

INTERFACE OF RELIGION AND LEGAL SYSTEM OF INDIA

Kshitiij Milind Rangari*

ABSTRACT

India is one of the largest country in the world ranked at the position seventh place with 2 % of the world's land mass and secured the number one rank in population.¹ A country like India which is very vast and religious from the ancient time period contain various religion. A person's everyday life is heavily influenced by rituals, worship, and other religious activities. Religion also serves as the primary organizer of social life in India. People tend to believe in God and every aspect comes with it. In the absence of some basic rules and regulations, every individual would be insecure simply because they would not know what members of this group could do to each other and who could claim rights over what. Any group will need some basic rules that are publicly promulgated and known to all members of that group to achieve a minimal degree of coordination. But these rules must not only be known, they must also be enforceable.² "The burden of proof as to whether a religious Conversion was not effected through misrepresentation, force, undue influence, coercion, allurements or by any fraudulent means or by marriage, lies on the person who has caused the conversion and on the abettor who aids or abets such conversion"....³ If citizens have no assurance that others will follow these rules, they will themselves have no reason to follow these rules. Saying that the rules are legally enforceable gives an assurance to everybody that others will follow these, for if they do not do so, they will be punished.

INTRODUCTION

The most influential religion of India survey occurred in the 2011 Indian census indicated that 79.8% of Indians identified as Hindu, 14.2% identified as Muslim, and 2.3% identified as Christian. A further 1.7% of the population identified as Sikh, 0.7% identified as Buddhist, and 0.37% identified as Jain. Due to the massive population size of India, religious minorities still represent a significant number of people. India is rich in religious matters

¹ Worldometer <<https://www.worldometers.info/geography/largest-countries-in-the-world/>> accessed 5 May 2023

² M. Siraj Anwar, "Indian Constitution at Work" in M. Siraj Anwar and Shashi Chadha (eds), March 2006

³ Bhumika Indulia, "Karnataka Legislative Assembly passes Protection of Right to Freedom of Religion Bill, 2021"(SCC, 24 December 2021) <<https://www.sconline.com/blog/post/2021/12/24/karnataka-legislative-assembly-passes-protection-of-right-to-freedom-of-religion-bill-2021/>> accessed 15 May 2023

because Hinduism, Buddhism, Sikhism, and Jainism started in India and all emerged from India and are followed all over the world. Declaration before conversion of religion [Section 10]...Any person who desires to convert religion shall submit a declaration to that effect 60 days prior to such conversion to the District Magistrate stating his desire to convert without any force, coercion, undue influence, or allurement.⁴

HINDUISM

As we go back to history the evidence shows that Hinduism becomes the first-ever Religion of India. Hinduism is recognized as the world's oldest religion, with origins that date back over 4,000 years or prehistoric times.⁵ The Sanskrit language is specially related to Hinduism which played an important role in the society for people to believe in Hinduism. This religion course introduces the rich and diverse textual sources from which millions of Hindus have drawn religious inspiration for millennia.⁶

It is believed that proto – Indo Aryan and proto – Indo European languages are developed for themselves. The Rig Veda is an old Hindu text and the oldest of the four Vedas. The Rig Veda is one of the world's earliest religious scriptures and is considered to have been written between 1500 and 1200 BCE.⁷ Hinduism is the third-largest religion after Christianity and Islam. Major Hinduism Beliefs being free from a uniform set of beliefs, practices, or rules is one of Hinduism's distinctive characteristics in comparison to other world religions. However, the majority of Hindus think that the sky and people are governed by specific laws. Which includes Dharma, Samsara, Moksha, and Karma.

