In ancient India the predominant religion was Hinduism. It is believed that Hinduism is the oldest of major religions and originated in north-eastern India. Early Aryan or Vedic culture was the early Hinduism the interaction of which with non-Aryan culture resulted in what we call Classical Hinduism. It is interesting to note that much of ancient, classical and modern Indian culture has been shaped by Hindu thought to a great extent.

The Mahabharata and the Ramayana both are sacred Hindu texts, and served the people of India for a great deal of literary, artistic and musical creations in subsequent millennia. Because of the tolerance of different opinion and teachings the Epic Period was a golden era in philosophical thought. Ayurveda – the most popular form of Indian medicine was developed by Vedic saints. Jyotish, Hindu astrology is the most popular form of astrology in India today. Yoga– an internationally famous system of meditation– is one of the six systems of Hindu thought.

2.1 Ancient Period:

The main religions in India during ancient period were the Hinduism, Buddhism and Jainism.  

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originated in India but now-a-days mainly in the state of Bihar in India. It rapidly gained adherents during the Buddha's lifetime. Up to the 9th century, Indian followers numbered in the hundreds of millions.

Many orthodoxy religions were developed at the time of ancient India. One such sect was Ajivika which was founded by Mahavira's rival Goshala Makkhaliputra. Ajivikas did not believe in karma and thought that the destiny was predetermined and could not be changed. There were also several other religious contemporaries of Buddha and Mahavira during the 6th century B.C. Another preacher of the same period was Pakuda Katyayana who also taught that the soul was superior to good and evil and it could not be touched. He classified everything into seven categories i.e. earth, water, fire, air, pleasure, pain and soul which were eternal. Ajita Kesakambalin— another contemporary of Buddha taught complete materialism. He considered death as the final phase of all souls.²

There were so many mythical stories about Hinduism. Sacred stories and heroic epics have made up the mythology of Hinduism for well over 1000 years. In these complex and colourful legends nothing is fixed and firm.

Pulsing with creation, destruction, love and war, it shifts and changes. Most myths occur in several different versions and many characters have multiple roles, identities and histories. This seeming confusion reflects the richness of a mythology that has expanded and taken on new meanings over the centuries.

² Ibid.
Only Hinduism was the religion who stood for a wide variety to maintain related religions traditions on the earth of India. Historically, it involved the evolution since the pre-Christian epoch. In turn, it looked back to age-old belief of the Indus Valley Civilization followed by the Vedic religion.

Sir John Marshall reacted with surprise when he saw the famous Indus bronze statute of a slender-limbed dancing girl in Mohenjo-Daro:

When I first saw I found it difficult to believe that they were prehistoric; they seemed to completely upset all established ideas about early art and culture. Modeling such as this was unknown in the ancient world up to the Hellenistic age of Greece and I thought therefore, that some mistake must surely have been made; that these figures had found their way into levels some 3000 years older than those to which they properly belonged.

The Great Bath might also be linked to the concept of river worship, much like the worship of the River Ganga today.

The Mitanni Kingdom, a great power, arose in northern Mesopotamia. Those people were called Kharri. It is from indirect sources whatever we could gather about this kingdom. Some philologists believed that this term was the same as Arya. According to the Vedic Index of Names and Subjects compiled by Macdonald and Keith this was the normal designation of an Aryan of the three upper clans in
Vedic literature from the Rig-Veda and onwards. From a common cultural axis the Mitannian invasion of northern Mesopotamia and the Aryan influx into India represented two streams of wandering migrations.

When Vedic texts were the oldest surviving evidence of early Indo-European-speaking peoples, it was assumed that these texts preserved aspects of Proto-Indo-European culture with careful accuracy. Many ethnologists hoped to unify Indo-Iranian, Celtic, Norse, Greek and Roman into a Proto-Indo-European religion. It was the belief of Max Muller that Indo-Iranian religion began as sun-worship. G. Dumézil stressed the tripartite social system of Indo-European religion and society. Later scholarship had moved away from considering all these religions near-identical. Instead, since early in the 20th century, following Meillet, Thieme and Kuiper, the social function of the Indo-Iranian Asura/Āditya deities was stressed; they were creative group not found in Indo-European religion.

The religion of the Vedic period was known as Vedic Brahmanism. In a context of Indian antiquity, simply Brahmanism was a historical predecessor of Hinduism. Many scholars insisted that to call this period Vedic or Hinduism there was a contradiction in terms since Vedic religion was very different from what we generally called Hindu religion, as Old Hebrew religion was from medieval and modern Christian religion. However, Vedic religion was treatable as a predecessor of Hinduism.

There were certain elements of Vedic religion. They were linked in the past to a Proto Indo-Iranian religion and
an earlier Proto-Indo-European religion. The Vedic period was observed to have ended around 500 BC. It was Vedic religion which also influenced Buddhism and Jainism in sense of public pleasure.

The documented history of Indian religions began with historical Vedic religion. The religious practices of the early Indo-Aryans were collected and later redacted into the Samhitas, four canonical collections of hymns or mantras composed in archaic Sanskrit. These texts were known as central shruti (revealed) texts of Hinduism. The period of the composition, redaction and commentary of these texts was known as the Vedic period— which lasted from roughly 1500 to 500 BC. Hymns and mantras boost the person in spiritual way.

The late Vedic period (9th to 6th centuries BC) marked the beginning of the Upanisadic or Vedantic period. This period heralded the beginning of much of what came to be known as classical Hinduism, with the composition of the Upanishads, later the Sanskrit epics, still later followed by the Puranas.

It has been assumed that the oldest extant texts in any Indo-European language, reflected religion. Philological and linguistic evidence implies that the Rig-Veda was composed in the north-western region of India, roughly between 1700–1100 BC (the early Vedic period). There were strong linguistic and cultural similarities with the early Iranian Avesta, deriving from the Proto-Indo-Iranian times.3

3. Ibid.
The Rig-Vedic hymns were dedicated to various deities, chief of whom being Indra, a heroic god praised for having slain his enemy Vṛtra; Agni, the sacrificial fire; and Soma, the sacred potion or the plant it was made from. Equally prominent gods were the Adityas or Asura gods Mitra–Varuna and Ushas (the dawn). Also invoked were Savitr, Vishnu, Rudra, Pushan, Brihaspati or Brahmanaspati, as well as worshiped natural phenomena such as Dyaus Pita (the shining sky, Father Heaven), Prithivi (the earth, Mother Earth), Surya (the sun god), Vayu or Vata (the wind), Apas (the waters), Parjanya (the thunder and rain), Vac (the word), many rivers (notably the Sapta Sindhu – the seven rivers starting with the Indus and the Sarasvati River). In the groups of deities there were the Adityas, Vasus, Rudras, Sadhyas, Ashvins, Martus Rbhus.⁴

**Religious Condition:**

Religion in Ancient times is distinguishable from mythology. Every nation has created its own god in its own image and resemblance according to their devotion. The world's oldest religion still being practiced today is Hinduism and known as 'Sanatan Dharma'. The first records of religious practice came from Egypt around 4000 BCE. The Egyptian creation myth tells us that, at first, there was only ocean. This ocean was breadth-less and depth-less and silent until, upon its surface, there rose a hill of earth and the great god Ra (the sun) stood upon the ben-ben and spoke, giving birth to the god Shu (of the air).

the goddess Tefnut (of moisture) the god Geb (of earth) and the goddess Nut (of sky).  

