



Religious Minorities in India: Navigating Identity, Rights and Representation

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ABSTRACT

India's religious pluralism is protected by the constitution, but religious minorities still experience legal, social, and political problems. The research paper critically reviews the legal position of religious minorities in India through examination of constitutional guarantees, judicial pronouncements, and socio-political trends. The research seeks to evaluate the efficacy of India's secular system in safeguarding minority rights while determining existing legal loopholes and enforcement lacunae. The study uses methods of doctrinal research and qualitative examination of constitutional provisions like Articles 14, 29, and 30 that protect equality, cultural identity, and educational rights respectively. The study also looks at milestone judicial cases like *Indira Sawhney case* and *St. Stephen's College case* to see how courts have interpreted minority rights. The research also examines academic literature and human rights reports to gain a complete insight into the socio-legal problems of religious minorities. Findings identify that, notwithstanding robust constitutional protection, religious minorities face systemic discrimination, hate crimes, and infringement of religious freedom. Legal grey areas in anti-conversion legislation, the Citizenship Act, 1955 (CAA), have triggered alarms regarding religious freedom and the right to citizenship. Judicial decisions have sought a balance



between religious autonomy and the state's interest, but disparate application remains an issue of abiding concern. This research emphasizes the importance of more effective legal frameworks, impartial law enforcement, and policy changes to safeguard religious minorities. Eliminating discriminatory legislation, ensuring social integration, and enhancing protections against hate crimes are essential for maintaining India's secular character. Through a holistic analysis, this research adds to the current debates on religious pluralism, legal rights, and social justice in India.

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INTRODUCTION

India is a home to a multitude of religious communities. While the majority of the Indian population adheres to Hinduism, the country also hosts significant minorities, including Muslims, Christians, Sikhs, Buddhists, Jains, and others. This diversity may prima facie be seen as an asset reinforcing the secular ethos of the country¹. But, in a larger context, the coexistence of these diverse religious groups has given rise to complexities in the Indian social fabric. It has led to various challenges concerning the rights, status and demands of religious minorities. This socially incentivizes us to delve into the ocean of a plethora of legal frameworks along with reviewing the pre-existing works pertaining the minority rights. The paper critically analyses the constitutional safeguards granted to minorities and will highlight the potential grey areas. By providing a comprehensive analysis of the status of religious minorities², the notions of pluralism, secularism, and social justice will be better understood by the readers of this research paper, which will also assist them in re-structuring their beliefs on the current disputes around the rights of religious minorities in India.

Overview

Religious minorities in literal sense signifies a group of people belonging to religions and religious beliefs less widely practiced in their society or country. As the religion practiced by these people are not

¹ Team, E., & Team, E. (2024, April 25). Constitutional safeguard for minorities. Blog -. <https://edukemy.com/blog/constitutional-safeguard-for-minorities-upsc-social-justice-notes/?utm>

² Mitchell, T., & Mitchell, T. (2024, July 25). Religion in India: Tolerance and segregation. Pew Research Center. <https://www.pewresearch.org/religion/2021/06/29/religion-in-india-tolerance-and-segregation/>



widely followed, the rights of these people may often be suppressed due to lack of recognition or adherence to a particular religion by the sovereign³. When we delve deeper into the context of religious minority narrowing our focus to India, we find out that Hindus constitute 80% of the total population of India, followed by 13% Muslims and 2% Christians⁴. Although the Indian Constitution has numerous articles and pertinent legal protections for the rights of minorities, there still exist some unclear areas in the way these laws are being presently applied.

LITERATURE REVIEW OF RELEVANT PAPERS

Numerous scholarly investigations have focused on the study of religious minorities in India, especially in relation to the nation's constitutional framework, secularism, and social cohesion. In his article from 2021 titled "The Idea of Religious Minorities and Social Cohesion in India's Constitution"⁵, Vikas K. Choudhary gives a thorough explanation of the liberties and privileges granted to minorities in the 1950 Indian Constitution. By recognizing religious freedom as a Fundamental Right and taking special steps for specific religious minorities, Choudhary identifies the distinctive Indian type of secularism, which does not uphold the rigid separation of religion and state as does the European model. Although this approach was praised for promoting religious diversity, it has drawn criticism for the government's ruthless interference in religious.

