



CONSTITUTIONAL RECOGNITION OF JAINISM AS A SEPARATE RELIGION FROM HINDUISM

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ABSTRACT

The struggle for a separate religious identity of Jainism from Hinduism has a firm foundation in the history and the country's constitutional provisions. Jainism, despite its deep roots and unique philosophical beliefs, has been umbrellaed under the personal laws of Hinduism creating friction between the two communities. The absence of any clear legal protection and formal acknowledgement of the Jain practices has also resulted in the varying decisions of the courts from one case to another especially in matters such as adoption or even their rights on inheritance. As Jains are designated as being 'Hindus' for the expansive definitions of personal laws, it has become fraught with concern about the obliteration of their religious identity. In this regard, this article seeks to track the history, politics, and law surrounding the problem and justifies the need for personal laws of Jains at the earliest to maintain their unique faith and practices.

Keywords: Jainism, Minority, Recognition, Hinduism, Cultural Identity.

INTRODUCTION

Jainism, holding a differing space of meaning with the important, maybe dominant, tenets of Hindus, is prey to being subsumed into Hinduism around their laws more than others because their supposed legal identity is not recognized by the State. Many scholars and lawmakers view Jainism as Therefore, a more peculiar Hindu sect that is considered to be governed by Hindu law. It is important to understand that although the two traditions are similar, there are social and cultural differences. For example, while Diwali is celebrated as an occasion to honour Lord Rama, Jains celebrate it as the day of Lord Mahavira's enlightenment (nirvana).

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Contrary to the school of thought that Mahavira established Jainism, historical sources provide evidence that Jainism is, in fact, older than him. Although ancient Indian history points to three major differences in practices: Brahmanism, Buddhism, and Jainism (Nirgrantha). The archaeology from Mohenjo-Daro and Harappa reveals that Jainism existed over 5000 years ago, although Jains feel their religion is eternal in itself. Historians agree that Jainism is an ancient religion that existed before the arrival of the Aryans, spreading roots of its very existence in the pre-Vedic civilization of the Indus Valley. Dr. A.N. Upadhye made an important point that Jainism had a history dating back to being a major religion enjoying a foothold across the stretch of the fertile valley of the Ganges in the pre-historic era, long before the Aryans introduced a priestly religion⁵⁸¹. It was a society that sought to attain higher levels of spiritual liberation through moral discipline, individual effort, and austerity.

Other respected scholars, such as Joseph Campbell, would state that the later evolution of the principles of Sankhya and Yoga indicates a psychological sophistication of principles already present in Jainism. Other scholars, such as Prof. Buhler, H. Jacobi, J.G.R. Forlong, and Pt. Sukha Lalji asserts that Jainism is one of the oldest traditions of religion in India, particularly among the non-Aryan communities of the Indus Valley civilization.

INDIA'S UNIQUE APPROACH TO MULTICULTURALISM AND SECULARISM

India has been a melting pot of religions, and being able to accommodate this diversity, is one of its many traits, that remains unparalleled in the world. While in the Western world, there is a constant tussle with multiculturalism, India has long ago accepted pluralism, where this religious diversity is viewed as an asset, not a conflict. A significant fraction of the population sees this diversity as being beneficial for the whole nation. The constitution of India is a charter of that commitment to pluralism and guarantees every citizen's right to profess and propagate his religion without any interference as long as it does not disturb public order. These provisions clearly emphasize the State's neutrality, ensuring it does not discriminate against or favour any particular religion. This framework upholds the idea that all religions should be treated equally, without bias or preference, allowing for a truly pluralistic society.

THE EVOLUTION AND INTERPRETATION OF SECULARISM IN INDIA

The notion of secularism in India has evolved broadly different from its Western counterpart, where maintenance is kept with a strict distance between the State and the Religion. In contrast to that, Indian secularism is more all-embracing in its means, permitting the space for religious expression, with insistence always on the State's non-sectarian and non-communal character. The 42nd Amendment heralded "secular" into the Constitution and symbolized India's age-old traditions of religious accommodation. Its judiciary played a vital role in the interpretation of secularism, the Supreme Court quite often engaging in marshalling the tension between religious practices and constitutional morality. Through many landmark judgments, it has evolved a test of "Essential Practices" to distinguish fundamental religious practices from practices not so essential or superstitious. It is because of these delicate situations that although people and society may be granted the freedom to observe their religion, there are rare instances when the State may interfere because of the nature of certain practices being prejudicial to public order or human rights. The Indian paradigm is secularism is not a rigid model of separation but one that is more in the middle a posture perhaps toward a historical understanding of cultural tolerance and interaction.