BUDDHISM

Another important and widespread religion is Buddhism. It began with Siddhartha Gautama in South Asia about the fifth century B.C.E., and throughout the following millennia, it

⁴ Bhumika Indulia, "Simplified | Madhya Pradesh Freedom of Religion Ordinance, 2020..."(SCC, 11 January 2021)<<https://www.sconline.com/blog/post/2021/01/11/simplified-madhya-pradesh-freedom-of-religion-ordinance-2020/>>accessed 9May, 2023

⁵ History .com Editors, "Hinduism"(History, 06 October 2017)<<https://www.history.com/topics/religion/hinduism>>accessed 06 May ,2023

⁶ Harvard University , "Hinduism Through its Scriptures "< <https://pl.harvard.edu/course/hinduism-through-its-scriptures?delta=2>>accessed 9May,2023

⁷ Unacademy, "A Short Note On The List Of Rig Vedic Gods & Goddesses"<<https://unacademy.com/content/bank-exam/study-material/general-awareness/a-short-note-on-the-list-of-rig-vedic-gods-goddesses/>>accessed 10 May,2023

spread throughout Asia and the rest of the world.⁸ Buddhists believe that human life is one of suffering and that meditation, spiritual and physical labor, and good behavior are the ways to achieve enlightenment or nirvana.⁹ The first person to achieve this degree of enlightenment was Siddhartha Gautama, who is currently referred to as the Buddha. Buddhists don't believe in any sort of deity or god, but they do believe in supernatural beings who can aid or obstruct a person's journey toward enlightenment.

According to the basic tenets of this teaching, there is the "Noble Eightfold Path", which includes the eight conditions of right existence: Right view, Right Resolve, Right speech, Right conduct, Right livelihood, Right effort, Right mindfulness, and Right contemplation (Samadhi). Among numerous basic demands, Buddhism requires a person not to harm, not hurt, to refrain from lying, obscene speech, and taking life. In addition, this teaching requires exercising will and mind. Reason and intelligence play a significant role in Buddhism as a criterion of justice in law.

JAINISM

Jainism gained popularity when Lord Mahavira spread the religion in the sixth century B.C. There were 24 great teachers, the last of whom was Lord Mahavira.¹⁰ According to Jainism, the universe and all of its constituent parts or creatures are eternal. With regard to time, it has no beginning or conclusion. The laws of the universe govern it on its own.

All chemicals continuously alter or change their shapes. In the universe, nothing can be created or destroyed. "No one is required to establish or oversee the universe's affairs". Hence The religion of Jainism rejects the idea that God is the universe's creator, preserver, and destroyer. Jainism does, however, hold a belief in God, although one is flawless rather than a maker. A person becomes a liberated soul once all of his karma has been destroyed. He spends all of his time in Moksha in an ideal state of joy.

SIKHISM

The Sikh tradition, known in the Punjabi language as Sikhi, is a relatively young tradition that was founded over 500 years ago in the Punjab region of South Asia. Guru Nanak (1469–

⁸ National Geographic Education, "Religion, Social Studies, Story Telling" <https://education.nationalgeographic.org/resource/buddhism/> accessed 12 May, 2023

⁹ National Geographic Education, "Religion, Social Studies, Story Telling" <https://education.nationalgeographic.org/resource/buddhism/> accessed 12 May, 2023

¹⁰ Drishti IAS, "Jainism" < <https://www.drishtiias.com/to-the-points/paper1/jainism-3> > accessed 8 May, 2023

1539) was the founder of their faith and Guru Gobind Singh (1666–1708), the tenth Guru, was the Guru who formalized the religion.¹¹ Sikhism is based on the teachings of Guru Nanak Dev who spread the message that God can be seen only through meditation and by helping others. To promote this vision of divine oneness and social equality, Guru Nanak created institutions and religious practices. He established community centers and places of worship, wrote his scriptural compositions, and institutionalized a system of leadership (gurus) that would carry forward his vision.¹²

There are more than 25 million Sikhs around the world, which makes Sikhism the world's fifth-largest religion.¹³ Sikhi teaches a message based on the principles of love and oneness and calls on all followers to be spiritual warriors. Sikhism is based on the teachings of Guru Nanak Dev who spread the message that God can be seen only through meditation and by helping others.¹⁴ Meditation, service, and justice are core aspects of the Sikh way of life. “Sikhi is a distinct religious tradition that maintains its distinctive features, including founders, scripture worship, ceremonies, and traditions.”

ISLAM

During the time of Muhammad the Prophet, Muslims came to India, building mosques and coordinating missionary activities in the seventh century C.E.¹⁵ Concurrent with the Turko-Muslim invasion of medieval India, which included a sizable portion of modern-day Pakistan and the Republic of India, Islam began to spread throughout the region. A number of important legal institutions were developed by Islamic jurists during the classical period of Islamic law and jurisprudence, known as the Islamic Golden Age, dated from the 7th to 13th centuries. One such institution was the Hawala, an early informal value transfer system, which is mentioned in texts of Islamic jurisprudence as early as the 8th century.¹⁶ Large portions of India were administered by such kings. Islam has significantly influenced Indian history in terms of religion, art, philosophy, culture, society, and politics since it was introduced to India.

