

The Use of Religious Propaganda in Indian Politics: A Threat to Secularism and Human Rights

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Abstract

Religion and politics have long been intertwined in India's complex socio-political fabric. While the Indian Constitution enshrines secularism as a foundational principle, the increasing use of religious propaganda by political actors poses a serious threat to the nation's democratic and human rights commitments. Political mobilization based on religious identity, sectarian appeals during elections, and the strategic deployment of communal narratives have not only deepened societal divisions but also undermined the Constitutional guarantees of equality, freedom of conscience, and non-discrimination. This paper critically examines the phenomenon of religious propaganda in Indian politics, tracing its historical roots and evaluating its contemporary manifestations. It explores how political parties and leaders manipulate religious sentiments to consolidate vote banks, often at the expense of national unity and social harmony. The paper also analyzes the legal framework intended to curb such practices, including the Representation of the People Act, 1951, and relevant provisions of the Indian Penal Code, while highlighting the limitations and enforcement challenges.

Through an assessment of landmark judicial pronouncements, including *Abhiram Singh v. C.D. Commachen* (2017), this study assesses the judiciary's role in protecting secularism and promoting communal amity. Furthermore, it discusses the role of media and digital platforms in amplifying religious propaganda, creating echo chambers that further polarize public opinion.

Drawing upon international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR), the paper underscores India's obligations to prevent hate speech and religious discrimination. Finally, it proposes measures such as stricter electoral reforms, enhanced regulation of hate speech, and proactive civic education to counter the divisive politics of religion. The paper argues that safeguarding secularism is imperative not only for maintaining India's Constitutional integrity but also for protecting the fundamental human rights of all its citizens.

Keywords: Secularism, Religious Propaganda, Indian Politics, Human Rights, Communalism, Electoral Reforms, Hate Speech, Constitution of India, Freedom of Religion, Political Polarization

1. Introduction

India, a country with a rich history of diversity and pluralism, is recognized globally as the world's largest democracy. Its democratic ideals are enshrined in the **Constitution of India**, which guarantees equality, liberty, and fraternity as the guiding principles of governance. One of the core tenets of this

Constitution is **secularism**, which mandates that the State remains neutral with respect to all religions, ensuring that no religion is given preference over another. This secular framework aims to protect the **Fundamental Rights** of all citizens, irrespective of their religious beliefs, and to preserve national unity in a country where over 80% of the population identifies as Hindu, while the remaining 20% includes Muslims, Christians, Sikhs, Buddhists, and other religious minorities. Despite the Constitutional guarantees of religious freedom, the use of **religious propaganda** in Indian politics has increasingly threatened to destabilize these foundational values of secularism, equality, and social cohesion.

1.1 Political Exploitation of Religion

The growing tendency to exploit religious identities and sentiments for political gain is a concerning trend in contemporary Indian politics. Historically, religion and politics in India have been intertwined, dating back to colonial times when the British used religious identities as a tool to divide and rule. The partition of India in 1947, which resulted in one of the largest mass migrations in human history and horrific communal violence, is an unfortunate example of how religion has been used as a political weapon. While the framers of India's Constitution sought to address these deep-rooted challenges by adopting a **secular framework**, contemporary political practices often seem to betray this vision.

Today, political leaders and parties frequently resort to **religious appeals** during election campaigns, invoking religious symbols, invoking the 'will of the majority', and even demonizing minority communities. The language of electoral politics has become heavily charged with religious undertones, making it difficult to separate religious ideology from political strategy. Religious symbols, slogans, and even rituals are increasingly used during campaigns to create a sense of solidarity with specific religious communities. Inflammatory rhetoric, fear-mongering, and communal narratives are promoted to stoke emotions, create divisiveness, and mobilize voter bases along **religious lines**. This kind of **identity politics** is not only dangerous for the fabric of Indian democracy but also undermines the spirit of **secularism** that is supposed to guide the political process.

1.2 Secularism under the Indian Constitution

The **Indian Constitution**, adopted in 1950, explicitly lays down a secular framework through its provisions. Articles 25 to 28 guarantee religious freedom to all citizens, while Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. This guarantees that individuals can follow and practice their religion freely without any fear of persecution or discrimination. Additionally, the **Preamble** of the Constitution describes India as a **Sovereign, Socialist, Secular, Democratic Republic**, placing **secularism** at the core of the nation's identity. However, the growing politicization of religion challenges this commitment to secularism.

While **Article 25** grants freedom of conscience and the right to freely profess, practice, and propagate religion, it is also crucial to understand the role of **Article 15**, which upholds the principle of non-discrimination. In theory, these articles offer a strong legal foundation to protect citizens from any political, social, or economic discrimination based on religion. However, in practice, the growing influence of religious propaganda in electoral politics has significantly diluted these protections, making the Constitution's promises more aspirational than actual in certain contexts. Political parties often circumvent these provisions by using **religion as a tool of mass mobilization**, casting it in a way that resonates with large sections of the population, especially during election seasons.¹

¹ **Secularism in India: A Legal Analysis**, R.S. Sharma, (New Delhi: Universal Law Publishing, 2017), p. 76.

