
RELIGION IN THE CLASSROOM: NAVIGATING FREEDOM & GOVERNANCE IN INDIAN EDUCATION

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ABSTRACT

The dynamics of religion in India entail multidimensional aspects of constitutional rights, which intersect with societal pluralism and governance. Indian constitutional principles of secularism, freedom of conscience, and religious minority rights lie at the forefront of Indian civilisational context, thereby shaping the unique coexistence of faith and culture. The constitution therefore manages this delicate balance between religious freedom and state neutrality.

In order to understand this balance, this research paper seeks to analyse the role of religion in education, thereby examining the legal, judicial, and political viewpoints. Through this paper, the authors purposely wish to highlight the stability between institutional autonomy and regulatory oversight vis-a-vis articles 25 to 30 of the constitution. It further delves into the intricacies of the present-day challenges, institutional governance models, and the influence of digital education on religious expressions.

Seen in the context of comparative jurisdictions such as the United States, United Kingdom, and France, the authors try to take into account the combined perspectives of international human rights instruments such as the ICCPR and UDHR. This would provide an insight into how religion and its related rights are viewed and practiced across the globe with specific reference to education.

The study therefore concludes by proposing a framework that advocates for the existence of a sensitive secular that upholds secularism, religious freedom, and minority rights. The policy recommendations include clear statutory guidelines, curriculum oversight, and consistent governance models within educational institutions. Overall, it attempts to provide a detailed overview of how the Indian constitution has situated individual rights and freedoms without the broader socio-cultural environment.

Keywords: Freedom of Religion, Minority Rights, Judicial Interpretation, State Neutrality, Secular Education.

CONTEXTUALISING RELIGION IN INDIAN CLASSROOMS

Religion in India encompasses a wide range of social, cultural, and ethical aspects, including the social conduct, moral frameworks, cultural identity, and collective awareness. These aspects have transcended the boundaries of personal beliefs and ritual, and are central to India's

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social and cultural identity.³ It has played a significant role in shaping public institutions particularly through education, which has historically acknowledged religion as a lived and shared experience. Education in India has been carried forward through an amalgamation of moral, ethical, intellectual, and spiritual readiness, from the ancient *gurukals* to *madrasas* and missionary schools.⁴ This system stands in stark contrast to the Western liberal democracies where religion is treated as a strictly private affair.⁵

Schools, in contemporary times, have become spaces where religious identities are preserved, respected, and conveyed through a plethora of activities. They include morning prayers, festivals, moral teachings, etc.⁶ The classrooms have thus become an epicentre of India's pluralism, where competing faiths and beliefs thrive together. This socio-legal reality renders the complete exclusion of religion from educational spaces practically impossible given its sentimental, moral, and cultural significance. It, however, entails a new approach necessitating constitutional conversation to accommodate religion without undermining the secular character and universality of educational spaces.⁷

The Constitutional Dilemma: Faith versus State Neutrality

The Indian Constitution has adopted a model of principled distance, meaning that it seeks to strike a delicate constitutional balance between the two extremes (faith and state neutrality). The constitution, in this regard, acts as a selectively permeable mechanism rather than the strict separation between religion and the State. It allows state engagement with religion while forbidding preference for any specific faith or belief.⁸ This is in stark contrast with the model

³ Piyush Kumar, 'The Role of Religion in Indian Society: A Comparative Study of Hinduism, Islam, and Sikhism' (2024), 16(2), *Journal of Research & Development* <https://zenodo.org/records/10824590> (last visited March 6, 2026).

⁴ Marina A. Mefodeva *et al*, 'Historical Perspectives of Spiritual and Moral Education in India' (2017), ResearchGate https://www.researchgate.net/publication/318507978_Historical_perspectives_of_spiritual_and_moral_education_in_India (last visited March 6, 2026).

⁵ Jeffrey A. Redding, 'Situating Contemporary Scholarship on Religion and Secularism in India', *Law and Other Things*, <https://lawandotherthings.com/situating-dr-darshan-datars-recent-work-within-critical-scholarship-on-religion-and-secularism/> (last visited Jan. 21, 2026).

⁶ *The Constitutionality of Secularism in India*, *Law Audience Journal*, <https://www.lawaudience.com/the-constitutionality-of-secularism-in-india/> (last visited Jan. 24, 2026).

