

Religious Conversion, Women's Agency, and Constitutional Morality: A Feminist Re-reading of the Constituent Assembly Debates on Articles 25-28

¹Ratna Singh, ²Suraj Kumar Verma, ³Anamika Yadav, ⁴Chanda Yadav and ⁵Chandan

¹Senior Research Fellow, Department of Political Science, Banaras Hindu University, Varanasi, India

ratnasingraur@gmail.com

²Senior Research Fellow, Centre for the Study of Social Inclusion, Faculty of Social Sciences, Banaras Hindu University- Varanasi

surajhind758@gmail.com

³Doctoral fellow, Department of history, Faculty of Social Sciences, Banaras Hindu University- Varanasi

anamikavns00@gmail.com

⁴Ph.D. Scholar, University of Delhi, Delhi, India

campschanda94@gmail.com

⁵Senior Research Fellow, Malaviya Centre for Peace Research, Faculty of Social Sciences, Banaras Hindu University- Varanasi

chandansogain@gmail.com

Abstract

In a feminist re-reading of the Constituent Assembly Debates (CAD) on Articles 25-28 of the Constitution of India, provisions that together constitute the constitutional architecture of religious freedom. While extensive scholarship exists on the drafting history of these Articles, most of it foregrounds the competing claims of the state, religious majorities, and religious minorities, treating women largely as incidental beneficiaries or silent subjects of the resulting settlement. I argue that the debates surrounding religious conversion, the right to "propagate" religion under Article 25, and the reformist proviso in Article 25(2)(b) were, in fact, deeply structured by anxieties about women's bodies, women's marital choices, and women's capacity to convert, marry, or resist religious authority. Using a close, feminist reading of the CAD alongside secondary constitutional historiography, The Study demonstrates that women's agency was simultaneously invoked and foreclosed: invoked as a rhetorical justification for state intervention against 'forced' or 'induced' conversion, and foreclosed by the near-total absence of women's own voices in shaping the final text. This analysis within Ambedkar's concept of constitutional morality, asking whether a morality of individual dignity and non-domination can be read into provisions that were, in their genesis, preoccupied with protecting religious communities from each other rather than protecting women from patriarchal control within any community. Relying on this I conclude that a feminist re-reading of Articles 25-28 unsettles the conventional majority-minority framing of religious freedom jurisprudence and reveals women's agency as a submerged but recoverable thread in India's constitutional founding.

Keywords: Religious Conversion, Women's Agency, Constitutional Morality, Constituent Assembly Debates.

INTRODUCTION

Articles 25 to 28 of the Constitution of India form the textual core of the fundamental right to freedom of religion (Kumar et al. 2021, 46). Article 25 guarantees to all persons the freedom of conscience and

the right freely to profess, practise, and propagate religion, subject to public order, morality, health, and other fundamental rights; it also empowers the state to regulate secular activities associated with religious practice and to legislate for social welfare and reform, including the throwing open of Hindu religious institutions to all classes and sections of Hindus. Article 26 protects the freedom of religious denominations to manage their own affairs. Article 27 prohibits compulsion to pay taxes for the promotion of a particular religion (Ahmed 2007, 8), and Article 28 addresses religious instruction in state-funded educational institutions. Together, these Articles were meant to resolve, in constitutional text, a set of anxieties that had animated Indian public life since at least the late nineteenth century: anxieties about religious conversion, about the boundary between religious practice and secular regulation, and about the state's authority to reform religion from within.

A close reading of the Constituent Assembly Debates on these Articles reveals that the most contentious sub-issue was not religious freedom in the abstract but the right to "propagate" religion, and, intertwined with it, the phenomenon of religious conversion. Members such as Lokanath Misra, his contemporaries from Odisha and the Hindu nationalist bloc, and moderates like K.M. Munshi debated at length whether conversion achieved through inducement, fraud, or the exploitation of poverty and vulnerability should be constitutionally permissible (Singh and Trivedi 2025). What this paper emphasizes and what is less frequently observed, is that a significant percentage of the concrete examples invoked in these debates concerned women: women converted through marriage, women who changed religion upon widowhood or destitution, women whose conversion was treated as a threat to family and community honour, and women who were imagined chiefly as vulnerable targets of missionary or communal predation rather than as agents capable of independent religious choice. The issue this paper attempts to address, therefore, is the near-total absence of a sustained feminist analysis of how women's bodies and choices functioned as the unspoken terrain over which the propagation and conversion debates were fought, and how this submerged gendering shaped the eventual constitutional text.