The Ancient Path: The precursor to the great religion Hinduism, known as Sanatan Dharma (Eternal Order to its adherents), first invaded the Indus Valley before 3000 BCE, with a league of Aryan tribes who left a graveyard of settlements after their arrival in the region subsequently Abrahmising the Vedic religious beliefs. Aryan was a caste, not an ethnic group, meaning 'free' or 'noble'. The term had no meaning in connection with Caucasians before the 19th and 20th. Claims to an ancient "Aryan invasion", or the conquest of a 'light-skinned' people, have been fully discredited. These Arians were speaking the language of Sanskrit, which was unlike any other spoken in India at the time. After amalgamating with the native people, they then began to use it as the language of all Sacred Hindu texts known as the Vedas."¹

Jainism, a faith as old as the Vedic background of India, remains distinctive in its world; in that it emphasizes the personal philosophy; one reached through a lineage of polished, human-like spiritual teachers the Tirthankaras. They are leaders and guideposts to the religious. In contrast to the ritualistic, sacrificial practices of the early Vedic religion, Jainism denies the idea of an

¹ J J Mark, 'Jainism' (2024) World History Encyclopedia.

ultimate, creator deity.² Jain Cosmology is self-regulated by Jiva (soul) and ajiva (nonsoul), conceived from ahimsa (nonviolence), karma, and the ideas of birth and reincarnation in a constant universe, but in constant flux as well. Mahavira, the 24th of the Tirthankaras and the final one is noted for having preached a formal set of principles in the 6th century BCE, but the essential tenets of Jainism existed substantively beforehand. Jainism was created from the ancient practices and intelligence of people. Before Indian civilization, which at the time was beginning into a unique and uncharted period of philosophy, hymn, and the development of other mystical religions.³

DISTINCTIVE DOCTRINE BEYOND THE HINDU FRAMEWORK

On the one hand, Jainism and Hinduism are similar in some metaphysical respects to Jiva (soul) and the doctrine of karma. On the other hand, however, the worldviews, as well as philosophical understandings of the two systems, sharply diverge.⁴ Jainism denies the creator God compared to the god of Hinduism, establishing the basis for a self-sustained universe in which souls go through cycles of birth and rebirth without divine intervention. Jainism lays strict adherence to its basic ethical conduct and practices, as seen in Five Great Vows diet. They embrace the principles of Nonviolence-Ahimsa, truthfulness-satya, no stealing-asteya, chastity-brahmacharya, and No possession-aparigraha. This ascetic principle is in sharp opposition to the mostly vague and erratic ways of worship within Hinduism. Jainism goes a step further in its practice of non-violence in that even the slightest of living beings are protected; this is more radical than in most Hindu practices.⁵ Further, while Hinduism incorporates the caste system, Jainism rejects the very idea of caste, seeking a more egalitarian social system. Furthermore, the Jain understanding of karma as a material substance that weighs upon the soul is a huge departure from the Hindu understanding in which karma consists of an abstract law of morality.⁶

DIFFERENCES IN COSMOLOGY AND SCRIPTURAL FOUNDATIONS

In Jainism, the position is that the universe is infinite in both time and space, on the understanding that it is in a state of steady change without any 'creation' or 'destruction' by

² J D Long, *Jainism: An Introduction* (I.B. Tauris 2016).

³ P. Flügel, *The Invention of Jainism: A Short History of Jaina Studies* (2005).

⁴ J Geen, *Hinduism and Jainism* (n.d.).

⁵ H. von Glasenapp & S.B. Shrotri, *Jainism: An Indian Religion of Salvation* (Motilal Banarsidass 1999).

⁶ M. Winternitz, *A History of Indian Literature* (Motilal Banarsidass 1988).

God. Often in Hindu cosmology, the Bardhhaman or Brahman is the ultimate, unchangeable reality present behind the diversity". Jainism views karma as a form of physical substance that sits on top of the soul and hinders the spiritual development of the soul. In contrast to this is the view held by Hindus which regards karma as a virtue in action that the draughtsman slowly puts in the heavens upon earth and when all is done there the karmic fruits rest with the Almighty or some higher universal law.

