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Multiculturalism vs. Strict Secularism: How India, France, and Canada Approach Religious Diversity

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ABSTRACT

This paper presents a comparative legal analysis of how India, France, and Canada address the challenges of religious diversity through their respective models of secularism. The study examines the philosophical foundations, constitutional provisions, and judicial interpretations that inform each country's approach—ranging from Canada's multicultural secularism, India's model of principled distance, to France's rigid laïcité. Drawing from case law, statutory frameworks, and normative political theory, the research explores how each legal system reconciles individual rights to religious freedom with the state's commitment to neutrality. Key jurisprudential developments in all the three countries serves as focal points to assess the effectiveness and inclusiveness of these divergent frameworks. The paper argues that secularism is not a singular doctrine but a constitutional spectrum shaped by historical, cultural, and political contexts. Through a detailed analysis of legislative trends, judicial doctrines, and policy developments, the research provides critical insights into how constitutional democracies negotiate the boundaries between law, religion, and public life in an era of increasing multiculturalism.

KEYWORDS

Secularism, Multiculturalism, Religious Freedom, Constitutional Law, Laïcité, Reasonable Accommodation, Human Rights.

INTRODUCTION

In the contemporary global order, the interface between law and religion has become increasingly complex, particularly in multicultural societies shaped by migration, identity politics, and

evolving human rights frameworks. As religious diversity intensifies across nations, legal systems are compelled to maintain constitutional equilibrium while addressing tensions between individual rights to religious freedom and the secular mandates of the state. The manner in which a state negotiates religious pluralism directly influences civil liberties, national integration, and the public's trust in democratic institutions.

Two dominant theoretical frameworks, secularism and multiculturalism serve as competing yet occasionally overlapping paradigms in navigating religious diversity. Secularism, historically rooted in the aspiration to insulate state authority from ecclesiastical influence, seeks to uphold state neutrality by restricting religious expressions within public domains. Multiculturalism, in contrast, affirms the legitimacy of cultural and religious heterogeneity by fostering inclusive governance structures that recognize and accommodate minority identities. The manifestation of these paradigms in national constitutional and legal frameworks is deeply shaped by each country's historical evolution, colonial past, and sociopolitical context.

Canada epitomizes multicultural secularism, constitutionally enshrined in Section 27¹ of the Canadian Charter of Rights and Freedoms, which mandates the judiciary to interpret the Charter in a manner consistent with preserving the nation's multicultural heritage. Canadian legal doctrine reflects a robust commitment to protecting religious liberty under Section 2(a) of the Charter. Landmark judgments such as *Multani v. Commission scolaire Marguerite-Bourgeois*² have reinforced an inclusive constitutional vision that seeks to accommodate religious expression within public institutions, especially in education.

In stark contrast, France adheres to a model of strict or absolute secularism (*laïcité*), grounded in the Law of 1905 on the Separation of Churches and State³. This approach mandates a rigid separation between religion and public life, leading to prohibitions on religious symbols in schools and public spaces. French secularism gained judicial reinforcement in *S.A.S. v. France*⁴, where the European Court of Human Rights upheld legislation banning facial coverings on grounds of public order and social cohesion. Here, secularism functions not merely as

¹ Canadian Charter of Rights and Freedoms, § 27, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

² *Multani v. Commission scolaire Marguerite-Bourgeois*, [2006] 1 S.C.R. 256 (Can.).

³ *Loi du 9 décembre 1905 concernant la séparation des Églises et de l'État* [Law of 9 December 1905 on the Separation of Churches and the State] (Fr.).

⁴ *S.A.S. v. France*, App. No. 43835/11, Eur. Ct. H.R. (2014).

state neutrality but as an active disengagement of religion from civic life.