¹¹ Eleanor Nesbitt, “Sikhism”(British Library, 23 September,2019)< <https://www.bl.uk/sacred-texts/articles/origins-and-development-of-sikh-faith-the-gurus>>accessed 11 May,2023

¹² Simran Jeet Singh, “What are the Sikhs and what are their beliefs?”(The Conversation, 09 August 2018)< <https://theconversation.com/who-are-the-sikhs-and-what-are-their-beliefs-97237>>accessed 13 May, 2023

¹³ The Sikh Coalition, “About Sikhs”< <https://www.sikhcoalition.org/about-sikhs/>>accessed 13 May, 2023

¹⁴ ILoveIndia.com, “Sikhism”< <https://religions.iloveindia.com/sikhism.html> > accessed 13 May, 2023

¹⁵ New World Encyclopedia, “Islam in India” <https://www.newworldencyclopedia.org/entry/Islam_in_India> accessed 1 May,2023

¹⁶ Gadhere, “Law and Religion”(Legal Service India)< <https://www.legalservicesindia.com/article/1852/Law-and-Religion.html>>accessed 13 May,2023

Islam came to India in the 10th century when the Ghaznavids, a Turkic tribe, annexed the area now known as Punjab. By 1200, Muslim warlords had conquered much of northern India, and by 1206 had founded the Delhi Sultanate with its capital at Delhi.

The history of Muslims in South Asia during the twentieth century has been tumultuous. Following independence from British rule and the Lahore Resolution of 1946, Muslim League lawmakers founded Pakistan, a country with a majority of Muslims. Muslims in India are about 17.22 Crores i.e. 14.2 % of the total population of India follows Islam.¹⁷ India is home to close to 11% of the total Muslims Population of the World.¹⁸ India has the third highest Muslim Population after Indonesia and Pakistan.¹⁹ Muslims make up the majority in UT Lakshadweep and Jammu & Kashmir while its population is substantial states of Assam, West Bengal, Kerala, and Uttar Pradesh.²⁰

INDIAN ORIGIN

The East not only produced the first Indian empire, but it also gave rise to new religious movements, Buddhism and Jainism. Both flourished in a region that was in close contact with the Gangetic civilization of the West but had not been subjected to the slow growth of its royal institutions and courtly Brahminism. Thus, entirely new forms of the organization evolved, like the monastic order (sangha) of the Buddhists and the imperial control of trade and higher military power than any of the Aryan kingdoms could have achieved by virtue of imperial control over trade and land earnings. Rice was one of the most important resources of this region because the eastern Gangetic basin was the largest region of India to fulfill the necessary climatic conditions. Well-organized Buddhist monasteries were initially better suited for the cultural penetration of this vast eastern region than small groups of Brahmins would have been. Of course, monasteries needed more consistent support than compared to Brahmin communities, but this wasn't an issue in India.

The new empire of the east, with its center in Magadha to the south with no regard for their traditions, the river Ganga first overthrew the tribal republics in the Trans-Gandak region to

¹⁷ Population Census, "India Religion Population"< <https://www.census2011.co.in/religion.php>>accessed 13 may 2023

¹⁸ Population Census, "India Religion Population"< <https://www.census2011.co.in/religion.php>>accessed 13may 2023

¹⁹ Population Census, "India Religion Population"< <https://www.census2011.co.in/religion.php>>accessed 13 may 2023

