 310

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- I. S.R Bommai v. Union of India (1994), where secularism was declared a basic feature of the constitution and misuse of religion in politics was held unconstitutional.
  - II. Shirur Mutt case (1954)<sup>6</sup>, which introduce the doctrine of essential religious practices, stating the state can intervene only in non-essential practices especially those violating constitutional moral principles.
  - III. Shayara Bano v. Union of India (2017)<sup>7</sup>, in which the supreme court struck down instant triple talaq (talaq-e-bidat) on grounds of gender equality and constitutional morality, despite its recognition under personal law

The Indian state thus retains the authority to regulate or restrict religious practice when they conflict with the principles of justice, equality and human dignity. This selective interference is what distinguished Indian secularism from the western notion of total separation.

## **DR AMBEDKAR AND JAWAHARLAL NEHRU ON RELIGION AND STATE – CONSTITUENT ASSEMBLY DEBATES**

It would be quite astonishing but Dr. Ambedkar and Jawaharlal Nehru with their intent did NOT allow this term 'Secular' to be added to our preamble in the first place. Soon after independence, as our founding fathers began drafting the constitution, their goal was clear to build a secular state, though their concept of secularism had a uniquely Indian character. They engaged in serious debate over whether to include the word 'secular' in the constitution but ultimately decided against it.

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<sup>6</sup> Commr., Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, (1954) 1 SCC 412

<sup>7</sup> Shayara Bano v. Union of India, (2017) 9 SCC 1

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So, why would staunch secularist like Nehru, Ambedkar, Patel, Radhakrishnan and many others chose not to formally include the term?

This is circuitous story, at once riveting and revealing, and one that must begin with us understand the minds of the chief protagonist themselves Dr. Ambedkar and Nehru. Dr. Ambedkar were secular but religious while Nehru was secular and atheist (who believed in horoscopes). Dr. Ambedkar saw religion first and foremost as a political entity. ‘Religion’ he said, “like language is social for the reason that either is essential for social life and the individual has to have it because without it he cannot participate in the life of the society”.

There are many articles in our Constitution, such as 17 and 25, that bear witness to this fact. He was secular, but in his efforts to uplift the oppressed, he understood that nothing could achieve this change faster than through constitutional means. Some historians have rightly argued that Ambedkar wanted an “interventionist secular state.” Indeed, this was in pursuit of equality and justice for those who had been denied both for centuries, but it was not strictly secular, as the state’s intervention in religion was involved. It is the remarkable self-effacement of Ambedkar that he realized adding the word ‘Secular’ to the Preamble, after making numerous interventionist changes, would be wrong and, more importantly, not true to the principles of Secularism.

## **Excerpts from the constitutional debates on the topic of Secularism**

**BR Ambedkar:** Sir, I regret that I cannot accept the amendment of Prof KT Shah. The Constitution is merely a mechanism for the purpose of regulating the work of the various organs of the State. It is not a mechanism whereby particular members or parties are installed in office. What should be the policy of the State, how the Society should be organized in its social and economic side are

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matters which must be decided by the people themselves according to time and circumstances. It cannot be laid down in the Constitution itself, because that is destroying democracy altogether.<sup>8</sup>

**Jawaharlal Nehru:** Another word is thrown up a good deal, this SECULAR STATE business. May I beg with all humility those gentlemen who use this word often, to consult some dictionary before they use it? It is brought in at every conceivable step and at every conceivable stage. I just do not understand it. It has a great deal of importance, no doubt. But it is brought in in all contexts, as if by saying that we are a secular State we have done something amazingly generous, given something out of our pocket to the rest of the world, something which we ought not to have done. We have only done something which every country does except a very few misguided and backward countries in the world. Let us not refer to that word in the sense that we have done something very mighty.<sup>9</sup>

Hence, the debates between Ambedkar and Nehru in the Constituent Assembly reflected a shared conviction that the Indian State must remain neutral in matters of religion to protect both democracy and diversity. Their vision laid the groundwork for a secular constitutional order that neither privileges nor suppresses any faith, a principle designed to heal a divided past and safeguard a pluralistic future.

## **SECULARISM UNDER STRAIN: THE RESPONSE AND CAUSE OF RELIGIOUS TENSIONS**

While the constituent assembly debates laid down a visionary framework for secularism—one grounded in equal respect for all faiths and a firm separation between religion and the state—the true test of this principle has unfolded in the decades since independence. India's courts have often served as constitutional sentinels, stepping in to defend religious freedoms and equality when

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<sup>8</sup> Dr. B.R Ambedkar, constituent Assembly debates, Vol. VII, p.43 (Nov. 25, 1949)

<sup>9</sup> Jawaharlal Nehru, Constituent Assembly Debates, Vol. I p. 59 (Dec 13, 1946)

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social or political forces have threatened them. From Bijoe Emmanuel, which upheld the right to silent dissent, to more complex and emotionally charged cases like the Babri Masjid dispute, the judiciary has been called upon to interpret secularism not just in theory, but in the messiness of lived realities.