2.2 Medieval Period :

Rise of Islam and Sufism:

Before eight century there was no relation between Indian and Mohammadan. The Muslims first came to India in the eighth century AD mainly as traders. They were fascinated by the socio-cultural scenario in this country and decided to stay in India as their home. The traders who came to India from Central and West Asia carried back with them traces of Indian science and culture. As a result they became cultural ambassadors of India by disseminating this knowledge to the Islamic world and from there to Europe. The immigrant Muslims also entered into matrimonial relations with the local people and learned to live together in harmony. There was mutual exchange of ideas and custom. The Hindus and Muslims impressed each other equally in dress, speech, manners, custom and intellectual pursuits. The Muslims also brought with them their religion–Islam which had a deep influence on Indian society and culture.  

Some persons had devotion towards their religion. One of them was designated as prophet. Prophet Mohammad in the seventh century A.D. preached Islam in Arabia. He was born in AD 571 in the Quraysh tribe of Arabia. He had to migrate Madina from Mecca in AD 622 and that marked the

5. Available at www.ancient.eu.com/religion/.
6. Available at Medieval India.
beginning of the Hijira Era. According to the Muslim belief, the Quran is the message of Allah revealed to Mohammad through his archangel Gabriel. It has been translated into several languages. It has so many principles. These are as follows:

1. Tauhid (belief in Allah)
2. Namaz (prayers, five times a day)
3. Roza (fasting in the month of Ramzan)
4. Zakat (giving of alms)
5. Haj (pilgrimage to Mecca)

The teachings and suggestions of Prophet Mohammad are preserved in the Hadith or Hadees. After his death the Caliphate was established. There were four pious Caliphs.

Issues related to equality, brotherhood and the existence of one God have been discussed in Islam Religion. Its arrival in India made a profound impact on the traditional pattern of Indian society. The rise of both the Bhakti and the Sufi movements contributed immensely in this regard. Both the Bhakti and the Sufi movements believed that all humans are equal, God is supreme and devotion to God is the only way to achieve salvation.\(^7\)

**Development of Sufism Religion:**

Sufism is a common term and it has been used for Islamic mysticism. The Sufis were very liberal as per their religious appearance. They believed in the essential unity of all religions. They preached spirituality through music and doctrines that professed union with God. Sufism originated in Iran and found a congenial atmosphere in India under

\(^7\) *Ibid.*
the Turkish rule. Their sense of piety, tolerance, sympathy, concept of equality and friendly attitude attracted many Hindus—mostly from the so-called lower castes to Islam. Sufi saints such as Moinuddin Chisti, Nizamuddin Auliya, Fariduddin Ganj-e-Shakar were the pioneer sufis who are still loved, respected and honoured in India. The sufis were also influenced by the Christian and Buddhist monks regarding the establishment of their khanqahs and dargahs. Khanqah the institutions (abode of Sufis) set up by the Sufis in northern India took Islam deeper into the countryside. Mazars (tombs) and Takias (resting places of Muslim saints) also became the centres for the propagation of Islamic ideas to sensitise more the people in regard of that religion. These were patronized both by the aristocracy and the common people. The Sufis emphasized respect for all human beings.\(^8\)

The Sufis were organised respecting religious orders or silsilahs. These silsilahs were named after their founders such as Chishti, Suhrawardi, Qadi and Naqshbandis. According to Abul Fazl—the author of the Ain-i-Akbari—there were as many as fourteen silsilahs in India during the sixteenth century. Each order had its own khanqah which served as a shelter for the Sufi saints and for destitutes and later developed as a centre of learning. Ajmer, Nagaur and Ajodhan or Pak Pattan (now in Pakistan) developed as important centres of Sufism. These also started the tradition of piri-muridi, (teacher and the disciple). In order to attain a state of mystical ecstasy, the sufis listened to poetry and music (sama) which were originally in Persian,

\(^8\) Ibid.
but later switched to Hindawi or Hindustani. They preached the unity of God and self-surrender into Him in almost the same way as the votaries of the *Nirgun Bhakti* movement did. Music attracts everybody, irrespective of language when it plays. Gradually, such music attracted the Hindus who started visiting the *dargahs* in large number. The Hindu impact on Sufism also became visible in the form of *siddhas* and yogic postures. Best teachings were available in every religion. However, appearances of Sufism as Siddhas and yogic was a good paradigm for Hindu religion impact.

**The Development of Christian religion**

Christianity began among a small number of Jews. Christianity was seen as a threat to the Roman Empire as Christian refused to worship the roman god or the emperor. This resulted in the persecution of the early Christians, many of whom were killed and thus became martyrs to the Christian religion. The prosecution of adherents to the Christian religion ended during the reign of the Roman Emperor Constantine. Emperor Constantine (AD Ca 285- AD 377) of the Roman Empire legalized Christianity and Constantine the great proclaimed himself as an 'emperor of the Christian people'. Most of the Roman Emperor that came after Constantine were Christians. Christianity then became the official religion of the Roman Emperor instead of the old Roman religion that had worshiped many Gods. The period of the Dark Ages saw the growth in the power of the
Christian church which was then referred to as the catholic religion.  

**Political Background of Religion**:  
The rulers of Delhi who ruled from 1206-90, were Mamluk Turks. They were followed by the Khiljis, Tughlaqs, Sayyids and Lodis who ruled northern India from Delhi till 1526. All these rulers were called Sultans. A Sultan was supposed to rule over a territory on behalf of the Khalifa or Caliph who was considered to be the spiritual and temporal head of the Muslims. Both the names of the Khalifa and the Sultan used to be read in the *khutha*, (Friday prayers) by the local Imams.

Akbar was a Mughal emperor who ruled from 1556-1605. He was a great ruler in the history of India. He made sincere efforts to foster harmony among his subjects by discouraging racial, religious and cultural biases. He tried to develop friendly relations with the Hindus. To fulfill his imperialist ambitions he entered into matrimonial relations with the Rajput rulers. Political unification of the country and establishment of an–all–powerful central government with a uniform system of administration was his greatest contribution to India. Akbar was a chief patron of art, architecture and learning. He was a secular mind king. As a secular minded monarch he also started a faith called *Din-i-Illahi* which encompassed ideas from various religions. On every Thursday, scholars from different religions came to

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10. Available at Medieval India.  
debate on religious issues raised by the emperor. This was done at the Ibadat Khana in Fateh Pur Sikri at Agra. Though illiterate Akbar patronised scholars and learned men. In his court there were nine such Navratna Mulla Do Pyaza, Hakin Humam, Abdur Rahim Khan e Khanan, Abul Tayal, Tansen, Raja Todar Mal, Raja Man Singh, Faizi and Birbal. Akbar’s policy of liberalism and tolerance was continued by his successors, Jahangir and Shah Jahan. However this policy was abandoned by Aurangzeb.

