

Religious Practices and Legal Rights of Women

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ABSTRACT

This paper delves into the complex interplay between religious practices and the legal rights of women across various domains, including marriage, reproduction, gender equality, and the broader realm of civil liberties. By examining the conflicts and congruences between legal frameworks and religious doctrines, this study sheds light on the challenges and opportunities for advancing women's rights within diverse religious contexts.

Firstly, the paper addresses the tensions arising from conflicting legal rights and religious doctrines, particularly concerning issues such as gender equality, autonomy, and bodily integrity. It scrutinizes instances where religious beliefs may clash with legal protections, potentially undermining women's rights in areas such as education, employment, and access to justice.

Secondly, the research scrutinizes the extent of gender equality within religious institutions, analysing the participation, leadership roles, and decision-making authority afforded to women across different faith traditions. It explores the barriers women face in accessing equal opportunities within religious hierarchies and the strategies employed to challenge discriminatory practices.

Furthermore, the paper delves into the intersection of religious and civil laws concerning marriage and divorce, delineating how religious practices influence legal frameworks governing matrimonial relationships, custody arrangements, property rights, and financial support obligations. It highlights discrepancies between religious and secular norms, and the implications for women's rights and agency within marital unions.

Moreover, the study investigates the impact of religious beliefs on women's reproductive rights, including access to contraception, abortion, and fertility treatments. It examines the role of religious doctrines in shaping public discourse, legislative initiatives, and healthcare policies, and the resulting effects on women's bodily autonomy and reproductive healthcare access.

Through a comprehensive examination of these interconnected issues, this paper contributes to a nuanced understanding of the challenges and opportunities at the nexus of religious practices and legal rights for women.

Keywords: Article 25, Gender Equality, Doctrine of essential religious practices, Hijab controversy, Sabrimla Case. Theory of religion

THEORIES OF RELIGION

The enduring influence of three foundational sociological theorists, Durkheim, Weber, and Marx, significantly shapes the discourse within the sociology of religion. Their collective perspective posits religion as principally illusory, its purported truths undermined by the pervasive influence of cultural and geographical contexts. Furthermore, they contended that the allure and sway of religion over contemporary thought would gradually diminish over time.

EMILE DURKHEIM

Émile Durkheim, renowned as the progenitor of functionalism, dedicated a substantial portion of his scholarly tenure to the examination of religious phenomena, particularly within smaller societal frameworks. Of particular intrigue to him was the totemism prevalent in the kinship systems of Australian Aboriginal communities, which he regarded as an elemental manifestation of religious expression. This inquiry laid the groundwork for his seminal work, "The Elementary Forms of the Religious Life,"¹ published in 1921, widely acknowledged as a cornerstone text in the sociology of religion. Durkheim's analytical lens positioned religion as intricately interwoven with the fabric of society, exerting significant influence over the cognitive and behavioral patterns of its constituents.

Durkheim observed a fundamental dichotomy between the sacred and the profane within religious symbolism, objects, and rituals. Sacred elements are imbued with a perceived divine essence, setting them apart from the mundane aspects of existence, termed as the profane. This demarcation persists even in more advanced cultural contexts, wherein sacred objects command reverence and awe, irrespective of believers' convictions regarding their inherent potency.

Central to Durkheim's thesis is the assertion that religion extends beyond mere belief, encompassing a spectrum of communal rituals and ceremonies. These collective observances serve as cohesive agents, fostering a sense of group solidarity among adherents. Rituals, integral to the social cohesion of religious communities, afford individuals a reprieve from quotidian concerns, facilitating transcendental experiences. Particularly salient are sacred rituals and ceremonies commemorating pivotal life events such as births, marriages, crises, and deaths, which serve to reinforce social bonds and imbue significance to communal milestones.

Durkheim posits that individuals perceive religion as essential for the well-being and perpetuation of society as a whole. Consequently, religion serves to unite members of society by encouraging them to regularly reaffirm their shared values and beliefs².

1. Durkheim, E. (1921). *The Elementary Forms of the Religious Life*. Free Press.
2. Libretexts. (2024, March 23). *10.2: Theories of Religion*. Social Sci LibreTexts. https://socialsci.libretexts.org/Courses/HACC_Central_Pennsylvania's_Community_College/ANTH_205%3A_Cultures_of_the_World_-

Durkheim foresaw a decline in the sway of religion as societies progressed towards modernity. He posited that scientific reasoning would supplant religious beliefs, relegating rituals and ceremonies to peripheral importance. Moreover, he anticipated the fading relevance of the concept of "God." Durkheim envisioned the emergence of civil religion, wherein civic events like celebrations, parades, and patriotic fervor would supplant traditional religious services. Should conventional religious practices persist, he contended they would primarily serve to uphold social unity and stability.