India's model of secularism occupies a unique middle ground. It endorses state neutrality among religions while permitting state intervention in secular aspects of religious practice. Enshrined in Articles 25 to 28 of the Indian Constitution⁵, the right to freedom of religion is balanced against the state's obligation to maintain public order and social reform. The Supreme Court of India, in *S.R. Bommai v. Union of India*⁶, affirmed secularism as part of the Constitution's basic structure doctrine, embedding it within the fabric of constitutional identity while acknowledging India's pluralistic ethos.

This paper investigates how the constitutional orders of India, France, and Canada construct and operationalize secularism in the context of religious diversity. It undertakes a comparative legal analysis of statutes, constitutional provisions, and landmark judicial decisions to critically assess the effectiveness of each model. Through a time-based review of jurisprudence involving issues such as religious dress codes, educational curricula, and state support for religious institutions, this study elucidates how courts across jurisdictions mediate conflicts between individual liberties and state neutrality.

THEORETICAL FOUNDATIONS OF SECULARISM AND MULTICULTURALISM

A. Philosophical Underpinnings

Both ideological conflicts about secularism and multiculturalism stem from established principles in political philosophy and constitutional theory. John Rawls' political liberalism creates a basic perspective which helps understand pluralism throughout contemporary communities⁷. Rawls introduces reasonable pluralism in *Political Liberalism* as an idea which shows how different comprehensive doctrines survive together within political frameworks supported by shared overlapping values. His theory demonstrates that a neutral state structure should support neither faiths nor Christianity or any other religion so secular constitutionalism can evolve.

Through his work Charles Taylor extends the understanding of multiculturalism as an academic field. Taylor establishes through his essay *The Politics of Recognition* that recognition

⁵ INDIA CONST. art. 25-28.

⁶ *S.R. Bommai v. Union of India*, (1994) 3 S.C.R. 1 (India).

⁷ JOHN RAWLS, *POLITICAL LIBERALISM* (Columbia Univ. Press 1993).

serves as a fundamental requirement because it determines both individual identity and dignity⁸. Taylor specifies multicultural policies need to advance beyond tolerance by formally recognizing cultural features in political and judicial systems. During his analysis Taylor developed a system where public organizations must make space to understand and connect with religious traditions and cultural aspects.

The Indian conception of secularism receives its best explanation through Rajeev Bhargava's theory of "principled distance"⁹. The Bhargava model contrasts Western secularism through its method of how states should cooperate with religious communities in specific contexts without benefiting certain groups over others. He proposes this method because India needs it as a plural country whose public life strongly reflects religion throughout its foundation. Indian secularism practices a modified dealing with religion through understanding what the constitution identifies as moral principles.

B. Models of Secularism

The *laïcité* principle of France emerged during Enlightenment times following the post-Revolutionary movement to suppress Catholic Church power. The basis of contemporary French secularism exists in the Law of 9 December 1905¹⁰ on the Separation of Churches and State that bars public funding for religious centers while asserting state neutrality. The current legal framework of secularism in France became defined by passing the 2004 Law against religious school symbols in education and the 2010 Law forbidding face coverings in public places¹¹. The laws introduce public order measures that defend civic equality yet multiple groups including Muslim women have received significant adverse effects from these regulations. In *S.A.S. v. France*¹² the European Court of Human Rights validated the French veil ban by admitting the state should have freedom to determine reasonable limits in public order matters.

⁸ Charles Taylor, *The Politics of Recognition*, in *MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION* 25 (Amy Gutmann ed., Princeton Univ. Press 1994).

⁹ RAJEEV BHARGAVA, *THE PROMISE OF INDIA'S SECULAR DEMOCRACY* (Oxford Univ. Press 2010).

¹⁰ Loi du 9 décembre 1905, *supra* note 3.

¹¹ Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de *laïcité*, le port de signes ou tenues manifestant une appartenance religieuse dans les écoles [Law No. 2004-228 of March 15, 2004] (Fr.).

¹² *S.A.S.*, App. No. 43835/11, at 2.