In "The Indian Constitution: Cornerstone of a Nation (1966)"⁶, Granville Austin extensively tackles the torturous debates within the Constituent Assembly regarding how the assembly could achieve a proper balancing act between minority rights and other national objectives of unity and social revolution. The Assembly made requests on behalf of various religious, caste, and linguistic groups to build a cohesive national identity. Disharmonious conflicts between constitutional values of universality and context-sensitive provisions like the Uniform Civil Code (UCC) and personal laws become a customary theme in Austin's elaboration.

³ Testbook. (2024, January 12). Religious Minorities - characteristics, govt initiatives & more. Testbook. <https://testbook.com/ias-preparation/religious-minorities>

⁴ Census of india,2011 Distribution of population by religions, censusindia.gov.in

⁵ Choudhary, V. K. (2021). The idea of religious minorities and social cohesion in India's constitution: Reflections on the Indian experience. *Religions*, 12(910). MDPI. <https://doi.org/10.3390/rel12110910>

⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, 1966 (2021)



Rochana Bajpai's 2008 "Investigation of Minority Representation in the Constituent Assembly"⁷ elaborated upon how India's constitutional design fit into this paradigm. Bajpai argues that the term "minority" evoked in the discussions of the Assembly captures not just the important notion of being numerically smaller; rather, it is linked to the paradigm of being disadvantaged and thus deserving special protections. This lens is crucial for comprehending the nature of constitutional⁵ safeguards applicable to religious minorities in post-independence India.

In India's discussion of secularism and minority rights, the *Shah Bano case*⁸ marks a turning point. Pratap Bhanu Mehta (2008) claims that the case raised awareness of the problem of the judiciary mediating between the forces of universalism and legal pluralism. The dilemma of reconciling religious personal laws with constitutional principles of equality and justice is exemplified by the Supreme Court's ruling that Shah Bano was entitled to maintenance under secular law, which was later repealed after political unrest and the passage of the Muslim Women's (Protection of Rights on Divorce) Act of 1986⁹.

Ashutosh Varshney's work on ethnic conflict and civic life in India provides a broader sociological ambience of the context of religious coexistence. Varshney claims that it is the civil society that performs a great moderating role in community tensions and further indicates a multitude of co-existing resists and recuperations that provide compartmentalized social cohesion for the country.

The literature review on religious minorities in India unveils a great interplay between constitutional provisions, judicial interpretations¹⁰, and socio-political dynamics. The Constitution of India offers a strong framework to secure rights for its minorities, and, however, these provisions are still construed with contradictions in their enforcement. This shows a continuing struggle between pluralism and national unity.

Dr. Iqtidar Karamat Cheema's article, "Constitutional and Legal Challenges Faced by Religious Minorities in India" was released in February 2017 under the auspices of the U.S. Commission on International Religious Freedom (USCIRF). The legal and constitutional issues that India's religious minorities face is examined extensively in this study. The investigations revealed that India's religious

⁷ R. Bajpai, *Minority Rights in the Indian Constituent Assembly Debates, 1946* (1999)

⁸ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.C. 556 (India)

⁹ Devika, J. Beyond Aesthetic Education: The Malayali Engagement with the Humanities. World Humanities Report, CHCI, 2022.

¹⁰ Varshney, A. (2002). Ethnic conflict and civic life: Hindus and Muslims in India. Yale University Press



freedom situation is in poor shape, particularly in light of the Bhartiya Janata Party's rule since 2014. It discusses several constitutional clauses as well as several legislation and behaviours that are discriminatory against the sentiments of the religious minorities, even Muslims, Christians, Sikhs, Jains, and Dalits (also previously referred to as 'untouchables').

