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"Religious Practice Assessment: An In-Depth Analysis"

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Abstract: ***To interpret the religious freedom provisions, the Supreme Court of India created the Doctrine of Essential Religious Practises, or "ERP." In its techniques and tactics, the ERP doctrine fosters gender discrimination, making it a dysfunctional legal dynamic that is contributing to a process of de-secularization, according to the report. A different normative approach is also proposed in the study. A model that achieves constitutional morality may be the one recommended by the author to be used in the interpretive endeavour. The model will examine the constitutional meaning to situate the harmonious vision that the judiciary has failed to accomplish in its repeated attempts to resolve disputes of a religious nature. The issue in the context of gender will become clearer through the doctrinal study of recent decisions, viewed through the theoretical lens of constitutional principles. This essay examines the Supreme Court's Doctrine of Essential Religious Practices and Religious Freedom clauses as a means of interpreting the reach, bounds, and potential for differentiating between religious and secular beliefs. It also demonstrates how these analyses are not focused on advancing the cause of gender justice. The Triple Talaq case, despite its honourable conclusion, will be examined to highlight the detrimental effects of the ERP philosophy.***

Keywords: Gender Justice, Constitutional Morality, The Essential Religious Practices test, and Secularism.

I. INTRODUCTION

Religious freedom is not solely governed by national legislation. The range and boundaries of acceptable religious innovations in a culture may be determined by the uninteresting demands of social relationships and unofficial, nearly unconscious conformity pressures. This essay examines the Supreme Court's Doctrine of Essential Religious Practices and Religious Freedom provisions as a means of interpreting the extent, bounds, and scope of the differentiation between religion and secularism.

II. SCOPE OF THE CONSTITUTION

The concept of constitutionalism is transformative. I begin by defining what a constitution is and examining the fundamental ideas that underpin this concept, which has become so important in contemporary politics.

"The purpose of having a constitution is to transform the society for the better, and this objective is the fundamental pillar of transformative constitutions," the Supreme Court noted in para. 95 of *Navtej Singh Johar v. Union of India [1]*. According to Gautam Bhatia, the Indian Constitution is transformative, as it aimed to rebuild the nation and society. The Indian constitution, he explained, is transformational in that it acknowledges that the State has never been the main centre of concentrated power. Layered sovereignty has always been a defining feature of Indian society. Communities that governed themselves through a variety of means, chiefly caste, created and upheld hierarchies. The horizontal rights provisions of the constitution, which are enforceable against private persons as well as groups and the state, were an attempt by the authors to address this imbalance of power. The constitution has two main components. The primary characteristic of a constitution is its function as a restraint on authority. It is made clear that the term "power" in this article does not refer to state power; rather, it is incredibly naive to argue that the constitution restricts state power. This is because the reasoning implicitly assumes that sovereign authority is the only kind of power worth considering, but several academics have proposed that power can take on other forms. According to Bhatia, the reality in India is that traditional authority and religious practices, in addition to governments, have the power to stifle freedom and equality [2]. According to him, "the Indian constitution is transformative in the sense that it recognised that the State has never been the only locus of concentrated power in Indian society. Indian society has always been characterised by layered sovereignty. Hierarchies were established and maintained by self-regulating communities taking multifarious forms, primarily. This justification highlights the importance of more than just sovereign power, as that is the interpretation of Part 3 that we have. For instance, if we read Article 12, the entire structure of Part III is predicated on this public versus private dichotomy, except for a few articles—namely, 15, (2), 17, 23, 24, and 21 of the Indian Constitution—which can be interpreted as protecting the private entity violating one's fundamental rights. Instead, the entire body of legal precedent regarding fundamental rights has been founded on the state versus individual interpretation of those rights, which is known as the "vertical application" of those rights. It is now crucial to comprehend this distinction between public and private to understand what part III seeks to restrict. Does it wish to specify how the public or private sectors can use their power? Since creating the necessary religious practices test requires us to examine this public/private divide critically.