RESEARCH OBJECTIVES AND QUESTIONS

Three interrelated goals are pursued in this paper. The first seeks to retrieve and record the specific instances within the Constituent Assembly Debates on Articles 25-28 in which women, marriage, and conversion were explicitly or implicitly discussed. The second seeks to interpret these instances through a feminist analytical lens that treats women's agency, rather than women's vulnerability or victimhood alone, as the central category of analysis. The third examines whether Ambedkar's concept of constitutional morality, generally invoked to describe a normative commitment to constitutional values over inherited social hierarchy, can accommodate or must be reconstructed to accommodate a specifically gendered reading of religious freedom. The following research questions serve as the framework for the paper: How did the Constituent Assembly members conceptualize the relationship between religious conversion and women's marital and bodily autonomy? To what extent were women's own voices present or absent in shaping Articles 25-28? How does the reformist proviso in Article 25(2)(b), permitting state intervention for social welfare and reform, sit alongside the free exercise guarantee, when read through the specific problem of women converting out of, or being converted into, particular religious communities? And finally, what would it mean to read constitutional morality as encompassing not only inter-community equality but also intra-community gender justice?

METHODOLOGY

My methodology is feminist re-reading as its primary methodological approach, a mode of textual and historical analysis associated with feminist legal scholarship that treats legal texts, and the deliberative processes that produce them, as artifacts saturated with gendered assumptions that are rarely made explicit on the face of the text. A feminist re-reading of the Constituent Assembly Debates views them as a site of conflict where gender functions as a structuring, albeit mostly nameless,

Religious Conversion, Women's Agency, and
Constitutional Morality: A Feminist Re-reading of the
Constituent Assembly Debates on Articles 25-28

category rather than as a neutral deliberative record to be mined for original purpose. Three interpretive steps are taken by the method: first is identifying the manifest content of the debates, that is, what members explicitly said about religion, conversion, and reform; second is identifying the latent content, that is, the assumptions about women, marriage, and family that structured members' arguments even when women were not the named subject; and third is situating both manifest and latent content within the broader socio-legal history of gender and religion in colonial and early postcolonial India, including the Rukhmabai case, the Age of Consent controversy, the Sarda Act debates, and the reconversion or Shuddhi movements of the 1920s, all of which supplied the interpretive vocabulary that Constituent Assembly members drew upon.

This qualitative, interpretive approach is best understood as a form of discourse analysis conducted on a historical constitutional record, akin to a documentary case study within qualitative legal research. The document under study is the Constituent Assembly Debates, Volumes VII and VIII in particular, where the most sustained discussion of Articles 25-28 occurred, alongside the Minorities Sub-Committee and Fundamental Rights Sub-Committee records that preceded the plenary debates.

Consistent with the reflexive requirements of qualitative and feminist research, the interpretive stance must be made clear from which this paper proceeds. The analysis is conducted from a feminist constitutional law perspective that treats gender as a constitutive, rather than incidental, category of constitutional analysis, and that draws from the larger tradition of feminist jurisprudence in India associated with scholars such as Flavia Agnes, Ratna Kapur, and Nivedita Menon, who have variously argued that the Indian state's engagement with religion has been mediated through, and has helped constitute, particular visions of womanhood and family. This standpoint necessarily shapes what is noticed and emphasized in the debates: a reader trained primarily in minority rights jurisprudence might foreground different passages than a reader trained in feminist legal theory. Instead of claiming Archimedean neutrality, the study makes this interpretive lens clear so that other readings might assess, challenge, and expand upon its conclusions.

Sources and Contextualization

The primary source for this paper is the published Constituent Assembly Debates, an eleven-volume official record of the proceedings of the Constituent Assembly of India between December 1946 and January 1950, publicly available through the Lok Sabha Secretariat and digitized by the Constitution of India website. The paper focuses specifically on the debates of April and December 1948, and October and November 1949, when the draft Articles corresponding to present Articles 25–28 (then numbered 19–22 in the Draft Constitution) were discussed. Secondary sources include Granville Austin's institutional history of the Indian Constitution, Shefali Jha and Rajeev Bhargava's work on secularism and the Constituent Assembly, and feminist legal scholarship on personal law, conversion, and the Uniform Civil Code debates. Thus, the research environment is archival and textual rather than field-based; there are no human participants, and the ethical considerations relevant to this study concern fidelity to the historical record, steer clear of archaic projections of contemporary categories onto historical actors, and transparent acknowledgement of the limits of textual inference regarding the intentions of individual members.