⁷ Gautam Bhatia, *The Hijab Judgment and the Meaning of Constitutional Secularism*, *Indian Constitutional Law and Philosophy Blog*, <https://indconlawphil.wordpress.com/2022/03/28/guest-post-the-hijab-judgment-and-the-meaning-of-constitutional-secularism/> (last visited Feb 3, 2026).

⁸ Malcolm Ktrak, 'Unravelling the Indian Conception of Secularism: Tremors of the Pandemic and Beyond' (2021), Vol. 10, *secularismandnonreligion* <https://secularismandnonreligion.org/articles/10.5334/snr.145> (last visited March 6, 2026).

adopted by certain Western constitutions.⁹ This selective mechanism thus becomes a cornerstone of a persistent constitutional dilemma: how can the state guarantee the individual freedom of religion while ensuring that public education remains neutral, inclusive, and non-discriminatory? This dilemma between freedom of religion and state neutrality is highlighted through discourse surrounding religious directives, curriculum framework, and institutional autonomy.¹⁰

To this end, the authors seek to analyse the aforementioned dilemma broadly in a three-pronged manner. *First*, the paper would examine the constitutional relationship between religion and education. *Second*, it would explore how the consideration of guarantee of religious freedom ensures secular neutrality particularly within educational institutions. *Lastly*, the research would attempt to identify challenges surrounding educational governance when seen through the lens of religious expression.

Additionally, the study focuses on determining judicial interpretations that balance individual conscience, institutional autonomy, and regulatory oversight. Lastly, the paper proposes constitutionally sound approaches for adapting freedom of religion with the principles of equality and non-discrimination in Indian education.

The research methodologically adopts a doctrinal approach, examining judicial decisions, constitutional provisions, and statutory frameworks along with the comparative analysis of international practices and a review of law commission reports, and policy documents to contextualise contemporary challenges.

CONSTITUTIONAL ARCHITECTURE: FREEDOM OF RELIGION & SECULAR EDUCATION

Judicial interpretation has affirmed secularism as part of the basic structure, binding all State action, including educational governance, to neutrality and pluralism.¹¹ The Supreme Court in *S.R. Bommai v. Union of India* held that secularism forbids State identification with any religion while permitting engagement to ensure equality and tolerance.¹²

⁹ *Secularism and Freedom of Religion*, Naya Legal, <https://www.nayalegal.com/secularism-and-freedom-of-religion> (last visited Jan. 15, 2026).

¹⁰ *Secularism and Religious Rights in the Indian Constitution: A Comprehensive Analysis*, Indian Journal of Legal Review, <https://ijlr.iledu.in/wp-content/uploads/2024/05/V4I11139.pdf> (last visited Feb. 6, 2026).

¹¹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India).

¹² *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

This position has been reaffirmed in *Aruna Roy v. Union of India*¹³, where the Court went a step further and rejected the view that secularism requires complete exclusion of religion from education. It distinguished religious indoctrination from academic instruction about religion, holding that the latter does not violate constitutional secularism.¹⁴ Thus, in the educational context, secularism functions as a principle of regulation and balance, not religious erasure.

The Constitutional Guarantee of Religious Freedom

Articles 25-28 together establish India's constitutional framework on religious freedom, balancing individual conscience with State regulation. In this regard, *Article 25* guarantees freedom of conscience and the right to profess, practise, and propagate religion, subject to public order, morality, health, and other fundamental rights. The Apex Court in *Bijoe Emmanuel v. State of Kerala*, observed that this freedom includes the right to remain silent and abstain from religious expression unless public order is threatened.¹⁵ The Court further explained that any limitation on the right to religious expression must be legitimate and in accordance with the law.

In addition to this, *Article 26* grants the religious denominations autonomy in managing their affairs. However, the Apex Court in *Azeez Basha v. Union of India* has clarified that this does not exempt institutions from State regulation when performing secular functions such as education.¹⁶ *Articles 27 and 28* further uphold State neutrality by prohibiting the use of public funds for religious promotion and regulating religious instruction in educational institutions. In essence, these articles tend to balance two crucial aspects, that is, to ensure religious freedom while permitting reasonable regulation in educational settings.¹⁷

Article 28 and Religious Instruction in State-Funded Institutions

Article 28 gives the most explicit constitutional guidance on religion at educational institutions. Clause (1) unequivocally prohibits the provision of religious instruction in institutions wholly financed by the State and thus enshrines secular public education. Courts have made clear that

¹³ *Aruna Roy v. Union of India*, (2002) 3 SCC 171 (India).