Social culture effects the religion. So there was good relation between Religion & culture at that time. Aurangzeb’s short sighted policies and endless wars in different parts of the country (especially in South India) resulted in the disintegration of the Mughal Empire. The rise of the Marathas in the south, the invasions of Nadir Shah and Ahmad Shah Abdali, unrest amongst the nobility in the court and the rise of the Sikhs in north-western India destroyed whatever was left of the Mughal power. Economically India was still the biggest exporter in the world and had great wealth, but it was left far behind in the process of modernization. Modernization may be a set back the devotion in religion.

During this period many saints came to unveil superstition. This movement gave huge energy to people for devotion in religion. The Sufis were not the only popular religious teacher of the time. There were also the Bhakti saints. Their teachings were similar to those of the Sufis but they had been teaching for so long a time. They were

11. as he liked two onions in his meal daily so ‘Mulla Do Pyaza’ he was called.
popular among the artisans, craftsmen and traders in the towns. The people in the villages also flocked to listen to them. The Sufi and Bhakti saints had many thoughts and practices in common. Their essential belief was in the need to unite with God. They laid stress on love or devotion as the basis of the relationship with God. To achieve all this, a Guru or a Pir was needed. The Bhakti saints attacked the rigidity in religion and the objects of worship. They disregarded caste and encouraged women to join in their religious gatherings. The Bhakti saints did their entire teaching in the local vernacular language to make it comprehensible even to simple minds. The Bhakti saints belonged to various backgrounds but mainly from the so-called lower castes in the Brahmnical Social 'Order'. They were known the feelings of people and gave the speech in a local language which was easy to understand.  

Many were artisans by origin or belonged to the less prosperous castes of cultivators. They stressed the need for tolerance among humans and religions. The Bhakti movement was long known in the South. The idea of preaching Bhakti through hymns and stories was traditionally done by the Alvars and the Nayannars of the Tamil devotional cult.

**Religious Contribution of Guru Nanak**

Guru Nanak was born of a Khatri family in the village of Talwandi Sabo which is now called Nankana Sahib. Though Guru Nanak was trained in accountancy, he

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12. Available at Medieval India.  
http://www.www.nios.ac.in/media/.../cH.04/pdf  
(accessed on 12.11.2012).  
preferred the company of saints and Sufis. Some time later, he had a mystic vision. He left home for the company of saints and pirs. He composed hymns and sang them to the accompaniment of the ‘rabab’, which is a musical instrument. His hymns are popular even today. He emphasised love and devotion for the one and only God. He strongly denounced idol worship, pilgrimages, sacrifices and rituals as a way to achieving God. He demanded purity of character and conduct as the first condition of approaching God. He believed that anyone could achieve a spiritual life while doing his duties as a householder. He tried to convince the people to join spiritual life along with domestic life.

**Role of Ramanuja**\textsuperscript{14}:

Ramanuja was from South India and he taught in the language of the common people. His disciple was Ramananda who took his Guru’s message to the northern parts of India.

**Role of Ramananda**\textsuperscript{15}:

Ramananda was born at Allahabad and educated at Varanasi. He preached at both these places. He wanted to rid evil, custom and practices of the Hindu Religion. He wanted the society to know that all men were equal in the eyes of God. There was no issue of high born or low born, anybody. His followers belonged to different walks of life. For example, Kabir was a weaver, Sadana was a butcher, Ravidass was a cobbler and Sena was a barber.

\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid.
Religion in Kabir's period:

Kabir was Ramananda’s favourite disciple. Like Nanak, he criticised the existing social order and called for Hindu-Muslim unity. Kabir, the son of a Muslim weaver, strongly denounced idol worship, taking part in formal worship such as Namaz, pilgrimages or bathing in rivers. He wanted to preach a religion which was acceptable to all and that would unite all religions. He emphasised the unity of God. He called Him by several names such as Rama, Gobinda, Hari and Allah. He gave a message to the public that Bhajan was the real earning of life. It will go along with soul.

Role of Chaitanya Mahaprabhu\textsuperscript{16}:

Chaitanya was a saint from Bengal. He was a devotee of Lord Krishna. Though he was a Brahman he condemned the caste system and emphasised on the equality of all. He wanted the people to know that true worship lay in love and devotion. He used to go into a trance singing devotional songs in praise of Lord Krishna.

Role of Mirabai\textsuperscript{17}:

Mirabai was another Bhakti Saint who worshipped, composed and sang songs in praise of Lord Krishna. Like Chaitanya, she too would go into a trance in her love for the God.

Role of Namadeva\textsuperscript{18}:

Namadeva was a tailor. He wrote in Marathi. His poetry spoke of intense love and devotion to God. In this way men can get rid from the life troubles.

\textsuperscript{16} Ibid.
\textsuperscript{17} Ibid.
\textsuperscript{18} Ibid.
Familiarity of the Bhakti Movement:

The term bhakti is defined as "devotion" or passionate love for the divine. Moksha or liberation from rebirth was not in the following of rules, regulations or societal ordering, it was through simple devotion to the Divine. A person follows religion as per intuition of his soul. Two ways were suggested at the time of Bhakti movement and they were called as saguna and Nirguna. Within the movement at large, useful distinctions have been made by contemporary scholar between those poet saints who composed verses extolling God with attributes or form, namely, "saguna" Bhaktas, and, those extolling God without and beyond all attributes or forum "nirguna." Many poet-saints, particular as the movement developed north world were themselves as of lower caste lineages. Another commonality was there usage of the vernacular or regional languages of the masses, as opposed to the sacred language of the elight priest hood, Sanskrit. This practice too stemmed from the movements focus or inner, mystical and highly personal devotion to the divine. 19

Effect of Bhakti Movement20:

All the Bhakti saints emphasised on oneness of God. They said that the path to God lay in devotion and Bhakti to Him and not in any rituals. They condemned rituals and sacrifices. In northern India, it developed into two streams, nirguna bhakti and saguna bhakti. The nirguna bhaktas were devotees of a formless God even while calling him

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19. Available at https://www.chnm.gmu.edu/.../introductoryessa...
variously as Rama, Govinda, Hari or Raghunatha. The most conspicuous among them were Kabir and Nanak. The *saguna bhaktas* were devotees of Rama, the son of Dasharatha, or Krishna, the son of Devaki and Vasudeva. Some of the best examples of *Saguna bhaktas* were Tulsidas, who idolised Rama in his famous *'the Ramcharita Manas',* and Surdas, who sang praises of Krishna in his famous *Sursagar.* Raskhan— a Muslim poet who was a devotee of Lord Krishna, also belonged to this tradition. The first important feature of Bhakti movement was the concept of oneness of God and brotherhood of all human beings. It did not discriminate against anyone on the basis of caste or gender. Its second important feature was surrender into God, who is all pervasive and capable of solving the problems of the devotees. The third important feature of Bhakti was an intense personal devotion to God with an emphasis on a good moral life. It was felt that chanting the name of God constantly purified the soul and prepared one for His grace.