Constitutional and Historical Background

Articles 25-28: Text and Structure

Article 25(1) guarantees to all persons, subject to public order, morality, and health, and to the other provisions of Part III, the freedom of conscience and the right freely to profess, practise, and propagate religion. Article 25(2) is a proviso especially important for this paper: it preserves the state's power to make laws regulating or restricting economic, financial, political, or other secular activity associated with religious practice, and, critically, to provide for social welfare and reform, including the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Article 26 guarantees to every religious denomination the right to establish and maintain institutions, manage

its own affairs in matters of religion, and own and administer property. Article 27 prohibits the state from compelling any person to pay taxes for the promotion of a particular religion. Article 28 restricts religious instruction in state-funded educational institutions while protecting individual freedom of conscience regarding attendance at religious instruction or worship (Mahmood 2017, 325).

These articles' structure demonstrates a multi-layered compromise: individual freedom of religion is guaranteed but immediately qualified by a reform proviso that anticipates state intervention in religious practice for stated social welfare purposes. This paper argues that it is impossible to comprehend this reform proviso and the expected instances for its application without attending to the gendered anxieties that animated the framers, since the archetypal occasion for invoking "social welfare and reform" in the framers' imagination was precisely the reform of practices affecting women, such as temple entry, widow remarriage, and, as this paper will show, the regulation of conversion connected to marriage.

The Constituent Assembly: Composition and Context

The Constituent Assembly comprised 299 members at its final sitting, of whom only 15 were women. These 15 women, including Hansa Mehta, Rajkumari Amrit Kaur, Sarojini Naidu, Durgabai Deshmukh, and Vijaya Lakshmi Pandit among others, were involved in many committees, and several, notably Hansa Mehta and Rajkumari Amrit Kaur, were vocal advocates for a Uniform Civil Code and for the inclusion of gender equality provisions in the Fundamental Rights chapter (Rani 2026). However, the specific debates on Articles 25–28, concentrated in late 1948 and again in 1949, were dominated numerically and rhetorically by male members, several of whom spoke from explicitly communal or reformist-Hindu standpoints, including Lokanath Misra, Rohini Kumar Chaudhari, and Tajamul Husain, alongside more secularist voices such as K.M. Munshi, K.T. Shah, and B.R. Ambedkar, who as Chairman of the Drafting Committee bore particular responsibility for defending the compromise text. This rhetorical and demographic foundation is crucial for the feminist re-reading undertaken in Section 4: the overwhelming majority of statements about women, marriage, and conversion in these debates were made by men speaking about women, instead of by women advocating for themselves.

ANALYSIS OF THE DEBATES

The "Propagate" Clause and the Conversion Controversy

The single most contested word in the drafting of Article 25 was "propagate." Members opposed to its inclusion argued that a constitutional right to propagate religion would be exploited by missionary organizations to secure conversions among economically and socially vulnerable populations through material inducement, education, medical assistance, or marriage, rather than through genuine change of religious conviction. Proponents of retaining the word, including Christian members of the Assembly and secularist members such as K.M. Munshi, argued that the right to propagate was integral to freedom of conscience itself, since the freedom to hold a religious belief is meaningfully incomplete without the freedom to seek to persuade others of it, and that apprehensions about coercive conversion could be addressed through ordinary criminal and civil law rather than by excising the right altogether.

"Any conversion from one religion to another of any person brought about by fraud, coercion or undue influence or of a minor under the age of 18 shall not be recognised by law." (Constituent Assembly of India 1948)

What matters for a feminist re reading is the specific character of the hypothetical or illustrative scenarios members invoked to make the case against propagation. Repeatedly, the scenario offered was not a general one of religious persuasion but a specific one involving women: the conversion of a Hindu woman upon marriage to a man of another faith, the conversion of a widow or destitute woman under the promise of material support, or the conversion of women in tribal or economically

marginal communities imagined as uniquely susceptible to inducement. The rhetorical impact of these examples relies on an implicit construction of women as constitutionally and socially less capable of autonomous religious judgment than men, because it relied on widely held, implicit beliefs about female fragility, this construction, which was never made explicit as a broad claim, performed the task of persuasion (Karwa 2023; Mukherjee 2025).

