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## RELIGIOUS AUTONOMY AND STATE REGULATION: A STUDY OF JUDICIAL APPROACHES IN MODERN INDIA

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### ABSTRACT

*Religious autonomy remains a vital component of constitutional governance in India, where diversity of faiths forms an essential part of social life. The constitutional framework protects freedom of conscience and religious practice while permitting the State to regulate secular and social aspects of religion. This dual approach reflects the need to preserve individual liberty without compromising public order, equality, and social reform. Articles 25 to 28 of the Constitution provide the legal foundation for religious freedom, subject to reasonable restrictions grounded in public welfare.*

*Judicial interpretation has significantly influenced the development of religious autonomy in India. Courts have evolved doctrines such as essential religious practices and constitutional morality to determine the limits of religious protection. Over time, judicial reasoning has moved toward a rights-based approach that prioritizes equality and dignity, particularly in cases involving gender justice and social reform. Recent disputes relating to religious attire, access to places of worship, and institutional regulation illustrate the continuing tension between tradition and constitutional norms.*

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*This article examines the constitutional basis of religious autonomy, traces the evolution of judicial doctrine, and evaluates contemporary regulatory challenges. It argues that a balanced and principled judicial approach remains essential to harmonize religious freedom with constitutional values in a plural society.*

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## 1. Introduction

Religious freedom occupies a significant place within the constitutional structure of India. In a country marked by deep religious diversity, the Constitution seeks to maintain harmony by protecting religious liberty while preserving the authority of the State to regulate matters affecting public welfare. The framers of the Constitution envisioned a secular framework that respects all religions without permitting domination by any single faith.<sup>2</sup> Religious autonomy includes both individual and institutional dimensions. Individuals are guaranteed the right to believe, practice, and propagate religion according to their conscience. At the same time, religious denominations possess the authority to manage their internal religious affairs. These freedoms, however, are not absolute. The Constitution permits regulation when religious practices conflict with public order, morality, health, or fundamental rights.<sup>3</sup>

Judicial interpretation has played a decisive role in defining the scope of religious autonomy. Early decisions emphasized protection of religious practices, particularly those regarded as essential to a faith. Over time, however, courts began to consider broader constitutional values such as equality and dignity. This shift reflects the evolving role of the judiciary in addressing conflicts between tradition and modern constitutional principles.<sup>4</sup> State intervention in religious institutions has increased in response to concerns regarding administrative efficiency, financial transparency, and social reform. Laws regulating temple management, charitable trusts, and access to religious institutions demonstrate the State's involvement in ensuring accountability. While such regulation serves public interests, it also raises concerns about potential interference with religious independence.<sup>5</sup>

Recent controversies involving religious attire, access to worship spaces, and regulation of conversions have intensified public debate regarding the limits of state authority. These developments highlight the

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<sup>2</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* p. 75 (Oxford University Press, New Delhi, 1966).

<sup>3</sup> M.P. Jain, *Indian Constitutional Law* p. 1142 (LexisNexis, Gurgaon, 8th edn., 2018).

<sup>4</sup> *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282.

<sup>5</sup> H.M. Seervai, Vol. I *Constitutional Law of India* p. 1189 (Universal Law Publishing, New Delhi, 4th edn., 2013).



continuing relevance of judicial oversight in balancing competing constitutional interests.<sup>6</sup> This article examines the relationship between religious autonomy and state regulation in India. It analyzes constitutional provisions, judicial doctrines, and recent developments to evaluate whether the present legal framework adequately protects religious freedom while promoting constitutional values.