1.3 The Role of Religious Propaganda in Elections

The electoral process in India has become increasingly vulnerable to **religious propaganda**. Political parties exploit the deep religious divides that persist in society, leveraging these divides to gain electoral advantage. During election campaigns, the **use of religious symbols, appeals to religious sentiments, and sectarian rhetoric** are not only common but often integral to the political strategy. In particular, **religious minorities** are often **targeted** or **played against each other** to create a perceived sense of threat, alienation, or insecurity. Religious figures, symbols, and slogans are strategically invoked to create a sense of unity within a particular religious group, while the “othering” of minority communities is portrayed as a necessary political strategy for national security, cultural preservation, or societal welfare.

Moreover, the rise of **social media** and **digital platforms** has intensified the problem. Fake news, misleading content, and hate speech can now be spread across vast networks in seconds. Social media platforms such as WhatsApp, Facebook, and Twitter have been used to amplify communal narratives and target specific religious communities with highly charged political messages. The ability to easily manipulate public sentiment with misleading or distorted portrayals of religious issues has created an unprecedented challenge to India’s secular values. Furthermore, the use of **social media algorithms** that filter content to amplify certain messages disproportionately affects the way religious propaganda spreads.

1.4 Polarization and Communal Violence

Religious propaganda does not only affect the political process but has serious **social consequences**. **Religious polarization** has led to growing divisions between various communities. This polarization manifests in **communal violence**, which has erupted sporadically in various parts of the country, often in response to inflammatory political rhetoric. The **Gujarat riots of 2002, anti-Sikh violence in 1984, and communal clashes in Muzaffarnagar (2013)** are stark reminders of how religious propaganda can escalate into widespread violence and social unrest. The use of **religious symbols and slogans** during such riots, often with political backing, further complicates the situation and creates an atmosphere of fear and hostility.²

The rise in **hate crimes**, including **lynching**, has also been exacerbated by religious propaganda. For instance, incidents like the **lynching of Muslims in the name of cow protection** have revealed the dangers of politically motivated religious violence. In such instances, religious identity has been weaponized, leading to a cycle of violence, distrust, and marginalization. These events not only tarnish India’s image on the international stage but also undermine its commitment to uphold the **human rights** of all citizens, regardless of their religion.

1.5 Constitutional and Human Rights Challenges

India’s **secularism** has long been a cornerstone of its democratic identity, ensuring that the rights of religious minorities are protected. However, as political parties increasingly use religious propaganda to secure electoral victories, the **Fundamental Rights of religious minorities** are increasingly at risk. This has serious implications for the **right to equality** (Article 14), **right to freedom of speech** (Article 19), and **right to life and liberty** (Article 21) of Indian citizens. Furthermore, such political strategies are also in conflict with **international human rights standards**, including **freedom of thought, conscience, and religion**, as guaranteed under **Article 18 of the**

² **The Role of Social Media in Electoral Politics**, *International Journal of Political Science* 12 (2020): 34-45.

Universal Declaration of Human Rights (UDHR) and **Article 27 of the International Covenant on Civil and Political Rights (ICCPR)**. By promoting divisive religious rhetoric, political parties are failing to uphold these global commitments, leading to a regression in the protection of religious freedoms and human dignity.³

1.6 Aims and Structure of the Paper

This paper aims to critically examine the role of **religious propaganda** in Indian politics, exploring its legal, social, and human rights implications.⁴ It will analyze how political parties have increasingly used religious narratives to secure votes, and how this practice undermines the Constitutional values of secularism, equality, and non-discrimination. The paper will also explore the legal frameworks, including the **Representation of the People Act (RPA)**⁵ and the **Indian Penal Code**, which attempt to curb religious appeals in electoral politics but often fall short in implementation. Finally, the paper will assess judicial responses to such practices and propose legal reforms to safeguard India's secular fabric, ensuring that the political discourse remains free from religious exploitation.

2. Constitutional Principles of Secularism in India

2.1 Meaning of Secularism

In the Indian Constitutional framework, **secularism** embodies the principle of equal respect and treatment of all religions by the State, rather than a strict wall of separation between religion and state as seen in Western liberal democracies such as France or the United States.⁶ Indian secularism does not advocate the exclusion of religion from public life; instead, it envisions a harmonious coexistence wherein the State treats all religions equally, refrains from favoring or discriminating against any faith, and allows religious pluralism to flourish.

The concept of secularism in India was formally incorporated into the Constitution through the **42nd Constitutional Amendment Act, 1976**, which explicitly added the word "secular" to the **Preamble**. However, even before this amendment, secular ideals were deeply embedded in the Constitutional scheme through various provisions guaranteeing religious freedoms and prohibiting discrimination on grounds of religion. The Indian approach to secularism is thus distinct, positive, and inclusive: it protects both the individual's right to religious freedom and the community's right to religious autonomy while ensuring that public policy remains neutral and non-partisan in religious matters.