MAX WEBER

Max Weber conducted extensive research into various global religions, focusing primarily on those with widespread followings. He extensively examined Ancient religions like Judaism, Christianity, Hinduism, Buddhism, and Taoism, to clarify the impact of religion on societal dynamics. In his seminal work "The Protestant Ethic and the Spirit of Capitalism" (1904/1958)³, Weber scrutinized Christianity's impact on Western thought and culture.

Central to Weber's scholarly pursuits was the exploration of religion's role in precipitating social change. He

identified Protestantism, particularly the concept of the "Protestant Work Ethic," as a catalyst for the emergence of capitalism. Conversely, Weber perceived hindrances to capitalist development within Eastern religions, such as Hinduism, which emphasize spiritual transcendence over material pursuits. Such belief systems, with their emphasis on detachment from worldly affairs, were deemed incompatible with the accumulation and utilization of wealth.

Weber characterized Christianity as a salvation-oriented religion, positing the possibility of redemption through adherence to specific beliefs and moral codes. Within Christian doctrine, the notion of "sin" and its expiation through divine grace assumes paramount importance. In contrast to the passive disposition of Eastern religions, salvation-oriented faiths like Christianity advocate active engagement in combating sin and societal inequities.

KARL MARX

Ludwig Feuerbach posited in "The Essence of Christianity"⁴ that individuals, due to a limited understanding of society, project their cultural norms onto gods and spirits. This leads them to seek fulfilment in the present rather than the afterlife. Marx famously termed

[_Perspectives_on_Culture_\(Scheib\)/10%3A_Religion/10.02%3A_Theories_of_Religion](#)

Weber, M. (1958). *The Protestant Ethic and the Spirit of Capitalism*. Scribner. (Original work published 1904)

Marx, K. (1841). *The Essence of Christianity*. (L. Feuerbach, Trans.). Dover Publications.

religion as the "opium of the people," arguing that it serves to placate individuals by encouraging endurance of present hardships in anticipation of future rewards beyond life. From Marx's perspective, religion impedes societal progress by fostering resignation to oppression, deflecting attention from systemic injustices, legitimizing disparities in power and wealth, and promoting deferred gratification.

Contrary to the common belief that Marx dismissed religion entirely, he acknowledged its role as a refuge from the harsh realities of everyday life and the dominance of the ruling class. Nevertheless, Marx anticipated the eventual decline of traditional religion over time.

CONCLUSION

Religion can be conceptualized as a structured framework comprising moral beliefs and norms, manifesting diversely across various societal contexts. Examining it through a sociological lens reveals a multiplicity of theoretical perspectives. Durkheim, as a functionalist, posited religion as a cohesive force regulating individual moral conduct. Conversely, Weber contended that religion exerts profound influence across societies and has the capacity to induce social transformation. In contrast, Marx viewed religion as a mechanism of social stratification that perpetuates existing inequalities within society. Despite their divergent perspectives, all three sociological theories of religion converge on the anticipation of its eventual decline amidst the backdrop of modernity, advancement, and capitalist development.

RELIGIOUS PRACTICES

Religious practice is also a multidimensional construct⁵. Religious practices encompass the actions performed by adherents as part of their religious observance, encompassing rituals, ceremonies, and worship activities⁶. These religious practices are truly connected with culture⁷. Religious beliefs, on the other hand, serve as motivational

factors driving religious behavior, stemming from innate cognitive processes aimed at addressing daily challenges⁸. Scholars distinguish between two categories of beliefs: conscious reflective beliefs and non-conscious intuitive beliefs.

Intuitive beliefs constitute a foundational aspect of cognitive functioning, ingrained within the

Hill P. C., Pargament K. I., Hood R. W., McCullough J. M. E., Swyers J. P., Larson D. B., Zinnbauer B. J. (2000). Conceptualizing religion and spirituality: Points of commonality, points of departure. *Journal for the Theory of Social Behaviour*, 30(1), 51–77. <https://doi.org/10.11/11/1448-5214.01239>

Argyle M. (2006). *Religious behavior*. Routledge.

Fox J. (Ed.). (2020). *The correlates of religion and state*. Routledge.