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In section III, it becomes critical to comprehend whether the public/private dichotomy hinders women from asserting their rights and whether this duality needs to be challenged to end the structural discrimination and inequality that women face. The idea that a constitution is aspirational is, therefore, my first premise and is very fundamental to the concept of a constitution. Therefore, the purpose of a constitution is not to mirror or shape itself to fit the actual social reality. That does not imply that the process of drafting a constitution is unaffected by those circumstances. It is the people's responsibility to use the constitution to elevate reality to the level of aspiration, without compromising on desire. To accurately reflect the social reality. That does not imply that the process of drafting a constitution is unaffected by those circumstances. It is the people's responsibility to use the constitution to elevate reality to the level of aspiration, without compromising on desire for it to reflect the social reality. Therefore, in that regard, the constitution is responsible for opposing the culture of dominance and making sure that the hopes of the marginalised are translated into a complicated reality. If not, it is fundamental to the concept of the constitution that it lends legitimacy to those hopes, even if they are not realised. This accusation of an unrealistic interpretation of Constitutional issues must be handled carefully. The allegation affects a tiny minority; hence, the judiciary is not required to consider prejudice, which is one of the arguments made in the judgement of *Suresh* Kaushal [3] for not reading down 377. Similar arguments that the people who have approached the court are not adherents of that belief and that the judiciary need not get involved in matters of religious practice are made in both the *Indian Young Lawyers Association's* [4] Review petition and J. Indu Malhotra's dissenting opinion. While it was contended that since the people who had sought the court did not adhere to that belief, the courts did not need to get involved in disputes involving religious practices. According to what she says: "*The right to file a complaint under Article 32 of the Constitution alleging a violation of fundamental rights must be supported by a petition alleging infringement on the petitioners' right to worship in this* temple" [5]. She worried that "interlopers" would be free to challenge all religious practices and beliefs, putting "religious minorities" in even greater danger. Next, Malhotra J. summarises: "*In terms of religion and religious beliefs, the right to equality under Article 14 must be interpreted differently. The adherents of a specific faith or shrine must decide upon it"* [6].

Therefore, this accusation of an unrealistic interpretation of the constitution drives us to give in. When we do, we fall short of the expectations of those who are putting out unpopular social claims. We should now avoid falling into this trap, which we often do. Rather than casting the constitution as an aspirational ideal that the social reality must strive to meet, we continue to argue for the practical significance of the constitution and the idea that it should reflect the social reality. Justifying that the constitution and social reality are mirror images of each other is a trap that one must avoid at all costs. Furthermore, it is not necessary for constitutional interpretation to take on the burden of guaranteeing that constitutional aspirations always align with social realities. There will always be a gap. Since closing the gap is the goal, the concept of a constitution must proudly embrace this criticism of pragmatism [7]. Gautam Bhatia also responds, emphasising that "interpretation of constitution must go beyond the bare text of constitution, and recognise the transformative vision of constitution, which is to guarantee the repudiation of gender discrimination" [8]. Thus, this is how I would like to begin the notion of the constitution. The first concept of the Constitution is that authority, whether it be public or private, is limited, and the second is that it is an aspirational document. The two primary questions that will be the focus of this article's discussion are now available. Both have simplicity and complexity.

III. EXAMINING ARTICLES 13'S AND 25'S SCOPE AND EXTENT

Before delving into the two inquiries that will be covered in this section, it is imperative to emphasise that any endeavour to comprehend the extent of religious liberty must be situated within an appreciation of the Constitution's vision. As previously stated, this vision centres on trans formativeness, which serves as the fundamental basis for interpreting the rights and liberties protected by the document. Here, we begin our investigation of two crucial questions, namely,

1) If personal law is considered a law under the constitution's article 13(1).
2) Does the ERP test comply with the constitution's article 25?

We will now observe the judiciary's response to these two queries. The judiciary's answer to these two questions has had a significant impact on women's religious rights. Understanding this subject requires tying together the concepts of women's equality rights, religious freedom, and the above-described revolutionary vision of the constitution. It is possible to understand how these three distinct but overlapping ideas relate to one another in our constitutional journey by examining the judiciary's answer to these three issues.