In landmark judgments such as **S.R. Bommai v. Union of India**, the Supreme Court has recognized secularism as a basic feature of the Constitution, emphasizing that the State must maintain principled distance from all religions without either being irreligious or anti-religious.

2.2 Constitutional Provisions

The Indian Constitution contains several specific provisions aimed at operationalizing secular principles:

- **Article 25** guarantees to all individuals the **freedom of conscience** and the **right to freely profess, practice, and propagate religion**. This right is, however, subject to public order, morality, and health, and to other provisions of Part III of the Constitution. Thus, while religious freedom is protected, it is not absolute, and can be reasonably restricted to preserve societal harmony.

³ **The Role of Social Media in Electoral Politics**, *International Journal of Political Science* 12 (2020): 34-45.

⁴ B. Shiva Rao, *The Framing of India's Constitution: A Study*, Vol. I, Universal Law Publishing Co., New Delhi, 2004, p. 248.

⁵ **Representation of the People Act, 1951**, Section 123.

⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, New Delhi, 1999, p. 63.

- **Article 26** provides every religious denomination or any section thereof the **freedom to manage its own religious affairs**. This includes the right to establish and maintain institutions for religious and charitable purposes, manage its own affairs in matters of religion, own and acquire movable and immovable property, and administer such property in accordance with the law. This provision reflects the pluralistic ethos of Indian society, respecting the autonomy of diverse religious communities.
- **Article 27** ensures that **no person shall be compelled to pay any taxes**, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination. This provision reinforces the neutrality of the State in religious matters and ensures that public funds are not used to support religious activities.
- **Article 28** prohibits **religious instruction** in any educational institution wholly funded by the State. However, it allows religious instruction in educational institutions administered by religious groups if such instruction is voluntary. This provision seeks to protect young minds from forced religious indoctrination in State-run institutions while recognizing the freedom of minority institutions under Article 30.

Collectively, these Constitutional provisions establish a framework wherein the **State maintains equidistance from all religions**, neither promoting nor interfering in religious practices, except where necessary for maintaining public order or protecting fundamental rights.⁷ Indian secularism thus aspires to foster an **inclusive, pluralistic, and harmonious** society where all faiths can coexist peacefully under a common Constitutional umbrella

3. The Rise of Religious Propaganda in Indian Politics

Religious propaganda has increasingly permeated Indian politics, marking a significant departure from the secular ideals envisioned by the framers of the Constitution.⁸ The founding leaders of independent India, such as Mahatma Gandhi and Jawaharlal Nehru, stressed the need for a nation where individuals of all religions could coexist peacefully without fear of persecution or discrimination.⁹ They advocated for a secular state — not one that is anti-religious, but one that respects all faiths equally and maintains a principled distance from religious affairs. However, over time, political strategies have shifted, and religion has been strategically deployed to mobilize electoral support and consolidate power.

Historically, religion and politics in India have been intertwined even before independence. During the British colonial era, the policy of "divide and rule" exacerbated communal divisions for administrative convenience. Post-independence, however, the Constitution sought to create a framework that protected religious freedom while minimizing the role of religion in state functioning. Unfortunately, political developments, particularly from the 1980s onward, have witnessed a resurgence of religious identity in the political sphere.

The **Ram Janmabhoomi movement** of the late 1980s and early 1990s marked a watershed moment. Political parties and affiliated organizations began openly mobilizing voters along religious lines, invoking historical grievances and religious pride. The demolition of the Babri Masjid in 1992 was not only a tragic event of communal violence but also a stark illustration of how religious propaganda could

⁷ H.M. Seervai, *Constitutional Law of India*, Vol. I, 4th ed., Universal Law Publishing, New Delhi, 2015, p. 303.

⁸ Rajeev Bhargava, *Secularism and Its Critics*, Oxford University Press, New Delhi, 1998, p. 12.

⁹ Bipan Chandra, *India Since Independence*, Penguin Books, New Delhi, 2008, p. 53.

be wielded to achieve political ends. Religious symbolism — the imagery of Lord Ram, slogans invoking religious pride, and mass mobilizations — became tools to forge a consolidated vote bank.

The 21st century has seen these trends amplified by technological advancements. The proliferation of **social media** and **mass communication technologies** has made it easier for political actors to disseminate religious propaganda to vast audiences almost instantaneously. Often, communal narratives are crafted, circulated, and amplified to polarize public opinion, especially during election seasons. Fake news, distorted history, and fearmongering regarding religious minorities are deployed to solidify majority votes or fragment opposition unity.

Religious processions, political rallies held at religious sites, and promises to protect or promote religious interests have become standard features of electoral campaigns. Politicians frequently visit temples, mosques, or churches during election seasons, with these visits often heavily publicized. While religious freedom permits individuals, including political leaders, to practice their faith, the deliberate use of religious identity for electoral gain violates the Constitutional ethos of secularism.

