

Conflicts Between Article 25 and Article 14 of the Indian Constitution: A Critical Analysis

Mr. Shivanand Sharma

Assistant Professor, Shambhunath Institute of Law, Prayagraj.

ABSTRACT

The Indian constitutional framework protects both **religious freedom** and **equality**, primarily through **Article 25** and **Article 14**¹ respectively. The co-existence of these rights has generated doctrinal tensions, especially where religious practices produce differential treatment of individuals or groups. This paper provides a critical analysis of the conflict between Articles 25 and 14 within the interpretive framework of the Supreme Court of India. The study traces key judicial developments including the evolution of the **Essential Religious Practices Doctrine**², the emergence of **Constitutional Morality**³, and judicial scrutiny of discriminatory religious practices. It demonstrates that the conflict is not merely textual but structural, rooted in the pluralistic character of the Indian Constitution, which simultaneously values religious autonomy and transformative equality. Through leading case laws such as *Commissioner, H.R.E. v. Lakshmindra Swami* (1954), *Bijoe Emmanuel v. State of Kerala* (1986), *Indian Young Lawyers Association v. State of Kerala* (2018) (Sabarimala)⁴, *Shayara Bano v. Union of India* (2017), and *K.S. Puttaswamy v. Union of India* (2017), the Court has attempted to harmonise competing constitutional claims.⁵ The conclusion posits that harmonisation requires contextual balancing grounded in constitutional morality rather than rigid prioritisation of either equality or religious freedom.

KEYWORDS: Constitutional, Article 25, Article 14, Religious, Equality.

INTRODUCTION

The Indian Constitution embodies a unique model of secularism that allows **positive engagement with religion**⁶ rather than strict separation. Articles 14 and 25 form two pillars of this secular constitutional design. Article 14 guarantees **equality before law** and **equal protection of laws**⁷, prohibiting arbitrariness and unreasonable classification. Article 25 guarantees **freedom of conscience** and the **right to freely profess, practice, and propagate religion**, subject to public order, morality, health, and other Fundamental Rights.⁸

¹ The Constitution of India, arts. 14, 25.

² *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, AIR 1954 SC 282.

³ Gautam Bhatia, *The Transformative Constitution* 92 – 97 (HarperCollins, India, 1st edn., 2019).

⁴ *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.

⁵ Upendra Baxi, *The Future of Human Rights* 72 – 75 (Oxford University Press, New Delhi, 1st edn., 2002).

⁶ Marc Galanter, (ed), *Law and Society in Modern India* 250 – 254 (Oxford University Press, New Delhi, 1st edn., 1989)

⁷ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

⁸ The Constitution of India, art. 25(1).

The conflict between Articles 14 and 25 arises when **religious practices produce discriminatory outcomes**, such as exclusion based on gender, caste,⁹ or other markers. In such cases, the Court must address whether the discriminatory practice is protected as an **essential religious practice**,¹⁰ or whether it may be invalidated as being contrary to **constitutional morality** and **transformative equality**.

This tension is accentuated by India’s **pluralistic society**, where religion shapes identity and social relations. The judiciary has been compelled to evolve interpretive doctrines to mediate conflicts between religious autonomy and equality mandates. This paper focuses on this interpretive tension through case law, doctrinal analysis, and constitutional theory.

CONSTITUTIONAL PROVISIONS AND SCOPE OF ARTICLES 14 AND 25

Article 14 enshrines two elements:

- **Equality before the law** (a negative concept prohibiting special privilege), and
- **Equal protection of the laws** (a positive concept requiring state action to protect equality).

Judicial interpretation has expanded Article 14 to prohibit **arbitrariness** (*E.P. Royappa v. State of Tamil Nadu*, 1974)¹¹ and **manifest unreasonableness** (*Maneka Gandhi v. Union of India*, 1978).¹²

Article 25 (1) secures freedom of conscience and religious expression for all persons. **Article 25 (2)** permits the State to regulate or restrict secular aspects associated with religious practice,¹³ including:

- Social welfare and reform,¹⁴ and
- Opening of Hindu religious institutions to all classes.