Women as Objects of Protection: The Marriage-Conversion Nexus

The marriage-conversion nexus is the clearest instance of women functioning as the unspoken terrain of the propagation debates. Conversion connected to marriage, whether by a Hindu woman marrying a Muslim or Christian man, or by a woman of a minority community marrying into the majority community, was treated by several members as the paradigm case in which the state's interest in regulating conversion was strongest. The underlying anxiety was rarely framed as being about the woman's own religious freedom; it was framed instead as being about family stability, communal demographic balance, and the protection of women from what was characterized as opportunistic or predatory conduct by men of other communities (Jha 2025; Jamshed et al. 2023). This framing positioned women doubly: as potential victims requiring state protection from conversion, and simultaneously as vectors through which religious communities gained or lost adherents, such that women's individual choices were treated as consequential for collective communal fortunes in a way that men's conversions, discussed comparatively rarely in these terms, were not.

A feminist re-reading insists on making visible what this framing forecloses: the possibility that a woman's decision to convert, whether connected to marriage or independent of it, could be an exercise of genuine religious and personal agency rather than either coercion or victimhood. The binary of coerced-victim versus dupe-of-inducement left little conceptual room in the debates for a third category, namely the woman who converts as a considered exercise of conscience, notwithstanding that Article 25 itself was framed in the universal language of "all persons" (Acevedo 2023, 453) and therefore textually included women as bearers of the very freedom of conscience that the propagation debates implicitly denied them in practice.

Reform versus Minority Rights: Ambedkar's Dilemma

B.R. Ambedkar's interventions in the debates on Articles 25-26 reveal a considered, if unresolved, tension between two commitments: protecting religious minorities from majoritarian regulation, and preserving the state's capacity to reform religious practice in the interest of social justice, most saliently caste and gender justice within Hinduism. Ambedkar's own political commitment to the eradication of caste-based religious exclusion, evident in his advocacy for the temple-entry proviso that became Article 25(2)(b), sat uneasily alongside his simultaneous commitment, as Chairman of the Drafting Committee, to protecting the religious autonomy of minority communities under Article 26. This tension had a direct, if underexplored, gender dimension: the reform proviso that Ambedkar defended as necessary to open Hindu temples to formerly excluded castes was the same textual mechanism available, at least in principle, for future legislative reform of gendered religious practice, including practices governing conversion, marriage, and religious authority over women. Yet the debates show little sustained engagement with this potential, since the illustrative cases members discussed when defending the reform proviso were overwhelmingly caste-focused, with gender reform treated, when mentioned at all, as a secondary or derivative benefit rather than a primary object of the proviso.

We contend that Ambedkar's dilemma, which is typically described in constitutional historiography as a conflict between social reform and minority rights, is better understood as a conflict involving at least three terms: gender-based social reform, caste-based social reform, and minority religious autonomy. Of these, the third received noticeably less explicit attention in the recorded debates, despite being logically implied by the same reform proviso. The feminist re-reading this text conducts are upon recovering this third phrase.

The Silence of Women Members and Selective Presence

Despite the presence of 15 women in the Constituent Assembly, the specific debates on Articles 25–28 record comparatively few interventions by women members. This isn't due to female members' lack of participation; Hansa Mehta and Rajkumari Amrit Kaur were prominent in the debates on the Uniform Civil Code under Article 44 and in the Fundamental Rights Sub-Committee's deliberations on gender equality more broadly. Their comparative quietness in the specific propagation and conversion debates is itself analytically significant. It implies that either the arguments were constructed in a way that prevented the women participants from fully understanding the gendered stakes of these discussions as a clearly gendered issue demanding their participation, or procedurally and rhetorically, in ways that made it difficult for concerns about women's religious agency to be raised except through the register of protection that male members had already established.

Where women members did intervene on related matters, their interventions tended to emphasize formal equality and non-discrimination, for instance Hansa Mehta's advocacy for gender-neutral language in the Fundamental Rights chapter and her push for a Uniform Civil Code as a mechanism of gender justice across religious communities. This formal-equality register, valuable as it was, did not directly engage the specific question this paper foregrounds, namely whether women possessed a recognized capacity for independent religious choice including the choice to convert. The absence of this specific interaction is seen here not as evidence that women members lacked feminist consciousness, but as evidence of how firmly the conversion-and-marriage connection had been coded, even for reform-minded members, as a problem of communal protection rather than a problem of individual women's constitutional agency.