A true devotee does not want heaven or *moksha.* He only wants to chant the Lord’s name and be born again and again to sing His praise. He wanted to live in the shower of Lord. In addition, the *guru* or spiritual teacher came, whose function was to provide people with hope, strength and inner courage. He was supposed to be a person who had marched ahead on the path of bhakti and had probably realised God and hence was capable of leading others into Him. This brought in a system of *pahul.* *Pahul* was the sanctified water offered by a master to the pupil or *shishya*
as a token of his being accepted as a trainee on his march to godliness. The Sikhs performed “washing of the swords” ceremony, called khande ka pahul, evolving as the pir-muridi custom (the saint-soldier concept).

The spirit of Bhakti pervaded the whole of India and found vivid and beautiful expression in the religious poetry of the medieval saints and mystics, no matter what religious faith they believed in. Their literary compositions, rendered into geet, qawali, etc. united the people, as nothing else could have done. It also stimulated the development of regional languages. If the people follow the religion they would have united.

**Indo-Mughal Culture in Connections of Religion**

The Mughal rulers discarded the Afghan titles of Sultan and styled themselves as Badshah (emperor) and Din-e-Panah (protector of faith). Further, to evoke reverence among the subject for the emperor, they started the practice of jharokha darshan or making public appearances through specially built windows. They also encouraged the court practice of sijda (low prostration before the kings) and concentrated religious and political power more firmly in their hands.

**New Faiths as Religion**

During this period, two new religious faiths flourished in India. They were Sikhism and Zoroastrianism. Various reform movements also started in India to bring the established reforms within religion, so that human society could get the benefit of that movement.

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Sikhism as a form of Religion²³:

The Sikhs who mostly belong to Punjab form a sizable group of our population. The orthodox Sikhs believe that their religion was revealed by God to Guru Nanak whose spirit entered the second and the subsequent gurus till the tenth Guru. Guru Gobind Singh ordained the Sikhs to treat the Adi Granth, popularly known as the Guru Granth Sahib, as their Guru. But the students of history and religion think that the seeds for the birth and growth of this religion were present in the Bhakti movement, in its nirguna branch. The Sikhs basically believe in a formless God, equality of all mankind, need of a guru and the pahul tradition.

Sometimes, the gurudom was conferred on the son favouring blood relation and sometimes on the best disciple as per his consciousness. The fifth guru, Guru Arjun Dev gave the Sikhs three things. The first was in the shape of the Adi Granth, which contains the sayings of five gurus and other allied saints. The second was the standardised script for Gurmukhi in which the Adi Granth was first written. And finally, the site and the foundation of the Har Mandir sahib or the Golden Temple and the Akaal Takht at Amritsar, the highest seat from where the dictats for the entire Sikh community are issued.²⁴

The tenth guru, Guru Gobind Singh created the Khalsa, which means “the pure”, in 1699. He also ordained the Sikhs to take five vows, namely, keeping of kesh (long hair and a beard), kangha (comb), kada (a metallic bangle), kirpan (a sword) and kaccha (an underwear extending to a

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²³. Ibid.
²⁴. Ibid.
little above the knees). Consequently, these symbols became
the distinct marks of a Sikh. He further added that after his
death the Adi Granth would be the guru of the Sikhs and
they would pay obeisance to this holy book. Music has
always been an important feature of Sikhism and they
believed that through music one can attain ecstasy or
samadhi. He considered purity and said "Raj Karega Khalsa
Baky rehena koy. It is also pronounced till today.

Religion of Parsi or Zoroastrianism:

The Parsi or Zoroastrian religion was founded by
Zarathushtra or Zoroaster in the eighth century BC. He
preached monotheism in the region now known as Persia.
He taught the worship of fire and the presence of good and
bad as personal conduct in the form of Ahura Mazda and
Ahura Man. He also taught the ethical doctrine of kindness
and charity. These doctrines are enshrined in the Zend
Avesta. The Zoroastrian religion spread over the whole of
Persia and remained the dominant religion till the eighth
century AD when Muslims conquered this region. Most of
the Parsis migrated to different parts of the world. They also
came to India and settled at Navsari in Gujarat and later on
spread to almost all parts of India. They have contributed a
lot to Indian culture. It was Dadabhai Naoroji—the famous
nationalist leader and a Parsi who exposed the hollowness
of the British claim of civilizing India and not exploiting it.
Another outstanding figure was known as Jamshedji Tata
who belonged to this community. He was recognized as a
pioneering Indian industrialist.

25. Ibid.
He established an iron and steel industry in India in the face of the toughest competition posed by the British steel mills and yet continued to prosper. The Parsees also established a large number of public charities. Zoroastrianism is not a proselytising religion and no new entrants are accepted into its fold under any circumstances. Thus, we can see that the cultural stream in India continued to assimilate all the newcomers and the resulting cultural interactions gave Indian culture its characteristic multidimensional, multilingual, multireligious and yet composite nature. Dissemination of religious teachings were also possible through cultural interactions.

**Scope of Religion:**

Religion has its wide scope to give proper message in society. Without going into the resort of religious belief and faith one cannot be nourished. Scope of religion has been discussed in different ways.  

Like other institutions, institutionalized religious beliefs tend to be taken for granted; they tend to exclude from consciousness other possibilities of orientation. For example, it is a Christian doctrine that every human being has a soul, but unless we are familiar with other religious orientations we may be unaware of the further Christian doctrine that *only* human beings have souls. In the religions of India and many other parts of Asia, animals and insects, if not plants, also have souls. In Christian beliefs, every soul lives only once on earth and is thereafter immortal. In

Hinduism, a soul may have many incarnations on earth, and it not only will live forever but has lived forever. Now all persons know that man is mortal and soul is not created nor destroyed.

An "official" creed, where there is one, is a rather crude indication of the actual religion of those who accept it: "the rules of metro are not the same thing as poetry".27 There are several reasons for approaching religious beliefs cautiously. In the first place, many important beliefs are so much taken for granted that people do not make them explicit in their creeds. Secondly, the meaning of the verbal formulas may change even though the words remain the same. From one point of view, it is a tragedy of history that many heretics of the Middle Ages were probably closer, in their deep religious views, to the orthodox thinkers of the time than those orthodox thinkers would be to faithful enlightened Catholics of today. Thirdly the actual bearing of religious beliefs on people's lives depends very much upon their whole life situation. These findings might be a little startling to those who think that "Christianity" is a fixed doctrine. The answers of 500 theological students were markedly different from those of the ministers, showing change in belief and worship from one generation to the next. Sixty-nine percent of the students did not believe "that heaven exists as an actual place or location," and 76 per cent did not believe "that hell exists as an actual place or location"; 4 per cent did not believe in the continuance of life after death. They

assume that it is natural phenomenon nothing more. It may be a cycle related to life.

Finally, the very meaning of “belief” is obscure as applied to religion. Certainly religious “belief” is different from “belief” that the world is roughly round. Indeed, people often do not define their religious beliefs too closely: "... men could and can adopt a position in which they never allow themselves to ask just what they mean by what they are doing.”