Population Census, "India Religion Population"< <https://www.census2011.co.in/religion.php>>accessed 13 may 2023

the north of the Ganga before moving on to conquer the Aryan kingdoms of the west and imposing its ideology. *But this empire in turn succumbed to internal conflicts and the onslaught of new invaders who came from the north, where the Aryans had come from more than a millennium earlier. The new invaders arrived when ecological conditions were improving once more in northern India. They also had the benefit of finding readily available imperial patterns which they could adapt very quickly. Aryan royal institutions had taken centuries to mature in the relatively isolated Gangetic basin. In a world of closer connections and wider horizons where Hellenistic, Iranian, and Indian models of governance and ritual sovereignty were known to all, a new invader could leap from the darkness of an unrecorded nomadic past to the limelight of imperial history within a relatively short period. Shakas and Kushanas swept in this way across northern India. Their short-lived imperial traditions embodied a syncretism of several available patterns of legitimation. They also adopted Hinduism, not the Vedic tradition but rather the more popular cults of Vishnu and Shiva.*

The waves of imperial grandeur swept across northern India and then stimulated the south. But when the first great indigenous dynasty of the south, the Shatavahanas, emerged they did not follow the syncretism of the northern empires but harked back to the tradition of the small Aryan kingdoms of the Gangetic civilization. The great horse sacrifice was celebrated once more by a Shatavahana king, but the meaning of this ritual was now very different from that of the old flexible test of royal authority.

It is proven that from the beginning of time that there are a set of rules made under the guidance of leaders. This can also be interpreted by giving examples of rules and regulations made by the King for his kingdom that are mandatory to follow and there are certain consequences needed to be faced if an order of the King is neglected. As time move forward there are some amendments occurred and with the time period Kings are being replaced with someone else and with that new rules and regulations are formed.

India has a very rich culture and heritage because of the result of the different Kingdoms and the kings who rule over India at different time periods Like Chandragupta Maurya 300-324 BC who rule all over India and followed Buddhism, Akbar from the Mughal Dynasty, Poras, Maharana Pratap, Alauddin Khilji, Harshvardhana, Sher Shah Suri and some other rulers of the India. Each and every person has the freedom to practice the religion of their choosing, as stated in our Constitution. This freedom is regarded as an essential component of democracy. There were previously kings and emperors in many parts of the world who prohibited citizens

from exercising their right to freedom of religion. People who practiced a faith other than the rulers were either persecuted or made to convert to the monarchs' official religion. Therefore, democracy has always incorporated the freedom to follow the religion of one's choice as one of its basic principles²¹.

In modern India, the Revolt of 1857, also known as the Indian Mutiny or the Sepoy Mutiny, started on May 10, 1857, at Meerut and lasted until December 1858. As we all know, India was governed by the British for about 200 years. After this uprising, it was apparent that India would become independent, and once independent, India required a government. India needs a constitution because a particular set of concepts, rules, and regulations had to be formulated for a government to function effectively. 26th November 1949, is one of the crucial dates in Indian History, which has laid down the founding stone of the Independent India.²² No doubt, India had gained its freedom from the British Raj in the year 1947 but it was on this day when India adopted its Constitution and finally stood on its own feet to walk and thereby run. This day is celebrated as Constitution Day or National Law Day in India.²³

This famous quote from Dr. Babasaheb Ambedkar father of the Indian Constitution summarizes the reason for all our battle for independence: "Our is a battle; Not for wealth, nor power, Ours is battle; for freedom; For reclamation of human personality."

Conclude that India is a country that follows a Constitution where it is precisely stated that article 25 says "all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality, and health." Article 25 of the Constitution guarantees freedom of religion to all persons in India. It provides that all persons in India, subject to public order, morality, health, and other provisions:

- Are equally entitled to freedom of conscience, and

²¹ M. Siraj Anwar, "Indian Constitution at Work" in M. Siraj Anwar and Shashi Chadha (eds), March 2006

²² Ankusharaf, "Making of Constitution of India"(Legal Service India)<
<https://www.legalserviceindia.com/legal/article-737-making-of-constitution-of-india.html>>accessed 15
May,2023

²³ Ankusharaf, "Making of Constitution of India"(Legal Service India)<
<https://www.legalserviceindia.com/legal/article-737-making-of-constitution-of-india.html>>accessed 15
May,2023

- Have the right to freely profess, practice and propagate religion.²⁴

It further provides that this article shall not affect any existing law and shall not prevent the state from making any law relating to:

- Regulation or restriction of any economic, financial, political, or secular activity associated with religious practice.²⁵
- Providing social welfare and reform.
- Opening of Hindu religious institutions of public character for all the classes and sections of the Hindus.²⁶

The Supreme Court in *Tilakayat Shri Govindraj Maharaj v State of Rajasthan* held that the test to determine the question in deciding what is an integral part of a religion is whether it is regarded as integral by the community following that religion or not. And being followed by article 26 which says Freedom to manage religious affairs Subject to public order, morality, and health, every religious denomination or any section thereof shall have the right.