Recent years have seen a sharp rise in targeted violence, mob lynchings, and communal polarization, often justified under the guise of national identity. Cases like that of Col. Sofia Qureshi, among others, signal a disturbing pattern where expressions of faith or dissent risk being viewed as unpatriotic. As these incidents test the limits of tolerance and constitutional morality, the judicial response becomes crucial in reaffirming whether secularism remains a core tenet of the Indian republic or a fading promise.

The politicization of religion, which was largely restrained during the early phases of India's independence movement, took on a more prominent and complex role in the post-independence political landscape. One of the earliest and most emblematic examples of this shift was the long-standing dispute over the Ram Janmabhoomi-Babri Masjid site in Ayodhya. What started as a civil title suit eventually developed into a matter that significantly influenced national consciousness, electoral narratives, and communal relations. While the judiciary ultimately considered the case from a legal and evidentiary perspective, its wider social and political effects highlighted how religious identity could be shaped by and influence democratic discourse. The Ayodhya dispute thus marked a pivotal moment in India's post-independence history, where religion began to play a more active role in public policy and political mobilization with unprecedented intensity.

## **M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das (2019)<sup>10</sup>**

The 1980s saw the dispute turn into a highly politicized movement, especially with the growth of religious nationalism. In 1986, a district judge ordered the gates opened for Hindu worshippers, followed by increasing calls to build a Ram temple on the disputed site. The Vishwa Hindu

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<sup>10</sup> M. Siddiq v. Mahant Suresh Das, 2019 SCC OnLine SC 1483

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Parishad (VHP) and later the Bhartiya Janata Party (BJP) organized large-scale mobilizations, culminating in the Ram Rath Yatra led by L.K. Advani in 1990. These events greatly heightened public sentiment and communal division.

The movement reached a breaking point on 6 December 1992, when thousands of kar sevaks gathered in Ayodhya and demolished the Babri Masjid, despite assurances made to the Supreme Court. The act triggered nationwide communal riots, causing over 2,000 deaths and enduring social and political trauma. In response, the central government set up the Liberhan Commission to investigate, which later held several political leaders morally responsible for inciting the crowd.

Following the demolition, the legal dispute gained urgency. Multiple civil and criminal suits were consolidated, and the Allahabad High Court extensively heard the case. In 2010, a three-judge bench delivered a split verdict, dividing the disputed land among the Sunni Waqf Board, the Nirmohi Akhara, and 'Ram Lalla Virajman' (the deity itself, recognized as a juridical entity under Indian law).

This verdict was appealed to the Supreme Court, which formed a five-judge Constitution Bench in 2019. On 9 November 2019, the Court unanimously awarded the entire 2.77-acre disputed land to a government trust to build a Ram temple, citing archaeological evidence, historical records, and Hindus' long-standing belief that the site was Ram's birthplace. The Court also ordered that 5 acres of alternative land be given to the Sunni Waqf Board in Ayodhya to build a mosque, emphasizing restitution and fairness.

The judgment clarified that the mosque's demolition in 1992 was unlawful, and that the ruling was based on legal claims to property rather than religious faith. The Supreme Court viewed the verdict as a reconciliation effort, upholding secular values, property law, and constitutional morality amid a highly sensitive dispute.

The politicization of religion, which was relatively restrained during India's early independence years, grew more pronounced and complex in the post-independence political landscape. One of the earliest signs of this change was the long-standing dispute over the 'site' in Ayodhya. The civil suit's title eventually transformed into a matter that deeply affected national consciousness and

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communal relations. The judiciary approached the case through legal and evidentiary means, but its broader social and political implications showed how religious identity could influence and be influenced by democratic debate.