Nevertheless, verbalized religious beliefs are an important indication of the subjective meaning of people’s religious behavior and they often help us to understand how religion influences behavior in general.

To people familiar with the Christian tradition "salvation" means a life in Heaven after death. We shall speak of salvation, however, in a more inclusive sense. Men are striving for salvation, for themselves or for a group, “the extent that they are trying to escape from “evil” by supernatural means. Exactly what evil men try by supernatural means to escape from and exactly what goal of salvation they try to escape to vary over quite a wide range. Salvation may be temporary or permanent, partial or complete. Praying for rain is a form of salvation-seeking in our sense, no less than is the goal of seeing God in Heaven. The various goals are not all mutually exclusive. An individual might strive for worldly prosperity or good health long life by supernatural means and also be interested in attaining a temporary supernatural state of bliss or union with God. In same sense, religious persons are always

seeking salvation *here and now*. They wish to feel that they are on good terms with the supernatural order, personal or impersonal. Even the early Calvinists who believed in predestination and therefore feared that they might be damned regardless of their merit,” sought and cherished “the certainty of grace” (*certitudo salutis*)— last is, the subjective assurance here and now, however irrational, that God had elected them for eternal salvation. It will be the result of men's devotion.

### 2.3 Modern Period:

**Pre-British Period**

There are so many religions prevalent in India. India is perhaps the only country in the world which is well known for religious tolerance. In ancient India it was considered to be the duty of the State to uphold and promote *dharma* which implied justice, morality and righteousness.\(^{29}\) The Hindu kings, with a view to promote, built temples, granted them large endowments and exercised supervision over them. There was certainly “no institutional separation between State and religion.”\(^{30}\) However, the Hindu kings never interfered with the religious faiths and practices of the people. He permitted to the public to establish and maintain religious institutions in their own way. Though religious freedom and tolerance of the ancient Hindu State was visible but no speculation which questioned the assumptions of Hinduism was tolerated.\(^{31}\)


\(^{30}\) V.K. Sinha, Secularism and Democracy in *Secularism in India*, edited by Sinha (1968) at p. 9.

After medieval period, with the rise of Muslim power in India, Hinduism faced the greatest challenge to itself. The Muslim rulers were with the problem of a vast majority of people who were alien to Islam. The resulting effect was that thousands of Hindus were converted to Islam by force. Hindu images person was forbidden of public worship. In many parts of the country, Hindu temples and their images were destroyed. Religious prosecution was the highest during the rule of Ferozshah Tuglaq, Sikandar Lodhi and emperor Aurangazeb.\textsuperscript{32} However, in the entire Muslim history the only notable exception was the famous Mughal emperor Akbar who offered equal treatment to all the people belonging to different religions irrespective of caste and creed. He encouraged the building of temples and abolished many socially discriminatory practices which were available at that time. It is a gratifying fact that the famous Golden Temple at Amritsar was built on the land donated by Akbar and the Bhagwad Gita was translated into Persian by Poet Faizi. It shows that Akbar had a faith in secularism. This fusion of Hindu—Muslim culture encouraged religious toleration.

**Religion in Resort of British Period:**

During the early British rule in India the East India Company followed the policy of religious neutrality or non—interference in the religious matters of the natives.\textsuperscript{33} This attitude of that Company was disliked by missionaries. The

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\textsuperscript{33} M.V. Pylee, *Constitutional History of India* (1600-1908), 21 (1967).
Company was not only a commercial body but also a Christian body bound by moral duty to help propagate the Christian Gospel. These missionaries thought that by Christianizing India they would help to improve its social and economic conditions. Such kind of help make them more loyal to the British Government.34

Significant developments were made in the 19th century Lord William Bentik35 abolished the practice of sati or sati Partha. It was an act of courage and strong moral conviction.36 In 1850 Caste Disabilities Removal Act was passed for protecting the interests of religious coverts. It was followed by the policy of giving grants in aid to educational institutions established and managed by private organizations with effect from 1854.37

The above policy was taken as a victory for religious freedom. The charge of orthodox Hindus was designed to help Christian missionaries.38 But that was proved as baseless. The mutiny of 1857 in part at least the result of the belief that the Company was interfering with the religion of the natives. This resulted in transference of power from Company to the Crown in 1858. Reasserting her policy of religious neutrality, Queen Victoria, in her proclamation declared that none will be favoured, molested or disquieted

35. Bentik remained as Governor – General of India from 1825-1835.
by reason of his or her religious in this way it was observed that all shall equally enjoy the protection of law.\textsuperscript{39}

The policy of religious neutrality appeared to solve social complications but it was never implemented honestly. It may be recalled after the renewal of the Company's Charter in 1819. Parliament provided the appointment of Bishops of the Church of England to supervise ecclesiastical matters in India. So the Company became officially connected with the missionaries. This process continued even after the British Crown to assume sovereign power. Therefore, a Government which professed religious neutrality, appointed Bishops whose main function, was alleged, to convert Hindus and Muslim.\textsuperscript{40}

The end of the century witnessed Hindu revivalism by the Arya Samaj and the neo-vedantism of Vivekananda. The aggressive militant nationalism of Bal Gangadhar Tilak in Maharashtra and Aurobindo Ghosh and Bipin Chandra Pal in Bengal was thoroughly imbued by religion. These men, led by Tilak, attempted to dominate the Indian National Congress but failed to dislodge the moderates led by Balkrishan Gokhale. They were secular in their appearance.\textsuperscript{41} They, however, later succeeded in proving the latent communal feelings. It could be harnessed for a political purpose.\textsuperscript{42} Further, it cannot be ignored that this excess of religious symbolism was partly responsible for the rise of Muslim League in 1906.

\textsuperscript{39} For a text of the proclamations, see B.M. Bachal, \textit{op. cit.}.
\textsuperscript{40} Donald Smith, \textit{India as a Secular State}, 9(1963).
On the introduction of democratic electoral process in India the present century, the nature of the electorate became a matter of a bitter dispute between the Congress and the Muslim League. The Muslim League demanded a separate electorate for the Muslims and threatened a nationwide agitation to press their demand. The demand found express recognition in the Indian Council Act, 1909 which provided for separate electorates with reservation of seats for Muslims in the Indian and Provincial Councils. The Government of India Act, 1919 applied this principle not only to Muslims but other communities like Sikhs, Anglo-Indians, and Indian Christians etc. This issue of communal representation persisted in the three Round Table Conferences held in London between 1930-1932. The result was that the same principle was continued under the Communal Award. On the basis of that conference representation was given under the Government of India Act, 1935.

The rise of the Muslim League and the recognition of the principle of separate communal electorate bring us the most crucial factor in modern Indian politics. These factors were helpful for the developments of secularism. The ultimate result of these developments was the partition of India and the emergence of Pakistan as an independent Muslim State.