(a) To establish and maintain institutions for religious and charitable purposes;

(b) To manage its affairs in matters of religion;

(c) To own and acquire movable and immovable property; and

(d) to administer such property in accordance with the law.²⁷

No matter how many changes have been made over all this time there are a lot of customs and rituals which are still being followed by the people of India and its origin. Custom or Sadachara – ‘Lex non Scripta’ must have necessarily preceded ‘Les Scripta’. Every community evolves certain rules which are in consonance with its conscience, for observance among its constituents. Society is following certain religious customs which are being

²⁴ Empower IAS, “Article 25”(10 April,2021)< <https://empowerias.com/blog/prelims-special-facts/article-25-empower-ias>> accessed 1 May,2023

²⁵ IPLeaders,”Right to Freedom of Religion :Article 25-28 Of Indian Constitution”(21 January, 2020)< <https://blog.ipleaders.in/right-to-freedom-of-religion-articles-25-28/>accessed> 15 May,2023

²⁶ Empower IAS, “Article 25”(10 April,2021)< <https://empowerias.com/blog/prelims-special-facts/article-25-empower-ias>> accessed 15 May

²⁷ Constitution Of India, “Freedom to manage Religious affairs”< <https://www.constitutionofindia.net/articles/article-26-freedom-to-manage-religious-affairs/>accessed> 14 May, 2023

followed by ages. Every religion has there different kinds of customs and moral duty people believe in and tend to accomplish.

To define the essential elements of religion, the supreme court of India laid down the “essential element of religion” doctrine.²⁸ Human behavior and societal setup & control have always been the concern of any normative system in the world, There is various type of normative systems, the human being has evolved with the pace of time lie Societal norms, Religious norms, Moral principles, and Legal Regulations, which are also evolved and developed.

According to this Divine origin Theory Society was created by God. As god created everything so he created society. A Country is created by a group of people which also define as a society. Country where almost 99.60% of the people are religious and follows various religion if any religious dispute takes place then it will most likely affect the whole country. And it can turn into a personal fight between communities which will hinder peace and harmony in the country. A person's religion may be essential to who they are. It shows up in both structures in a landscape and as an internal feeling. In general, the pace of change in the religious world is relatively slow. Although many conflicts that are portrayed as being of a religious nature have their origins somewhere else, religious disagreements can cause conflict. Religion is a method of grouping people, for good or ill, in a similar way to language.

“The Indian society in the first half of the 19th century was caste-ridden, decadent, and rigid. It followed certain practices which are not in keeping with humanitarian feelings or values but were still being followed in the name of religion.” A change was therefore needed in society. When the British came to India they introduced the English language as well as certain modern ideas. These ideas were those of liberty, social and economic equality, fraternity, democracy, and justice which had a tremendous impact on Indian society. Fortunately for our country, there were some enlightened Indians like Raja Ram Mohan Roy, Ishwar Chand Vidyasagar, Dayanand Saraswati, and many others who were willing to fight and bring in reforms in society so that it could face the challenges of the West.²⁹ Several

²⁸ Tarannum Vashishit, “Essential religious practice and their scope under Article 13”(ipleaders 28 November 2020)< <https://blog.ipleaders.in/essential-religious-practices-and-their-scope-under-article-13/>>accessed 15 May,2023

²⁹ Drishti IAS, “Socio – Religious Reform Movements”(15 February,2022)< <https://www.drishtiiias.com/to-the-points/paper1/socio-religious-reform-movement-part-i/>>accessed 16 May 2023

European and Indian academics began researching the history, philosophy, science, religions, and literature of ancient India in the late 19th century.