This instrumentalization of religion for political purposes has serious consequences. First, it exacerbates communal tensions, often resulting in violence.⁷ Historical instances such as the Gujarat riots of 2002, Muzaffarnagar riots of 2013, and the Delhi riots of 2020 show how political polarization along religious lines can erupt into large-scale bloodshed and human rights violations. Minorities often become scapegoats or targets during such upheavals, leading to their socio-economic marginalization and alienation.

Second, religious propaganda undermines democratic discourse. Elections, ideally based on governance records, development agendas, and policy initiatives, become reduced to contests of religious majoritarianism. Critical public issues such as education, healthcare, employment, and environmental sustainability are sidelined in favor of emotive religious appeals that deepen societal divisions.

Recognizing these dangers, the **Election Commission of India** has consistently reiterated that the use of religion to seek votes is prohibited under the **Model Code of Conduct** and the **Representation of the People Act, 1951**. Section 123(3) of the Act declares that appeals to vote or refrain from voting on the grounds of religion constitute a "corrupt practice." The **Supreme Court**, in the landmark judgment of **Abhiram Singh v. C.D. Commachen**, ruled that political candidates cannot seek votes in the name of religion, race, caste, community, or language.¹⁰ The Court emphasized that the relationship between the voter and the candidate must remain secular to preserve the purity of elections.

However, enforcement mechanisms remain weak. Loopholes in the regulatory framework, lack of swift penalties, and sometimes partisan administrative machinery mean that political actors continue to indulge in religious propaganda with relative impunity. Civil society organizations, media watchdogs, and rights-based movements have called for stricter oversight, public awareness campaigns, and judicial activism to curb the rise of communal rhetoric.

In conclusion, the rise of religious propaganda in Indian politics reflects a profound challenge to the principles of secularism and human rights. It not only threatens the social fabric of the nation but also erodes the foundational values of democracy. A vigilant judiciary, robust civil society, free media, and politically aware citizenry are critical to resisting the instrumentalization of religion and safeguarding India's pluralistic democracy.

4. Political Use of Religious Propaganda

¹⁰ Niraja Gopal Jayal, *Democracy and the State: Welfare, Secularism and Development in Contemporary India*, Oxford University Press, New Delhi, 1999, p. 208.

4.1 Techniques of Religious Propaganda

The political use of religious propaganda has evolved into a highly sophisticated and calculated strategy in contemporary Indian elections.¹¹ Political actors employ a range of techniques to invoke religious sentiments, shape public opinion, and polarize the electorate for electoral gain.

One of the most visible techniques is the use of **religious symbols, slogans, and rituals during campaigns**. Political leaders are often seen visiting temples, performing pujas, or participating in religious processions during election seasons.¹² Religious imagery—such as pictures of deities, sacred sites, or religious festivals—is widely circulated in campaign materials, posters, and social media platforms to evoke emotional responses from specific religious communities.

Speeches targeting specific religious groups represent another critical tactic. Political rhetoric often includes subtle or overt references to religious identities, sometimes portraying minorities as threats to the majority community or emphasizing the need to “protect” certain religious traditions. These speeches, even when not explicitly communal, are laced with insinuations that foster division and “othering.”

The advent of **social media platforms** has provided fertile ground for the **dissemination of misinformation and hate speech**. Viral messages, videos, and memes often distort historical facts, misrepresent the actions of religious groups, and spread conspiracy theories designed to ignite communal tensions. WhatsApp, Facebook, and Twitter have become powerful tools to amplify divisive narratives at an unprecedented scale and speed.

Another disturbing trend is the promotion of narratives centered around **"majority victimhood"** or accusations of minority appeasement. Political parties sometimes frame the majority community as being unfairly treated or marginalized by government policies favoring minorities. This tactic builds resentment among majority voters and fosters a sense of collective grievance, effectively consolidating religious majorities into political vote banks.

These techniques collectively manipulate religious identity for electoral advantage, undermining the secular character of the Indian Republic and threatening the Fundamental Rights enshrined in the Constitution.¹³

4.2 Recent Examples

Several recent electoral campaigns in India have showcased the deliberate invocation of religion to influence voter behavior.

In the **2014** and **2019** general elections, numerous political rallies prominently featured religious symbolism. Leaders frequently referenced religious deities, visited prominent temples, and strategically timed these visits to maximize media coverage. Slogans invoking the glory of particular religious traditions were commonly used to establish religious affinity with voters.

Coded language and "dog-whistle politics" have also become commonplace. Political speeches often avoid explicit communal statements to evade legal action but employ coded language recognizable to target communities. Terms like "love jihad," "illegal infiltration," or "vote bank politics" are used to subtly appeal to communal sentiments without overtly violating election laws.

¹¹ Rajeev Bhargava, *Secularism and Its Critics*, Oxford University Press, New Delhi, 1998, p. 223.

¹² Zoya Hasan, *Politics of Inclusion: Castes, Minorities and Affirmative Action*, Oxford University Press, New Delhi, 2009, p. 142.

¹³ Niraja Gopal Jayal, *Democracy and the State: Welfare, Secularism and Development in Contemporary India*, Oxford University Press, New Delhi, 1999, p. 211.