Personal Laws, Article 44, and the Deferral of Women's Equality

The debates on Articles 25-28 cannot be read in isolation from the contemporaneous debates on Article 44, the Directive Principle recommending a Uniform Civil Code (Gore 2025). Members who opposed reform of religious practice under Article 25(2)(b), and members who resisted a uniform civil code under Article 44, often referred to the same fundamental idea: that family law and religious practice, including the rules governing marriage and conversion's effect on marital status, were internal matters of religious community self-governance into which the state should intervene sparingly. The practical result of this premise was to defer the resolution of gendered inequities within personal law, including inequities triggered by conversion, such as the differential treatment of a Hindu wife's maintenance and inheritance rights upon her husband's conversion to another religion, a problem that would recur in Indian jurisprudence for decades after the Constitution's adoption, most obviously in situations involving conversion-based bigamy. The Constituent Assembly's deferral of the Uniform Civil Code to a non-justiciable Directive Principle, read alongside the qualified and communally-inflected treatment of conversion under Article 25, meant that women's equality within and across religious communities was constitutionally aspired to but not constitutionally secured, leaving the resolution of conversion-related gender inequities to future legislative and judicial elaboration.

DISCUSSION*Constitutional Morality Revisited*

Ambedkar introduced the concept of constitutional morality into the Constituent Assembly's deliberations to describe a commitment to the values and procedures of the Constitution that must be diffused among the people if constitutional democracy is to survive, a commitment that could not be taken for granted as pre-existing but had to be cultivated (Nayak 2023). Contemporary constitutional jurisprudence, particularly in the Indian Supreme Court's decisions in cases concerning temple entry, the criminalization of adultery, and the decriminalization of consensual same-sex relations, has expanded constitutional morality into a substantive principle requiring that constitutional values of dignity, equality, and individual autonomy prevail over majoritarian social morality or entrenched communal practice. This paper asks whether such a substantive reading of constitutional morality,

developed largely in later jurisprudence, can retrospectively illuminate the Constituent Assembly's own debates on religious conversion, or whether doing so risks anachronism.

According to the study, constitutional morality is best understood as a normative resource embedded in the constitutional text and its founding commitments rather than merely as a historical artifact of what framers explicitly intended, can and ought to be interpreted as comprehensive a commitment to women's equal capacity for religious conscience, even though this specific implication was not fully articulated by the framers themselves. This aligns with the normal practice of interpretation of Indian constitutional law, which has long treated the Constitution as a living document whose founding commitments to dignity and equality generate implications the framers did not foresee. Therefore, a feminist re-reading does not assert that the framers intended to secure women's conversion agency, but rather that the constitutional morality they articulated, oriented against domination and towards individual dignity, is best fulfilled by a reading of Articles 25-28 that recognizes women's independent capacity for religious choice, including the choice to convert, as fully as it recognises men's.

Women's Agency as an Analytical Lens

This study deliberately and significantly chooses "women's agency" over "women's autonomy" as its structuring analytical notion. Autonomy, in much liberal political theory, connotes a capacity for self-directed choice exercised independently of social relationships and structures, an ideal that has been criticized by feminist theorists as insufficiently attentive to the ways in which all choice, and particularly women's choice, is embedded within familial, religious, and communal structures of constraint and support. Agency, by contrast, as developed in the work of feminist theorists such as Saba Mahmood and, in the Indian context, scholars examining women's negotiations with religious and legal pluralism, encapsulates the ability to operate meaningfully both inside and outside of these systems. A woman who converts upon marriage while remaining embedded in family and community relationships, or a woman who resists pressure to convert while invoking the language of her natal religious community's authority, both exercise agency in this sense, even though neither exemplifies the atomistic autonomy that the propagation debates implicitly treated as the only legitimate form of genuine religious choice.

Using this agency lens to examine the Constituent Assembly Debates rather than autonomy or victimhood, permits the identification of a submerged possibility in the paper within the debates themselves: that the free exercise guarantee in Article 25, precisely because it is framed in universal and unqualified language covering "all persons," contains an unrealized textual resource for recognizing women's religious agency, even though the surrounding rhetorical context of the debates persistently narrowed women to the status of protected objects rather than choosing subjects.