The constitutional framers thus explicitly contemplated potential **clashes** between **social reform** and **religious autonomy**, thereby legitimising state intervention to dismantle discriminatory religious practices

Case law such as *Qureshi v. State of Bihar* (1958) and *Sri Venkataramana Devaru v. State of Mysore* (1958) recognised that Article 25 is not absolute¹⁵ and may be subject to competing constitutional claims, including equality.

DOCTRINAL BASIS OF CONFLICTS BETWEEN ARTICLE 25 & ARTICLE 14

Basis of Comparison	Article 14 – Transformative Equality	Article 25 – Religious Autonomy
Constitutional Value	Equality and non-discrimination	Freedom of religion and conscience
Nature of Right	Individual-centric and society-reforming	Group-centric and identity-protecting
Core Objective	To dismantle social hierarchies and ensure substantive equality	To protect religious beliefs, practices, and traditions from state interference
Doctrinal Foundation	Transformative constitutionalism	Religious autonomy and pluralism
Scope of Protection	Protects individuals against arbitrary	Protects religious practices and

⁹ *Ratilal Panachand Gandhi v. State of Bombay*, AIR 1954 SC 388.

¹⁰ *S.P. Mittal v. Union of India*, (1983) 1 SCC 51.

¹¹ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

¹² *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹³ The Constitution of India, 1950, art. 25(2)(a).

¹⁴ *Sri Venkataramana Devaru v. State of Mysore*, AIR 1958 SC 255.

¹⁵ *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, (2005) 8 SCC 534.

	and discriminatory practices	conscience, subject to limitations
Approach to Discrimination	Prohibits gender, caste, and other forms of unequal treatment	May tolerate differential treatment if claimed as a religious practice
Typical Areas of Conflict	Gender exclusion, caste-based restrictions, personal law discrimination	Temple entry rules, religious personal laws, dress codes, conversion practices
Examples of Disputed Practices	Exclusion of women, unequal divorce laws, denial of temple entry	Sabarimala restriction, triple talaq, religious dress requirements
Judicial Test Applied	Arbitrariness, reasonableness, dignity, constitutional morality	Essential Religious Practices (ERP) doctrine
View of Social Reform	Encourages state intervention to reform discriminatory practices	Seeks protection from excessive state regulation
Relationship with Other Rights	Operates as a foundational and overarching right	Expressly subject to other Fundamental Rights
Constitutional Limitation	Broad and expansive, rarely restricted	Explicitly limited by public order, morality, health, and other FRs
Textual Hierarchy	Not expressly subordinated to any other right	Explicitly subordinate to Article 14 and other Fundamental Rights
Outcome in Case of Direct Conflict	Generally prevails due to equality mandate	Yields if practice violates equality or dignity
Judicial Trend	Increasing reliance on constitutional morality and dignity	Reduced deference when practices are discriminatory

ESSENTIAL RELIGIOUS PRACTICES (ERP) DOCTRINE

The ERP doctrine, first articulated in *Commissioner, H.R.E. v. Lakshmindra Swami* (1954),¹⁶ requires courts to determine whether a practice is **essential to a religion** and therefore protected under Article 25. Under this test, only practices deemed “essential” receive constitutional protection.

Critique of ERP doctrine:

- It gives judges the role of **theological interpreters**
- It often excludes practices that communities consider essential
- It reduces the autonomy of religious denominations

Nonetheless, the ERP doctrine remains central in conflicts between equality and religion. In *Durgah Committee v. Syed Hussain Ali* (1961),¹⁷ non-essential practices were denied protection. In *Bijoe Emmanuel v. State of Kerala* (1986),¹⁸ refusal to sing the national anthem was protected as an essential manifestation of religious conscience.

Modern cases such as *Indian Young Lawyers Association v. State of Kerala* (2018) (Sabarimala)¹⁹ show how ERP interacts with equality mandates, as the Court held that exclusion of women could not qualify as an essential practice immune from constitutional scrutiny.

¹⁶ *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, AIR 1954 SC 282.