Secularism in India exists independently from separation between religion and state policies because its operational framework differs from standard definitions. The Indian Constitution selects a flexible method that combines multiple perspectives in its secular framework. The Indian constitution through Articles 25 to 28¹³ protects religious freedom yet grants the state authority to govern non-religious aspects of religious activities. Article 25 (2)¹⁴ of the Indian constitution enables the state to create social welfare laws that might interfere with religious practices. This model has been formed through vital judicial contributions from the Indian judiciary. In *The Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*¹⁵ the Supreme Court distinguished between religious core beliefs and the secular practices related to religious observances. Later, in *S.R. Bommai* case¹⁶ the top court declared that secularism belongs to the basic structure of the Constitution thus requiring the state to remain impartial toward all religions.

As a multicultural secular nation Canada demonstrates how active state protection of religious liberty leads to fostering cultural pluralism. The Canadian Charter of Rights and Freedoms, especially Section 2(a), guarantees freedom of conscience and religion¹⁷. The Charter demands equality before the law through Section 15 ensuring such rights¹⁸. At the same time Section 27 requires interpretation of the Charter respecting multicultural heritage values¹⁹. Through the Canadian Multiculturalism Act from 1988²⁰ the government pledged to create national awareness about diverse Canadian cultures while formally endorsing multiculturalism as a governing policy. Canadian court systems express these core principles by applying doctrines of “reasonable accommodation.” The apex court declared through *Multani v. Commission scolaire Marguerite-Bourgeoys*²¹ that a Sikh student possesses constitutional access to wearing a kirpan

¹³ INDIA CONST., *supra* note 2.

¹⁴ INDIA CONST. art. 25, cl. 2.

¹⁵ *The Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, A.I.R. 1954 S.C. 282 (India).

¹⁶ *S.R. Bommai*, (1994) 3 S.C.R. 1, at 3.

¹⁷ Canadian Charter of Rights and Freedoms, §§ 2(a), Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

¹⁸ Canadian Charter of Rights and Freedoms, § 15, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

¹⁹ Canadian Charter of Rights and Freedoms, § 27, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

²⁰ Canadian Multiculturalism Act, R.S.C. 1985, c. 24 (4th Supp.) (Can.).

²¹ *Multani*, [2006] 1 S.C.R. 256, at 2.

which Section 2(a) shields from infringement.

C. Constitutional and Legal Provisions

Article 25 through Article 28²² within the Constitution of India provides the foundational basis for ensuring freedom of religion throughout the territory. Due to provisions based on public order morality and health courts together with legislatures can adapt their interpretations to match relevant societal needs. The Indian Supreme Court established secularism alongside the basic foundation of the Constitution so executive or legislative actions which violate this principle yield constitutional challenges.

The French 1905 Law features²³ with the additions from 2004 and 2010 as the most rigid official documents explaining secularism in France. The enacted laws establish public life consistency and unity yet remain subject to both home and global critique regarding their impact on religious freedom rights of individuals.

Canada secures its inclusive secularism through both Charter laws and Multiculturalism Act provisions. In Canadian law secularism does not mean eliminating religion from public life yet it mandates neutrality with accommodations whenever such practices respect both Charter protections and public welfare.

INDIA – MODERATE SECULARISM WITH PLURAL LEGAL IDENTITY

A. Legal Framework & Judicial Philosophy

The Indian model of secularism follows a moderate version that establishes differences from Western concepts which separate religion and state functions. The Indian Constitution stands apart by allowing the state some contact with religion when supervised by constitutionally defined parameters. Through this approach India supports its diverse religious beliefs alongside Constitutional guarantees of equality liberty and non-discrimination as expressed in both the Preamble and Part III.

Through Articles 25 to 28 people possess freedom of religion under conditions of public order and morality with respect to

²² INDIA CONST., *supra* note 2.

²³ BAUBEROT Jean, *Laïcité 1905-2005, entre passion et raison*, Le Seuil, Paris, 2004.

health. According to Article 25(1)²⁴ Indian citizens can practice religion as they wish and can freely express beliefs about it. But Article 25(2)²⁵ enables the state to develop legal frameworks for secular religious activities as well as social welfare advancement and reform initiatives. The right of religious denominations to administer their internal operations exists through Article 26²⁶ while Article 27²⁷ completely bans government financial backing for religious activities. Through Article 28²⁸ the state can ban religious teaching at public institutions yet religious trusts are free to implement it.