Let's start by undertaking a textual and contextual study of the law provisions to examine them from two different angles. First, we shall focus on the language of Articles 13 and 25 of the Constitution.

A. Whether Personal Law is a Law Under Article 13(1) of the Constitution

We will start by answering the first query: Does Article 13 apply to personal law? This has been a topic of dispute for a while now, beginning with the 1946 Bombay Prevention of Hindu Bigamous Act Judgement, State of Bombay v. Narasa Appa Malixi [9]. which was a reaction to a challenge to the law's constitutionality. A 1951 court judgment carried out a fascinating study of Article 13. It clarified that Article 13 defines what constitutes law and that the term "personal law" is not included in that definition.

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Although personal law is included in the meaning of Article 13(3) clause (a) and clause (b)xii, they are not explicitly included in the text. An inclusive definition encompasses topics beyond those that are specifically addressed. Nonetheless, personal law is absent. Therefore, we must comprehend how the relationship between personal law and PART III of the Constitution came to be. In the Sarasa Appu Mali case, the court determined that personal law is not included in Article 13(3) because the constituent assembly might have explicitly specified that personal law is excluded from the article. Although personal law is included in the meaning of Article 13(3) clause (a) and clause (b)xii, they are not explicitly included in the text. An inclusive definition encompasses topics beyond those that are specifically addressed. Nonetheless, personal law is absent. Therefore, we must comprehend how the relationship between personal law and PART III of the Constitution came to be. In the Sarasa Appu Mali case, the court determined that personal law is not included in Article 13(3) because the constituent assembly might have explicitly specified that personal law is excluded from the article. The fact that personal law is not mentioned in article 13(3) suggests that the constituent assembly did not intend for personal law to be covered by part III. As a result, you are unable to challenge these personal laws because they violate Part III of the Constitution. Articles 12 and 13 function as the gatekeepers of Part III of the Constitution, which requires proof of a fundamental right violation and the existence of a "state" as the breaching entity. Demonstrate that the "Law" in question is covered by Article 13. Now that Personal Law has been removed from Article 13 of the Constitution. Now, the judiciary in Narasuappamali eliminated a significant portion of laws from being challenged because they violated Article 13 of the constitution by excluding personal law from that article. This decision is being upheld and reinforced until 2020 in the Triple Talaq Case. The most notable instance of the judiciary excluding personal laws from the purview of Article 13 is evident in the *Shayara Banu* ruling [10]. The Shayara Banu ruling is a very intriguing one because, although the conclusion is agreed upon, the ratio used to reach this conclusion is not. The majority opinion of the court was split 3:2. Kehar and Abdul Nazeer S. constituted the opposing group. Triple talaq (as codified by the 1937 Act) violates the Constitution because the 1937 Act, which carried the legislative sanction of triple talaq, "would be hit by Article 1," according to Nariman and Lalit JJ, who concurred that the 1937 Act codified triple talaq under statutory law rather than personal law. Article 13 (1) unless Article 25 preserved triple talaq. Furthermore, J. Kurian notes that triple talaq was not regarded as a necessary religious practice and that Article 25 only safeguards "integral" or "essential" components of religion in Indian jurisprudence.

Although Kurien Joseph J., Khehar and Nazeer JJ, and others declared that the 1937 Act did not codify triple talaq under statutory law, J Kehar and J Nazeer concluded that triple talaq is not testable under the Constitution because it is an uncodified aspect of Muslim personal law and that, in any case, it is protected under Article 25 as a fundamental Islamic religious practise. J. Kurian, however, asserted that it would not be covered by Article 25 since it is not a component of personal law and is not protected as a necessary religious practice. The notion that personal law is not a law under Article 13 of the Constitution and that it cannot be challenged for violating Part III was the predominant theme of J Kehar's minority judgment. Mustafa and Sohi observed that the Supreme Court's articulation reflected their understanding of India's pluralism and diversity [11] They said:

"*[Shayara Bano] judgment is indeed the high-water mark of freedom of religion in India. The Chief Justice explicitly held that 'personal law' has constitutional protection. This protection is extended to 'personal law' through Article 25 of the Constitution. It needs to be kept in mind that the stature of personal law is that of a fundamental right."*

