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Let Them Be Children: Religion, Coercion, and the Constitutional Duty to Protect Childhood



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On 11th May 2024, an 11-year-old boy from Karnataka, Hridhan, decides to embark on a new path in life. He decides to leave his home, his education, and his parents to become a monk. His parents supported his decision and organised a grand ceremony where the boy got a haircut for the last time in his life. After this, he will pluck out his hair, bearing the pain one would not want an 11-year-old to endure. His name was altered, and so was his life. He declared life to be a frivolity before exploring what life is. The entire Jain community widely praised the boy for taking a step in the right direction.

A research study done by Prof Santhosh Kumar of Trinity International University showcases that 42 per cent of people in India were forced to do religious practices at their home, and if they didn't obey to parents' imperious demands, they were shamed or ridiculed. While some households are moderate in household practices, often the whole life of children gets agonised and affected as discussed in the case of Hridhan. The saints or religious sects frequently justify their actions by asserting that the child undertook initiation out of their own free will. However, genuine free will necessitates a degree of cognitive

maturity, the ability to discern between right and wrong, which a child is generally not developmentally equipped to possess. Research indicates that by age 18, individuals typically reach a level of cognitive maturity sufficient for many adult responsibilities. Children are often told what to believe, not taught how to think, and in the name of faith, their voices are lost before they're even found.

The article examines the pervasive issue of religious coercion imposed upon children in India, whether at home, through religious ceremonies and even at educational institutions. The article aims to challenge the notion of voluntary religious consent in childhood and how such decisions may alter the upcoming life of minors, as well as how religious practices hinder their development. The article calls for urgent legal reforms and stronger state intervention to protect childhood, ensure secular education, and uphold children's autonomy against imposed religiosity.

The Myth of Voluntary Consent in Childhood

Article 39(f) of the Indian Constitution enjoins that the State shall direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity, and childhood and youth are protected against exploitation and moral and material abandonment. Parents and religious sects use children as a tool for their benefit, either economically or to promote religion. The number of minor influencers who claim to be religious is burgeoning and is being exploited by parents for money and fame. Such influence has a pernicious impact on the children's overall development and can irreversibly damage their future. Recently, a 10-year-old bhakti influencer from Delhi claimed that he was being threatened by the Lawrence Bishnoi gang for demeaning the Hindu religion.

The Gujarat High Court in *Ramesh Bhai S Vora & 5 vs State of Gujarat* meticulously laid down that practices such as Bal Diksha are against the constitutional rights of children, and the government shall initiate action against such practices and protect children from exploitation. *Bal Diksha* is a religious initiation ceremony in Jainism where a child renounces worldly life to become a monk or nun. Through this process, the child commits to a life of celibacy, non-violence, detachment, and spiritual discipline, permanently leaving behind their family, education, and material comforts. The ceremony marks the beginning of a strict monastic life under the guidance of a spiritual teacher.

The court posed a very relevant question of whether children of such tender age possess the maturity so that they can comprehend the lifelong consequences such practice may possess. The court remarked that religious practices come at the cost of children's welfare, it becomes imperative for the State and judiciary to intervene and fulfil their *parens patriae* role. The court commented that "*the Government must ensure that a child's best interests are protected and should not remain passive if a minor is effectively being abandoned under the guise of religious renunciation.*"

In a state of abjectness and in the absence of governmental action, such practices remain pervasive and omnipresent in India. Several religious practices also violate the right of bodily integrity that children possess. Practices such as Circumcision and Mutilation that have no scientific basis and can also have wide health impacts are practised unfettered. The Supreme Court in *Sunita Tiwari v Union of India*, hearing a matter of "Female Genital Mutilation" practised by the Dawoodi Bohra Community, which is purportedly carried out

to prevent minor girls from engaging in adultery in the future. The Supreme Court observed that religious freedom under Article 25 cannot be used to justify inhuman or harmful practices on children.