Indian secularism has endured because the judiciary system remains at the forefront of establishing foundational definitions about it. The “*essential religious practices*” doctrine originated from *The Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* cases²⁹, evaluated whether a religious claim is constitutionally protected under Article 25 of the Constitution. Through this doctrine judicial bodies have actively researched religious standards to guarantee supremacy of the Constitution. The Indian judiciary proclaimed secularism to be a fundamental element of the Constitution which the Article 368³⁰ amendment power cannot alter.

B. Chronological Review of Key Case Laws

In *Bijoe Emmanuel v. State of Kerala*³¹ the Supreme Court of Kerala made its decision regarding expulsion of Jehovah's Witness students from school after their refusal to participate in national anthem performances due to religious beliefs. The Supreme Court accepted the students' position which established that making them perform the anthem against their religious freedom rights as protected by Article 25. The governing court protected religious freedom for students enrolled in state-controlled institutions as long as their expression did not threaten public order.

S.R. Bommai v. Union of India, which examined the legitimacy of Article 356 presidential proclamations and broadened the discourse on secularism, was a significant judicial development. Secularism was deemed by the majority to be one

²⁴ INDIA CONST. art. 25, cl. 1

²⁵ INDIA CONST., *supra* note 5.

²⁶ INDIA CONST. art. 26.

²⁷ INDIA CONST. art. 27.

²⁸ INDIA CONST. art. 28.

²⁹ *Shirur Mutt*, A.I.R. 1954 S.C. 282.

³⁰ INDIA CONST. art. 368.

³¹ *Bijoe Emmanuel v. State of Kerala*, (1986) 3 S.C.C. 615 (India).

of the fundamental components of the Constitution.³² The Court stated explicitly that religious actions taken by state governments would allow national intervention programs. The court ruling established that states must follow neutrality regarding religion then added a constitutional requirement to block dominance of majorities and religious bias in state governance.

In *Shayara Bano v. The Union of India*³³ a petition was filed to evaluate the constitutional status of instant triple talaq (talaq-e-biddat) which operated through Muslim personal law. The practice received a constitutional disapproval as a plurality of judicial members united their support behind Article 14³⁴ (equality before law) and Article 13³⁵ (repugnancy of laws to fundamental rights). Some justices considered triple talaq dispensable to Islamic faith but other justices focused on how it violated fundamental constitutional principles. The judgment established a new landmark regarding how secular constitutional principles interact with personal religious laws.

In *Indian Young Lawyers Association v. State of Kerala*³⁶, the Supreme Court declared that blocking women between ten and fifty years old from Sabarimala Temple transgressed Articles 14, 15³⁷, and 25³⁸ within the Indian Constitution. Essential religious customs receive protection from the Court but only when they do not undermine constitutional principles against discrimination and equality. The controversial verdict received major public criticism yet it validated the judiciary's mission to maintain gender equality by upholding religious rights. The decision created new discussions about the individual autonomy of religious communal members while it pushed against discriminatory interpretations of religious freedom.

A more recent case, *Resham v. State of Karnataka*, a government prohibition against hijab usage in state educational institutions led the state authority to regulate school uniforms by ruling that Islam does not define the hijab as essential religious practice. The appeal subsequently entered the Supreme Court system where the matter stands in this stage. The case forces society to ponder about the relationship among religious identity protection, personal

³² INDIA CONST. art. 356.

³³ *Shayara Bano v. Union of India*, (2017) 9 S.C.C. 1 (India).

³⁴ INDIA CONST. art. 14.

³⁵ INDIA CONST. art. 13.

³⁶ *Indian Young Lawyers Ass'n v. State of Kerala*, (2019) 11 S.C.C. 1 (India).