This shows that while religious influence on the whole has been to the advantage of India, especially from the point of view of her cultural enrichment. Religion has also played havoc with the Country's unity and integrity. In fact, the
failure of secularism in pre—Independence India was the only factor which partitioned the country.\textsuperscript{43}

**Role of Post Independence**

Constituent Assembly was assigned at the time of Post independence. After passing two centuries of foreign rule India attained independence in 1947. Despite the creation of Pakistan, there were still a large number of Muslims in India. There were also Christians, Sikhs, Parsees, Jains, Buddhists, Jews and others. They formed the majority who professed Hindu religion. The task of framing a Constitution for this multi—religious and multi-cultural and multi-linguistic country was assigned to the Constituent Assembly.\textsuperscript{44} It may be noted that the tragic memories of the partition of the country were still there in the minds of the members of the Assembly who therefore, wanted to make Indian secular democracy based on the pillars of justice, equality, liberty and fraternity.

Jawahar Lal Nehru in his broadcast to the nation on 19 August 1947 clarified the secular approach of the government. He said in his speech, “The Government of India will treat every Indian on an equal basis and try to secure for him all the rights which he shares with others. Our State is not a communal State but a democratic State in which every citizen has equal rights. The Government is determined to protect these rights”.\textsuperscript{45}

\textsuperscript{43} Ibid.
\textsuperscript{45} Quoted in *India – Since Independence*, 10 (1971).
On December 13, 1946 Nehru moved the Objectives Resolution for the consideration of the Assembly wherein he promised to move on secular and national lines. He laid down that the future Constitution of India would, among other things, guarantee freedom of thought, expression, belief, faith and worship. The members of the Assembly were deeply impressed by the urge of making India a secular State. Lokanath Misra observed that the State should “keep its hands off all religious institutions and wanted the State not: to bother about he management of any religious institution.”

On the other hand, the secular State meant that the State would not make any discrimination on the ground of religion or community against any person professing any particular form of religious faith. Moreover no particular religion in the State will receive any State patronage whatsoever. The State is not going to establish, patronise or endow any particular religion to the exclusion of or in preference to others and no citizen in the State will have any preferential treatment or will be discriminated against simply on the ground that he possessed a particular form of religion.”

To the same effect were the observations of Shri H.V. Kamath who was also an active participant in the deliberations of the Assembly. To quote him: “When I say that a State should not identify itself with any particular religion, I do not mean to say that a State should be anti-religious or irreligious. We have certainly declared India to be a secular State. But to my mind, a secular State

is neither a Godless nor an irreligious nor an anti—religious State."

Framers of the Constitution contemplated the creation of a secular State in India were embodied in special provisions in the Constitution providing for religious liberties and according to equal respect for all religious beliefs.

**Freedom of Religion and its Constitutional Provisions:**

The preamble to the Constitution of India speaks of the resolution “to secure ... liberty of thought, expression, belief, faith and worship” to all citizens. The Constitution guarantees the freedom of religion implicit in the concept of a secular State. These freedoms are enshrined in two important provisions, namely Articles 25 and 26 and they form the "code of religious liberty" in India. Article 25 guarantees to every person the freedom of conscience and the free profession, practice and propagation of religion. It is also called as "code of religious liberty" in India Article 26 guarantees to every religious denomination or a section of it, the right to manage its own affairs in matters of religion and the right to establish and maintain institutions for religious purposes. This does not mean, however, that this freedom is an unconditional or unregulated one. The Constitution has provided a framework of limitations within the freedom of religion is to be exercised by the citizens in this country. Accordingly these freedoms are to be exercised in such a way as not to impair peace, order and social

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49. Ibid., at 825.
50. See Articles 25, 26, 27, 28, 29, 30 other relevant provisions are contained in Articles, 14, 15, (1)(2)(4), 16(2) and (4), 23(2) and 29(2).
morality.\textsuperscript{51} The State has been, allowed to curb, restrict or regulate these religious activities which are against social peace and morality. The constitution has further laid down that these freedoms will not prevent the State from reforming Hindu religious institutions. It is in this context that the State has abolished untouchability\textsuperscript{52} and has left Hindu religious institutions open to all sections of the Hindus.\textsuperscript{53}

These religious freedoms are incorporated in Part III of the Constitution which deal with the fundamental rights. Therefore, every citizen can move to the Supreme Court\textsuperscript{54} when his freedom is threatened from any quarter and the court is empowered to issue appropriate writs for the enforcement of these constitutional rights. Hence, the judiciary as the guardian of the Constitution has assumed the function, thereby protecting the forces of secularism in the country. In consideration of Religions freedom under Indian Constitution certain questions have been arisen. But the most important questions which have arisen before the courts are: what is the definition of religion? What are matters of religion? What is the scope of the freedom of religion under Articles 25 and 26 of the Constitution and what is a religious denomination?

All these questions have been answered by our courts, as per execution of specific provisions in various decided cases. As regards the first question, the provisions of Article 25(1) are very clear. The Article clearly lays down that all

\textsuperscript{51} Article 25(1).
\textsuperscript{52} Cf. Art. 25(2)(b) and Art. 7.
\textsuperscript{53} Article 25(2)(b).
\textsuperscript{54} Article 32.
persons are equally entitled to freedom of conscience and
the right to freely profess, practice and propagate religion. Whether a particular person belongs to a particular religious group or not, is not the material point but the important fact is that all persons irrespective of their particular affiliations have freedom of conscience and the right to freely profess, practice and propagate religion. As to the second question it may be stated that if we accept a propone view to be decisive we might assert that any belief or practice is religion, thus rendering the constitutional protection in is fructuous. Hence, the judiciary has been given the power to examine the question whether a particular belief or practice constitutes religion or not. Of course, the courts apply reasonable and well established standards to delineate the parameters of what constitutes a religion. The last question has also been answered by the courts by lying down that the constitution protects not all such acts which are either "enjoined or sanctioned by religion." This implies that only essential or integral parts of religions are accorded recognition by the Constitution.55

In this democratic country some people follow faith and worship. That is his moral integrity. According to Chinnappa Reddy, J., "Every one has a religion or at least a view or window of religion, be he a bigot or simple–believe–Philosopher or pedestrian, atheist or agnostic. Religion like democracy and equality is allusive experience piton. What is

55. For a critique of this approach of narrowing down the concept of religion to "essential or integral aspects of religion" see H.E. Groves, Religious Freedom, 4, J.I.L.I., 191 at 196 (1962).
religion to some is pure dogma to others and what is
religion to others is pure superstition to some others”.

Religion is not to be confined to the traditional
established, well-known or popular religion like Hinduism,
Mohamedanism, Buddhism or Christianity.

There may be several religions which are not
dominated or even undiscovered operating in remote,
undiscovered or unexposed areas. A religion may not have a
name; it may neither be widespread nor have a big
following, but is still a religion.