The Supreme Court, in *Laxmi Kant Pandey v. Union of India*, held that the welfare of the child must be the paramount consideration in such matters, and every effort should be made to ensure that the child grows up in an atmosphere of love and affection, free from neglect or moral and emotional abandonment. Section 3 of the Juvenile Justice Act promotes the idea that “Decisions regarding children should be made in their best interest, focusing on their development and well-being.” However, decisions concerning a child’s religious path are frequently driven by the interests of parents or religious sects rather than the child’s own evolving identity. As a result, the child’s future often remains adrift, lacking agency and true direction.

Religion in School and Coercion in Education

The forcing of religion doesn’t end at home; it haunts children at school. The State must maintain a secular educational environment under Article 28(1), which prohibits religious instructions in educational institutions maintained out of state funds. However, discrimination persists. A teacher in the state of Uttar Pradesh asked a fellow batchmate to slap a child because he belonged to a different religion from him. The Supreme Court took cognisance of and held that the state can’t turn a blind eye to such violations.

While Article 30(1) of The Indian Constitution protects the rights of religious and linguistic minorities to set up and maintain educational institutions to preserve their culture, language, and religion, this religious institution often fails to meet the standards to incorporate scientific, rational and civic education in the minds of young children. The Supreme Court in *Aruna Roy v Union of India* stressed that education must not be used as a tool for religious indoctrination or to propagate any sectarian agenda, aligning with the secular ideals of the Constitution.

The National Commission of Scheduled Caste and Scheduled Tribe has recently, on 29th May 2025, issued a formal notice to the Telangana government seeking action against senior IAS officer Varshini, which stated that Dalit students are made to clean toilets in Gurukul schools.

In September 2024, the National Commission for Protection of Child Rights (NCPCR) submitted a detailed affidavit to the Supreme Court raising serious concerns about the educational standards in madrasas, particularly under the Uttar Pradesh Board of Madrasa Education Act, 2004. Often, children from economically background families opt to attend such schools, and their right to education is sabotaged by overemphasis on religious doctrines in schools and a lack of adherence to a scientific and rational approach. The replication of getting such sub-standard education proves detrimental when such kids enter the real world and are considered unemployable.

Fulfilling the State’s Parens Patriae Role: A Path Forward

The state confers upon itself the duty to protect those who can’t protect themselves and enforce rules and regulations in favour of those who are most vulnerable. The endangerment of a child’s mental and physical well-being cannot be justified under the pretext of religion. Article 14 of the United Nations Convention on the Rights of the Child (“UNCRC”) recognises the right of the child to freedom of thought, conscience, and religion, subject to

parental guidance that must be consistent with the evolving capacities of the child. In India, to find such freedom is elusive and the child's overall life deteriorates when they are pushed into the harsh course of practices such as Bal Diksha. Several practices, such as Bal diksha, shall be rendered illegal with strict urgency, and special laws must be enacted to protect child autonomy. The NCPR shall investigate such cases to ensure that children's rights are protected, and their lives and fundamental rights are not precluded under the guise of religious expression.

The court in *Shafin Jahan v. Ashokan K.M. & Ors* emphasised the state's responsibility to prioritise individual welfare over parental or societal control. Digital platforms must be monitored to ensure that minors are not being used for religious propagation or monetisation. The State bears the responsibility of ensuring that gurukuls and madrasas uphold educational standards conducive to the all-round development of children, and that core academic subjects are mandatorily included in their curricula. The functionality of the children's helpline 1098 should be strengthened, and a better redressal approach shall be established where children could approach the authorities in a better manner to address injustice inflicted upon them.

Conclusion

Religious freedom, though a cherished constitutional value, shall not be so sacrosanct as to override the fundamental rights and development of children. The legal framework must evolve to address the challenges faced by children due to religious coercion both at home and at school. Faith must stem from personal understanding, not be thrust upon a child as an inherited obligation before they are capable of grasping its meaning. Thus, it becomes imperative to critically examine the religious traditions that might be violative of children's rights, ensuring that childhood is preserved as a time for exploration and self-formation, not surrendered prematurely to the weight of imposed religiosity.

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