¹⁴ Divyanshi Singh, *Secularism: Implication and Relevance in India*, iPleaders Blog, <https://blog.iplayers.in/secularism-implication-relevance-india/> (last visited Jan. 25, 2026).

¹⁵ *Bijoe Emmanuel v. State of Kerala*, (1986) 3 SCC 615 (India).

¹⁶ *Azeez Basha v. Union of India*, (1968) 1 SCC 361 (India).

¹⁷ Dhanya Hegde, *Balancing Religious Freedom and Secularism Under the Indian Constitution*, Lawful Legal, <https://lawfullegal.in/balancing-religious-freedom-and-secularism-under-the-indian-constitution/> (last visited Feb. 6, 2026).

this prohibits mandatory religious indoctrination, not simple acknowledgment of religious diversity. The clearest constitutional guidance on religion in schools comes from Article 28. Clause (1) prohibits entirely religious instruction in institutions fully supported by the State so as to ensure secular public education. In *D.A.V. College v. State of Punjab*¹⁸, the Supreme Court held that State regulation cannot be used to impose religious instruction in State-funded institutions.

Clauses (2) and (3) allow religious instruction in State-administered institutions established under trusts or endowments and in State-aided institutions, provided participation is voluntary. Courts stress that voluntariness safeguards freedom of conscience, ensuring students are not compelled to act against their beliefs. This clearly demonstrates that *Article 28* balances State neutrality with individual choice.

The Doctrine of State Neutrality in Educational Spaces

The doctrine of State neutrality requires the State to refrain from endorsing or privileging any religious doctrine while ensuring equal treatment of all beliefs. In *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*¹⁹, the Supreme Court articulated the distinction between essential religious practices and secular activities, holding that the latter remain subject to State regulation. This distinction has been particularly crucial in analysing the extent of State intervention in regulating the religiously affiliated educational institutions. In addition to this, the Court in *Modern School v. Union of India*²⁰, has recognised that reasonable regulation of education institutions by virtue of State intervention is necessary to ensure academic standards. This is important even where institutions enjoy institutional autonomy.

Balancing Individual Conscience and Institutional Governance

Educational institutions, by virtue of their position, function as regulators of multi-dimensional tasks such as ensuring discipline, uniform norms, and administrative coherence. Meanwhile, the students as well as the teachers are guaranteed their freedom of conscience. The Constitution mandates the dual approach of balancing the role of regulator played by educational institutions on one hand, and the freedom of conscience on the other. This has also

¹⁸ *D.A.V. College v. State of Punjab*, AIR 1971 SC 1735 (India).

¹⁹ *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282 (India).

²⁰ *Modern School v. Union of India*, (2004) 3 SCC 74 (India).

been reaffirmed in *Adithyan v. Travancore Devaswom Board*, where the Supreme Court upheld the coexistence of inclusivity and constitutional principles, i.e., educational institutions as regulators while upholding the freedom of conscience.²¹

In addition to this, the crucial question that was placed before the Court was: whether restricting religious expression within educational spaces is constitutional permissible or not? The answer lies in affirmative but such restrictions must satisfy the test of reasonableness, proportionality, and non-discrimination. The Court in *Indian Young Lawyers Association v. State of Kerala*,²² held that freedom of religion is not absolute but subject to reasonable restrictions. Although the Court did not deal with the specifics of religious freedom within educational institutions, this reasoning remains particularly significant in providing an overview of constitutional balance, where neither individual conscience nor institutional authority is absolute.

JUDICIAL DISCOURSE: SUPREME COURT & HIGH COURT INTERPRETATIONS

The issue of ensuring religious freedom in educational institutions has been at the forefront, where the courts have been tasked to assess state neutrality and the rightful accommodation of social realities. They have not only cautioned against the state-sponsored religious instruction in public institutions but have also recognised the right of religious communities to establish and administer educational institutions. In this regard, the Supreme Court in *Rev. Sidhajibhai Sabhai v. State of Bombay*,²³ has held that educational regulation must be kept aloof from the influence of state-sponsored religious instruction while respecting individual fundamental freedoms, thereby preserving the institution's character and integrity.

The aforementioned observation can be consistently found in the rulings of the High Courts where they have held that although the separation of cultural and moral influences from education is not possible, the primary judicial concern is to prevent state-controlled religious practices in educational institutions that are often forceful and mandatory. Thus, eliminating the state-controlled practices would also leave scope for certain religious practices to coexist within the neutral and secular character of educational institutions.