The Jaina canon criticizes the Hindu viewpoint that regards the Vedas as 'unformulated text' by drawing an analogy with abandoning author-less poetry; how can one own up to claims if there is no author? The radical idea in Jain tradition, by its declarations regarding the Vedas, has thus been corrupted due to wear and tear with the march of time. Jain thinkers also found themselves at cross-purposes with armed Mimamsa advocates of Hinduism in challenges to their claims that the Vedas alone were the source of moral knowledge. In support of this assertion, the Jaina philosopher Haribhadra went on to disbelieve the claims of the opposing parties, arguing that all beings are endowed with knowledge; it may be uncovered through cultivation in spirituality.⁷

PHILOSOPHICAL AND ETHICAL DIVERGENCE

Thus, the general philosophies and ethical imperatives underlying Jainism and Hinduism cannot be reconciled. The Jain approach is linear and closely purposed, distinctly outlining three processes leading to true enlightenment: right faith, right knowledge, and right conduct, around which its aesthetic spokes. While in India Jain moralism is one in virtue of saying no to violence at home, a distinction is conferred because of the ease with which Jains live a life of non-violence.⁸

THE STRUGGLE INDIAN LEGAL FRAMEWORK: A HISTORICAL PERSPECTIVE

Article 25, Explanation II, grouped Jains (along with Buddhists and Sikhs) under the broad category of Hinduism, stating that "In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jains or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly." Jainism lays strict adherence to its basic ethical conduct and practices, as seen in Five Great Vows diet. They

⁷ S M Channa, Hinduism and Jainism (n.d.).

⁸ Rishabhanatha, Encyclopedialike Britannica (n.d.).

embrace the principles of Nonviolence-Ahimsa, truthfulness-Satya, no stealing-asteya, chastity-brahmacharya, and No possession-aparigraha. This ascetic principle is in sharp opposition to the mostly vague and erratic ways of worship within Hinduism. Jainism goes a step further in its practice of non-violence in that even the slightest of living beings are protected; this is more radical than in most Hindu practices.

“The Jains come and ask, ‘What are you going to do to us? Are you going to make us Hindus? The Sikhs say the same thing. The Buddhists say the same thing. My answer to that is this, I cannot help it. You have been following a single law system and it is too late now for anyone to say that he shall reject this legal system wholesale. That cannot be done therefore, the application of the Hindu Law and the Hindu Code to Buddhists, Jains, and Sikhs is a historical development to which you and I cannot give any answer.’”⁹

This is why, with rationality and an unflinching commitment to equality, the struggle against caste oppression from Dr. B. R. Ambedkar was always anchored in reason. Historical determinism may explain why these religions can only marginally find a place in Hindu personal law. Ambedkar's statement-wholly far from his otherwise keen legal insight that these religions must go on to follow a legal system founded on Hinduism because deep historical precedent has established itself therein.

A reference to the historical past as something that is insurmountable and demands no challenge greatly challenges the very values of constitutional justice sought to be established. The reasoning does not have the lucidity and depth with which he described the caste systems existing for centuries and betrays a refusal to fight back which is an antithesis of his legacy. Jainism's inclusion in the Indian main religion, instead, is a manipulative legal system founded on notions that purposefully obscure the categories of religion. A just order calls for the amendment of this defect along those very notions of justice and autonomy that Ambedkar sought for all the oppressed.

JURISPRUDENCE OF JAINISM'S CONSTITUTIONAL RECOGNITION

The issue of recognizing Jainism as a separate religion from Hinduism poses challenges within the elastic legal and ideological constructions in India. The Indian Constitution recognizes Jains, Sikhs, and Buddhists as “Hindus” for legal purposes, thereby creating a problem of legal

⁹ M Sethi, ‘Between Inclusivism and Exclusivism: Jains as Minority’ (2009) 3 Contemp. Perspect. 155.

pluralism by combining different cultural and religious groups under a single legal umbrella. Asserts Dr. A.K. Roy, this inclusion fails to acknowledge the 'distinctive religious identity' of Jains, who in many manners have been opposed to the core principles and ethics of Hinduism. Putting Jainism in this context becomes a threat to Jain religiosity about the promise of the Indian Constitution regarding freedom of religion. Such an integration of identities may erode the credibility of the Jain way of religious practices and beliefs. Indeed, Article 25 guarantees the religious freedom to practice, profess, and propagate, but applications of Hindu law to Jains mean that members of the Jain faith cannot perform such practices in a different legal manner.