3 Barrett J. L., Lanman J. A. (2008). The science of religious beliefs. *Religion*, 38(2), 109–124. <https://doi.org/10.3016/religion.2008.01.037/>

human mind's architecture and formulated within an intuitive mental framework. Additionally, individuals possess the capacity for an array of higher-order reflective propositional attitudes, many of which pertain to matters of creed. Reflective beliefs are often substantiated by other beliefs, which either attest to the reliability of their source or furnish explicit arguments in their favour. The cognitive repertoire of reflective beliefs encompasses not only intuitive but also consciously reasoned concepts⁹.

LEGAL RIGHTS AND RELIGIOUS PRACTICES LEGAL RIGHTS VS. RELIGIOUS DOCTRINES

The Constitution meticulously delineates legislative powers, organizational structures, and operational mechanisms of various governmental bodies, including constitutional courts, owing to the absence of democratic precedents in India¹⁰. This strategy arises from the lack of democratic traditions in India. It aims to address tensions between institutional functionality and protecting individual rights¹¹.

With time, the reconciliation of freedom of religion amongst other constitutional provisions has grown more intricate¹². Articles 25 along with Article 26 of the Constitution of India, which safeguard religious freedom, are situated within Part III, alongside fundamental rights. Therefore, when religious practices conflict with individual rights or community norms, judicial and constitutional authorities must carefully navigate the relationship between religious freedoms and other fundamental rights. Thus, in order to protect the Constitution, courts must carefully consider competing interests and fundamental rights¹³.

Constitutional courts create theories to convert impersonal rights into concrete, legally binding structures¹⁴. The Doctrine of Essential Religious Practices is one of the doctrines that constitutional courts have established to address these issues. This framework aims to distinguish the parts of religion that are protected by the constitution, avoiding a broad protection that would obstruct attempts to attain social justice and equality.

Sperber, D. (2006). *The Cognitive Science of Belief: A Multidisciplinary Approach* (pp. 153-171). <https://doi.org/10.1017/9781009001021.011>

Lemont, E. D. (Ed.). (2006). *Firsthand Accounts: Maximizing Citizen Participation and Ownership in Reform Processes*. In *American Indian Constitutional Reform and the Rebuilding of Native Nations*. University of Texas Press.

Rau, B. N. (1960). *India's Constitution in the Making*. Allied Publishers.

Sorabjee, S. J. (2015). Introduction to Judicial Review in India. *Judicial Review*, 4(2).¹³ Constitution of India, Article 25.

Rubin, E. L., & Feeley, M. (1996). *Creating Legal Doctrine*. Southern California Law Review, 69, 1989.

The goal is to limit constitutional protections to certain core features of religion. Broadly extending protection to all aspects of religion would have undermined the constitutional aim of promoting equality in Indian society. Essentially, the Constitution empowers the judiciary to examine discriminatory practices that perpetuate inequities, liberate society from outdated norms, and advance forward-thinking ideals.

Despite the absence of explicit textual support, the Supreme Court has often devised creative remedies¹⁵, such as Public Interest Litigation (PIL), to uphold constitutional guarantees and promote socio-economic rights¹⁶. However, such initiatives carry the risk of judicial overreach and encroachment into domains traditionally reserved for other branches of government or subjectmatter experts.

Religion, as an institutionalized system with transcendent moral foundations, shapes morally justified behavior. However, religious messages may contain discriminatory elements, particularly when intertwined with cultural contexts or traditions. Individuals invoking religious justifications to infringe upon fundamental human rights pose a significant challenge, often grounded in normative doctrines that prioritize textual interpretations over broader contexts. Typically, such convictions stem from tradition and interpretations of religious texts, which are subject to debate¹⁷. Individuals who use religion to justify discrimination or violence infringe upon human rights. Notably, the perpetrator of the assassination of the Prime Minister of Israel Yitzhak Rabin claimed he acted on divine orders¹⁸. Indeed, opposition to universal rights, such as the right to life, can also be rooted in religious beliefs. These beliefs often adhere to a strict interpretation method known as "verbalism," prioritizing the original textual meaning over contextual understanding¹⁹. Consequently, rigid adherence to historical cultural norms poses a risk of conflicting with contemporary human rights principles. Additionally, contemporary religious practices may be

Robinson, N. (2009). *Expanding Judiciaries: India and the Rise of the Good Governance Court*. Washington University Global Studies Law Review, 8, 1.

Chitalkar, P., & Gauri, V. (2019). *The Recent Evolution of Public Interest Litigation in the Indian Supreme Court*. In G. N. Rosenberg, S. Krishnaswamy, & S. Bail (Eds.), *A Qualified Hope: The Indian Supreme Court and Progressive Social Change*. Cambridge University Press.