¹⁷ *Durgah Committee v. Syed Hussain Ali*, AIR 1961 SC 1402.

¹⁸ *Bijoe Emmanuel v. State of Kerala*, AIR 1987 SC 748.

¹⁹ *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.

EQUALITY, NON-DISCRIMINATION AND CONSTITUTIONAL MORALITY

Article 14's guarantee of equality extends beyond formal equality to **substantive equality**, addressing structural disadvantages. The Supreme Court has used concepts such as **dignity, autonomy, and anti-stereotyping**²⁰ in equality jurisprudence.

The doctrine of **constitutional morality**,²¹ invoked in *Navtej Singh Johar v. Union of India* (2018)²² and *Indian Young Lawyers Association* (2018), reinforces the idea that the Constitution—not religious tradition—provides the normative framework for evaluating rights.

In conflicts with Article 25, constitutional morality may override religious norms if they:

- Perpetuate status-based exclusion, or
- Contradict dignity and autonomy.

The Court in *Shayara Bano v. Union of India*, AIR 2017 SC 4609, struck down instant triple talaq partly because it violated constitutional guarantees of equality and dignity. Similarly, in *Joseph Shine v. Union of India* (2018),²³ the adultery provision was struck down on grounds of equality and dignity, reinforcing transformative equality. Thus, Article 14 functions as a **substantive check** on religious practices that entrench discrimination.

JUDICIAL APPROACH IN KEY CASES

Several landmark judgments illustrate the Supreme Court's evolving approach:

(a) *Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748.*

The Supreme Court protected the religious freedom of Jehovah's Witness students who refused to sing the National Anthem due to bona fide religious belief. The Court held that mere respectful silence does not amount to disrespect under the Prevention of Insults to National Honour Act.²⁴ Compulsion to sing the anthem violated Article 25 (freedom of conscience and religion). Since no disturbance or discrimination was caused, State coercion was unconstitutional. The case affirms that constitutional patriotism cannot override sincere religious conscience.

(b) *Sarla Mudgal v. Union of India (1995)*²⁵

The Court examined cases where Hindu males converted to Islam solely to contract a second marriage without dissolving the first. It held that such conversion does not dissolve a subsisting Hindu marriage and the second marriage amounts to bigamy punishable under IPC. The judgment exposed misuse of religious freedom to defeat equality and monogamy norms. The Court emphasised the need for a Uniform Civil Code under Article 44.²⁶ The case reflects tension between personal laws (Article 25) and equality/morality under Article 14.

(c) *Shayara Bano v. Union of India, AIR 2017 SC 4609.*

The practice of instant triple talaq (talaq-e-biddat) was declared unconstitutional by a majority. The Court held it to be arbitrary and violative of Article 14, as it allowed unilateral and instantaneous dissolution of marriage without safeguards. It was also found not to be an essential religious practice

²⁰ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

²¹ *Manoj Narula v. Union of India*, (2014) 9 SCC 1.

²² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²³ *Joseph Shine v. Union of India*, (2019) 3 SCC 39.

²⁴ The Prevention of Insults to National Honour Act, 1971 (Act 69 of 1971).; *Bijoe Emmanuel v. State of Kerala*, (1986) 3 SCC 615.

²⁵ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635.

²⁶ The Constitution of India, art. 44.

protected under Article 25. The judgment strengthened substantive equality and gender justice within personal law domains. It marked judicial willingness to scrutinise discriminatory religious practices.

(d) *Indian Young Lawyers Association v. State of Kerala (Sabarimala), (2019) 11 SCC 1.*

The Supreme Court struck down the exclusion of women (10–50 years) from Sabarimala temple as unconstitutional. The practice was held violative of Articles 14 (equality), 15 (non-discrimination), and 17 (abolition of untouchability in a broader constitutional sense). The Court ruled that the exclusion was not an essential religious practice under Article 25. The judgment foregrounded constitutional morality over patriarchal religious customs. It reaffirmed that religious freedom is subject to equality and dignity.