Those like Dr. B.R. Ambedkar, a supporter of minority rights had stated during the framing of the Constitution that the grouping of Jains, Sikhs, and Buddhists under Hinduism was a fruitful completion owing to the continuity of law in India. However, this approach was criticized by other arguments because it was unable to keep into consideration the very differences which these religions represent. Jainism, with its rejection of a creator god and its unique ethical system surrounding ahimsa (not causing pain), stands opposed to the cosmological and ritualistic practices advocated by Hinduism generally. However, as the new decade began, the steam for separate Jain personal laws sensibly declined. Certainly, the High Court ruling of 1971 reiterated that Jains would continue to be governed by Hindu laws; hence, the agenda of Jain personal laws was slowly sidelined.

However, Jain community leaders have always put forward that whatever reforms have been inducted into the Hindu Code Bill are merely belated incorporations of progressive elements that were for long in vogue in Jain jurisprudence- for instance, in the laws of Jainism, traditionally, women enjoyed the right to inherit and alienate property, which much later found its way into Hindu law.

While copies of Barrister C.R. Jain's influential compilation of Jain law remain in circulation, there has been little lobbying effort for a distinct set of personal laws for Jains. The Jaina Personal Law Board, chaired by Digambar Muni Vidyanand, has not focused on establishing a separate legal system but rather on asserting the distinctiveness of Jainism itself. The Modi Government's anti-conversion bill, ironically named the "Freedom of Religion Bill," designates Jains as Hindus, and in many perspectives, it denotes yet another step toward the assimilation of Jainism into a larger homogeneous Hindu identity. Some members of the Jain community have perceived this legislation as a form of majoritarianism, aimed at consuming the distinct religious identity of their community.

The matter was underscored when L.K. Advani while delivering his address on Mahavir Jayanti, argued that granting minority status to Jains would lead to "fragmentation of Hindu society." The identification of Jains with the Vishwa Hindu Parishad (a group of Hindu nationalists aiming to facilitate Hindu unity) requires a re-examination of what the implications are for the intersections of religious and political identities for the Jain community.¹⁰

Minority status functions almost as a shield against both the expansive insistence of Hindutva and the inclusive impulse of constitutional definitions that currently constitute Jainism as Hindu. It has placed the religion Jainism in a fragile situation where its identity oscillates between being a minority religion and getting absorbed into the broader Hindu identity. Recognizing, therefore, Jainism as a religion in its own right and allowing it to claim minority status is important toward preserving that heritage and values of belief and practices.

Unlike Hinduism, which is commonly seen as a broad and all-inclusive religion, Jainism has a very defined religious structure with its distinct doctrines and principles. Legal and constitutional issues continue to classify Jains under the umbrella of Hindus; this negates this distinction and puts the community at risk of assimilation.¹¹ Thus, it is no longer limited to the legal play-it spheres but is downright indispensable for the protection of the cultural and religious identity of the Jain community.

In summary, the adoption of Jainism As a distinct religion is a matter of historical fact and constitutional necessity. Consider the main points of identity. Religious freedom and the majority policy protection for Jainism as an independent religious tradition in India.

THE NATIONAL COMMISSION FOR MINORITY ACT, 1992, AND THE JAIN EXCLUSION

The National Commission for Minority Act passed in 1992 was legislation intended to provide for the protection of minority communities under a legal framework. The Act in Section 2(c) empowers the Central Government to notify which communities are recognized as minorities. On 23rd October 1993, a notification identified five minority groups: Muslims, Christians, Sikhs, Buddhists, and Zoroastrians (Parsis). Jains were conspicuously absent from this list.

¹⁰ V Jain and S Jain, 'Legal Aspect of Jain Religion as Separate Entity' (2014) 19 IOSR J Hum & Soc Sci 8.

¹¹ M Sethi, 'Between Inclusivism and Exclusivism: Jains as Minority' (2009) 3 Contemp. Perspect. 155.

This decision deprived them of the legal and constitutional benefits granted to recognized minority communities.¹²

These omissions led to some legal battles based on the contention whether. Excluding Jains amounts to an infringement of their fundamental rights under Articles 29 & 30 of the Constitution. In the State of Rajasthan v. Vijay Shanti Educational Trust¹³ the Rajasthan High Court granted a specific definition of the criterion to check the minority status of a community. The court also noted that exclusion from the central notification does not automatically deny a community minority status. The court emphasized that the determination of minority status must involve, among others, considerations of historical, cultural, and demographic factors; particularly, with specific reference to the Constituent Assembly Debates. In this case, the court held that the Jains could not stifle themselves under the minority law by just reeling back in time claiming historical representation, and joining up with a minority group.