Religious Education vs. Education about Religion

²¹ *Adithyan v. Travancore Devaswom Board*, (2002) 1 SCC 1 (India).

²² *Indian Young Lawyers Association v. State of Kerala*, (2018) 11 SCC 1 (India).

²³ *Rev. Sidhajibhai Sabhai v. State of Bombay*, AIR 1954 Bom 121 (India).

The Supreme Court upheld the constitutional validity of the National Curriculum Framework for School Education in the case of *Aruna Roy v. Union of India*, through which a key clarification on religion in education came. Although the petitioners argued that including religious content violated secular education, the Court distinguished between “*religious instruction*” and “*education about religion*,” holding that the latter, if taught objectively and comparatively, does not breach *Articles 25 or 28*.

The Court observed that constitutional secularism does not require ignorance of religion in a diverse society like India. Rather, it underscored that informed study can promote tolerance and mutual respect. The judgment thus shifted from a formalistic to a contextual understanding of secularism, recognising the pedagogical value of studying religion without endorsing belief.

In addition to this, there is a series of decisions commonly referred to as the *DAV College cases* that represent a critical judicial engagement with the limits of State regulation over educational institutions with religious affiliations. In *D.A.V. College, Jullundur v. State of Punjab*, the Supreme Court examined whether State-imposed conditions on curriculum and administration violated institutional autonomy.²⁴ While upholding the State’s authority to prescribe academic standards, the Court cautioned against regulatory measures that interfere with the core character of minority and religious institutions.

These decisions establish that while education is a secular activity subject to regulation, such regulation must be reasonable and proportionate. The judiciary thus recognised a constitutional boundary between legitimate governance and excessive interference, particularly where institutional identity is linked to religious or cultural objectives.

Essential Religious Practices Doctrine in Educational Contexts

The Supreme Court’s essential religious practices doctrine, defining which religious activities are protected under *Articles 25 and 26*, has significant educational implications. In *The Durgah Committee, Ajmer v. Syed Hussain Ali*, the Court held that only practices integral to a religion are protected, while secular or extraneous practices can be regulated.²⁵ Seen in the educational context, this doctrine allows courts to review religious freedom claims, permitting regulation of non-essential or secular practices to ensure discipline and equality.

²⁴ *supra* note 16.

²⁵ *The Durgah Committee, Ajmer v. Syed Hussain Ali*, AIR 1968 SC 303 (India).

Judicial decisions show a shift from strict separation to contextual accommodation, with courts assessing the purpose, effect, and context of religious elements rather than imposing rigid bans. In *T.M.A. Pai Foundation v. State of Karnataka*²⁶, the Supreme Court upheld education as secular while recognising private and minority institutions' right to preserve their character under reasonable regulation. This trend reflects India's plural social fabric and the constitutional need to balance interests, with courts favouring proportionality, voluntariness, and non-discrimination. The judiciary thus acts as a mediator between individual conscience, institutional autonomy, and State responsibility in education.

STATE, FAITH AND THE CLASSROOM: GOVERNANCE MODELS IN INDIAN EDUCATION

Educational Institutions: Conditional Autonomy and Religious Freedom

Educational institutions can be divided into three distinct categories based on the level of state's financial contribution: government institutions, aided institutions, and unaided institutions. Government schools, fully State-funded, are governed by Article 28(1), which prohibits religious instruction.²⁷ In *Bijoe Emmanuel v. State of Kerala*, the Supreme Court affirmed that students cannot be compelled to take part in religious activities.²⁸ Likewise, the Court in *Archbishop of Madras v. Government of Tamil Nadu*, clarified that moral education is allowed, but religious indoctrination in government schools is unconstitutional.²⁹ This ensures public classrooms remain neutral, with no single religious ideology dominating.

Aided institutions, on the other hand, are partially government-funded but privately managed, thus operating under a hybrid model. They have administrative and ethical autonomy, while the State retains the right to regulate curriculum, staffing, and admissions to meet constitutional standards. In *D.A.V. College v. State of Punjab*, the Supreme Court held that certain conditions can be imposed to maintain educational standards without affecting the institution's religious character.³⁰ This conditional autonomy balances preserving cultural or religious identity with

²⁶ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481 (India).

²⁷ Constitution of India, art. 28(1)

²⁸ *supra* note 13.