The vision of secularism and equal citizenship carefully laid out in the Constituent Assembly now faces its toughest challenge in contemporary India. Incidents of mob lynching, such as the brutal murder of tailor Kanhaiya Lal in Udaipur in June 2022 (NIA v. Riyaz Attari)<sup>11</sup>, serve as chilling reminders of how religious identity continues to be weaponized in acts of vigilante violence. Similarly, the defamation of Colonel Sofia Qureshi, a Muslim officer linked to Operation Sindoor, shows how even public and professional reputations can be unfairly damaged based on faith. These recent events reflect a troubling shift where religious identity increasingly overshadows civic nationalism, challenging the secular and inclusive vision enshrined in the Indian Constitution. The normalization of communal rhetoric, targeted violence, and public defamation based on faith demonstrates how the lines between religion and politics have blurred beyond recognition. In such a climate, the Constitution remains the last line of defense, with the judiciary playing a key role in reaffirming the principles of equality, dignity, and religious neutrality. Yet, the consistency and effectiveness of this response are under scrutiny, especially as societal fault lines deepen and hate is cloaked as patriotism. These episodes reveal a disturbing pattern: religion, once politicized through organized movements, is now being mobilized in spontaneous, often uncontrollable forms of communal violence and public shaming. Judicial responses have been crucial. The Supreme Court's remark during a 2024 PIL against lynching, "What about Kanhaiya Lal?" signaled an important stance: mob justice cannot discriminate based on religion. Likewise, ongoing legal proceedings in the Sofia Qureshi defamation case are testing whether courts will uphold constitutional guarantees of dignity and secular equality in the digital age. These developments highlight how modern jurisprudence continues to serve as a guardian of the secular ethos amid rising communal tensions. The evolving sociopolitical landscape of India reveals a gradual but

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<sup>11</sup> *State of Rajasthan v. Riyaz Attari & Ors.*, NIA Special Case No. \_\_\_\_ of 2022 (NIA Court, Jaipur)

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concerning erosion of the constitutional promise of secularism. As religion becomes an increasingly prominent marker of political legitimacy and social belonging, civic nationalism is being pushed to the margins. From mob lynchings to public defamation based on faith, the shift is not only cultural but structural, reflected both in public discourse and institutional responses. While the judiciary often acts as a constitutional conscience, its interventions alone cannot reverse this tide. Today, the challenge is not just to preserve secularism as a legal principle but to revive it as a social ethic—one that can resist the normalization of hate and restore the constitutional vision of unity diversity

## CONCLUSION

This research traces the complex and evolving relationship between religion, nationalism, and constitutional governance in India, from ancient times when religion served as a personal moral compass to the modern-day when it is often used as a tool for political identity and mass mobilization. Historically, religion was never intended to define nationalism; however, over time, it became a marker of social and political distinction. The Indian Constitution was designed to prevent such divisions through secularism, equal citizenship, and religious freedom. Although the judiciary has intervened in landmark cases, from *Bijoe Emmanuel* to *Babri Masjid*, the rise of hate speech, mob lynching, and defamation in the name of faith reveal the limitations of law alone. Events like the lynching of Kanhaiya Lal and the defamation of Col. Sofia Qureshi highlight how communal polarization continues to challenge the spirit of constitutional nationalism.

Yet, amidst these tensions, India's secular soul has not been lost. Recent events in 2025 offer hopeful counterpoints. In Kashi, Muslims participated in *Guru Purnima* rituals, honouring shared values of devotion<sup>12</sup>. In coastal Karnataka, a youth-led campaign for communal harmony promoted

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<sup>12</sup> TNN / Jul 11, 2025, 00:19 IST – The Times of India newspaper



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peaceful coexistence through interfaith dialogue<sup>13</sup>. In Bengaluru, a Multi-Faith Festival celebrated Eid, Ugadi, Ram Navami, Easter, and more reminding us that India's strength lies in its pluralism.

These examples highlight that the solution to religious politicization involves more than just courts or laws; it also depends on community-led solidarity, cultural empathy, and inclusive civic action. To safeguard the secular fabric envisioned by our Constitution, we must see religion as a force for inner conscience rather than outer conflict, and view nationalism as a commitment to unity, not uniformity.

The importance of this study lies in its reminder that nationalism must not be equated with religious majoritarianism. The Indian model of secularism—distinct in its accommodation and pluralism—must be upheld not only in courts but also in classrooms, communities, legislatures, and public discussions.

To advance, several steps are crucial:

- Enhancing civic education to instil constitutional values early on.
- Implementing and enforcing stricter laws against hate speech and mob violence.
- Promoting interfaith dialogue and cultural integration, especially in areas prone to communal tension.
- Holding political leaders accountable for religious polarization during electoral campaigns.

In essence, religion and nationalism do not have to be enemies; however, when one is used to harm the other, the very foundation of the Indian Republic is endangered. Therefore, it is critical, both legally and socially, to ensure that religion remains a matter of private conscience and that the State continues to defend its commitment to equal respect for all faiths as established by the Constitution's framers.

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<sup>13</sup> Jul 10, 2025, 23:11 IST

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