CONSTITUTIONAL PROVISIONS: ARTICLES 25 TO 30

The Indian Constitution provides a framework for religious freedom and protection of minorities under Articles 25 to 30. Article 25 guarantees freedom of conscience and the right to profess, practice, and propagate religion. It is, however, within this article that Jains, Sikhs, and Buddhists were historically grouped with Hindus for personal law. Article 30, meanwhile, specifically addresses the rights of minorities to establish and administer educational institutions of their choice.¹⁴

In interpreting these provisions, courts have often blurred the distinction between Jainism and Hinduism. In the case of Yagnapurushdasji v. Muldas Bhundardas Vaishya¹⁵, The Supreme Court decided that while Jainism has a distinct historical and cultural identity, in terms of both culture and history, it is mostly a part of Hinduism. However, this decision drew harsh criticism for blurring the boundaries between unique religious identities that ought to endure and going against the constitutional goal of providing minorities with more protection for their rights.

Over time, the Court's stance on Jainism's status has been inconsistent. While acknowledging Jainism's separate historical and cultural background, the same judgment subsumed it under

¹² M Sethi, *Minority Claims, and Majoritarian Anxieties: The Jain Question* (n.d.).

¹³ *Rajasthan v Vijay Shanti Educ Trust* (2001).

¹⁴ R Ghai, 'United by Dharma, Divided by Law' (Business Standard 2014).

¹⁵ *Yagnapurushdasji v Muldas Bhundardas Vaishya* (1966).

Hinduism from a legal perspective. Yet, the Court also clarified that for constitutional and legal matters, Jainism, along with Buddhism and Sikhism, is recognized as separate and distinct from Hinduism.

This legal ambiguity has often left Jains in a liminal space, where they are neither fully recognized as a minority nor fully integrated within the Hindu fold. The **Sri Shirur Mutt**¹⁶ Case reiterated that religion is a matter of personal faith and does not necessarily align with theistic beliefs. The Court acknowledged that religions such as Buddhism and Jainism, which do not subscribe to the concept of a creator god, qualify as distinct belief systems under the broader definition of religion.

Articles 29, 30, 350A, and 350B of the Indian Constitution mention the term "minority" and its variations, but they do not define it. Recently, there has been considerable discussion in India over what exactly defines a minority. In the *TMA Pai Foundation & Ors v. State of Karnataka & Ors*¹⁷ Case, the Supreme Court of India ruled that, for Article 30, the classification of a minority whether linguistic or religious should be determined at the state level, rather than by considering the population of the entire country.

This state-based recognition has posed challenges for certain religious minorities seeking recognition at the national level by India's central government. One such example is the Jain community, which has been recognized as a religious minority in several states, including Jharkhand, Maharashtra, Himachal Pradesh, Madhya Pradesh, Uttar Pradesh, and Uttarakhand. The Jains approached the Supreme Court, requesting national-level recognition from the central government.¹⁸ While the National Commission for Minorities in India supported their demand, the Supreme Court did not provide a definitive ruling, instead leaving the decision to the central government.¹⁹

According to the Madras High Court, "Jainism as a distinct religion was flourishing several centuries before Christ" in the case of *Gateppa v. Eramma and others*.²⁰ Jainism contests the legitimacy of the Vedas, which are the cornerstone of Hinduism and questions the effectiveness of the numerous rituals that Hindus view as fundamental. For one, the Mandal Commission

¹⁶ Comm'r HRE v Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt (1954).

¹⁷ *TMA Pai Foundation & Ors v State of Karnataka & Ors* (2002).

¹⁸ *Bal Patil & Anr v Union of India & Ors* (2005).

¹⁹ I K Cheema, *Constitutional and Legal Challenges Faced by Religious* (2017).

²⁰ *Gateppa v Eramma and others* (1927).