It criticizes this model of secularism, along with which the Indian model did not measure up to the strict separation norms set by the American or French models. While several provisions, such as Article 290A in the Constitution, tend to favor Hinduism, the anti-conversion laws in several states disproportionately affect minority religions. These laws are intended to prevent forced conversions but are often misused as tools of harassment and intimidation of the minorities: mainly Christians and Muslims. Discussed as well is the FCRA that is used in restricting the foreign funding to NGOs- particularly those who advocate for the minority rights.

The paper goes on to deal with contentious cow protection laws that have resulted in violence against Muslims and Dalits, who often deal in beef and leather¹¹. The paper critiques the legal association of Sikhism, Buddhism, and Jainism within Hinduism by Article 25 of the Indian Constitution¹², which denies these religions distinct identity. It continues by indicating that the constitutional provisions against untouchability are not enough for the Dalits, who still suffer social and economic marginalization.

Finally, both Indian and U.S. governments are provided with recommendations, which call the Indian government to align its laws with the international human rights standards¹³ and exhort the U.S. to place religious freedom at the top of its diplomatic agenda with India. Thus, the paper is a critical examination of the challenges religious minorities face in India and sheds light on the intersection and intersectionality of law, religion, and human rights in India.

Abdul Majid's article titled "Indian Secularism and Religious Minorities in India" (2015) provides an in-depth analysis of secularism within the Indian context, particularly concerning its effects on religious minorities such as Muslims, Sikhs, and Christians. He posits that although India is constitutionally defined as a secular state, its policies and societal dynamics frequently marginalize communities that do not follow Hinduism.

¹¹ Cheema, I. (Ed.). (2015). *Constitutional and legal challenges faced by religious minorities in India*. Oxford University Press.

¹² India Const. art. 25.

¹³ Manotar Tampubolon, *Human Rights in Indonesia* (2024)



Understanding Secularism in India

According to Majid, a secular state is one that guarantees all of its residents the same treatment regardless of their religious convictions. However, he argues that India's political climate and historical background—where Hindu culture and national identity are frequently confused—undermine the country's commitment to secularism. He uses a number of examples of state-sponsored violence against religious minorities, including the 1984 anti-Sikh riots and the 1992 and 2002 anti-Muslim riots¹⁴, to highlight instances of systematic bias (Majid, 2015).

Political and Constitutional Biases

The study critiques certain constitutional articles relevant to minority rights; for example, Article 25(2), which categorizes Buddhists, Jains, and Sikhs under the Hindu designation for legal matters. This provision diminishes their unique identities in legal contexts. Additionally, Majid refers to Article 290(A)¹⁵, which allocates funding exclusively for Hindu temples without offering similar support for institutions belonging to other faiths (Majid, 2015).

Violence Against Religious Minorities

Majid details various incidents reflecting aggression toward religious minorities including the demolition of the Babri Mosque in 1992¹⁶ alongside violent actions against Christians in Orissa during 1998. He argues that right-wing Hindu groups have frequently engaged in such acts—with implicit or explicit backing from governmental bodies. Furthermore, he highlights how laws like the Prevention of Terrorism Act (POTA) are applied unevenly—often targeting Muslim individuals disproportionately (Majid, 2015).

Minority Rights and Societal Exclusion

The article further addresses discrimination based on caste lines—particularly focusing on Dalits who encounter widespread exclusionary practices across employment sectors, housing options, and access to public services. Majid notes that existing affirmative action plans have inadequately shielded Dalit populations from violence as well as social stratification issues.

¹⁴ Majid, A. (2015). *Indian secularism and religious minorities in India*. South Asian Studies, 30(2), 107-116.

¹⁵ India Const. art. 290A.