However, Gautam Bhaita criticises J. Kehar's opinion elevating personal law to the status of a fundamental right because it would force the Supreme Court to defend and guard personal law along with other constitutional rights that aim to create a more egalitarian order, which may be in direct conflict with the individual law system, if it were held that "personal laws" are protected under the Constitution's religious freedom guarantee. This appears to be a rejection of secularism's most fundamental tenet [12]. He asks how "personal law" may be said to have the "stature" of a "fundamental right." According to Article 25, people, not "laws," are the owners of rights. Article 25, according to Bhatia, does not grant constitutional [13]. In a similar vein, the majority opinion concludes that Triple Talaq is unconstitutional based on a different ratio. Justice Kurian "went a step ahead and said that the freedom of religion under the Constitution of India is absolute on this point," Mustafa and Sohi write, citing Kurian's ruling [14].To put it another way, J. Kurian stated that Triple Talaq is illegal because Personal Law does not cover it and is not acknowledged by the Shariat or the Quran. However, J. Nariman did not utilise this as a Ratio to conclude that Triple Talaq is unconstitutional in his judgement. But J. Nariman has done more than anyone to raise the issue of whether the notion that private law is distinct from public law needs to be reviewed. While Justice Nariman expressly questions the validity of Narasu Appa Mali in paragraph 22 and suggests that it might need to be revised, he does not address the issue of whether personal laws are governed by the Constitution in his ruling [15]. casts doubt on Narasu Appa Mali's accuracy and suggests that it may need to be examined—xix under the Constitution's Article 13. According to J. Nariman's ratio, the Shariat Act is a codification; as such, it is a state action, and as such, any state action—note that this is not religious law—is subject to the application of Part III. In this way, he rendered the Shariat Act vulnerable to an Article 14 challenge. Therefore, even though he did not argue that the Shariat Act is a legislation and that legislations are subject to Part III of the Constitution, he instead chose the legislative path. Personal laws are not laws under Article 13[16].

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B. Does the ERP Test adhere to Article 25 of the Constitution?

After discussing the wording of Article 13, let us move on to Article 25. There has been an intriguing development over time, where a doctrine has been added to Article 25 of the Constitution; however, there are disagreements about whether this doctrine belongs there. We now examine the text of Article 25 [17] and 26[18] to do that.

a. Comprehending Article 25's Text:

As for what Article 25 says in clause one alone, a straightforward interpretation is that it states four key points and is the only clause in the whole Part III that begins with the phrase "Subject to." The allure of Article 25 lies in that. We also need to comprehend why the authors of the constitution included the following clause in article 25: "Public health, morals, order, and other part III provisions. Thus, there are four elements to Article 25, and there are two key things to realise when reading it. The first is that Article 25 imposes restrictions related to public order, morals, and health, as well as other provisions outlined in Part III of the Constitution. It appears that Article 25 (2a) aims to create a separation between religious and secular practices. Thus, it states that state regulation of secular conduct is applicable. However, the state does not regulate religious activity. I now propose that, rather than reading sentence 2(a) of article 25 in isolation, we should read clause 2b as well. To grasp the distinction between clauses 2a and 2b, remember that the state will not be stopped from enacting social change or from providing access to all classes to public Hindu religious institutions. Furthermore, it appears that Article 25 (2b) does not distinguish between secular and religious behaviour. Article 25's clause 2a distinguishes between religious and secular practices; however, clause 2b does not make this distinction in terms of the state's ability to interfere with religious practices. Accordingly, the state is permitted to interfere with religious practices if it does so in the interest of social welfare and reform.