³⁷ INDIA CONST. art. 15.

³⁸ INDIA CONST. art. 25.

freedom rights and institutional rules when applying secular principles in governmental domains.

C. Discussion Points

The Uniform Civil Code stands as an extremely disputable topic within present-day Indian discussions about secularism. The constitutional article 44³⁹ which belongs to state policy principles calls for establishing an Indian Uniform Civil Code to unify civil law for marriage and divorce and inheritance and adoption procedures. Supporters advocate for a UCC because it establishes gender equity together with national unity. Many people consider the law as a dangerous policy that violates protection for religious diversity and minority religious groups. Judicial remarks in cases such as *Shayara Bano*⁴⁰ and *John Vallamattom v. Union of India*⁴¹ have occasionally supported UCC implementation came from the judicial branch of Union of India but subsequent governments continued their reluctance toward carrying out the directive.

India's plural legal structure includes necessary state funding of religious institutions as defined under Article 30⁴² which grants minorities the right to create and direct educational institutions. Under Article 30(1)⁴³ the state provides financial support to religious and linguistic minority institutions yet this assistance requires conformity with the secular conditions of Article 27⁴⁴. Such funding sparks controversy when it shows excessive support toward one faith group while running against the principles found in the Constitution. In *T.M.A. Pai Foundation v. The State of Karnataka*⁴⁵ declared through its judgment that minority institutions getting state funds need to follow allowable regulations which protect their minority standing.

Our secular system functions as a live area where constitutional equality, freedom and cultural diversity interact with well-established religious practices. Through judicial engagement along with contextual sensitivity the moderate secularism model works to find constitutional solutions that address these religious and secular tensions through institutional oversight.

³⁹ INDIA CONST. art. 44.

⁴⁰ *Shayara Bano*, (2017) 9 S.C.C. 1, at 9.

⁴¹ *John Vallamattom v. Union of India*, (2003) 6 S.C.C. 611 (India).

⁴² INDIA CONST. art. 30.

⁴³ INDIA CONST. art. 30, cl. 1.

⁴⁴ INDIA CONST., *supra* note 7.

⁴⁵ *T.M.A. Pai Found. V. State of Karnataka*, (2002) 8 S.C.C. 481 (India).

FRANCE – STRICT SECULARISM AND PUBLIC NEUTRALITY

A. Legal and Historical Context

The French model of secularism, known as *laïcité*, is rooted in a historical struggle to disentangle the institutions of the state from the power of the Catholic Church. This vision of secularism was codified in the landmark Law of December 9, 1905, formally titled *Loi concernant la séparation des Églises et de l'État* (Law on the Separation of Churches and State). This law is the cornerstone of French *laïcité*, establishing the Republic's commitment to neither recognizing, paying, nor subsidizing any religion. Article 1⁴⁶ of the 1905 law guarantees freedom of conscience and the free exercise of religion, whereas Article 2⁴⁷ explicitly denies the state's recognition or funding of any church.

The evolution of *laïcité* since the 1905 law reflects France's enduring emphasis on public neutrality. Unlike India's model of engagement with religion, France has developed a strict secularism wherein religious expression is to be confined to the private sphere, particularly within state institutions. This interpretation of *laïcité* has become more pronounced in the context of growing religious diversity, especially with the increasing visibility of Islam in French society.

Two major legislative developments in the 21st century underscore this trajectory. The Law No. 2004-228 of March 15, 2004⁴⁸ prohibits the wearing of conspicuous religious symbols in public primary and secondary schools. This rule is generally interpreted to target the Muslim headscarf, turbans, huge crosses, and other conspicuous religious clothing, despite its neutral language. The 2004 law's justification was to protect public education's secular nature and stop religious proselytizing, particularly among susceptible children.

The Law No. 2010-1192 of October 11, 2010⁴⁹, The "burqa ban," as it is commonly known, forbids hiding one's face in

⁴⁶ Loi du 9 décembre 1905, supra note 3.