¹⁶ See Majid, *supra* note 1, at 6



Majid at last says that India's secularism is rhetoric with society reflecting Hindu majoritarian bias. He argues that for India to be a secular state it should reform its legal structure and provide equal protections for all religious minorities

Religious minorities in India are important to study for insights into the social culture of the country and the political policies and human rights framework it has adopted. Ideas have been expressed by various scholars on constitutional provisions, the dynamics of the socio-political context, and the lived experiences of religious minorities, particularly Muslims, Christians, Sikhs, Buddhists, and Jains (National Commission for Religious and Linguistic Minorities, 2007). Thus, the literature review aims to synthesize the important findings into distinct areas: social exclusion, affirmative action, governance, and public services for religious minorities.

Marginalization

In the socio-political context, social exclusion in India varies historically and socially for the socio-cultural context of religious minorities. The Bengaluru report on social inclusion highlighted that systemic biases and structural inequalities lead to discrimination against religious minorities in access to education, health care, and employment (Institute of Public Health, 2017). A high burden of social deprivation among Muslims originates from this, which clearly distinguishes them in terms of lower literacy rates and fewer employment opportunities than the majority Hindus (Jahan, 2016).

Crenshaw speaks of an intersectionality whereby the many axes of disadvantage-religion, caste, and gender-actually intersect to create impediments of a specific kind for a particular minority group in the Indian context. The fact that Dali Muslims and Dalit Christians do not come under the SC category denies them any benefit that governments may have instituted in favor of their castes (Xaxa, 2001).

Affirmative Action and Educational Policies

Affirmative action programs would exist to improve educational access or employment prospects for disadvantaged groups. The reservation system in higher education has increased opportunities for SCs, STs, and OBCs, but its impact on religious minorities is contested (Robles & Krishna, 2012). Some Muslim groups are eligible under the OBC category, yet according to this broader community, they have not received the benefits from reservations to the extent that SCs and STs have (Basant & Sen, 2010).



Further, the Right of Children to Free and Compulsory Education Act (2009)¹⁷ mandates that among newly admitted students in any private school's first standard, 25 percent are to be from the disadvantaged section.

The research on religious minorities has become increasingly important in the wake of demographic changes and policy considerations. The Economic Advisory Council to the Prime Minister (EAC-PM) working paper¹⁸ offers a deep analysis of religious demographic change in 167 nations, including India, from 1950 to 2015 covering a 65-year time span (Ravi et al., 2024, p. 2).

Demographic Trends of Religious Minorities

At the global level, the research finds a fall in the proportion of majority religious denominations, reflecting more heterogeneity in societies. On average, the ratio of the majority religious population in a country fell by around 22% from 1950 to 2015 (Ravi et al., 2024, p. 3). India, specifically, experienced a 7.81% decline in the proportion of its majority religion, Hindus, unlike its neighboring South Asian countries like Bangladesh and Pakistan, wherein the share of the majority religion group grew substantially (Ravi et al., 2024, p. 3).

Minority groups are noted to decline in settings where their provision of resources and rights is limited. In Bangladesh, the proportion of Hindus decreased from 23% in 1950 to 8% in 2015, echoing a larger trend of religious minority population decline in some nations (Ravi et al., 2024, p. 35). On the other hand, Bhutan and Sri Lanka saw a rise in their majority Buddhist population, along with a reduction in Hindu representation, primarily due to socio-political reasons, such as migration and policy-driven demographic changes (Ravi et al., 2024, p. 36).

Methodological Insights and Conceptual Challenges

The working paper uses the Religious Characteristics of States Dataset (RCS-Dem, 2017) to measure the relative well-being of religious minorities based on population trends (Ravi et al., 2024, p. 6). The authors argue that a decline in a minority population's share may indicate structural discrimination or

¹⁷ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, India Code (2009)

¹⁸ Saurav Anand, India ranks low in global indices due to 'serious problems' in methodology: EAC-PM's paper | Today News, livemint, Nov. 23, 2022



unfavorable conditions, while stability or growth suggests a more inclusive environment (Ravi et al., 2024, p. 5). Nevertheless, a definition of "religious minority" is a conceptual problem, with international law providing no commonly applied definition and national states being required to develop their own (Ravi et al., 2024, p. 10)

The research emphasizes that religious populations are key indicators of minority welfare. While certain nations have witnessed increased inclusivity and stable minorities, others have registered sudden drops due to socio-political and policy-based reasons. The results emphasize the need for a balanced response to minority rights and population policies to provide equal representation.