Another alarming trend has been the circulation of **viral fake news targeting religious groups**, often resulting in **mob violence, lynchings, and riots**. For example, rumors spread through WhatsApp about alleged cow slaughter or child kidnappings by minority groups have directly contributed to lynching incidents. These incidents not only violate human rights but also deeply scar communal relations.

Instances like the **Muzaffarnagar Riots (2013)**, where provocative speeches and doctored videos led to mass displacement and violence, and the **Delhi Riots (2020)**, fueled in part by inflammatory narratives against protestors of a particular religion, demonstrate the real-world consequences of political religious propaganda. Such practices violate Fundamental Rights guaranteed under **Article 14** (Right to Equality) and **Article 25** (Freedom of Religion) of the Indian Constitution.¹⁴

Despite repeated advisories by the **Election Commission of India** against the use of religion in campaigns and judicial pronouncements restricting religious appeals for votes, enforcement remains patchy. The ability of political actors to continue engaging in religious propaganda reflects structural weaknesses in regulatory institutions, loopholes in electoral law, and broader societal vulnerabilities to religious mobilization.

Moreover, political polarization along religious lines tends to persist beyond elections, fostering long-term divisions and inhibiting social harmony.¹⁵ This persistent communalization not only disrupts democratic discourse but also endangers India's commitment to a pluralistic, secular order envisioned by the framers of its Constitution.

In political use of religious propaganda remains a profound challenge to India's secular and democratic ethos. The strategic exploitation of religious identities for political gains undermines Constitutional principles, violates human rights, and threatens national unity. Unless checked by stringent legal enforcement, vigilant civil society engagement, and informed citizenry, the rise of religious propaganda will continue to erode the foundations of Indian democracy.

5. Legal Framework against Religious Propaganda

Religious propaganda in politics not only undermines the secular ethos of India but also poses a serious threat to communal harmony and Constitutional rights. Recognizing the dangers inherent in the politicization of religion, the Indian legal framework has incorporated specific provisions aimed at curbing such practices. Two principal legislative frameworks — the **Representation of the People Act, 1951** and the **Indian Penal Code, 1860** — serve as the main bulwarks against the misuse of religion in political discourse. However, despite their existence, the enforcement of these laws remains fraught with challenges, allowing religious propaganda to persist in Indian politics.

5.1 Representation of the People Act, 1951

The **Representation of the People Act, 1951 (RPA)** was enacted to regulate elections and address malpractices that could distort the democratic process. Within this statute, certain provisions specifically target religious propaganda.

Section 123(3) defines the appeal to religion as a corrupt practice. It states that the appeal by a candidate or their agent, or by any other person with their consent, to vote or refrain from voting for any person on the grounds of religion, race, caste, community, or language constitutes a corrupt practice. This includes

¹⁴ Sahana Udupa, *Digital Hate: The Global Conjuncture of Extreme Speech*, Indiana University Press, Bloomington, 2020, p. 87.

¹⁵ Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India*, University of Washington Press, Seattle, 2003, pp. 152-158.

not only explicit appeals but also indirect insinuations linking religious identity with electoral preference. The Supreme Court, in *Abhiram Singh v. C.D. Commachen*, emphasized that elections should be free from appeals to religious identity, interpreting Section 123(3) broadly to cover even indirect appeals to voters' religious sentiments.¹⁶

Section 123(3A) of the RPA further strengthens the legal response by penalizing the **promotion of enmity or hatred between different classes** of citizens on grounds of religion, race, caste, community, or language for electoral gain. This provision criminalizes speeches, writings, and actions that are intended to foster division among communities for political advantage. The insertion of Section 123(3A) post-independence reflects the framers' intent to safeguard the secular character of Indian democracy. However, while these provisions are progressive in theory, their enforcement is often selective and weak. Political candidates found guilty of corrupt practices under these sections can be disqualified, but convictions are rare, largely due to the burden of proof required, the protracted nature of legal proceedings, and political interference. Additionally, loopholes in electoral conduct rules and the subtle use of coded language make it difficult to establish direct violations, thereby diluting the deterrent effect of the law.

5.2 Indian Penal Code (IPC)

The **Indian Penal Code, 1860 (IPC)** also provides critical provisions aimed at maintaining communal harmony and protecting individuals from hate-driven propaganda.

Section 153A criminalizes acts that **promote enmity between different groups** on the grounds of religion, race, place of birth, residence, language, etc., and acts prejudicial to the maintenance of harmony. It penalizes whoever, by words (spoken or written), signs, visible representations, or otherwise, promotes or attempts to promote feelings of enmity, hatred, or ill-will between different religious or racial groups.¹⁷

The application of Section 153A is pivotal in cases where political speeches, manifestos, or social media communications incite hatred between communities. Nevertheless, the interpretation of what constitutes “promotion of enmity” often varies across cases, leading to inconsistent application.

Section 295A addresses **deliberate and malicious acts intended to outrage religious feelings** of any class by insulting its religion or religious beliefs. Introduced during colonial rule in response to communal tensions, this provision criminalizes the intentional and malicious expression that insults religious sentiments. In political contexts, inflammatory speeches or visual propaganda that intentionally provoke religious hatred could fall within the ambit of Section 295A.