⁴⁷Loi du 9 décembre 1905 concernant la séparation des Églises et de l'État [Law of 9 December 1905 on the Separation of Churches and the State], art. 2 (Fr.).

⁴⁸ Loi No. 2004-228 du 15 mars 2004 interdisant le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics, J.O. 2004, p. 5725 [Law No. 2004-228 of March 15, 2004, prohibiting the wearing of signs or attire manifesting religious affiliation in public primary and secondary schools, Official Journal 2004, p. 5725] (Fr.).

⁴⁹ Loi No. 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public [Law No. 2010-1192 of October 11, 2010,

public. Its implementation has mostly impacted Muslim women who wear the niqab or burqa, despite the fact that it is once more couched in secular and gender-neutral terminology. The state's claim that full-face coverings are incompatible with the objectives of transparency, security, and republican unification is reinforced by the possibility of penalties or mandatory civic education for infractions. Debates about gender equality, religious freedom, and the boundaries of governmental neutrality have been triggered by these legislative initiatives.

B. Chronological Review of Key Case Laws

The tension between secularism and religious freedom in France reached the international legal arena in the case of *S.A.S. v. France*, decided by the European Court of Human Rights (ECtHR) in 2014.⁵⁰ The applicant, a French Muslim woman, challenged the 2010 law banning full-face veils, alleging violations of Articles 8, 9, 10, and 14 of the European Convention on Human Rights. The government argued that the restriction was intended to ensure circumstances for "living together" (*le vivre ensemble*), which is a valid goal under Article 9(2) of the Convention. The Grand Chamber agreed and upheld the French statute. The Court decided that the interference was reasonable and within the margin of appreciation allowed to states in problems of public order and national identity, even if it admitted that the prohibition did interfere with religious freedom.

The *S.A.S.* decision has been widely critiqued for deferring excessively to the state and for implicitly endorsing assimilationist policies that disproportionately affect minority religious groups. Nevertheless, it represents a judicial endorsement of France's unique brand of secularism, where the state's interest in public neutrality and shared civic identity is given precedence over individual religious expression in public spaces.

C. Discussion Points

Recent developments continue to test the limits of French secularism. The 2021 Anti-Separatism Law (formally titled the "Law Reinforcing Republican Principles") was introduced in the aftermath of the murder of a French schoolteacher and is aimed at combating radical Islamism and protecting

prohibiting the concealment of the face in public spaces] (Fr.).

⁵⁰ *S.A.S. v. France*, App. No. 43835/11, at 2.

republican values.⁵¹The law increases state oversight of religious associations, imposes restrictions on foreign funding of religious institutions, and tightens educational regulations, including greater scrutiny of homeschooling. Critics argue that it disproportionately targets Muslim communities and expands the state's reach into private and religious life, raising concerns about stigmatization and selective enforcement.

At the heart of France's ongoing debates lies the tension between public order, assimilation, and individual liberties. The French state prioritizes a uniform civic identity, which it views as incompatible with visible religious distinctions in public institutions. While this model aims to preserve neutrality and protect the Republic from sectarian influence, it also risks alienating religious minorities by demanding a renunciation of visible faith-based identities in public spheres. The jurisprudence and legislative trajectory of France thus reveal a secularism that is deeply legalistic and assimilationist, contrasting sharply with more pluralistic or accommodative models like those of India or Canada.

France's experience raises foundational questions about the compatibility of strict secularism with contemporary norms of multiculturalism and liberal constitutionalism. While it offers a robust framework for state neutrality, it also illustrates the pitfalls of universalist policies that overlook the lived realities of minority groups in an increasingly plural society.