## 2. Concept of Religious Autonomy under Indian Constitutional Law

Religious autonomy in India derives its authority from Articles 25 and 26 of the Constitution, which guarantee freedom of conscience and the right to manage religious affairs. These provisions reflect the constitutional commitment to pluralism by allowing individuals and communities to preserve their religious identity within a democratic framework.<sup>7</sup> The framers recognized that religion forms an important part of personal and collective life, and therefore required constitutional protection against arbitrary state interference. Article 25 protects the individual's freedom to profess, practice, and propagate religion. However, this right is subject to restrictions relating to public order, morality, health, and other fundamental rights. The inclusion of such limitations demonstrates that religious liberty was never intended to function without responsibility toward society. Courts have repeatedly emphasized that practices conflicting with equality or public welfare may be subject to regulation.<sup>8</sup>

Article 26 extends protection to religious denominations by granting them the right to establish institutions and manage matters of religion. This provision ensures institutional autonomy, particularly in preserving customs, rituals, and modes of worship. At the same time, it recognizes the authority of the State to regulate secular matters associated with religious institutions, such as property management and financial administration. The distinction between religious and secular functions has therefore become central to judicial reasoning in this field.<sup>9</sup> A major development in constitutional interpretation was the formulation of the Essential Religious Practices Doctrine in the landmark case of *Shirur Mutt*. The Supreme Court held that only those practices regarded as essential to a religion would receive constitutional protection. This doctrine has been widely applied to determine whether specific practices fall within the protective scope of religious freedom.<sup>10</sup> While the doctrine has provided clarity in many cases, it has also attracted

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<sup>6</sup> Rajeev Dhavan, *Religious Freedom in India: Sovereignty and (Anti) Secularism* p. 221 (Oxford University Press, New Delhi, 2007).

<sup>7</sup> Durga Das Basu, *Introduction to the Constitution of India* p. 404 (LexisNexis, Gurgaon, 23rd edn., 2015).

<sup>8</sup> M.P. Jain, *Indian Constitutional Law* p. 1145 (LexisNexis, Gurgaon, 8th edn., 2018).

<sup>9</sup> H.M. Seervai, Vol. I *Constitutional Law of India* p. 1196 (Universal Law Publishing, New Delhi, 4th edn., 2013).

<sup>10</sup> *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282.



criticism because courts are often required to interpret religious doctrines, a task traditionally reserved for religious authorities.<sup>11</sup>

Another significant development is the increasing reliance on constitutional morality as a guiding principle in adjudication. Courts have invoked this principle to ensure that religious customs align with constitutional values such as equality, dignity, and liberty. The application of constitutional morality reflects the transformative character of the Constitution, which aims to reform social practices inconsistent with fundamental rights.<sup>12</sup> Religious autonomy also extends to minority institutions, particularly educational establishments founded by religious communities. Judicial decisions have affirmed that minority groups possess the right to manage their institutions, subject to reasonable regulation aimed at maintaining academic standards and public accountability.<sup>13</sup> This recognition highlights the broader objective of preserving cultural and religious diversity within the constitutional framework. Overall, the concept of religious autonomy in India is neither absolute nor rigid. It represents a carefully structured balance between protecting religious identity and ensuring that constitutional values remain supreme. Judicial interpretation continues to shape this balance by adapting constitutional principles to changing social realities.

### 3. Scope of State Regulation of Religious Practices

Although religious autonomy is constitutionally protected, the State retains authority to regulate certain aspects of religious activity. This power arises primarily from Article 25(2), which permits legislation for social reform and welfare. The constitutional design recognizes that religious practices often intersect with public interests, making regulatory oversight necessary in specific circumstances.<sup>14</sup> State regulation has historically focused on practices that affect public order, morality, and health. Legislative measures abolishing discriminatory customs and ensuring equal access to religious spaces demonstrate the State's role in promoting social justice. Such interventions have been justified on the ground that religious freedom cannot be used to perpetuate inequality or exclusion.<sup>15</sup>

Administrative regulation of religious institutions represents another important dimension of state authority. Laws governing temple trusts and charitable endowments enable authorities to supervise financial management and prevent misuse of public funds. Courts have upheld these regulatory measures

<sup>11</sup> Gautam Bhatia, "Freedom of Religion and the Essential Practices Test" 26 *National Law School of India Review* 15 (2014).