However, there are significant concerns regarding the misuse of Section 295A. While it serves as a necessary safeguard against religious vilification, it has also been criticized for stifling legitimate political speech and dissent. Moreover, selective enforcement — wherein individuals aligned with the ruling establishment often escape scrutiny — erodes public confidence in the impartial application of the law.

Weak Enforcement and Politicization

Despite the presence of robust legal provisions, the effective enforcement against religious propaganda remains severely limited in India. Factors contributing to weak enforcement include:

¹⁶ P.D.T. Achary, *Commentary on the Representation of the People Act, 1951*, Universal Law Publishing, New Delhi, 2019, p. 188.

¹⁷ Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*, Oxford University Press, New Delhi, 2016, p. 97.

- **Political influence over investigating agencies:** Police and administrative bodies are often under the control of the ruling political party, leading to selective registration of complaints and biased investigations.
- **Delayed judicial processes:** Legal proceedings related to election offences and communal hate speech are notoriously slow, diminishing the immediate deterrent effect of the law.
- **Evidentiary challenges:** Proving the intent behind religious propaganda, especially when couched in veiled language or symbolic gestures, is challenging under existing evidentiary standards.
- **Vague statutory language:** Terms like "promotion of enmity" or "outrage religious feelings" are open to subjective interpretation, making consistent legal application difficult.

Moreover, the use of digital platforms has complicated enforcement. The rapid spread of hate speech and religious propaganda through encrypted apps and anonymous profiles makes attribution and accountability more difficult. The Information Technology Act, 2000 provides additional tools, but enforcement remains hampered by technological and jurisdictional hurdles.

In sum, while India's legal framework formally prohibits religious propaganda in politics, systemic deficiencies in enforcement, politicization of institutions, and technological advancements enabling covert dissemination of divisive narratives have rendered these protections less effective. For India's democracy to remain true to its secular and pluralistic ideals, there is an urgent need for judicial activism, independent electoral oversight, stringent enforcement mechanisms, and citizen vigilance against the misuse of religion for political ends.

6. Judicial Responses to Religious Propaganda

The Indian judiciary, particularly the Supreme Court, has played a critical role in upholding the secular fabric of the Constitution by addressing the misuse of religion in electoral politics. Recognizing the profound threat that religious propaganda poses to democracy, the courts have consistently reiterated that electoral processes must be free from appeals to religious sentiments. Through landmark judgments, the judiciary has sought to fortify the secularism enshrined in the Constitution and ensure the purity of electoral practices.

6.1 Key Judgments

Abhiram Singh v. C.D. Commachen (2017)

In one of the most significant rulings on the intersection of religion and politics, the Supreme Court in *Abhiram Singh v. C.D. Commachen* expansively interpreted Section 123(3) of the Representation of the People Act, 1951. The Court held that the term "his religion" in Section 123(3) should be interpreted broadly to include the religion of the voter, candidate, agent, or any other person involved. Consequently, any appeal to religion — whether of the candidate or the voter — for securing votes was deemed a corrupt practice.

The judgment, delivered by a seven-judge Constitution Bench, emphasized that secularism forms part of the "basic structure" doctrine, and therefore, any attempt to disturb the secular nature of elections would be unconstitutional. Justice T.S. Thakur, in his opinion, stated that democracy thrives on secular values, and the exploitation of religion for political gains runs counter to the Constitutional promise of equality and fraternity.

The Court further observed that religion should remain in the personal realm and must not influence the exercise of the electoral franchise. By expanding the meaning of Section 123(3), the Court aimed to prevent the communalization of elections and protect the sanctity of democratic processes.

Ziyouddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra (1975)

An earlier but equally important judgment is *Ziyouddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra*. In this case, the Supreme Court reaffirmed that making appeals to religion in political speeches amounts to a corrupt practice under the RPA, 1951. The Court held that religion must not be exploited for electoral gains and emphasized the need for secularism in public life.

Justice Krishna Iyer, delivering the judgment, warned that mixing religion with politics could prove "lethal" for democracy. The judgment stressed that electoral contests must be fought on rational and secular grounds such as policy, performance, and public welfare, rather than religious identity.¹⁸

Limited Practical Impact

Despite the clarity and firmness of these judicial pronouncements, their practical enforcement remains limited. Several factors contribute to this:

- **Evidentiary difficulties:** Proving that an electoral appeal was made explicitly on religious grounds requires substantial evidence, often difficult to gather.
- **Subtle use of religion:** Political actors frequently use coded language, symbols, or indirect references that skirt direct violation of the law.
- **Delayed adjudication:** Election-related litigation often drags on for years, by which time the political impact of the religious appeal has already materialized.
- **Political interference:** Law enforcement agencies often act selectively, influenced by the prevailing political climate, leading to uneven application of judicial mandates.