LEGAL ANALYSIS

Religious minorities in India¹⁹ are protected by the Constitution through a number of provisions included in the Fundamental Rights providing equality, cultural protection, and educational rights under articles 14, 29, and 30 respectively of the Indian Constitution, which collectively aim to safeguard the rights in interest of religious minorities by ensuring equality, safeguarding cultural identity, and the freedom to establish and administer educational institutions. This paper discusses these articles in relation to religious minorities, their legal implications, and judicial interpretations.

Article 14 of the Indian Constitution states that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India" (Constitution of India, 1950). This provision serves as a fundamental cornerstone of the rule of law, guaranteeing that no individual or group is subjected to discrimination based on religion, caste, gender, or place of birth. The principle of equality before the law is rooted in the idea of formal equality, while the equal protection of laws encompasses substantive equality, which necessitates affirmative measures to address historical injustices. In the case of *State of West Bengal v. Anwar Ali Sarkar* (1952)²⁰, the Supreme Court emphasized that Article 14 prohibits arbitrary classification and fosters fairness (AIR 1952 SC 75).

The epoch-making case of *Indira Sawhney v. Union of India* (1992)²¹ elucidated that the guarantee of equality doesn't connote absolute equality but allows reasonable discrimination to elevate poor communities (AIR 1993 SC 477). This implies that religious minorities, if labeled as socially and

¹⁹ Kevin Boyle & Juliet Sheen, *Freedom of Religion and Belief: A World Report* (1997)

²⁰ *State of West Bengal v. Anwar Ali Sarkar*, A.I.R. 1952 S.C. 75 (India).

²¹ *Indira Sawhney v. Union of India*, AIR 1993 SC 477.



educationally backward²², can be the beneficiaries of affirmative action under different welfare schemes.

Article 29(1) of the constitution reads, "any section of the citizens residing in the territory of India or any part thereof, having a distinct language, script or culture of its own, shall have the right to conserve the same" (Constitution of India, 1950). This is important for religious minorities since it ensures that they have a right to keep their cultural identity intact. This right has been strengthened by judicial interpretations.

In the case of *Inamdar v. State of Maharashtra* (2005)²³, the Supreme Court reaffirmed the undeniable right of minority communities to maintain their cultural and educational institutions (AIR 2005 SC 3226). Similarly, in *D.A.V. College v. State of Punjab* (1971)²⁴, the Court determined that linguistic and religious minorities are entitled to preserve their cultural identity without state intervention (AIR 1971 SC 1737). This ruling ensures that religious minorities can uphold their traditions through educational institutions and social practices. Article 29(2) further provides protections against discrimination based on religion, race, caste, language, or similar criteria within state-run public educational institutions, asserting that "no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them." This provision safeguards minorities from discrimination in their quest for mainstream education. In *St. Stephen's College v. University of Delhi* (1992)²⁵, the Supreme Court ruled that minority institutions²⁶ may implement a reservation policy for their own community while adhering to reasonable regulations imposed by the state (AIR 1992 SC 1630).

Moving on to Article 30 of the constitution, responsible for granting rights to religious and linguistic minorities to establish and administer educational institutions, the language of its first clause²⁷ explicitly states: "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice" (Constitution of India 1950). This provision grants religious minorities the autonomy to create and oversee their educational institutions, safeguarding their

²² Vidhu Verma, *Non-discrimination and Equality in India* (2021)

²³ P.A. Inamdar v. State of Maharashtra, AIR 2005 SC 3226

²⁴ D.A.V. College v. State of Punjab, AIR 1971 SC 1737

²⁵ St. Stephen's College v. University of Delhi, AIR 1992 SC 1630

²⁶ Constitution of India. (1950). Government of India.