(e) *K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.*

A nine-judge bench recognised the right to privacy as a fundamental right²⁷ under Article 21, intrinsic to dignity, autonomy, and personal liberty. The Court linked privacy with equality (Article 14) and freedoms under Part III. It held that State action infringing privacy must satisfy legality, necessity, and proportionality. The judgment strengthened substantive due process and individual autonomy against majoritarian or intrusive State practices. It also impacted future scrutiny of laws affecting personal choices and identity.

(f) *Haji Ali Dargah Trust v. Union of India, AIR 2017 (NOC) 45 (Bom.)*

The Bombay High Court held that the ban on women entering the inner sanctum of Haji Ali Dargah was unconstitutional. The restriction was found violative of Articles 14 and 15 as discriminatory on the ground of sex. The Court rejected the claim that such exclusion was an essential religious practice protected under Article 25. It affirmed that public religious institutions are subject to constitutional equality norms. The case reinforces gender justice within religious spaces.

Judicial reasoning thus varies between **deference to religious autonomy** and **assertion of equality**, depending on context and perceived essentiality of practices.

ROLE OF THE STATE AND LIMITATIONS ON RELIGIOUS FREEDOM

Article 25(2) of Indian Constitution explicitly empowers the State to regulate secular aspects of religion and undertake **social welfare and reform**, including ensuring temple access to all classes. State intervention is generally justified on grounds of:

- Public order
- Health
- Morality
- Social reform
- Fundamental rights enforcement

Examples include:

- Anti-untouchability reforms
- Temple entry legislation
- Prohibition of bigamy under Hindu law reform
- Ban on devadasi system

These interventions demonstrate a deliberate constitutional design to **reconstruct social relations** through law. However, excessive state regulation may undermine genuine religious freedoms.

²⁷ *K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.*

The Court therefore must balance competing claims: preserving religious identity while eliminating discriminatory practices.

CRITICAL ANALYSIS OF THE CONFLICT

The collision between Articles 14 and 25 of Indian Constitution stems from three key structural issues:

(a) Interpretive Ambiguity (Essential Religious Practices Doctrine)

The Essential Religious Practices (ERP) doctrine suffers from conceptual indeterminacy, as courts decide what constitutes “essential” religion. This shifts theological authority from religious communities to judges, leading to inconsistent outcomes. The lack of objective standards creates interpretive ambiguity and unpredictability in Article 25 adjudication. It risks judicial overreach into matters of faith²⁸ and doctrine. Consequently, religious autonomy becomes contingent on judicial perception rather than community self-definition.

(b) Transformative Constitutionalism

The Indian Constitution is transformative in character,²⁹ aiming to dismantle entrenched hierarchies of caste, gender, and exclusion. Equality and dignity under Articles 14, 15, and 21 justify reform of discriminatory religious practices. Courts increasingly invoke constitutional morality to subject tradition to rights-based scrutiny. This approach treats the Constitution as a vehicle of social transformation, not merely a neutral arbiter of customs. Hence, religious freedom is harmonised with, and subordinated to, substantive equality where practices perpetuate injustice.

(c) Pluralistic Social Fabric

India’s pluralistic religious landscape³⁰ resists uniform, one-size-fits-all constitutional solutions. Many exclusionary practices are socio-cultural accretions rather than core theological mandates, allowing Article 14 to prevail over Article 25. At the same time, genuine markers of religious identity warrant constitutional protection where no equality violation arises. The judicial task is to distinguish between discriminatory social practices and legitimate religious observance. These balancing preserves pluralism while preventing the constitutionalisation of exclusion.

Therefore, harmonisation requires **contextual balancing** rather than hierarchical prioritisation.

CONCLUSION AND SUGGESTIONS

Articles 14 and 25 of the Indian Constitution reflect two core constitutional commitments: **equality** and **religious freedom**. The apparent conflict between them arises when religious practices produce discriminatory outcomes. Judicial developments reveal an ongoing effort to balance these values through doctrines such as ERP and constitutional morality.

Case law demonstrates that neither Article is absolute. While Article 25 protects genuine religious practices, Article 14 ensures that religion cannot legitimise discrimination. The transformative nature of the Indian Constitution thus necessitates **context-sensitive balancing**, enabling social reform without erasing legitimate religious identity.