Thus, while the judiciary has made commendable efforts to uphold secularism in theory, the persistence of religious propaganda in practice reveals a gap between Constitutional ideals and ground realities. Strengthening mechanisms for swift investigation, impartial enforcement, and voter awareness are necessary to bridge this gap and preserve the secular spirit of Indian democracy.

7. Impact of Religious Propaganda on Human Rights

The use of religious propaganda in politics not only undermines the Constitutional commitment to secularism but also has a profound and direct impact on the realization of fundamental human rights in India. The dissemination of religious narratives for political gain fractures the social fabric, breeds intolerance, and perpetuates systemic discrimination against minorities. Various Constitutional provisions, particularly Articles 14, 19, and 21, stand jeopardized by such divisive practices. Furthermore, India's international human rights obligations demand a proactive response against hate speech and religious polarization.

7.1 Violation of the Right to Equality (Article 14)

Article 14 of the Constitution guarantees "equality before the law" and "equal protection of the laws" to all persons within India's territory. Religious propaganda systematically erodes this principle by fostering divisions based on faith, thereby creating a hierarchy of citizens in practice.

When political campaigns emphasize religious identity, they effectively marginalize those belonging to minority faiths, portraying them as "others" or threats to the majority community. This not only deprives minorities of substantive equality but also encourages majoritarianism, where the rights and freedoms of smaller groups are subordinated to the will of the dominant community. Consequently, equal access to state resources, political participation, and social opportunities becomes compromised for marginalized groups.

¹⁸ *Ziyouddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra*, (1976) 2 SCC 17.

7.2 Suppression of Freedom of Thought and Expression (Article 19)

The right to freedom of speech and expression under Article 19(1)(a) is fundamental to the democratic ethos of India. However, the political use of religious propaganda often leads to an atmosphere of fear and intolerance where dissenting voices — particularly those critical of majoritarian narratives — are suppressed.

Instances of violence against journalists, human rights activists, and ordinary citizens for expressing views perceived as contrary to the dominant religious discourse have increased. Social media platforms are often weaponized to target, harass, and silence individuals belonging to minority religions or progressive ideologies. In such an environment, the space for free dialogue shrinks, and self-censorship prevails, thereby eroding a key pillar of democracy.¹⁹

7.3 Threat to Life and Liberty (Article 21)

Article 21 guarantees the right to life and personal liberty, including the right to live with dignity. Religious propaganda that stokes communal passions often leads to physical violence, such as mob lynchings, targeted attacks, and riots. These acts directly threaten the security and dignity of individuals from minority communities.

For example, communal violence fueled by fake news or hate speeches has led to tragic loss of lives and widespread displacement. Victims often find themselves without effective remedies, as law enforcement agencies sometimes act selectively or remain passive due to political pressure. Such failures not only violate Article 21 but also indicate a breakdown of the rule of law and state accountability.

7.4 Marginalization of Minority Communities

Religious propaganda entrenches stereotypes about minority communities, painting them as disloyal, criminal, or culturally inferior. Over time, such narratives become normalized, leading to the social, economic, and political exclusion of minorities.²⁰

Educational institutions, workplaces, and public spaces are increasingly becoming arenas of discrimination. Policies and practices influenced by religious biases adversely affect the ability of minorities to access opportunities and live freely. This systemic marginalization violates not only the right to equality but also the broader principles of social justice envisioned under the Directive Principles of State Policy.

7.5 Erosion of Fraternity and National Unity

The Preamble to the Constitution solemnly resolves to promote "*fraternity assuring the dignity of the individual and the unity and integrity of the Nation*." Religious propaganda disrupts this objective by deepening fault lines between different communities.

The promotion of divisive religious narratives fosters mistrust and animosity, making peaceful coexistence increasingly difficult. It undermines the common national identity and replaces it with narrow sectarian loyalties. In the long term, such divisions can weaken the democratic system itself, as elections become referenda on religious identity rather than governance and policy issues.

7.6 International Human Rights Obligations

India is a signatory to **the International Covenant on Civil and Political Rights (ICCPR), 1966**, which mandates state parties to prohibit "any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence."

¹⁹ Tahir Mahmood, *Minorities Commission: Minor Role in Major Affairs* (Times of India Press, 1979).

²⁰ Human Rights Watch, "*Violent Cow Protection in India: Vigilante Groups Attack Minorities*" (2017).

Articles 18, 19, and 20 of the ICCPR protect freedom of thought, conscience, religion, and expression, but also impose responsibilities on states to curb hate propaganda. Despite these obligations, religious propaganda in Indian politics often violates the spirit and letter of the ICCPR, exposing India to international criticism.

Additionally, instruments such as the United Nations' Rabat Plan of Action emphasize the responsibility of states to prevent and combat incitement to discrimination and violence, particularly during election periods. The widespread use of religious narratives in Indian elections, therefore, not only harms domestic Constitutional values but also tarnishes India's image as a responsible member of the international community.

8. Role of Media and Digital Platforms

The emergence of digital platforms has revolutionized political communication in India. However, alongside the benefits, modern technology has been weaponized to amplify religious propaganda, posing new challenges to secularism and democratic processes.