Mirmoosavi, A. (2010). *The Quran and Religious Freedom: The Issue of Apostasy*.

B. de Gaay Fortman, K. Martens, & M. A. Mohamed Salih (Eds.), *Between Text and Context: Hermeneutics, Scriptural Politics and Human Rights*. Palgrave Macmillan.

Haught, J. (n.d.). *The assassin of the Israeli Prime Minister Yitzhak Rabin*. Retrieved from <https://infidels.library.ry/modern/james-haught-rabin/>

De Gaay Fortman, B., Martens, K., & Mohamed Salih, M. A. (2010). *Between Text and Context: Hermeneutics, Scriptural Politics and Human Rights*. Palgrave Macmillan.

susceptible to manipulation for socio-political purposes.

Religion's susceptibility to socio-political manipulation further complicates its compatibility with contemporary human rights standards. Instances of politicians aligning with radical religious leaders to justify human rights violations underscore the need for effective strategies to mitigate clashes between religion and human rights.

Gáspár Bíró's encounter in Sudan highlights the potential drawbacks of making broad claims about the primacy of human rights over religion²⁰. His argument, based on the "lex posterior" concept, which gives precedence to newer laws over older ones, about the supremacy of human rights above Islamic Shar'ia law, unintentionally gave the Sudanese government with a chance to adopt an offensive attitude. They condemned his remarks as blasphemous, illustrating the complex challenges of integrating the global human rights agenda into diverse local contexts.

This incident underscores the susceptibility of religion to ideological manipulation and institutionalization. Despite its deep-seated significance in people's lives, religion must be balanced with the universal discourse of human rights for justice. This entails prioritizing human dignity over ideology and individual rights over organizational interests.

GENDER EQUALITY IN RELIGIOUS INSTITUTIONS: ANALYSIS OF THE SABARIMALA CASE

In the Sabarimala Case, the Supreme Court had to strike a balance between the rights to equality, dignity, non-discrimination, and religious freedom guaranteed by Articles 14, 15, 17, 21, and 25 of the Constitution. This was especially challenging given the restriction imposed on women aged 10-50 years. The petitioners and intervenors advanced a number of arguments, including the claim that even if the ban on women's entry was deemed an essential religious practice protected by Article 26(b), it could not violate the Constitution's foundational principle of dignity and other fundamental rights. They advocated for a balanced interpretation of Articles 25 and 26, claiming that respondents' rights to control their religious affairs must be balanced with women's rights to worship in public temples.

Gáspár Bíró: former member of the Advisory Committee. (2014, February 19).

[https://www.coe.int/en/web/minorities/news/-](https://www.coe.int/en/web/minorities/news/-/asset_publisher/d4ZbHbFMMxCR/content/gaspar-biro-former-member-of-the-advisory-committee)

[/asset_publisher/d4ZbHbFMMxCR/content/gaspar-biro-former-member-of-the-advisory-committee.](https://www.coe.int/en/web/minorities/news/-/asset_publisher/d4ZbHbFMMxCR/content/gaspar-biro-former-member-of-the-advisory-committee)

On the contrary, respondents emphasized the linguistic distinction between Articles 25 and 26, claiming that the latter is not subordinate to other basic rights, including equality. In passing, Justice Nariman intimated that a wide reading of "constitutional morality" in Article 26 might entail its subordination to other basic rights that it is not explicitly subject to. Nonetheless, he recognized the importance of interpreting and balancing Article 26 in a way that is consistent with other basic rights, but without express subordination on an individual case basis. In contrast, Justice D.Y. Chandrachud argued for a comprehensive reading of Article 26 in connection with other rights mentioned in Part III of the Constitution, notwithstanding the lack of an express clause subordinating it to other basic rights.

The court determined that Article 25(1) does not justify the exclusion of individuals based on gender, particularly women, from entering the temple due to physiological reasons. It affirmed that women of all age groups possess an equal entitlement to enter the temple as men, enabling them to exercise their right to

religious practice as guaranteed by Article 25. The court found that such exclusionary customs unequivocally infringe upon women's freedom to practice Hinduism. It clarified that "morality" in Article 25(1) refers not only to private, sectarian, or religious views, but also to "constitutional morality." Constitutional morality is the commitment to the basic principles and values stated in the Constitution. The ideas of public order, morality, and health cannot be used as pretexts to restrict religious freedom or discriminate against women aged 10 to 50 by depriving them of their legal right to visit and pray at the Sabarimala Temple. The court emphasized that popular morality must give way to constitutional morality.