Let's begin by discussing articles 25 (1) and 25 (2). A very intriguing doctrine was introduced in the Shirur Mutt [19] ERP. ERP now makes the case that there is no discernible distinction between religious practices and beliefs. Religious practices are frequently how religious beliefs are expressed. Let us examine the role that ERP plays in the Shirur Mut ruling. It distinguishes between religious and secular, and Article 2a makes this separation quite clear. Article 25 (2a) distinguishes between secular and religious, and while this distinction is made in the text, how this distinction has developed over time today dictates how Article 25 should be interpreted. This distinction, which was a part of 2a, now informs not only how we interpret 2a but also clause 2b and 25(1). This means that state regulation is determined by the ERP test, which allows the state to control individual practice in 25(1), in addition to eliminating the distinction between religious and secular practices, as permitted by the language of the Constitution. The distinction between religion and secularism, and its implications for Article 25, is the next crucial point that needs to be addressed. This is how ERP materialised: it will be impervious to judicial intervention. Therefore, the judiciary will stop acting under article (2a), clause 2b, and 25(1) as soon as a belief or practice is labelled as ERP. The entire argument in both Shayara Banu and the Indian Young Lawyers Association is based on the assertion that something essential to the Republic will not be subject to limitations imposed by the Constitution or interfered with by the judiciary. In Shayara Banu, the triple talaq is an ERP, and in IYLA, the denial of entry to women between the ages of 10 and 50 in the Sabrimala temple is an ERP.

b. Reading Article 26 and deducing that there is no other clause in Part III

This raises a very significant question: Does the absence of a topic in Article 26 imply that it is on par with Articles 14 and 21? It's an intriguing subject, and the courts have provided an obvious response. Therefore, it appears from the text of Article 26[20] that, in contrast to Article 25, Article 26 is not subject to the Constitution's Part 3 clause. This is how Articles 25 and 26 read in their original language. I would try to respond to the query, Does Art. 26's Lack of Other Part 3 Provision Indicate That It Is Not Subject to Part III? This brings us to our understanding of the third section of the Constitution. The way that the interpretation has developed throughout time is that we do not consider any one provision in isolation. We interpret part III as a fluid section where one provision informs the interpretation of the others, rather than being watertight. Judge Chandrachud held in Sabarimala, according to Sen's view, that fundamental rights should be interpreted as a group of rights rather than as individual rights. This brings us to the point that, as we argue, articles 15, 16, and 17 are simply reiterations of the principle stated in article 14; it is pertinent to the entire dispute surrounding Article 14 and the jurisprudence of anti-discrimination statutes. Thus, even if art 15/16/17.

Without it, Article 14 would have been interpreted by 15/16/17 because Article 14 serves as the guiding provision for the interpretation of 15/16/17. Currently, a court has provided a similar interpretation, attempting to harmoniously resolve the apparent textual conflict between Art. 25 and 26. This is demonstrated in the *Devaru* case [21] where the courts have interpreted Articles 25 and 26 as being regulated.

There is also the argument that Article 25(1) is the clause that directs the interpretation of the right to religion in subsequent clauses, and that this is consistent with the idea of interpreting and upholding the interlink between various constitutional provisions of Part III in a harmonious manner rather than in isolation. Therefore, Article 25(1) serves as the umbrella provision, and the following provisions must be viewed in the context of Article 25(1) rather than in isolation from it. Article 25(1) contains the essential elements of the right to religious freedom. I am contending, therefore, that the interpretation of both 25(2) and 26 would be guided by article 25(1). And this becomes very important when it comes to how we interpret, rather than contextualise, the content of Art—25/26 about this ERP test.

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As I've already mentioned, the ERP test was used in the Shirur Mutt case to distinguish between religious and secular matters. However, after the Shirur Mutt case, a distinction that was limited to a distinction between religion and secular in the text of Article 25(2a) was made into an overarching principle that now serves as the foundation for our understanding of Article 25.