The Gender-Neutral Text and Gendered Lived Reality

An additional discovery of this feminist rereading is the gap between the gender-neutral language of the constitutional text and the heavily gendered character of the deliberative process that produced it. Articles 25 to 28 nowhere mention women, marriage, or conversion by gender-specific reference; the text speaks uniformly of "persons" and "citizens." This gender-neutral drafting, frequently hailed as proof of official constitutional equality, in fact obscures the extent to which the practical anxieties motivating the propagation and reform provisos were gendered anxieties about women's marital and religious conduct. The study contends that the distinction between gendered subtext and neutral text has had long-lasting jurisprudential ramifications, since subsequent conversion-related litigation, including litigation on the effect of religious conversion on the validity of marriage and on entitlement to maintenance, has had to reconstruct, largely without benefit of the framers' express guidance, a doctrine adequate to women's lived experience of conversion, specifically because this dimension was not sufficiently articulated in the founding arguments even as they were preoccupied by it in illustrative practice.

FINDINGS SYNTHESIS

Combining the findings from the above Sections, this paper identifies four principal findings. First are the Constituent Assembly's debates on religious conversion under Article 25 were substantively, if not specifically, arranged around anxieties concerning women's marital and bodily conduct, such that women functioned as the paradigmatic, if largely unnamed, subject of the conversion controversy. Second is the reform proviso in Article 25(2)(b), while defended primarily through caste-based illustrations concerning temple entry, carried a capacity that was logically available but underdeveloped for gender-based religious reform that the framers did not fully articulate. Third is the near-absence of women members' voices in the specific propagation and conversion debates, despite their considerable presence and influence in adjacent debates on the Uniform Civil Code and fundamental rights, demonstrates a structural pattern in which women's religious agency was discussed primarily by men and through a register of protection rather than a register of rights. Fourth is the gender-neutral final text of Articles 25-28 both conceals and, properly reinterpreted through constitutional morality, potentially redeems the gendered anxieties of its drafting history, offering interpretive resources for a more agency-centered jurisprudence of religious freedom than the original debates themselves envisioned.

LIMITATIONS

This study is subject to several limitations that should qualify the generalizability of its findings. First is as a textual and historical study relying on the published Constituent Assembly Debates, it is unable to access unrecorded conversations, committee-room negotiations, or the private reasoning of individual members that may have shaped the final text in ways the public record does not capture. Second is the interpretive method of feminist re-reading, while methodologically transparent, necessarily entails a degree of inference regarding the gendered subtext of statements that were not explicitly framed in gendered terms, and alternative readings emphasizing communal, caste, or purely juridical dimensions of the same debates remain possible and are not foreclosed by this analysis. Third, the paper's focus on the specific Articles 25-28 debates, while justified by their direct relevance to conversion, necessarily brackets related debates, including the Hindu Code Bill debates of the early 1950s, which, though outside the Constituent Assembly's formal proceedings, are closely connected to the themes explored here and merit separate extended treatment. Lastly, post-1950 judicial interpretation is not included in this study's analysis of Articles 25-28 in any systematic way, restricting itself to the founding debates; a fuller account of women's agency and constitutional morality in this domain would require a complementary study of subsequent jurisprudence, including cases on conversion, bigamy, and personal law.

CONCLUSION

This paper has undertaken a feminist re-reading of the Constituent Assembly Debates on Articles 25-28, arguing that the well-known controversy over the right to propagate religion, and the broader constitutional settlement on religious freedom and reform, cannot be fully comprehended without acknowledging the extent to which women's marital and religious conduct functioned as the submerged terrain over which these debates were conducted. This study has demonstrated that, in contrast to traditional constitutional historiography, which largely describes the propagation and conversion debates as a struggle between secularist and communal views of the state, or between minority protection and majoritarian change that a specifically gendered anxiety about women's capacity for independent religious choice ran through the debates as a persistent, if largely unnamed, undercurrent. Using women's agency as an analytical lens to recover this undercurrent, rather than women's autonomy or victimhood, shows an underutilized literary resource as well as the limitations of the founding discussions within the Constitution's universal language of "all persons" for a more fully agency-centred constitutional jurisprudence of religious freedom. Examine Ambedkar's notion of constitutional morality, which goes beyond its initial intercommunal register to encompass intra-

communal and gendered domination, Articles 25-28 can be reinterpreted not merely as a settlement between religious communities and the state but as an unfulfilled constitutional commitment to women's equal capacity for religious conscience, which still has to be fully realized for contemporary constitutional interpretation rather than a settled achievement of 1949.