The long-term solution lies in harmonising religious autonomy with substantive equality through constitutional morality, judicial restraint in theological matters, and minimal but necessary state

²⁸ H.M. Seervai, *Constitutional Law of India*, Vol. I 1265 – 1268 (Universal Law Publishing, New Delhi, 4th edn., 2023).

²⁹ Gautam Bhatia, *The Transformative Constitution* 92 – 97 (HarperCollins, India, 1st edn., 2019).

³⁰ Marc Galanter, (ed), *Law and Society in Modern India* 250 – 254 (Oxford University Press, New Delhi, 1st edn., 1989).

intervention. This approach preserves the secular, plural, and transformative character of the Indian constitutional order.

Following are my suggestions after critically analysing the conflict between Article 25 and Article 14 of the Indian Constitution:

(1) Doctrinal Refinement of the ERP Test

The Essential Religious Practices doctrine requires normative refinement to reduce interpretive ambiguity and judicial subjectivity. Courts should shift from theological inquiry into “essentiality” towards a rights-impact analysis focusing on whether a religious practice causes concrete harm to equality, dignity, or autonomy. This would preserve religious autonomy while ensuring that constitutional scrutiny is anchored in rights-based reasoning rather than doctrinal theology.

(2) Adoption of a Structured Proportionality Framework in Article 25 Adjudication

In conflicts between Articles 14 and 25, courts should consistently apply a structured proportionality test—legality, legitimate aim, necessity, and proportionality *stricto sensu*. This would enhance doctrinal coherence, transparency, and predictability in judicial reasoning. Proportionality ensures that restrictions on religious freedom are minimal and justified, while enabling meaningful enforcement of equality norms.

(3) Clearer Distinction Between Theological Doctrine and Social Accretions

Judicial review should carefully distinguish between core theological mandates and socio-cultural accretions that perpetuate exclusion. Many discriminatory practices are historically contingent social customs rather than essential religious obligations. Recognising this distinction allows Article 14 to operate meaningfully without eroding legitimate religious identity protected under Article 25.

(4) Calibrated Role of the State in Social Reform

State intervention under Article 25(2) of the Indian Constitution should be principled, evidence-based, and narrowly tailored to address demonstrable discrimination or harm. Legislative and executive action must avoid excessive intrusion into matters of conscience while remaining robust against practices that entrench gender, caste, or status-based hierarchies. This ensures that social reform operates within constitutional limits and respects pluralism.

REFERENCES

1. The Constitution of India, 1950.
2. The Prevention of Insults to National Honour Act, 1971 (Act 69 of 1971).
3. Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748.
4. Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, AIR 1954 SC 282.
5. Durgah Committee v. Syed Hussain Ali, AIR 1961 SC 1402.
6. E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.
7. Haji Ali Dargah Trust v. Union of India, AIR 2017 (NOC) 45 (Bom.).
8. Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1.
9. Joseph Shine v. Union of India, (2019) 3 SCC 39.
10. K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
11. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
12. Manoj Narula v. Union of India, (2014) 9 SCC 1.
13. Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

14. Ratilal Panachand Gandhi v. State of Bombay, AIR 1954 SC 388.
15. S.P. Mittal v. Union of India, (1983) 1 SCC 51.
16. Sarla Mudgal v. Union of India, (1995) 3 SCC 635.
17. Sri Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255.
18. State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat, (2005) 8 SCC 534.
19. Shayara Bano v. Union of India, AIR 2017 SC 4609.
20. Gautam Bhatia, *The Transformative Constitution* (HarperCollins, India, 1st edn., 2019).
21. H.M. Seervai, *Constitutional Law of India*, Vol. I (Universal Law Publishing, New Delhi, 4th edn., 2023).
22. Marc Galanter, (ed), *Law and Society in Modern India* (Oxford University Press, New Delhi, 1st edn., 1989)
23. Upendra Baxi, *The Future of Human Rights* (Oxford University Press, New Delhi, 1st edn., 2002).