



KAUTILYA SCHOOL OF PUBLIC POLICY

GITAM (Deemed to be University)
Rudraram, Patancheru Mandal
Hyderabad, Telangana 502329

Course Code: PPOL6611	Course Title: Religion, Public Policy and Law	
Trimester: 6	Course Type: Elective	Credits: 3
Home Program(s): MPP	Batch/Academic Year: 2022-24	
Course Lead: Dr Faizan Mustafa	Assigned T/RA: Mr. Rashad Ullah Khan	

Course Description

This course is an introduction to Religion, Public Policy & Law from a comparative constitutional and international human rights perspective for the students of Masters in Public Policy. It examines the relationship of religion with the state and relationship of religion with the people. It explores the influence of religion on public policy issues.

The course will take Indian constitutional guarantees of religious freedom and relevant case law as a starting point, but will analyze them in a broader comparative framework that will help enrich understanding of the relevant Indian constitutional framework. For example, the course will address the decision of the Indian Supreme Court's historic Sabarimala judgement, which permitted women to visit a temple that previously had restricted access in Kerala. The course will also discuss the upcoming Hijab judgment. The course will address constitutional and family law implications of the rules that provide for personal laws of different religious communities to govern matters of marriage, divorce, inheritance, etc. Thus, the course will be relevant for all those who are interested in the public policy issues and their relationship with the constitution, family laws, election laws etc. An effort will be made to understand the special sensitivities that arise in the context of religion and education, including state aid to religious schools, and religion in public schools. Similarly, we need to understand the range of views that exist about the appropriate role of religion in public life, including the ideas of public reason and ecumenical dialogue, the influence of religion in politics, the use of religion by politics, and issues involving religious symbols.

Introductory topics include formative tensions in the history of religious freedom, theoretical and religious perspectives on freedom of religion, international human rights perspectives on freedom of religion and belief, and comparative constitutional perspectives on religion-state relationships. The course would cover the religious policies of past regimes of Indian history and how religion was used to communalize Indian society leading to the unfortunate partition of the country.

More focused attention is then placed on freedom of religious belief and expression, limitations on religious actions and manifestations, religious rights in specialized regulatory contexts, financial relationships between religion and the state, education, and religion in public life. In each of these areas, attention will be paid to relevant Indian laws, cases and public policy issues.

Learning Objectives

To develop a methodical understanding about religion:

1. To understand the concept and the idea of the religion in history from ancient to British era.
2. To identify how the state and religion intersects and interact
3. To understand the influence of religion on state policies and law
4. To understand the impact of religion on constitution and public life of citizens in global and Indian context

Course Outcomes

On successful completion of this course, students will be able to:

1. Analyse the nature and role of religion in the formulation of state law and policy
2. Illustrate how the state's stance on religion impacts everyday life of its citizens
3. Understand the contestations between the state and religion across history
4. Understand the process of the formulation of policy in the context of India and the world
5. Assist in developing legal understanding especially a human rights perspective of religion

Textbooks and Course Materials

Textbooks:

- Readings will be drawn from by W. Cole Durham, Jr. and Brett G. Scharffs, *Law and Religion: National, International and Comparative Perspectives* (2d ed. Aspen Select Series/Wolters Kluwer 2019).
- **In addition**, students may wish to consult the following texts:
- Srinivasan, T.N, *The Future of Secularism*, Oxford India Paperbacks(2007)
- Narayan, Badri, *Republic of Hindutva: How the Sangh is Reshaping Indian Democracy*, Penguin(2021)
- Tejani, *Indian Secularism: A Social & Intellectual History*, Permanent Black(2007)
- Madhav, Ram, *The Hindutva Paradigm* Westland(2021)
- Lindholm, Durham & Bahia Tahzib-Lie, *Facilitating Freedom of Religion or Belief: A Deskbook (LDT)*
- Stahnke & Martin, eds., *Religion and Human Rights: Basic Documents (SM)* (available online at http://www.religlaw.org/doc_lib2.php.)
- Friedland, R. (2001). Religious Nationalism and the Problem of Collective Representation. *Annual Review of Sociology*, 27, 125- 152. Retrieved May 17, 2021, from <http://www.jstor.org/stable/2678617>
- Barkey, K. (2011). Secularism and Its Discontents: Politics and Religion in the Modern World. *Foreign Affairs*, 90(4), 159-163. Retrieved May 17, 2021, from <http://www.jstor.org/stable/23039616>
- **In addition**, extensive materials relevant to the course are available at other web sites maintained by the International Center for Law and Religion Studies, including www.iclrs.org, www.religlaw.org, and www.strasbourgconsortium.org.

Course Schedule

Unit I	Sessions: 4	Defining Religion
<ul style="list-style-type: none"> ● Defining Religion: Differentiating between the Religious from Non-Religious: Religion & Social Stability ● Central Ideas/Beliefs of Major Indian Religions: Hinduism- Religion or Way of Life ● Central Ideas/Beliefs of Abrahamic Religions ● Religion & State in Ancient, Medieval & British Period- Religious Policy of Mughals & British- From Non-Interference to Social Reforms 		
Unit II	Sessions: 6	Historical Perspective : Ancient to Modern Era
<ul style="list-style-type: none"> ● Formative Tensions in the History of Religious Freedom: Early Christian Persecution by the Romans & Subsequent emergence of Christian State as Persecutor; Burning of Heretics ● Persecution as State Policy & Punishment of Heresy: The Case of John Hus(1415) ● The Emergence of Toleration as State Policy: John Locke’s Letter Concerning Toleration(1689);Religious Freedom by Religions: Toleration in Hinduism; Apostacy in Abrahamic Religion ● Religion & National Movement: Use of Religious Symbols like Ganpati; Formation of Muslim League, Hindu Maha Sabha & RSS; Rise of Communalism & Partition of India 		
Unit III	Sessions: 6	Religion in Law and State Policy
<ul style="list-style-type: none"> ● Natural Law, Natural Rights & Religious Freedom ● Emergence of Freedom of Religion: Policy of Separation of State from Religion; Beneficial Both for the State and Religions ● Establishment Clause of USA; French Laicite; Jurisdiction Model- British Secularism, Positive Identification- Iran, Saudi Arabia ● Freedom of Religion under International Human Rights Law 		
Unit IV	Sessions: 3	Religion in Indian Constitution and Context - I
<ul style="list-style-type: none"> ● Indian Secularism as A Public Policy Choice: Justification & Constituent Assembly Debates; ● Future of Secularism in India ● Indian Constitution’s Policy of Freedom of Religion, Freedom from Religions & Freedom Within Religions: Essential Practices Test- Sabarimala to Hijab controversies ● Untouchability & Temple Entry Laws, Policy of Social & Secular Reforms; Policy Against Religious Conversions: State Laws & Judiciary, Rev. Stanilaus v. State of Madhya Pradesh(1977); Love Jihad Laws; Religious Prayers in School; Religious Test for Citizenship 		
Unit V	Sessions: 5	Religion in Indian Constitution and Context -II

- Gender Justice Policy & Reforms in Personal Laws of the Majority; Hindu Code Bill
- Muslim Personal Law & Uniform Civil Code
- Cow Protection Laws; Places of Worship Act; Haj Subsidy & State Expenditure on Religions; Policy Against the Use of Loudspeakers
- Religion in Public Life: Religious Appeal in Elections, Speech That Offends Religious Sensibilities(UK's Racial & Religious Hatred Act,2006), Cartoon Controversy & Blasphemy Laws