REFERENCES

- Acevedo, Deepa Das. 2023. "Deities' Rights?" *Journal of Law and Religion* 38 (3): 450–68. <https://doi.org/10.1017/jlr.2023.27>.
- Agnes, Flavia. 1999. *Law and Gender Inequality: The Feminist Legal Discourse*. New Delhi: Oxford University Press. https://openlibrary.org/books/OL162562M/Law_and_gender_inequality.
- Ahmed, Aziza. 2007. "Dual Subordination: Muslim Sexuality in Secular and Religious Legal Discourse in India." *eYLS (Yale Law School)* 4 (1). <https://doi.org/10.2202/1554-4419.1111>.
- Assembly, Constituent. 1985. *Constituent Assembly Debates: Official Report*. 12 vols. New Delhi: Lok Sabha Secretariat. <https://elibrary.sansad.in/collections/2ed20617-04a0-4634-80c4-3cfc351fb155>
- Austin, Granville. 1973. *The Indian Constitution: Cornerstone of a Nation*. Oxford: Clarendon Press.
- Bhargava, Rajeev, ed. 2009. *Politics and Ethics of the Indian Constitution*. New Delhi: Oxford University Press.
- Gore, Sakshee Narayan. 2025. "Uniform Civil Code and Religious Freedom under Article 25: A Constitutional Analysis." *International Journal for Research Trends and Innovation* 10 (5). <https://doi.org/10.56975/ijrti.v10i5.204393>.
- Jacobsohn, Gary J. 2003. *The Wheel of Law: India's Secularism in Comparative Constitutional Context*. Princeton, NJ: Princeton University Press. <https://doi.org/10.1515/9781400825578>.
- Jamshed, Mohammad, Mohammad Rezaul Karim, and Sameena Banu. 2023. "Disempowering Women and Constructing Muslims as 'Other': A Study of India's Anti-Conversion Legislations." *Indian Journal of Gender Studies* 30 (2): 170–87. <https://doi.org/10.1177/09715215231158122>.
- Jha, Kusum. 2025. "Interfaith Marriages in India: Constitutional Rights, Forced Conversion, and the 'Love Jihad' Debate." *Zenodo (CERN European Organization for Nuclear Research)*, ahead of print, November 22. <https://doi.org/10.5281/zenodo.18605967>.
- Jha, Shefali. 2002. "Secularism in the Constituent Assembly Debates, 1946–1950." *Economic and Political Weekly* 37: 3125–3132.
- Kapur, Ratna. 2005. *Erotic Justice: Law and the New Politics of Postcolonialism*. London: Cavendish Publishing.
- Karwa, Surbhi. 2023. "Founding Mothers of the Indian Republic: Gender Politics of the Framing of the Constitution." *Indian Law Review* 7 (3): 403–11. <https://doi.org/10.1080/24730580.2023.2273180>.
- Kumar, Awdhesh. 2019. "Role of Secularism in Many Stages." *International Journal of Political Science and Governance* 1 (1): 16–17. <https://doi.org/10.33545/26646021.2019.v1.i1a.8>.
- Mahmood, Saba. 2005. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton, NJ: Princeton University Press. <https://doi.org/10.1515/9781400839919>.
- Menon, Nivedita. 2004. *Recovering Subversion: Feminist Politics Beyond the Law*. Urbana: University of Illinois Press. <https://doi.org/10.1057/palgrave.fr.9400335>.
- Mukherjee, Jhumpa. 2025. *Contextualizing Multiculturalism and Women's Citizenship Rights in India*. <https://doi.org/10.4324/9781003277798-13>.

Nayak, Nakul. 2023. "Constitutional Morality: An Indian Framework." *The American Journal of Comparative Law* 71 (2): 354–87. <https://doi.org/10.1093/ajcl/avad029>.

Parashar, Archana. 1992. *Women and Family Law Reform in India: Uniform Civil Code and Gender Equality*. New Delhi: Deep & Deep Publications. <http://ci.nii.ac.jp/ncid/BA19137489>.

Rani, Sonia. 2026. "Architects of Equality: The Women Who Shaped the Indian Constitution." *International Journal of Scientific Development and Research* 11 (2). <https://doi.org/10.56975/ijedr.v11i2.307373>.

Singh, Dr. Amit, and Prasoon Trivedi. 2025. "A Critical Analysis of Anti-Conversion Laws in India with Special Reference To 'Love-Jihad.'" In *Zenodo (CERN European Organization for Nuclear Research)*. European Organization for Nuclear Research, September 15. <https://doi.org/10.5281/zenodo.18447457>.