Religion is certainly a matter of faith with individuals
or communities and it is not necessarily theistic. There are
well known religions in India like Buddhism and Jainism
which does not believe in God. A religion undoubtedly has
its basis in a system of beliefs or doctrines. These are
regarded by those who profess that religion as conducive to
their spiritual well being. But it would not be correct to say
that religion is nothing else but a doctrine of belief. A
religion may not only lay down a code of ethical rules for its
followers to accept, it may prescribe rituals and observance,
ceremonies and modes of worship which are regarded as
integral part of religion and these forms and observance
might extend even to matters of food and dress. A religion
is not merely an opinion, doctrine or belief. It has its
outward expression in acts as well.

It is now well settled that the word religion in Article 25 of the constitution not only includes the system of beliefs or doctrines which are regarded by those who profess that religion is conducive to their spiritual well being but also includes an ethical code for its followers to accept. It also includes a code of rituals and observance, ceremonies and modes of worship which are regarded as integral part of religion and these forms and observance might extend even to matters of food and dress.\(^{59}\)

What constitutes an essential part of religion or religious practice has to be decided by the courts with reference to a doctrine of a particular religion and include practices which are regarded by the community as part of its religion.\(^{60}\)

The Supreme court of India makes it clear that here we have a scheme which takes advantage of judicial experience gained in the United States, Australia and else where with the fortunate result that it is seldom necessary to go outside the worlds of the Article for a definition of freedom of religion as known in India. There is however, an obvious loophole.\(^{61}\)

According to the observation of Supreme Court, freedom of religion means freedom to practice religion and to do acts extending beyond mere expressions of belief. This was already established in unambiguous terms which was

59.  S.A.P. Srinivasamurthy v. Commr C, & HRI & E, AIR 1973 AP.
used in the *Shirur Mutt and Rati Lal cases*. It is quite clear that in India the right to do what religion commands is protected by the constitution, unless contrary, legislation is saved by one of the listed exceptions. That has been observed as limitation.

The test in regard of Religion to be applied as to what constitutes an essential religious practice is that of usage, proved in evidence, by witnesses in court or by affidavit. The essence of the judgment was that the definition of religion itself and the determination of the context of a particular religion as well as the decision as to what practices are or are not enjoined by religion must all be left to the community itself and the court can not substitute its own judgment or skill for the beliefs are theological techniques of the historical development of religion.

**Situations of Freedom of Religion in India:**

To introduce India in brief it is the largest democracy of the world. Indian territory is divided into 28 states and 7 union territories. Each of these states has its own state government besides a central government for whole of India. The major political parties now at play are: BJP, INC, CPIM, TDP, SP, JDU(S), BSP, DNK AIDMK, BJD etc. We have a population of 1.02 billion or nearly 1/5th of the world population. The scheduled castes (16.48%) and Scheduled Tribes (8.08%) account for 24.56% of the total population. Hindus 82.0%, Christians 2.34 (decreasing trend 1971–

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2.6%, 1981-2.4%) Muslims 12.12%, Sikhs 1.94%, Buddhists 0.76%, Jains 0.41% and others 0.43%.

India has around 22 major languages and over 1600 dialects. It has a number of diverse cultures and religious practices. India is a country with countless diversities but live in relative harmony. As part of the social context, it is important to know one crucial dimension of Indian society, the caste 'system'. The Hindu religion is divided into four major castes. Brahmins known as the priestly caste, at the top of the hierarchy; the Kshatriya known as the warrior caste comes next, then the Vysya, the business people and the Sudra at the bottom. Below this caste system are the 'outcastes'. The out castes' are treated as 'untouchable' in the society. The sudras and the outcastes are expected to do services to the so-called 'upper castes. These 'untouchables' have been doing services to the 'upper castes' such as manual scavenging-removal and disposing of the night soil, disposal of the carcass of anything that is dead and rotten etc. They were not allowed to study or to read the scriptures of religion and knowledge. If they did not follow that direction they would meet with very cruel punishment. This most de-humanising system was the system for centuries and is remaining powerfully so. As a result, the dalits remained deprived of any chance of socio-political and economic mobility. There were many movements in the country to break away from the caste system seeking possibilities of living together, outside caste structure. Charvaka movement and Bhakti movement were examples of
this emergence. However, they were eliminated from the history. The religion of Islam and Christianity came in India through rulers, business people and missionaries. These religions were attractive to the most oppressed communities of the caste India. The oppressed caste embraced Christianity and Islam with a hope of having a dignified life in the new religion. It was a search for humans for a purposeful life oppressed communities had a thrust to manage themselves in context of Religion.

**Importance of Article 25 of Indian Constitution:**

The Akali Dal as a part of its agitation raised, for the first time, a demand in January 1984 asking for an amendment of Article 25(2)(b) of the Constitution. Later, copies of the Constitution were burnt and mutilated. To quote Khuswant Singh, "the people who took oath to protect the Constitution later burnt the pages of it."*63* The Akali Dal alleged that the provisions of Article 25(2)(b) are discriminatory to the interests of Sikhs and does not reflect the separate identity of Sikh religion. The demand was further linked with the idea of separate personal law for the Sikhs. Establishment of separate personal law was not possible. There were certain problems like some questions. The first question is: Does the provision need any amendment? Second is why has this issue been raised after a successful functioning of our Constitution during the last

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63. These remarks were made at a Seminar on "Constitution and the Religion." See *Indian Express*, April 27, 1984 at p. 6. Following the act of burning the copies of the Constitution, certain Akali leaders were arrested under the *Prevention of Insult to National Honour Act*, 1971 and later freed.—See *Indian Express*, May 12, 1984, at p. 1.
63 years? Last question was raised why was the issue not raised earlier when the Janata Government was in power at the Centre and the Akali Dal in Punjab? The answer of the first question may be helpful for other questions.

Article 25(2)(b) saves the power of the State to make laws providing for "throwing open the Hindu religious institutions of a public character to all classes of Hindus." According to explanation II to Article 25 of the expression "Hindu" includes a Sikh, Jain and Buddhist. Hence Hindu, Sikh, Jain religious institutions come within the preview of the above provisions. The words "religious institutions of public character" as prescribed by the Supreme Court in Temple Entry case\(^{64}\) would include not only such institutions as are dedicated to the use of members of a particular religion but also would include institutions which are purely denominational. Religious institutions give their reflection as particular religion.

This wider interpretation of the provisions of Article 25(2)(b) clearly shows that the State can validly make a law throwing open a Jain temple to all Hindus, a Hindu denominational Muth to all Hindus, Sikhs, Buddhists and Jains, and a Sikh Gurudwara to Buddhists. In fact, the idea of widening the scope of the provision was to eliminate any disfunction between one class and another class of Hindus.\(^ {65}\) Hence, the interpretation of Article 25(2)(b) as given by the Supreme Court appears to be consistent with

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the intention of the framers of the Constitution. What about Explanation II? The explanation says that “in sub—section (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or other religion and the reference to Hindu religious institutions shall be construed accordingly.” Broadly speaking, the explanation means that institutions belonging to any of the above religions viz: Hindu, Sikh, Jain and Buddhist may be thrown open to the followers of all these religions. The other view can be that institutions belonging to any of the above religions may be thrown open to all those professing a particular religion. But the latter view creates an impression that each of the above religions has institutions to which some classes are admitted and the others not.