Report supports Jainism's independent identity and mentions Jains along with Muslims, Christians, Sikhs, and Buddhists as "Non-Hindu Communities." This classification coincides with the observation made by the Supreme Court in the Babri Masjid case that Jainism should be considered a separate religion.²¹

THE NEED FOR SEPARATE PERSONAL LAWS

This has led to a legal predicament in respect of the difference in the religious practices and beliefs of the Jain community. One of their tackling issues directly relates to the fact that proving Jain customary practices in court has led to contradictions in their judgments. The case of Prem Sagar (1929) is such a case, and the judgment was that a Jain widow, Mt. Gujri, was prohibited from adopting a son in the absence of formal acknowledgement by her late husband. This followed because, as asserted by the plaintiff, this was not seen to be evidence of Jain's custom. Another court case, though, took the opposite stance: by 1932, such a court case.

Conceded that a Jain widow could adopt sons even in the absence of her deceased husband being informed or agreed with. In twelve of the cases raised about Jain widows, those examples had been produced against community witnesses of standing. Therefore, the ratio being applied in this respect was: "Hindu law had been varied" among the Jain in Delhi. It exemplifies the pressing problem with applying Hindu personal laws to Jains since distinctive Jain practices and customs remain unrecognized and deteriorate very often.

The conflicts between their established religious customs and state enactments very often meant that Jain widows faced obstacles in matters such as adoption and inheritance. The passage of the Hindu Women's Right to Property Act in 1937 accorded Hindu widows property rights. But this law was contested in its application to Jains since Jains argued that it did not apply to them being Hindus. This led to confusion and conflict for Jain widows, as they found themselves caught between the customs of their community and the imposition of Hindu legal frameworks.

In response to these legal challenges, Jain leaders saw the pressing need to formalize and promote their ancient texts, such as Arhan Niti and Bhadrabahu Samhita, to preserve and assert their distinct legal traditions. Until then, many of these ancient codes had been shielded from

²¹ P C Jain, 'Right of Jains to Be Declared as a Minority Based on Religion—Some Observations' (Eastern Book Company – Practical Lawyer, n.d.).

colonial authorities to protect them from misconceptions. On the other hand, it greatly instigated the Jains not to relent upon Hindu laws but to publish and circulate their ancient legal codes in codification and redouble their efforts to protect traditions.²²

Despite these efforts, the introduction of personal laws, such as the Hindu Marriage Act **and** Hindu Succession Act, continued to place Jains under the broad legal category of "Hindus."²³ Using the simplicity of their wording, these laws included Jains, Sikhs, and Buddhists specifically under the umbrella of Hindu personal law, where they stood in stark contrast to other religious communities, such as Islamic and Christian, under which their own distinct personal laws were applied. By placing Jains under the same legal framework as Hindus, the laws failed to acknowledge the nuanced religious and cultural differences between Jainism and other faiths. This created a one-size-fits-all legal system that didn't consider Jain's values or practices. The application of Hindu personal laws to Jains is the fundamental problem, as it disregards the tenets of Jainism, setting up an unfair legal policy framework. Although Jain beliefs concerning inheritance, adoption, and marriage differ from Hindu beliefs, no reflections are given to such differences by the Indian legal system. The non-recognition and codification of Jain customary laws in the Indian legal order allow Hindu norms to be imposed on a religious group that does not subscribe to them.

This all-out approach not only precludes the given line of religious freedom to Jains and results in legal inconsistencies and injustice, particularly in the context of the rights of Jain women but also invites legal challenges for Jain widows in the matters of property and adoption, which are symptoms of a larger malaise of systemic bias in the personal law framework. In straightforward terms, applying Hindu personal laws to Jains causes both legal and cultural confusion. The current system overlooks the unique religious values and practices of Jains, limiting their ability to express their faith fully. By establishing separate personal laws for Jains, the legal system would better respect their beliefs and traditions, ensuring they are treated fairly. This shift would not only safeguard the fundamental rights of the Jain community but also strengthen the pluralistic values at the heart of India's Constitution.

²² M Sethi, 'Between Inclusivism and Exclusivism: Jains as Minority' (2009) 3 *Contemp. Perspect.* 155.

²³ *Id.*

CONCLUSION

Recognizing Jainism and establishing its own set of personal rules is crucial for maintaining the community's cultural and religious identity as well as for administering justice and fairness to its adherents. Removing Jains from minority status and characterizing them as Hindus, unjustly diminishes their distinctive identity and erodes their constitutional right to religious freedom. Obtaining separate personal laws for the Jain would put an end to these dispersed legal contradictions and validate India's religious pluralism commitment by acknowledging the unique characteristics of its various communities. To allow Jains to freely follow their traditions, which are restricted by laws that are incompatible with their faith, legal acknowledgement is required.