The Constitution ensures both the freedom to observe religious customs and gender equality. However, the issue arises when religious customs appear to contradict gender equality principles. The judiciary holds divergent perspectives on this matter. While the Kerala High Court opined that the customs at Sabarimala do not amount to discrimination against women, a five-member bench of the Supreme Court presented contrasting views. Justice Indu Malhotra advocated for cultural relativism, asserting that the court should refrain from intervention. Presently, the matter is under consideration by a seven-member constitutional bench for a final decision. The argument of cultural relativism contributes to resistance against social change regarding the entry of young women at Sabarimala. Although some traditions may seem illogical in the context of modern civilization, society asserts its right to uphold and practice these traditions.

The Supreme Court's verdict in the Sabarimala Case, which unequivocally affirmed women's right to enter the temple regardless of age and physiological factors, resulted in significant empowerment for women. By recognizing that the exclusionary custom violated women's fundamental right to freely practice their religion under Article 25 of the Constitution, the court dismantled a long-standing barrier that had deprived women of their religious freedoms. Moreover, the court's assertion that "constitutional morality" must supersede narrow interpretations of religious practices and traditions underscored the principle that religious customs cannot justify gender-based discrimination. This ruling not only affirmed women's equal standing in matters of religious observance but also challenged patriarchal norms entrenched within religious institutions. As a result, women were empowered to assert their rights and demand equal access to sacred spaces, marking a crucial step towards gender equality and the promotion of inclusive religious practices.

The Sabarimala verdict elicited diverse societal reactions, reflecting varying perspectives on its significance. Many regarded the judgment issued by the apex court as a seminal moment in advancing gender equality and a pivotal milestone in Indian legal history. It was perceived as a significant blow against entrenched patriarchal norms. Activists contended that the tradition of excluding women from the temple lacked a rational foundation and was steeped in antiquated ideologies no longer applicable to contemporary society.

The verdict, which granted women aged 10 to 50 the right to worship at Sabarimala, was seen as heralding new possibilities for a progressive India. Advocates interpreted it as a stride toward inclusive practices and a reaffirmation of women's autonomy in expressing their religious beliefs.

ANALYSING THE DOCTRINE OF ESSENTIAL RELIGIOUS PRACTICES TOWARD THE RIGHTS OF WOMEN

Recognizing and outlawing harmful behaviours, particularly gender-based violence, poses somewhat fewer obstacles than harmonizing religious freedom with other fundamental rights. The task of discerning and addressing religious practices imbued with power dynamics, dominance, and subtle forms of discrimination, particularly when perpetuated by women themselves, poses

significant complexities in curbing patriarchal structures and gender stereotypes. Therefore, addressing the complex issue of religious-based discrimination requires an examination that goes beyond theological viewpoints. It is essential to consider additional factors such as economic, political, cultural, social, and historical contexts to understand patterns of discrimination within religious domains. Given these factors, it is crucial to analyze how the courts in India have managed the delicate balance between religious freedom and gender equality.

In the case of *Dr. Noorjehan Safia Niaz v. The State of Maharashtra*²¹, the Bombay High Court tackled the issue of Muslim women being prohibited from accessing the inner sanctum of the Haji Ali Dargah. The court concluded that this ban infringed upon several constitutional provisions, including Articles 14, 15, and 25, making it unconstitutional. As a result, the Bombay High Court granted Muslim women the right to enter the inner sanctum of the Haji Ali Dargah²², affirming their equality before the law and their freedom to practice religion without discrimination. These judicial decisions mark significant strides towards ensuring gender equality and upholding constitutional rights within the realm of religious practices.

In the case of *Shayara Bano*, a five-judge bench of the Supreme Court, with two judges in disagreement, ruled that the practice of triple talaq, authorized by the Muslim Personal Law (Shariat) Application Act of 1937, was inherently arbitrary. Therefore, it was deemed to violate the right to equality as guaranteed by Article 14 of the Constitution²³. The Court clarified that although triple talaq might be technically permissible under certain interpretations of Islamic law, it is also considered sinful according to the Hanafi school of thought, and thus, not an essential religious practice.

The Doctrine of Essential Religious Practice was formulated to safeguard integral religious rituals while discouraging those that propagate bias and unjust social hierarchies. Its purpose was not to secularize religious customs but rather to safeguard collective religious freedom from discrimination.