²⁷ India Const. art. 30, § 1



rights from potential state interference. In the case of *T.M.A. Pai Foundation v. State of Karnataka* (2002)²⁸, the Supreme Court determined that the ability to establish and manage educational institutions is a fundamental right for minorities, essential for maintaining their distinct identity (AIR 2003 SC 355). Nonetheless, this right is subject to reasonable regulations imposed by the State to ensure educational standards and fair admission processes. Additionally, in *Rev. Sidhajbhai Sabhai v. State of Bombay* (1963)²⁹, the Supreme Court asserted that any state-imposed restrictions on the governance of minority institutions must be justified and should not infringe upon their autonomy (AIR 1963 SC 540). This ruling reinforced the constitutional right of religious minorities to manage educational institutions free from unwarranted governmental interference.

Legal and Constitutional Safeguards for Religious Minorities in India

This review analyzes the constitutional provisions and legal frameworks established to safeguard religious minorities in India. Articles 25 to 30 of the Indian Constitution ensure the right to freedom of professing or propagating religion, as well as the preservation of cultural and educational rights, along with the authority to create and manage religious institutions. Scholars have engaged in discussions regarding the practical effectiveness of these provisions, especially in the context of increasing communal tensions and violence against minority groups. For example, Marc Galanter in his work, “*Competing Equalities: Law and the Backward Classes in India*” (Oxford University Press, 1984)³⁰, emphasizes the difficulties associated with implementing affirmative action for religious minorities. Likewise, Gary J. Jacobsohn in “*The Wheel of Law: India’s Secularism in Comparative Constitutional Context*” (Princeton University Press, 2003)³¹, critiques the Indian government's approach to secularism and its implications for minority rights³².

Socio-Political Marginalization of Religious Minorities

This review examines the socio-political marginalization experienced by religious minorities, specifically Muslims and Christians, in India. Research indicates that these groups frequently encounter discrimination in areas such as employment, education, and political representation. Zoya Hasan, in her

²⁸ *T.M.A. Pai Foundation v. State of Karnataka*, AIR 2003 SC 355

²⁹ *Rev. Sidhajbhai Sabhai v. State of Bombay*, AIR 1963 SC

³⁰ Galanter, Marc, *Competing Equalities: Law and the Backward Classes in India* (Oxford University Press 1984)

³¹ Jacobsohn, Gary J., *The Wheel of Law: India’s Secularism in Comparative Constitutional Context* (Princeton University Press 2003)

³² See Galanter, Marc, *supra* note 1, at 12



work “Politics of Inclusion: Castes, Minorities, and Affirmative Action” (Oxford University Press 2009)³³, explores how the interplay of caste and religion influences minority identities and their access to resources. Furthermore, Asghar Ali Engineer in his book “Communal Riots in Post-Independence India” (Sangam Books 1984)³⁴, investigates how communal violence contributes to the ongoing marginalization of religious minorities. The review also emphasizes the influence of political parties and media in either exacerbating or alleviating these issues.

Religious Minorities and Economic Disparities

This review examines the economic inequalities experienced by religious minorities in India, with a specific emphasis on the Muslim community. The Sachar Committee Report³⁵ (Government of India 2006) offers an in-depth evaluation of the socio-economic status of Muslims in India, highlighting considerable deficiencies in education, employment, and access to public services. The work of Thorat, Sukhadeo, and Katherine S. Newman, titled “Blocked by Caste: Economic Discrimination in Modern India” (Oxford University Press 2010)³⁶, further elaborates on this issue by investigating the interplay between religious and caste-based discrimination, which restricts economic opportunities for minority groups. Additionally, the review critiques the absence of focused policies aimed at mitigating these disparities.