<sup>12</sup> Upendra Baxi, *The Future of Human Rights* p. 89 (Oxford University Press, New Delhi, 2002).

<sup>13</sup> *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481.

<sup>14</sup> *The Constitution of India*, art. 25(2).

<sup>15</sup> *The Protection of Civil Rights Act, 1955* (Act 22 of 1955).



by distinguishing between spiritual functions and administrative responsibilities, the latter being subject to state control.<sup>16</sup> The regulation of religious conversions has emerged as a particularly sensitive issue in recent years. Several states have introduced laws intended to prevent conversions carried out through fraud, coercion, or undue influence. While these laws are defended as protective measures, critics argue that procedural requirements may restrict genuine religious choice. Judicial scrutiny of such legislation reflects the continuing challenge of balancing individual freedom with concerns regarding social stability.<sup>17</sup>

Public order considerations also justify limited regulation of religious gatherings and processions. Authorities often impose conditions relating to routes, timing, and sound levels to prevent conflict and maintain safety. Courts have recognized that such restrictions are permissible when applied in a neutral and proportionate manner.<sup>18</sup> Recent controversies concerning religious attire in educational institutions further illustrate the expanding scope of regulation. Uniform policies introduced to maintain discipline and equality have been challenged as restrictions on religious expression. Judicial decisions in such cases emphasize the need to balance institutional interests with individual rights, particularly in environments requiring collective discipline.<sup>19</sup>

Another significant area of regulation relates to disputes over religious sites. Legislative measures such as the preservation of the religious character of places of worship seek to prevent communal conflict and maintain public order. These measures reflect the State's responsibility to safeguard national harmony while respecting religious diversity.<sup>20</sup> Despite the necessity of regulation, concerns remain regarding excessive governmental involvement in religious administration. Prolonged control over religious institutions may undermine their autonomy and create administrative inefficiencies. Courts have therefore emphasized that regulatory powers must be exercised cautiously and only to the extent necessary to achieve legitimate objectives.<sup>21</sup> In essence, state regulation of religious practices reflects an ongoing effort to harmonize individual liberty with societal interests. The judiciary plays a central role in ensuring that regulatory measures remain consistent with constitutional principles and do not erode the core of religious freedom.

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<sup>16</sup> *Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of Uttar Pradesh*, (1997) 4 SCC 606.

<sup>17</sup> *Rev. Stainislaus v. State of Madhya Pradesh*, AIR 1977 SC 908.

<sup>18</sup> *Acharya Jagadishwarananda Avadhuta v. Commissioner of Police, Calcutta*, (1983) 4 SCC 522.

<sup>19</sup> *Aishat Shifa v. State of Karnataka*, 2022 SCC OnLine Kar 1195.

<sup>20</sup> *The Places of Worship (Special Provisions) Act*, 1991 (Act 42 of 1991).

<sup>21</sup> Rajeev Dhavan, *Religious Freedom in India: Sovereignty and (Anti) Secularism* p. 235 (Oxford University Press, New Delhi, 2007).



#### 4. Judicial Evolution of Religious Autonomy Doctrine

Judicial interpretation has played a decisive role in shaping the scope of religious autonomy in India. From the early years of constitutional governance, courts have attempted to define the boundaries between protected religious practices and secular activities subject to state regulation. The development of this jurisprudence reflects a gradual transition from strict protection of religious freedom toward a more balanced approach aligned with constitutional values. A landmark decision in this field is *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*. In this case, the Supreme Court clarified that religion includes both doctrines and practices considered essential by followers of a faith. At the same time, the Court recognized that secular aspects, such as financial administration of religious property, could be regulated by the State.<sup>22</sup> This judgment established the Essential Religious Practices Doctrine, which remains central to determining the limits of religious protection.