The Indian people felt a sense of pride in their civilization as a result of their expanding awareness of India's former glory. It also encouraged the reformers in their fight against all kinds of ancient customs and beliefs as part of their work on religious and social reform. The majority of social reform movements had a religious bent since they had come to be associated with religious beliefs. "These movements for social and religious change emerged within all Indian cultures." They fought against prejudice, superstition, and the power of religion. They campaigned for the elimination of sati, child marriage, the purdah system, castes, and untouchability, as well as social injustices and illiteracy. And it is followed by another reform which was the necessity of the time period and as a result we can witness India as a developing nation.

Religion and the Legal system of India should be working side by side which will have many perks. People of India are vastly connected with their particular religion in day-to-day life. In almost every aspect like weddings, death, birth, and different kind of occasions people manage to add their ritualistic phenomenon. If there is an absence of some basic rules in the absence of some basic rules. Every individual would be insecure simply because they would not know what members of this group could do to each other. who could claim rights over what?³⁰ Any group will need some basic rules that are publicly promulgated and known to all members of that group to achieve a minimal degree of coordination. But these rules must not only be known, they must also be enforceable.³¹ If citizens have no assurance that others will follow these rules, they will themselves have no reason to follow these rules, Saying that the rules are legally enforceable gives an assurance to everybody that others will follow these, for if they do not do so, they will be punished. Article 14 of our Indian Constitution also enlists the same concept which, says the Right to Equality, which states that 'Law is supreme' (no one is above the law).

Conscience freedom is a part of freedom of religion. In other words, a person has the option of embracing any religion or none at all. The freedom to practice, follow, and promote any religion is enshrined in the concept of religious freedom. There are some restrictions on the freedom of religion. The government may impose limitations on religious freedom in order to

³⁰ M. Siraj Anwar, "Indian Constitution at Work" in M. Siraj Anwar and Shashi Chadha (eds), March 2006

³¹ M. Siraj Anwar, "Indian Constitution at Work" in M. Siraj Anwar and Shashi Chadha (eds), March 2006

preserve public morality and health. This indicates that the right to practice any religion is not unrestricted. For the purpose of eliminating specific social ills, the government may intervene in religious concerns. For instance, the government has previously taken action to outlaw acts like bigamy and human sacrifice. Such limitations cannot be contested under the pretext of interference with a person's right to religious freedom. Tensions between devotees of various religions and the government are always brought on by restrictions on the right to freedom of religion. When a religious group's activities are sought to be restricted by the government, the followers of that religion feel as though their religion is being interfered with. Another factor that causes political disagreement is the issue of religious freedom. *The Constitution has guaranteed the right to propagate one's religion.*

Hinduism contains prayers, temple visits and arrange private and public functions. In the same manner, every religion has different rituals. But they all have to be followed by law and do not cross the boundaries described by the legal system. At the temple, at Mosque, at Monastery at Gurudwara, and all other places there is special security provided by the legal system to protect and keep peace at same. A set of rules and regulations made by law helps to make things keep at ease without creating small problems which can turn into national wide hate crimes. So in conclusion law is made for helping and to make life easy for people. But in almost every aspect of religion, some rituals were forbidden by law.

Still, in the current situation, there was an incident that took place at Bhima –Koregaon. In January 2018, violence broke out when Dalit organizations remembered the 200th anniversary of the Bhima-Koregaon fight in the nearby area of Koregaon-Bhima.³² The small village Bhima-Koregaon in Maharashtra's Pune district is associated with a significant time in Maratha history. The British Army, which was predominately made up of Dalits, defeated the Peshwa army, led by Peshwa Bajirao II, on January 1 in Koregaon.³³ A Dalit traditional stature was won in the battle. The Mahars, a Dalit community, are seen as having successfully retaliated against the abuses and ongoing oppression committed by the Peshwas with their victory. To honor soldiers who fought for them in the war, the East India Company built a monument known as the Vijay Sthamb (victory pillar).³⁴ Every year on January 1,

³² Shruti Yadav, "All you need to know about Bhima – Koregaon Case"(ipleaders 09 december,2021)<<https://blog.ipleaders.in/all-you-need-to-know-about-bhima-koregaon-case/>accessed> 13 May,2023

³³ Shruti Yadav, "All you need to know about Bhima – Koregaon Case"(ipleaders 09 december,2021)<<https://blog.ipleaders.in/all-you-need-to-know-about-bhima-koregaon-case/>accessed> 13 May,2023