IV.INTERPLAY OF ARTICLE 13 AND ERPDOCTRINE

As we have seen above, there are two ways in which your religious codes of conduct, religious law, and religious belief/practice are being immunised from part III. Firstly, it is not reading Personal Law as part of Article 13. What you do is immunise an entire group of Personal Law from the applicability of Part III. Secondly, you consider something essential, thereby limiting the scope and applicability of the restrictions of Articles 25 and 26. In second way in which you immunize this sphere of religion. Therefore, the right under Article 25 operates as a parallel institutional structure, at par with, if not superior to, the constitution. Such that constitution interpretation is not supposed to interfere with the rights of religion being enjoyed by the community, especially these rights, which are essential religious practices, is a second method of immunising this religious field. Thus, the right guaranteed by Article 25 functions as an institutional framework that is equal to, if not superior to, the constitution. In other words, the interpretation of the constitution should not impede the community's enjoyment of its religious rights, particularly those rights that are fundamental to its religious practices. Furthermore, the aspirations of the constitution will not be realised regarding ERP and Personal Law, regardless of the structural lack of autonomy and inequality that these laws produce for those who are marginalised within the community. The issue with the ERP test is that it attempts to elevate the ERP of religion to the point where even part III is rendered entirely irrelevant if the right to practise one's religion is made subject to part III. Therefore, personal laws cannot be contested as contradicting FR under art. 13(1). The intriguing thing to note is that practically every decision, including Shayara Banu and Sabrimala, relies on ERP to refute arguments that either Triple Talaq is not a part of Muslim law or that prohibiting women between the ages of 10 and 50 is not ERP. By arguing that it is not ERP, they have legitimised ERP, so even though there appears to be. Additionally, the issue with the ERP test regarding the constitutional framework is that it has been repeatedly validated by the judiciary and by solicitors who use it to argue that a particular religious practice must be protected from judicial interference.

V. RESOLVING THE CLASH BETWEEN PERSONAL LAW, ERP, AND CONSTITUTION: WHAT IS TO BE DONE-

This is the issue that arises when part III of Article 13—which deals with personal law—is not understood. Part III is no longer relevant if something is deemed ERP. That is to say, the constitution will provide legitimacy to everything that is Personal Law, regardless of the systemic violence or discrimination against women that it may cause. If structural discrimination and violence against women can be shown to be both Personal Law and ERP, the constitution will legitimise it. As a result, once you identify as ERP or Personal Law, there is little that Part III of the Constitution can do to help you. If structural discrimination and violence against women can be demonstrated to be Personal Law and a component of ERP, then the constitution will legitimise it. Once Personal Law or ERP is identified, there is little that Part III of the constitution can do to address it. When a woman asserts her rights and claims that her Personal Law or ERP discriminates against her, Part III becomes unnecessary. The issue with not accepting Personal Law as a component of Article 13 is that it leaves a sizable portion of religion exempt from Article III of the Constitution. One of the arguments put forth to support ERP and avoid making personal law a part of Part III is that, should Part III of the Constitution be applied to all religious matters, including ERP, we would be violating determination of Although the right to freedom of religion since the constitution would then decide what constitutes a legitimate and illegitimate practise. Furthermore, there is a strong case to be made that by preserving the fundamental elements of religion, the judiciary's argument has some logic; the question is straightforward. What is the role of the judiciary as a constitutional adjudicator? It is not to attempt to respond and understand what religion is by sitting as a theologian. The judiciary has been given a particular duty: it must use constitutional principles rather than religious precepts. Furthermore, there is a perfect case to be made that the idea of religion is not refuted when the judiciary determines what constitutes ERP. At the same time, ERP does not invalidate the concept of religion. I contend that it is not the judiciary's responsibility to define religion. This relates to the principles of the Constitution. The two guiding principles of the constitution are to serve as a framework for aspirational social claims that, regardless of their unpopularity or opposition to religion, should be legitimized. This means that while it may take time for constitutional principles to become reality, the process of legitimizing these unpopular social claims is a good place to start. I argue that defining religion is not a job for the judiciary. This recalls the concepts outlined in the Constitution. The two guiding principles of the constitution are to serve as an aspiration to legitimise social claims, regardless of how divisive or anti-religious they may be. This idea should not be confused with whether or not it will become reality; it will take time for constitutional principles to become reality, but at least it starts with legitimising those divisive social claims. We don't need to reject constitutional objectives. Their implementation is impractical. After all, we are not rejecting them. After all, they are not realistic or acceptable to society. The effectiveness of a legislation does not negate its legality or legitimacy.

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A. Using Constitutional Morality as A Weapon to Restrict the Extent of Religious Liberty.