Subsequent decisions refined this doctrine by allowing greater judicial scrutiny of religious customs. In *Durgah Committee, Ajmer v. Syed Hussain Ali*, the Supreme Court held that practices lacking genuine religious significance or based on superstition would not receive constitutional protection.<sup>23</sup> This approach enabled courts to differentiate between authentic religious practices and social customs that could be subject to reform. The judiciary further expanded its intervention in cases involving gender justice. In *Shayara Bano v. Union of India*, the Supreme Court invalidated the practice of instant triple talaq on the ground that it violated constitutional principles of equality and dignity.<sup>24</sup> The decision demonstrated the Court's willingness to examine personal laws in light of fundamental rights rather than treating them as immune from constitutional review.

Another transformative judgment emerged in *Indian Young Lawyers Association v. State of Kerala*, popularly known as the Sabarimala case. The Supreme Court held that restrictions preventing women of certain age groups from entering the temple were discriminatory and inconsistent with constitutional equality.<sup>25</sup> The Court emphasized that religious customs cannot override fundamental rights, particularly when they perpetuate exclusion or inequality. Judicial attention has also focused on issues relating to institutional discipline and individual expression. In *Aishat Shifa v. State of Karnataka*, the Karnataka

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<sup>22</sup> *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282.

<sup>23</sup> *Durgah Committee, Ajmer v. Syed Hussain Ali*, AIR 1961 SC 1402.

<sup>24</sup> *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

<sup>25</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.



High Court addressed restrictions on wearing religious attire in educational institutions. The Court upheld uniform policies designed to promote equality and discipline, indicating that institutional regulations may impose reasonable limitations on individual religious expression.<sup>26</sup> This decision reflects the judiciary's attempt to balance personal liberty with administrative order. Collectively, these decisions illustrate a gradual shift toward harmonizing religious freedom with broader constitutional commitments. Courts increasingly emphasize that religious autonomy must operate within the framework of equality, dignity, and social reform. The evolution of judicial doctrine demonstrates the judiciary's ongoing effort to reconcile tradition with constitutional governance.

## 5. State Control over Religious Institutions and Practices

State regulation of religious institutions has developed as an essential feature of constitutional governance in India. While religious communities possess autonomy in spiritual matters, the administration of property and finances associated with religious institutions is considered a secular function. Courts have consistently upheld legislative measures designed to improve transparency and accountability in such administration. One of the principal areas of state control concerns temple management and charitable endowments. Statutory frameworks empower government authorities to supervise financial activities and ensure proper utilization of funds. Judicial decisions have supported these measures by distinguishing between rituals, which remain protected, and administrative functions, which are open to regulation.<sup>27</sup> This distinction has allowed the State to prevent mismanagement without interfering in religious worship. State intervention has also been justified in the context of social reform. Legislative initiatives addressing discriminatory practices demonstrate the State's responsibility to uphold constitutional values. Courts have affirmed that practices violating equality or dignity cannot be sustained merely on the ground of religious tradition.<sup>28</sup> Such decisions illustrate the transformative role of constitutional law in promoting social justice. Another significant aspect of state regulation involves religious conversions. Several states have enacted laws aimed at preventing conversions obtained through fraud or coercion. These laws often require procedural safeguards such as prior notification to authorities. Public debates and media reports have highlighted tensions arising from allegations of forced conversions, making judicial scrutiny necessary to ensure that regulatory provisions do not unnecessarily restrict genuine religious choice.<sup>29</sup>

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<sup>26</sup> *Aishat Shifa v. State of Karnataka*, 2022 SCC OnLine Kar 1195.

<sup>27</sup> *Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of Uttar Pradesh*, (1997) 4 SCC 606.

<sup>28</sup> *State of Karnataka v. Appa Balu Ingale*, (1995) 2 SCC 273.

<sup>29</sup> "Anti-Conversion Laws and Religious Freedom Debate Intensifies" *The Indian Express*, Oct. 12, 2021.