³⁴ Shruti Yadav, "All you need to know about Bhima – Koregaon Case"(ipleaders 09 december,2021)<<https://blog.ipleaders.in/all-you-need-to-know-about-bhima-koregaon-case/>accessed> 13 May,2023

many people of Dalit heritage travel to this location of the pillar to offer their respects. The celebration became violent on January 1, 2018. For inciting violence and disseminating communist propaganda, many people were detained. Kabir Kala Manch (KKM) workers were accused of inciting the mob to violence at Koregaon Bhima in the district by making provocative comments, according to an FIR filed in connection with the altercation.³⁵ The complainant confirmed that two groups were made to feel disrespected by the "provocative" remarks and actions that were displayed during the entire event. A lot of accused were charged under provisions of the anti-terror law Unlawful Activities (Prevention) Act, 1968, and Indian Penal Code (IPC) sections: 15(A) (promoting enmity between groups), 505(1)(b) (with intent to cause, or which is likely to cause fear or alarm to the public), 11 (abetting the commission of an offense by the public or by more than ten persons).

They have also been charged under:

- Section 13 (unlawful activities),
- Section 16 (terrorist act), 18 (conspiracy),
- Section 18 b (recruiting of any person or persons for the terrorist act),
- Section 20 (being a member of a terrorist gang or organization) and Section 39 (offense relating to support given to terrorist organizations) of the UAPA.³⁶

The legal age of marriage in India was 15 for women and 18 for men at the time of independence. The government raised it to 18 for females and 21 for males in 1978. According to 'The Prohibition of Child Marriage Act (PCMA), 2006' It says that child marriages are illegal but not void. *They are voidable at the minor's choice if he/she petitions the court to declare the marriage null and void. The Act stipulates 18 years as the minimum marriageable age for women, while for men it is 21 years.* According to the Law Commission's 2008 report, both men and women should be at least 18 years old before getting married. The Ministry of Women & Child Development established the Jaya Jaitly Committee in 2020, and it made the same recommendations in light of things like reproductive health, education, and much more. Guidelines for property inheritance among Hindus, Buddhists, Jains, and Sikhs are provided in the Hindu Succession Act of 1956.

³⁵ Prabhodhan Pol, "Understanding Bhima Koregaon" (The Hindu 04 January, 2018) <<https://www.thehindu.com/opinion/op-ed/understanding-bhima-koregaon/article22361017.ece>> accessed 16 May, 2023

³⁶ Prabhodhan Pol, "Understanding Bhima Koregaon" (The Hindu 04 January, 2018) <<https://www.thehindu.com/opinion/op-ed/understanding-bhima-koregaon/article22361017.ece>> accessed 16 May, 2023

The Parsi Marriage and Divorce Act of 1936 defines the regulations that must be adhered to by the Parsis in order with their religious practices. Hindu marriage rules were codified in the Hindu Marriage Act of 1955.

The petition was disposed of by the High Court stating that life and liberty under Article 21 of the Indian Constitution, should be taken care of at any cost and that even though the male is of legal age to marry under Muslim personal law, the Prohibition of Child Marriage Act, 2006 will be implemented as it is uniform in its application regardless the religion of the parties involved. Therefore, any offense committed under the Act shall be punishable.³⁷ Child marriage ends childhood. It negatively influences children's rights to education, health, and protection. These consequences impact not just the girl directly, but also her family and community.³⁸

“The caste system in the Hindu religion classifies people into four groups or varnas: Brahmins, Kshatriyas, Vaishyas, and Shudras.” Hinduism holds that these four varnas are descended from Brahma, the universe's creator, the Vedas, and people. The Varna system is thought to have been twisted into the caste system. Brahmins were at the apex of the caste system's hierarchy. They were intended to come from Brahma's head. Brahmins were regarded as intellectuals and used to serve in the religious and teaching professions. The second group was the Kshatriyas, who were said to have descended from Brahma's arms. The kings and warriors of the kingdoms were Kshatriyas. Vaishyas, traders, artisans, and farmers received third place. They were derived from Brahma's thighs. The Shudras, who were thought to have descended from Brahma's feet, were at the bottom of this hierarchy. They used to perform all of society's menial tasks. This caste system is still prevalent in our system and it creates the need for the reservation policy in India. Caste-based discrimination, which leads to the social backwardness of the people, is the root cause of the origin of reservation policy in India.