Fake news, manipulated content, and targeted hate campaigns now spread virally across platforms such as WhatsApp, Facebook, Twitter, and YouTube. Religious misinformation, often crafted to evoke emotional reactions, is disseminated rapidly, especially during election periods. Deepfake technology allows the creation of fabricated videos that portray leaders or communities in false and inflammatory ways, further inflaming religious tensions.

Algorithmic biases exacerbate these problems. Social media algorithms are designed to maximize engagement, often by promoting sensationalist and divisive content. As a result, users are trapped in "echo chambers," exposed predominantly to views that reinforce their existing prejudices, including religious bigotry. This fragmentation of the public sphere undermines informed debate, critical thinking, and the ideals of a pluralistic society.

The Information Technology Act, 2000, and its subsequent amendments aim to regulate online content and curb the spread of harmful material. Sections 66A (now struck down in *Shreya Singhal v. Union of India*) and Section 69A (allowing blocking of content) offer some legal mechanisms. However, enforcement remains inconsistent and reactive rather than preventive. The sheer speed and scale at which misinformation spreads often overwhelm regulatory authorities.

Furthermore, digital platforms have been criticized for failing to act swiftly against hate speech or religious propaganda originating from politically influential accounts. Content moderation policies are either weakly enforced or selectively applied, allowing harmful religious narratives to flourish.

The role of traditional media also cannot be ignored. Sections of print and television media, influenced by political and commercial interests, have occasionally promoted communal narratives under the guise of "breaking news" or "exclusive reports." Such irresponsible journalism feeds into the digital information ecosystem, compounding the problem.

Thus, while digital technologies hold transformative potential, without responsible use, robust regulation, and public awareness, they risk becoming tools for deepening religious divides and undermining Constitutional values.

9. Recommendations

Addressing the menace of religious propaganda in politics demands comprehensive reforms across legal, institutional, media, and societal levels. The following recommendations are proposed:

Strengthening the Election Commission

The Election Commission of India (ECI) must be empowered with greater autonomy and authority to penalize religious appeals swiftly and effectively. Special fast-track courts could be established to adjudicate electoral malpractices involving communal propaganda before elections are concluded.

Amending the Representation of the People Act (RPA), 1951

Current provisions under Section 123(3) and 123(3A) need to be expanded to impose stricter sanctions, including criminal liability, against political parties and candidates engaging in hate speech or communal campaigning. Transparency in political funding can also reduce incentives for divisive politics.

Media Literacy Programs

Combating fake news and religious misinformation requires an informed citizenry. Integrating media literacy into school curricula, community education initiatives, and public service campaigns can empower individuals to critically evaluate information sources and resist propaganda.

Strengthening Communal Harmony Programs

Government and civil society must invest in programs that promote interfaith dialogue, shared civic values, and inclusive nationalism. Activities such as community festivals, inter-religious youth camps, and civic education focusing on Constitutional values like secularism can build resilience against divisive ideologies.

Independent Monitoring Bodies

Independent monitoring mechanisms must be established to scrutinize election campaigns and political advertisements. Civil society groups, retired judicial officers, media experts, and community leaders could collaborate to form Election Monitoring Commissions at national and state levels, publishing real-time reports on religious propaganda incidents.

Regulating Digital Platforms

Tech companies must be mandated to adopt stricter content moderation policies and greater transparency regarding political advertisements. Algorithms should be made subject to audits, ensuring they do not promote divisive content disproportionately.

Thus, a multi-pronged approach combining legal reforms, public education, regulatory vigilance, and community engagement is essential to counter the rising tide of religious propaganda in Indian politics.

10. Conclusion

Religious propaganda in political discourse represents a grave threat to India's secular ethos, Constitutional democracy, and human rights framework. The strategic deployment of religious narratives for electoral gains undermines the principles of equality, fraternity, and liberty that form the bedrock of the Indian Constitution.

Despite Constitutional protections and significant judicial pronouncements emphasizing the secular nature of the state, ground realities depict a worrying trend of increasing communalization of politics. Technological advancements, while offering avenues for democratic participation, have also facilitated the rapid spread of misinformation, hate speech, and religious polarization.

The judiciary has played a pivotal role in upholding secularism through landmark decisions such as *Abhiram Singh* and *Ziyauddin Bukhari*, yet judicial pronouncements alone are insufficient without robust enforcement mechanisms and political accountability. Similarly, the existing legal framework, including the RPA and the IPC, needs strengthening and consistent application to deter religious manipulation effectively.

Ultimately, preserving India's secular and democratic character is not solely the responsibility of the courts or regulatory authorities; it is a collective moral imperative. Political leaders must demonstrate ethical leadership, media institutions must uphold journalistic integrity, civil society must remain vigilant, and citizens must demand accountability.

In an era of increasing polarization, reaffirming the values of secularism, human dignity, and national unity is crucial not only for protecting individual rights but also for ensuring the survival and flourishing of India's vibrant democracy. Secularism is not merely a Constitutional mandate but the soul of the Indian republic—one that must be zealously guarded for future generations.

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