Disputes concerning religious sites and historical claims have also led to legislative intervention. The preservation of the existing religious character of places of worship has been treated as a matter of national importance to prevent communal conflict. Judicial interpretation of such laws has reinforced their role in maintaining public order and protecting communal harmony.<sup>30</sup> Public safety concerns provide another justification for regulatory oversight. During religious festivals and mass gatherings, authorities frequently impose restrictions relating to crowd control, sound levels, and procession routes. Courts have upheld these measures as reasonable limitations intended to protect life and property. Newspaper reports describing incidents of overcrowding and accidents during religious events highlight the necessity of administrative regulation.<sup>31</sup> Despite these justifications, concerns remain regarding the possibility of excessive governmental control. Long-term administrative intervention may weaken institutional independence and reduce community participation in religious management. Scholars have therefore recommended periodic review of regulatory frameworks to ensure that they remain proportionate and constitutionally justified.<sup>32</sup> In essence, state control over religious institutions reflects an attempt to ensure accountability while preserving the autonomy of religious communities. Judicial supervision remains essential in maintaining this balance and preventing misuse of regulatory powers.

## 6. Contemporary Challenges and Emerging Judicial Trends

Recent developments in India demonstrate increasing friction between religious autonomy and state regulation. Social change, political discourse, and expanding administrative regulation have generated new legal disputes requiring judicial resolution. Courts today face complex questions involving gender equality, institutional discipline, and public order, which test the limits of religious freedom within constitutional governance. One major challenge concerns the relationship between gender justice and religious practices. Judicial intervention in matters involving access to places of worship reflects a growing emphasis on equality. In *Indian Young Lawyers Association v. State of Kerala*, the Supreme Court held that exclusion of women based on biological considerations violated constitutional guarantees of equality and dignity.<sup>33</sup> The decision reaffirmed that constitutional morality must guide the interpretation of religious practices, particularly when those practices conflict with fundamental rights.

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<sup>30</sup> *The Places of Worship (Special Provisions) Act, 1991* (Act 42 of 1991).

<sup>31</sup> "Authorities Tighten Safety Measures During Major Religious Gatherings" *The Hindu*, July 19, 2023.

<sup>32</sup> Upendra Baxi, *The Future of Human Rights* p. 104 (Oxford University Press, New Delhi, 2002).

<sup>33</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.



Disputes relating to religious attire have also received significant judicial attention. The controversy surrounding headscarves in educational institutions highlighted the tension between personal belief and institutional discipline. In *Aishat Shifa v. State of Karnataka*, the Karnataka High Court upheld uniform regulations as reasonable measures designed to maintain equality and discipline within educational institutions.<sup>34</sup> This case illustrates the judiciary's effort to balance individual expression with collective institutional objectives. Another continuing concern involves regulation of religious conversions. Several states have introduced legislative measures aimed at preventing conversions through coercion or deception. Media reports have documented instances of social unrest associated with alleged forced conversions, leading to increased legal scrutiny. Courts have been required to examine whether such legislation adequately protects religious freedom while addressing public order concerns.<sup>35</sup>

The growth of digital communication has further complicated the regulation of religious expression. Social media platforms have enabled rapid dissemination of religious messages, sometimes leading to misinformation and communal tensions. Regulatory frameworks have increasingly been invoked to prevent online content that incites hatred or disrupts public order. These developments demonstrate that religious freedom now extends beyond physical spaces into digital environments requiring legal oversight.<sup>36</sup> Public safety during religious gatherings has also emerged as a recurring issue. Large-scale festivals often require strict administrative regulation to prevent overcrowding and accidents. Courts have supported reasonable restrictions imposed by authorities when necessary to protect public safety. News reports documenting stampedes and safety failures during religious events highlight the importance of proactive regulation.<sup>37</sup> Contemporary judicial trends reflect a movement toward harmonizing religious practices with constitutional values. Courts increasingly recognize that religious autonomy must function within the broader framework of equality, dignity, and public welfare.