It is submitted that there may be a flaw in the drafting of the provision Article 25 dealing with individual religious freedoms whereas Article 26 provides for corporate religious freedom. Hence, the provisions contained in Article 25(2)(b) should have been incorporated in Article 26(b). It was discussed to avoid the conflict between Articles 25(2)(b) and 26(b) that the Supreme Court in Temple Entry case gave a wider construction to the former provision and held that Article 26(b) must be read subject to Article 25(2)(b).

Lastly, the question raised by the Akali Dal that the provisions of Article 25(2)(b) Explanation II does not reflect

the identity of the Sikh religion. The provision of Explanation II clearly provides that in the matter of religious institutions its provisions shall be applicable to Sikhs, Jains and Buddhists in the same way as it is applicable to Hindus. Interestingly, Explanation I of this Article makes a very significant and discriminatory exception in favour of Sikhs. It gives them a fundamental right to "wear and carry Kirpan." The removal of this provision from the Constitution would, deprives them of this constitutional privilege instead of benefiting them.

It is further submitted that the Hindu religion is a reflection of the composite character of the Hindus who are not one people but a class of person. The development of this particular religion shows that from time to time saints and religious reformers attempted to remove elements of corruption and superstitions from Hindu thought and practices which in fact led to the formation of different Hindu sects. Buddha preached Buddhism, Mahavir preached Jainism, Guru Nanak inspired Sikhism, Dayanand founded Arya Samaj and the teachings of Ramakrishna and Vivekananda gave it dynamic contents. Though the teachings of these saints may have varied and differed underneath that there was a wave of unity which kept them within the sweep of broad Hindu religion. All these saints had revolted against dominance of rituals and the power of the priestly class with which it came to be associated.67

This is the reason why Hindu religion can be correctly termed not as a religion in its traditional approach but as a comprehensive, progressive, forward looking way of life, common to the whole people.

The inclusion of the Sikhs within the word "Hindus" in explanation II of Article 25(2)(b) does not mean that the Sikh religion's identity is lost. The words “professing the Sikh... religion” occurring in the above explanation are significant. Similarly, the words “professing the Sikh religion" occurring in Explanation I of the above provisions believes the argument of Akali Dal that the provision is causing some misgivings over separate identity of the Sikhs. Perhaps the Akali Dal is also denying the historically established fact that the word 'Hindu' is derived from the river Sindhu which flows from Punjab. Hence, there is no justification for seeking an amendment of Article 25(2)(h) of the Constitution which recognizes not only the identity of the Sikh religion but of other religions also and accords them equal status and protection. We must rely upon that the interests of the nation are overriding and paramount and always come first. We have full faith that Sikhism has played a great role in fostering the concept of secularism in the country and also do hope that it will continue to maintain its traditions and help in building a better future.

The foregoing discussion makes it amply clear that India can certainly be regarded as a secular State. In fact,

secularism has been one of the main values that had sustained in India through the ages. The discussion reveals that even during the pre—Independence era, the State did not interfere in matters of religion in its doctrinal and ritual aspects but did exercise control over the administration of properties endowed for religious institutions. This position has continued even after coming into force of the present Constitution.

The Constitution confers the right to freely profess, practice and propagate religion to every person. It throws open Hindu religious institutions of a public character to all classes and sections of Hindus, thus recognizing the unity of personal and institutional aspects of religious freedoms. This aspect is further emphasised by Article 26 which confers freedom of religion on every religious denomination or a section thereof.

Freedom of Religion can not be absolute. It must contain Limitation to provide benefit to all. The Constitution subordinates the religious freedoms to the needs of social order, social justice and morality. Hence, the State has been empowered to enact laws so as to curb, restrict or regulate those religious activities which militate against social peace and morality.

The provisions ensuring the freedom of religion are incorporated in the form of justifiable fundamental rights. Constitution guarantees to every citizen in the country irrespective of his religion to move the Supreme Court (Art: 32) for the enforcement of these rights which form the basic
core of constitutional secularism. It is in this context that the judiciary has assumed an important role in ensuring the protection of freedom of religion and thereby preserving and promoting the secular tendencies in India. A review of the various cases discussed in the preceding pages makes it clear that the courts have succeeded to a great extent in evolving a progressive, constructive, forward looking philosophy of constitutional law designed to assist the forces of positive secularism.

Therefore, the Indian concept of secularism does not involve a denial of our rich religious heritage which is very dear to the people and provides them a vision of good life. The developments in Punjab have to be seen in a secular perspective in the overall interests of unity and integrity of the country. It may be useful to maintain dignity.

**Freedom of Religion and its Constitutional Protection:**

History shows that people who live in India keep faith in various religions. India is a land of many religions and of numerous religious institutions. Multi-religious groups in the country exist but in spite of this the Constitution stands for a secular State of India. As per the existing rule no State can recognize Church or religion. The State has not identified itself with any particular religion but respects all faiths and religions equally. All religious groups or

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69. The term 'Secular State' refers to "a State which guarantees corporate and individual freedom, deals with the individual as a citizen irrespective of his religion, is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion." See D.E. Smith, *India as a Secular State*, 4 (1963).

institutions enjoy equal constitutional protection without any favour or discrimination. Despite this accepted position in the realm of constitutional law, there has been recently a controversy raised by the Akali Dal in Punjab for seeking an amendment in Article 25 of the Constitution of India. It has been asserted that the provision is discriminatory to the interests of Sikhs.\textsuperscript{71} This matter took an agitational form and the copies of the Constitutional were also burnt.\textsuperscript{72} Further, the recent intervention of Army in Punjab\textsuperscript{73} also brought to light the fact that almost all the religious institutions in the State were under the grip of terrorists. The Army recovered a huge quantity of sophisticated deadly weapons from inside these institutions.\textsuperscript{74} These unfortunate developments have posed a serious threat not only to the sanctity of these religious institutions but also to the unity and integrity of India. All these have impelled the present attempt at a review of the constitutional provisions guaranteeing religious freedom in India.

There may be specific questions relating to the freedom of religion. The present study seeks to find answers to the following questions first, what is the content and scope of religious freedoms in India and to what extent the Constitution accords protection to these freedoms? Are these freedoms absolute or does our constitution impose some limitations on their exercise? Does religion permit

\begin{itemize}
  \item 71. Indian Express, April 4, 1984, at p. 1.
  \item 72. See Indian Express, May 12, 1984, p. 1.
  \item 73. Ibid., June 3, p.1.
  \item 74. Ibid.
\end{itemize}
storage of arms and ammunition in religious institutions? Does the State have authority to enact a law authorising searches and seizures in religious institutions? And lastly, does Article 25 of the Constitution need a second look?

To find answers to these questions it would be useful to go into the history of religion and religious institutions in India because it was this background which in fact was responsible for the framers of our Constitution proclaiming India to be a secular State. This will be followed by an analysis of the constitutional provisions guaranteeing religious freedom in India in the light of reading judicial pronouncements. History of Religion has no certain solution of these religious adamants. India is a secular state and all of the religions develop on the basis of this secular theory.

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