²⁹ *Archbishop of Madras v. Government of Tamil Nadu*, AIR 1954 Mad 1 (India).

³⁰ *supra* note 16.

protecting students' rights, ensuring religious instruction is voluntary and non-coercive under Article 28(3).³¹

Lastly, unaided private institutions enjoy broader autonomy under *Articles 25, 26, and 30*. The Supreme Court in *T.M.A. Pai Foundation v. State of Karnataka*³² highlighted that private unaided schools have the right to determine their admission criteria, curricular emphasis, and institutional ethos, subject only to reasonable regulation by the State. However, autonomy is not absolute. The Court clarified that institutions cannot contravene fundamental rights, such as discriminating on religious grounds in a manner inconsistent with constitutional equality. This balance reflects the Court's approach to harmonising institutional freedom with broader public interest, particularly the equitable access to education.³³

Curriculum Regulation and Ideological Neutrality

In addition to the level of the state's financial contribution in educational institutions, curriculum regulation serves as a critical tool for ensuring ideological neutrality in classrooms. The State, through bodies like the National Council of Educational Research and Training (NCERT) and State Boards, prescribes syllabi that aim to foster constitutional values without advancing religious indoctrination. In *Pramati Educational & Cultural Trust v. Union of India*, the Supreme Court reiterated that the State has the authority to standardise curricula and examination frameworks while respecting institutional autonomy.³⁴

National and State education boards operationalise constitutional principles on religion in education. NCERT frameworks promote inclusive pedagogy, value-based education, and respect for pluralism. As regards to this, courts, in *Society for Unaided Private Schools v. State of Kerala*³⁵, have upheld standardised policies preventing religious bias while respecting institutional ethos.

Policy measures such as teacher training, textbook review, and classroom monitoring ensure compliance with constitutional norms. Guided by proportionality, State intervention seeks to

³¹ Constitution of India art. 28(3).

³² *supra* note 24.

³³ Mohammed Faraz Husain & Aqa Raza, *Minority Educational Institutions and the Supreme Court after the T.M.A. Pai Judgment*, ResearchGate, https://www.researchgate.net/publication/306900458_Minority_Educational_Institutions_and_the_Supreme_Court_after_the_T_M_A_Pai_Judgment (last visited Feb. 9, 2026).

³⁴ *Pramati Educational & Cultural Trust v. Union of India*, (2008) 6 SCC 1 (India).

³⁵ *Society for Unaided Private Schools v. State of Kerala*, AIR 1993 Ker 189 (India).

secure neutrality and equality while minimally limiting institutional autonomy, consistent with *Modern School v. Union of India* and subsequent cases.³⁶

MINORITY RIGHTS & EDUCATIONAL AUTONOMY UNDER THE CONSTITUTION

Education in minority institutions serves as a tool for cultural preservation. *Article 30* grants religious and linguistic minorities the right to establish and administer educational institutions of their choice, aiming to preserve cultural identity and secure meaningful access to education. Religious minorities can establish educational institutions to promote culture, values, and community identity. Courts have recognised that *Article 30* supports the transmission of language, religion, and community-specific knowledge, provided it does not override constitutional rights of other students.

As regards this, there are three landmark judgements of the Supreme Court that affirm the aforementioned right. In *St. Stephen's College v. University of Delhi*, the Court held that minority institutions may frame their own management and admission policies, subject to constitutional limits.³⁷ It also observed that religious or cultural content must be imparted in a manner consistent with secular curricula and equal access.

Second, *T.M.A. Pai Foundation*³⁸ clarified that minority status confers autonomy in running institutions but does not exempt them from regulatory measures ensuring academic standards. Third, *P.A. Inamdar v. State of Maharashtra* underscored that minority institutions cannot discriminate in a manner violative of fundamental rights but can reserve seats for students of their community.³⁹ Hence, private unaided and minority institutions must follow transparent admission norms and quality standards. These judgments collectively illustrate that the right to establish institutions is substantive but bounded. Autonomy is respected, yet balanced with the State's interest in uniform educational standards and non-discrimination.

In addition to this, courts have consistently drawn a line between permissible regulation and impermissible interference in minority institutions. In *St. Xavier's College v. State of Gujarat*, the Supreme Court held that the State may regulate matters like curriculum, teacher

³⁶ Arvind Dube, *The Constitutional Silence: How Religion Quietly Took Over India's Classrooms*, Medium, <https://drarvinddube.medium.com/the-constitutional-silence-how-religion-quietly-took-over-indias-classrooms-5429f5332d1c> (last visited Feb. 7, 2026).