³⁷ Raslin Sluja, “Prohibition Of Child Marriage Act And Muslim Personal Law: The Sour Relationship In Light Oh Recent Instance “(iPLEADERS 05 June, 2021)< <https://blog.iPLEADERS.in/prohibition-child-marriage-act-muslim-personal-law-india-sour-relationship-light-recent-instances/>>accessed 16 May, 2023

³⁸ UNICEF, “Ending Of Child Marriage And Adolescent Empowerment< <https://www.unicef.org/india/what-we-do/end-child-marriage> >accessed 1 May, 2023

Article 16 (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.³⁹

Even one of the largest mass migrations in human history and violence on a scale never previously witnessed took place during the 1947 Partition of the Indian Subcontinent into the two independent nations of Hindu-majority India and Muslim-majority Pakistan. It might be one of the robust examples where religion became a major reason for the legal system to interfere and separate two nations from one another. Because of this seven million Muslims, seven million Sikhs, and roughly seven million Hindus ended up in the wrong country as the provinces of the Punjab and Bengal were split in half. Many families packed up their essential goods and set off for India or West or East Pakistan (now Bangladesh), believing they would return "home," leaving their valuables behind. Many were unsuccessful.⁴⁰

July 15, 1947 decision by the British to hand over power only a month later on August 15, 1947, a full ten months earlier than anticipated.⁴¹ One could blame the hastily drawn borders, which were created by a British lawyer, Sir Cyril Radcliffe who lacked basic knowledge of India and was given only five weeks to redraw all the borders of South Asia. One could fault the increasingly hostile rhetoric that accompanied the rise of Hindu and Muslim nationalism or the divide-and-rule policies of the British.⁴² On August 14, 1947, Pakistan gained independence, while India achieved it a day later. The Two-Nation Theory first repeated the notion that Muslims in the subcontinent require a separate nation because their aspirations will be crushed in a Hindu-dominated India.⁴³

CONCLUSION

In conclusion, it can be said that religion is an essential part of one's life since ancient times and will be in the future when the legal system can be interpreted in different forms from kingship to Democracy. Since there are many different religions in this country, the legal

³⁹ Indian Kanoon, < <https://indiankanoon.org/doc/68038/>> accessed 16 May, 2023

⁴⁰ Aman Choudhary, "The 1947 Partition Archive Survivors And Their Memories"(Byjues 13 May, 2023) < <https://byjues.blogspot.com/2023/05/the-1947-partition-archive-survivors.html>> accessed 17 May, 2023

⁴¹ C . Ryan Perkins, "1947 Partition Of India And Pakistan"(Stanford Libraries) < <https://byjues.blogspot.com/2023/05/the-1947-partition-archive-survivors.html>> accessed 17 May, 2023

⁴² C . Ryan Perkins, "1947 Partition Of India And Pakistan"(Stanford Libraries) < <https://byjues.blogspot.com/2023/05/the-1947-partition-archive-survivors.html>> accessed 17 May, 2023

⁴³ Ridhima Gupta, "Learn all about Partition" (news 18, 09 January, 2023) < <https://www.news18.com/news/education-career/learn-all-about-india-and-pakistan-partition-in-classes-with-news18-6757045.html>> accessed 1 May, 2023

system must accord all of them equal protection. Negatively, it implies that no one religion will be supported by the legal system. The dispute of Bhima – Koregaon, Child Marriage, reservation policies, and the Partition of India – Pakistan were examples of many problems that had to be dealt with, and still, a lot of problems related to religion and religious perspective are dealing by the legal system. Reservation is also one of the many examples where the interpretation can be stated that the legal system took the responsibilities of the people who belong to the lower caste.

In the modern world with the right perspective for the people belonging to different societies, some amendments are made by the Judiciary system to run the country with proper ethics and a peaceful environment. But several questions arise. Is the Legal system or Judiciary more than enough to keep in place with religious matters? What is the take of politicians? *There isn't a recognized religion in India. No specific belief is required for us to hold the office of prime minister, president, judge, or any other public office.* “Because a Constitution is not only about the composition of the various organs of government and their relations of them.”