Religious Minorities and Communal Violence

This review explores the effects of communal violence on religious minorities in India. Researchers have investigated the underlying factors and repercussions of riots, pogroms, and various other violent acts directed at these groups. Paul R. Brass in his work “The Production of Hindu-Muslim Violence in Contemporary India”³⁷ (University of Washington Press, 2003) offers an in-depth analysis of the political and social dynamics that sustain communal violence. Likewise, Ashutosh Varshney, in “Ethnic Conflict and Civic Life: Hindus and Muslims in India”³⁸ (Yale University Press, 2002), highlights the

³³ Hasan, Zoya, *Politics of Inclusion: Castes, Minorities, and Affirmative Action* (Oxford University Press 2009)

³⁴ Engineer, Asghar Ali, *Communal Riots in Post-Independence India* (Sangam Books 1984).

³⁵ Government of India, *Social, Economic, and Educational Status of the Muslim Community of India: A Report* (Sachar Committee Report 2006).

³⁶ Thorat, Sukhadeo & Katherine S. Newman, *Blocked by Caste: Economic Discrimination in Modern India* (Oxford University Press 2010).

³⁷ Brass, Paul R., *The Production of Hindu-Muslim Violence in Contemporary India* (University of Washington Press 2003).

³⁸ See Varshney, *supra* note 1, at 4.



significance of civil society in mitigating violence and promoting inter-religious coexistence. Additionally, the review addresses the enduring psychological and economic effects of such violence on minority populations.

Concerns relating to Rights of Religious minorities

The Supreme Court of India has approached the interpretation of laws from various angles, yet numerous issues persist, resulting in the ongoing suppression of the rights of religious minorities. These groups continue to encounter significant obstacles.

One primary challenge stems from religious discrimination, particularly in regions where a specific religious community holds a majority. Consequently, individuals tend to reside in areas where their own faith is predominant, which fosters the marginalization of other religions and undermines India's secular principles.³⁹

The second issue is linked to hate crimes, with numerous occurrences of assaults and communal violence evident. Human Rights Watch reports a rise in violence directed at both Muslims and Christians⁴⁰. Additionally, the U.S. Department of State has noted an increase in mob lynchings, which are often associated with the protection of cows, regarded as sacred in Hinduism.⁴¹

Thirdly, several Indian states have implemented anti-conversion laws that restrict religious conversions, particularly from Hinduism to Christianity or Islam. While these laws are ostensibly designed to prevent coerced conversions, they frequently result in the harassment⁴² of minority communities (USCIRF,

³⁹ Pew Research Center. (2021). Religion in India: Tolerance and segregation. Retrieved from (<https://www.pewresearch.org/religion/2021/06/29/religion-in-india-tolerance-and-segregation/>)

⁴⁰ Human Rights Watch. (2014). The plight of religious minorities in India. Retrieved from [<https://www.hrw.org/news/2014/04/04/plight-religious-minorities-india>]

⁴¹ U.S. Department of State. (2023). 2023 report on international religious freedom: India. Retrieved from <https://www.state.gov/reports/2023-report-on-international-religious-freedom/india/>

⁴² U.S. Commission on International Religious Freedom (USCIRF). (2015). Constitutional and legal challenges faced by religious minorities in India. Retrieved from <https://www.uscifr.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf>



2015). According to Amnesty International (2023), Christians have faced violence stemming from accusations of engaging in forced conversions.

Another issue revolves around discriminatory citizenship policies. The Citizenship Amendment Act (CAA)⁴³ of 2019 grants accelerated citizenship to refugees from the immediate neighborhood who are not Muslims. The Congressional Research Service (2024) and Minority Rights Group International (2023) observe that the act, coupled with the intended National Register of Citizens (NRC)⁴⁴, has intensified statelessness concerns among Indian Muslims.