³⁷ *St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558 (India).

³⁸ *supra* note 24.

³⁹ *P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537 (India).

qualifications, and admission procedures without infringing on the core management autonomy of minority institutions.⁴⁰ This distinction ensures that regulatory oversight aligns with public interest, academic quality, and secular neutrality, while administration and ethos reflecting religious or linguistic culture remain under institutional control.

CONTEMPORARY CHALLENGES: RELIGION, IDENTITY & PEDAGOGY

Uniform Civil Code Debates and Educational Spill-Over

While the Uniform Civil Code (UCC) primarily addresses personal laws, its implications spill over into educational spaces. The Supreme Court in *Mohd. Ahmed Khan v. Shah Bano Begum* emphasised that personal laws must conform to constitutional principles, highlighting potential tension between religious practices and fundamental rights.⁴¹

In classrooms, debates over UCC can influence curriculum design, civic education, and value-based pedagogy. There is a need for the schools to teach constitutional principles objectively, enabling students to understand plural legal norms without indoctrination. The challenge lies in presenting contentious social and legal debates in a neutral, educationally appropriate manner.

Questions of religious expression in schools often arise in the form of morning prayers, dress codes, or visible religious symbols. In *Bijoe Emmanuel v. State of Kerala*⁴², the Court upheld students' refusal to sing a school prayer on grounds of conscience. Similarly, in *Naveen Jindal v. Union of India*, the Supreme Court emphasised individual expression rights, which indirectly informs debates on religious attire in educational institutions.⁴³

Courts have consistently applied a test of voluntariness and proportionality: practices that are optional and non-coercive are constitutionally permissible, whereas mandatory participation infringes individual rights. Thus, modern pedagogy must reconcile students' freedom of conscience with school discipline and uniformity.

Value-Based Education vs. Religious Indoctrination

In order to ensure constitutional neutrality, it is crucial to have a value-based education and religious indoctrination. This has been further clarified by the Supreme Court in *Aruna Roy*

⁴⁰ Ahmedabad St. Xavier's College Society v. State of Gujarat, (1974) 1 SCC 717 (India).

⁴¹ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556 (India).

⁴² *supra* note 13.

⁴³ Naveen Jindal v. Union of India, (2004) 2 SCC 476 (India).

that imparting knowledge including religious teachings is purely a part of academic discourse and does not explicitly religious instruction.⁴⁴ For these purposes, academic curricula often engage with religious discourse along with the elements that foster social responsibility. These include morality, ethics, and civic responsibility, which are central to promoting pluralism without favouring or disfavouring any particular religion. Seen from the lens of pedagogical oversight, teacher training and curriculum review are important facets to guide such an engagement between value-based education and religious indoctrination.

In addition to this, the advent of digital education has fostered this practice; however, it has, at the same time, introduced new challenges in balancing freedom of conscience and educational regulations and norms. As per the Supreme Court in *Shreya Singhal v. Union of India*,⁴⁵ freedom of expression, especially with reference to digital expression, is determined in a three-fold manner. This includes lawfulness, reasonableness, and that it must be non-disruptive. Hence, institutions must formulate educational policies that uphold digital expression while keeping in mind the abovementioned factors. This would help in preventing coercion, harassment, or specifically favouring or propagating an ideology.

COMPARATIVE & INTERNATIONAL PERSPECTIVES ON RELIGION IN EDUCATION

The United States: Separation of Church and School

In the United States, the First Amendment establishes a strict separation between church and State, particularly in public education. Landmark cases such as *Engel v. Vitale*,⁴⁶ and *Abington School District v. Schempp*⁴⁷ prohibited compulsory prayer and Bible readings in public schools. These cases illustrate the American approach of formal neutrality, where the State may neither endorse nor inhibit religion but must maintain strict secularism in classrooms. Unlike the accommodative model provided by the Indian's constitution, U.S. jurisprudence provides insight into safeguarding individual conscience and preventing State favoritism, reinforcing the principle of voluntary participation in religious activities within educational spaces.

United Kingdom: State-Sponsored Religious Instruction

⁴⁴ *supra* note 11.

⁴⁵ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (India).