## 7. Critical Analysis: Balancing Religious Freedom and State Authority

The balance between religious freedom and state authority remains one of the most challenging aspects of constitutional governance in India. While the Constitution grants extensive protection to religious practices, it simultaneously authorizes regulation in the interest of social reform and public welfare. Judicial interpretation has therefore become the primary mechanism for resolving conflicts between

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<sup>34</sup> *Aishat Shifa v. State of Karnataka*, 2022 SCC OnLine Kar 1195.

<sup>35</sup> "Conversion Laws Continue to Raise Constitutional Questions" *The Hindu*, Jan. 10, 2023.

<sup>36</sup> *The Information Technology Act, 2000* (Act 21 of 2000); *The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules*, 2021.

<sup>37</sup> "Safety Measures Strengthened During Major Religious Festivals" *The Times of India*, Sept. 2, 2023.



individual rights and collective interests. A notable strength of the Indian constitutional framework lies in its flexibility. Courts have adapted legal principles to evolving social realities through doctrines such as essential religious practices and constitutional morality. These doctrines have enabled the judiciary to examine religious customs in light of equality and dignity. However, concerns remain regarding the judiciary's role in defining religious essentials. Critics argue that courts may lack the theological expertise necessary to determine what constitutes an essential practice.<sup>38</sup>

Another challenge arises from the possibility of excessive state control over religious institutions. While administrative supervision is necessary to ensure accountability, prolonged governmental involvement may weaken institutional independence. Scholars have pointed out that regulatory measures should focus on transparency rather than direct management of religious affairs.<sup>39</sup> Judicial activism in religious matters has also generated debate. Some commentators argue that frequent judicial intervention risks provoking social resistance and undermining public trust. Others maintain that intervention is necessary to protect vulnerable groups and ensure equality. The continuing tension between judicial restraint and activism reflects the broader struggle to maintain constitutional balance in a diverse society.<sup>40</sup>

The principle of proportionality offers a useful method for evaluating state action. By requiring that restrictions on religious practices be reasonable and necessary, courts can prevent arbitrary interference while safeguarding public interests. The adoption of proportionality has strengthened judicial reasoning and promoted fairness in adjudication.<sup>41</sup> Ultimately, the success of the constitutional framework depends on maintaining equilibrium between autonomy and regulation. Religious freedom must remain protected as a core democratic value, while state authority must be exercised with restraint and accountability.

## 8. Conclusion and Suggestions

Religious autonomy and state regulation together form the foundation of India's constitutional approach to managing religious diversity. The Constitution protects freedom of belief while empowering the State to regulate secular aspects of religious activity. Judicial interpretation has played a central role in defining the limits of these powers and ensuring that constitutional values remain paramount. Over time, judicial decisions have demonstrated a gradual shift toward integrating religious freedom with equality and social

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<sup>38</sup> Marc Galanter, "Secularism and the Indian Constitution" 5 *Journal of Constitutional Studies* 49 (2000).

<sup>39</sup> Rajeev Dhavan, *Religious Freedom in India: Sovereignty and (Anti) Secularism* p. 247 (Oxford University Press, New Delhi, 2007).

<sup>40</sup> Upendra Baxi, *The Future of Human Rights* p. 111 (Oxford University Press, New Delhi, 2002).

<sup>41</sup> *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.



reform. Courts have intervened to address discriminatory practices, regulate institutional administration, and protect public welfare. At the same time, the risk of excessive regulation continues to raise concerns regarding the preservation of institutional autonomy.

To maintain a balanced constitutional framework, several reforms may be considered. First, clearer judicial standards should be developed for identifying essential religious practices, thereby reducing uncertainty and improving consistency. Second, legislative policies governing religious institutions should incorporate mechanisms ensuring transparency without undermining community participation. Third, periodic review of regulatory frameworks should be undertaken to ensure alignment with evolving constitutional principles. Public dialogue and awareness also remain essential in promoting mutual respect among religious communities. Judicial institutions must continue to exercise caution while upholding constitutional morality and protecting fundamental rights. A careful balance between autonomy and regulation will enable India to preserve its pluralistic traditions while advancing the ideals of equality, dignity, and justice.