Fifthly and lastly the Limitations on Religious Practice and Places of Worship have also established as a potential concern in recent times. Religious minorities usually encounter challenges in freely practicing their religion. Human Rights Watch (2014) and Amnesty International (2023) reports point out cases where mosques and churches have been desecrated, and religious processions have been banned.⁴⁵

Suggestions to counter these concerns

In response to these challenges, various solutions have been suggested by the U.S. Department of State (2023) and Human Rights Watch (2014). Addressing the issues faced by religious minorities in India necessitates a comprehensive approach that integrates legal, policy, and social strategies. Strengthening legal protections against hate crimes and ensuring unbiased law enforcement can help eliminate violence and discrimination⁴⁶ (U.S. Department of State, 2023; Human Rights Watch, 2014)⁴⁷. Amending or abolishing discriminatory laws, such as anti-conversion statutes and the Citizenship Amendment Act (CAA), would promote equal rights for all citizens (Congressional Research Service,

⁴³ The Citizenship Amendment Act, No. 47 of 2019, India Code (2019).

⁴⁴ Sumangala Damodaran, Smita Gupta, Sona Mitra, Dipa Sinha, Development, Transformations and the Human Condition (2024)

⁴⁵ Amnesty International. (2023). Human rights in India. Retrieved from [\[https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/\]](https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/)(<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>)

⁴⁶ Human Rights Watch. (2014). The plight of religious minorities in India. Retrieved from [\[https://www.hrw.org/news/2014/04/04/plight-religious-minorities-india/\]](https://www.hrw.org/news/2014/04/04/plight-religious-minorities-india/)

⁴⁷ U.S. Department of State. (2023). 2023 report on international religious freedom: India. Retrieved from [\[https://www.state.gov/reports/2023-report-on-international-religious-freedom/india/\]](https://www.state.gov/reports/2023-report-on-international-religious-freedom/india/)(<https://www.state.gov/reports/2023-report-on-international-religious-freedom/india/>)



2024; USCIRF, 2015)⁴⁸. Implementing affirmative action initiatives in education, housing, and employment can facilitate greater social integration and reduce religious segregation (Pew Research Center, 2021; Minority Rights Group International, 2023). Additionally, addressing religious hate speech through stricter regulations on media and political discourse is crucial for mitigating polarization (Pew Research Center, 2021; U.S. Department of State, 2023)⁴⁹. Enhancing legal protections for places of worship and ensuring equitable access to religious sites would further promote inclusivity (Human Rights Watch, 2014; Amnesty International, 2023). Lastly, fostering collaboration between the government, civil society organizations, and international human rights bodies⁵⁰ can lead to better monitoring and implementation of policies (USCIRF, 2015; Minority Rights Group International, 2023). These collective efforts are essential for enabling religious minorities⁵¹ in India to live with dignity, security, and equal rights.

CONCLUSION

While the Constitution of India provides significant protections for religious minorities through Articles 14, 29, and 30, the actual enforcement of these provisions faces considerable challenges. Religious minorities frequently encounter discrimination, hate crimes, restrictive legislation, and social exclusion, which are often exacerbated by political and societal prejudices. There is a need to pursue strategies for social integration, legal reform, and the implementation of more robust equality measures. Ongoing collaboration among the government, civil society, and international organizations is essential to ensure

⁴⁸ U.S. Commission on International Religious Freedom (USCIRF). (2015). Constitutional and legal challenges faced by religious minorities in India. Retrieved from [\[https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf\]](https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf)(<https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf>)

⁴⁹ Pew Research Center. (2021). Religion in India: Tolerance and segregation. Retrieved from [\(https://www.pewresearch.org/religion/2021/06/29/religion-in-india-tolerance-and-segregation/](https://www.pewresearch.org/religion/2021/06/29/religion-in-india-tolerance-and-segregation/)

⁵⁰ Amnesty International. (2023). Human rights in India. Retrieved from [\[https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/\]](https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/)(<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>)

⁵¹ U.S. Commission on International Religious Freedom (USCIRF). (2015). Constitutional and legal challenges faced by religious minorities in India. Retrieved from [\[https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf\]](https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf)(<https://www.uscirtf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf>)



that religion-based minority groups can enjoy dignity, safety, and equal rights, thereby reinforcing the secular principles of India.