⁴⁶ *Engel v. Vitale*, 370 U.S. 421 (1962)

⁴⁷ *Abington Sch. Dist. v. Schempp*, 374 U.S. 203 (1963).

The United Kingdom has a selectively permissible constitutional structure for religious instruction in schools. Its Education Act, 1994 permits religious institutions to strike a balance between religious education and worship, while allowing parental opt-out options. This represents a balanced approach where the two distinct yet significant features of religious governance and secular nature can coexist, provided such a participation is driven out of free will and is therefore inclusive in nature.

France: Laïcité and Strict Secularism

France operates under *laïcité*, a strict form of secularism that prohibits overt religious expression in public schools. The Conseil d'État and Constitutional Council have consistently upheld bans on religious symbols in classrooms, including the hijab, cross, and kippah.

Comparatively, India does not adopt such a rigid approach. French law prioritises State neutrality and uniformity over individual or institutional religious expression, whereas India seeks a balance between neutrality, pluralism, and minority rights. The French model provides a cautionary example of secularism that limits accommodation and cultural preservation.

International Human Rights Instruments (ICCPR, UDHR)

International law supplements the Indian approach of balancing religious teachings and secularism. In this regard, reliance is to be placed on *Article 18 of the International Covenant on Civil and Political Rights (ICCPR)*, that guarantees the freedom of thought, conscience, and religion. Further, *Article 26* also becomes particularly relevant in this context, as it prohibits discrimination in education.⁴⁸ Likewise, *Article 26 of the Universal Declaration of Human Rights (UDHR)* guarantees the right to education, which ensures parental choice and while upholding the cultural identity.⁴⁹ These instruments and their particular provisions reinforce the principles of freedom of religion, conscience, while guaranteeing protection to minority rights, which are crucial for educational institutions, particularly in the Indian context. Hence, it seeks to govern and regulate educational environments with both constitutional principles and values, and socio-cultural realities of the contemporary world.⁵⁰

⁴⁸ International Covenant on Civil and Political Rights arts. 18, 26, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last visited Feb. 10, 2026)

⁴⁹ Universal Declaration of Human Rights art. 26, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights/> (last visited Feb. 10, 2026)

⁵⁰ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

CONCLUSION & RECOMMENDATIONS: TOWARDS CONSTITUTIONAL EQUILIBRIUM

In order to balance religious freedom with state neutrality within education institutions, the constitution and the judiciary adopts a contextual approach instead of rigidly separating the two. This can be further substantiated by the Supreme Court's rulings in *Aruna Roy*⁵¹ *T.M.A. Pai Foundation*,⁵² and *Bijoe Emmanuel*.⁵³ To summarise it, state intervention in educational institutions varies in accordance with the degree of governmental control. For instance, government schools strictly adhere to the constitutional principle of secularism. Contrary to this, aided schools are given conditional autonomy, while the unaided minority institutions are guaranteed significant freedoms under Articles 25, 26 and 30.⁵⁴ However, curriculum regulation, the requisite qualifications and training for teachers, etc. play a crucial role in preserving neutrality while catering to the specific rights and needs of the aforementioned institutions.

Pursuant to this, a forward-looking approach is the key to ensure that the education system within India continues to accommodate pluralism and state intervention, coupled with the constitutional principles. In this regard, the following policy recommendations can be adopted:

Policy Recommendations

- 1. Clear Statutory Guidelines on Religious Instruction:** Codify objective, comparative, and voluntary teaching about religion in government and aided institutions.
- 2. Judicially Consistent Standards:** Apply uniform principles of coercion, voluntariness, and proportionality in religion-education cases.
- 3. Curriculum Oversight Without Ideological Bias:** Create independent committees to ensure neutrality and inclusivity in educational content.
- 4. Digital Education Governance:** Regulate online classrooms to protect freedom of conscience while preventing coercive religious propagation.
- 5. Teacher Training & Awareness:** Integrate constitutional secularism, minority rights, and pedagogical neutrality into teacher education.

⁵¹ *supra* note 11.

⁵² *supra* note 24.

⁵³ *supra* note 13.

⁵⁴ INDIA CONST. arts. 25, 26, 30.

These recommendations seek to uphold and balance the constitutional principles of secularism, pluralism, and state neutrality. Through this framework, it accommodates the freedom of conscience and minority rights in order to promote and preserve inclusivity within educational institutions. This would therefore ensure constitutional equilibrium that respects diversity while upholding fundamental rights.