We must measure the essentiality of religious practices against the standard of constitutional morality. The principles of "justice, liberty, equality, fraternity, and secularism" are included in J. Chandrachud's formulation of constitutional morality, whereas religious plurality is emphasised in J. Malhotra's version.1 What I'm saying is quite distinct. I contend that an ERP test is not necessary. The judiciary's role as a constitutional adjudicator is not to determine the significance of religious procedures. Since the ERP approach they use is not employed by theologians. To define what constitutes law, the judiciary must use constitutional principles rather than religious precepts [22]. Determining the legitimacy of an act or omission based on constitutional principles is a straightforward assignment for them. Thus, we don't need to discuss whether religious practices are necessary. There is no reason for the Constitution to care about it. In cases where a right protected by Article 25 is contested, the judiciary's job is to decide whether the religious practice in question is consistent with the principles of the constitution. The judge has the responsibility to allow constitutional goals and principles to take precedence over religious rights in cases where both parties are at extreme ends of the political spectrum and cannot be reconciled. Therefore, we are discussing constitutional morality, which is the only morality at issue; the issue of fundamental religious practices is not necessary to be addressed. Because Art 25's text makes component III very evident. Although there has been little research on the subject of other Part III provisions, J. Chandrachud's conclusion in IYLA discusses how Article 25 relates to Part III of the Constitution. However, the majority of rulings, such as the concurring opinion in the IYLA case, do not invoke the subject matter of part III to support or refute the issues raised. Instead, the judiciary always responds by determining whether the matter falls under ERP or not, or whether it violates public health, morality, or public order, but "subject to part III" is not used to support or refute a religious practice. Therefore, when it comes to applying constitutional principles to considering religious concerns, Constitutional Morality may be the only morality that matters since the court is not a religious authority. What is necessary or not must be determined by the religious community. However, the task at hand is to uphold constitutional principles, even if it means delegitimising particular religious practices. This is because, as a key feminist argument, the law tries to eliminate discrimination in public but rarely does so in private, and by preserving this debate in public, it perpetuates gender inequality. The basis of all discrimination against women is found in their private lives. They only appear in public settings. So we don't need to move from public to private, but we need to remove discrimination from private to ensure that public is free from structural discrimination. Now, what this ERP test reinforces is that because ERP is a private sphere of the religious community, the constitution can't apply its principles [23][**Error! Reference source not found.**]. So, only when those structural discriminations that operate in public do the constitution apply. So that is problematic if understood from the assertion of the rights of women, because most of the inequalities/discrimination against women are perpetuated in private. This leads us to a crucial legal criticism that is limited in its scope. I'm not claiming that the law is the solution to every problem. Law frequently serves to maintain societal injustices. However, laws can be challenged for supporting controversial societal assumptions. However, we must realise that the entire argument for using the law to emancipate must be made with a disclaimer or rider stating that the function of the law is limited and that there are other ways to combat these prejudices, among which the law is only one tool.

B. Is The Contradiction Between Personal law and Article III of the Constitution resolved by the Uniform Civil Code?

Considering the ongoing conflict between Personal Law and Freedom of Religion, the UCC proposes a solution. A primary motivation for pursuing a Uniform Civil Code is to rectify the gender disparities in personal law. Reading Personal Law as a section of 13 will serve this goal. The legislature must therefore enact a constitutional amendment inserting Personal Law in Article 13, as the judiciary is eager to dispel the ghost of Narasimha appamali, as stated by J. Chandrachud in the Sabarimala case. There is an easy answer. Make the Article applicable to personal law.

VI. CONCLUSION

In brief, the judiciary's role is to subject religious practices to public order, morality, health, and part III, as expressly stated in Article 25, rather than to determine whether or not such practices are essential. ERP is a domain from Part III of the Constitution's applicability, which hinders the progressive march of the Constitution and the materialisation of constitutional aspirations that are supposed to develop in nature. The petition is pending review. Although questions are raised, they remain unanswered. However, I argue that the meaning of both questions is that Personal Law is covered by Article 13, and the question is whether ERP needs to be strengthened or legitimised to support religious practices.

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