In the *Sabarimala* case, the Supreme Court concluded that the ban on menstruating

Dr Noorjehan Safia Niaz v The State of Maharashtra, Writ Petition No. 1367 of 2014 (2016). ²³ Ibid.

Masilamani Mudaliar v Idol of Sri Swaminathaswami Thirukoil, 1996 AIR 1697. *John Vallamattom v Union of India (UOI)*, AIR 2003 SC 2902.

Mohd Ahmed Khan v Shah Bano Begum, 1985 (2) SCC 556 (*Shah Bano case*).

Shayara Bano v Union of India, 2017 9 SCC 1 (*Sharaya Bano case*).

In the *Sabarimala* case, the Supreme Court concluded that the ban on menstruating women entering the temple did not qualify as an essential religious practice. Therefore, it was seen as unjust discrimination and a violation of Hindu women's rights. Justices Misra and Khanwilkar argued that without clear scriptural or textual evidence, it couldn't be proven that excluding menstruating women was crucial to the faith.²⁴ Consequently, allowing women access to the temple would not alter the fundamental nature of the religion²⁵. The court asserted that such practices should be regarded as peripheral to the essential aspects of the faith, and therefore not protected under religious freedom laws²⁶.

In the *Sabarimala* case, the Supreme Court's use of the Doctrine of Essential Religious Practice may have led to a correct decision. However, there are concerns regarding the potential for judicial subjectivity, which could undermine the constitutional rights outlined in Articles 25 and 26. Granting courts the authority to define religious practices through this doctrine could result in excessive interference, surpassing the expertise of lay judges. This might give the judiciary unchecked discretion over religious matters, possibly compromising the protections guaranteed by Articles 25 and 26.

While these cases represent progress in recognizing women as equal citizens and protecting their rights, relying on the Doctrine of Essential Religious Practice to invalidate religious customs could introduce inconsistencies in legal interpretation. For instance, in the 'Hijab case' (Smt. Resham v. State of Karnataka²⁷), writ petitions challenged the Karnataka Education Act of 1983, which banned the wearing of hijab in schools in Karnataka. The Karnataka High Court upheld the government's order, maintaining the ban on hijab under the Act.

The court ruled that wearing a hijab is not an essential religious practice in Islam. Therefore, the prohibition on hijab in schools was considered a reasonable restriction and not a violation of the right to freedom of religion. Consequently, the court upheld the government's ban on hijab and other religious attire in educational institutions, leading to Muslim girls being denied access to schools if they chose to wear the hijab.

Misra J, Sabarimala Case, 29.

Ibid 29.

Ibid 79.

²⁷ AIR 2022 Kant 81, MANU/KA/1012/2022.

The Doctrine of Essential Religious Practice empowers courts to define the fundamental nature of religious practices and invalidate them if necessary. However, this approach oversimplifies the challenges of balancing religious freedom with other fundamental rights. Courts may encounter difficulties when non-core religious practices, despite their complex and intersectional effects, deserve protection from state intervention, as seen in the case of the hijab ban. Conversely, the doctrine may not equip courts to address situations where core religious practices infringe upon other fundamental rights but still merit prohibition.

CONCLUSION

In conclusion, the intricate intersection between religious practices and constitutional rights, particularly concerning gender equality, underscores the ongoing challenges faced by legal systems in upholding fundamental freedoms while respecting cultural and religious diversity. The cases discussed, including the Sabarimala verdict and the issue of the hijab ban, highlight the delicate balance required to navigate the complexities of religious freedom, societal norms, and individual rights.

The Doctrine of Essential Religious Practice has emerged as a pivotal tool in adjudicating disputes where religious customs may conflict with constitutional principles, particularly regarding gender equality. While its application in cases like Sabarimala signifies a progressive stance towards dismantling discriminatory practices, it also raises concerns about judicial subjectivity and the potential for unintended consequences. Moreover, the Sabarimala verdict and the hijab ban case demonstrate the inherent challenges in categorizing religious practices as essential or non-essential, as such distinctions may overlook the nuanced nature of religious beliefs and practices within diverse communities.

Moving forward, it is imperative for legal systems to adopt nuanced approaches that prioritize both religious freedoms and individual rights, while also considering broader societal implications. This requires ongoing dialogue, engagement with diverse stakeholders, and a commitment to fostering inclusive environments where all individuals, regardless of gender or religious affiliation, can exercise their rights freely and without discrimination. Only through such holistic and inclusive approaches can societies progress towards achieving true equality and justice for all.