D. Legal Framework & Policy Overview

Canada offers a unique model of secularism grounded in its formal commitment to multiculturalism. Unlike countries that adopt either rigid secularism or a selective religious engagement approach, Canada recognizes diversity as a constitutional value. With its clear declaration of the intention to preserve and enhance multicultural heritage while supporting the full and equal involvement of persons and communities of all backgrounds, the Canadian Multiculturalism Act of 1988 is fundamental in this regard. This legislative framework works in tandem with the *Canadian Charter of Rights and Freedoms*, particularly Section 2(a)⁵², which guarantees "freedom of conscience and religion," Section

⁵¹Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République [Law No. 2021-1109 of Aug. 24, 2021, reinforcing respect for the principles of the Republic] (Fr.).

⁵² Canadian Charter of Rights and Freedoms, *supra* note 5.

15⁵³ which provides for equality rights, and Section 27⁵⁴, which stipulates that the Charter should be interpreted in a manner consistent with the preservation and enhancement of multicultural heritage.

This structure allows for what scholars describe as “multicultural secularism” a model that seeks not only to remain neutral with respect to religion but also to accommodate religious diversity through inclusive legal reasoning. This has been reinforced by Canada’s jurisprudence, where courts have recognized the need to reasonably accommodate religious practices, especially when such practices intersect with public services, employment, and education.

E. Chronological Review of Key Case Laws

Canada's diverse approach to religious freedom has been interpreted and upheld in large part by the judiciary. The landmark case *R. v. Big M Drug Mart Ltd.*⁵⁵ was pivotal in affirming that freedom of religion under Section 2(a) includes both the freedom to hold religious beliefs and the freedom to manifest them without coercion. The Supreme Court struck down the federal Lord's Day Act for imposing Christian norms on non-Christians, establishing an expansive interpretation of religious liberty.

Subsequently, *Syndicat Northcrest v. Amselem*⁵⁶ [2004], further entrenched the individualistic and subjective dimension of religious belief. The Court held that Orthodox Jewish residents had the right to erect succahs (temporary huts for Sukkot) on their balconies, rejecting the imposition of collective religious authority or institutional standards to limit individual freedoms.

In *Multani v. Commission scolaire Marguerite-Bourgeoys*⁵⁷, [2006], A Sikh youngster who was first forbidden from bringing a kirpan—a ceremonial dagger—to school won his case in court. The Court upheld the concept of reasonable accommodation even in the context of school safety concerns by acknowledging the kirpan as a religious symbol and ruling

⁵³ Canadian Charter of Rights and Freedoms, *supra* note 5.

⁵⁴ Canadian Charter of Rights and Freedoms, *supra* note 5.

⁵⁵ *R. V. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295.

⁵⁶ *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551.

⁵⁷ *Multani*, [2006] 1 S.C.R. 256, at 2.

that the school board's prohibition was unconstitutional under Section 2(a) of the Charter.

The case *Loyola High School v. Quebec*⁵⁸ (*Attorney General*), [2015], assessed, from a neutral and secular standpoint, whether Quebec's Ethics and Religious Culture (ERC) curriculum might be required to be taught at a private Catholic school. The Court acknowledged the school's right to practice its religion and underlined that religious organizations are protected by the Constitution under Section 2(a), particularly when it comes to educating their fundamental beliefs.

Finally, the case of *Hak v. Quebec (Attorney General)*⁵⁹ represents an ongoing legal challenge to Quebec's Act Respecting the Laicity of the State (Bill 21), enacted in 2019. The law prohibits certain public servants — including teachers, police officers, and judges — from wearing religious symbols while on duty. The case is currently pending before the apex court of Canada as of early 2025. The key question is whether Bill 21⁶⁰ violates fundamental Charter rights and whether Quebec's invocation of the “notwithstanding clause” under Section 33⁶¹ of the Charter can shield the law from judicial scrutiny.

F. Discussion Points

The Canadian model illustrates the complexity of balancing national multicultural values with provincial autonomy. Quebec, in particular, has adopted a stricter interpretation of secularism, often at odds with federal commitments to religious accommodation. This tension underscores the challenge of upholding religious freedom uniformly across jurisdictions, especially where political identities influence secular policies. The principle of reasonable accommodation has been central to Canadian legal reasoning, offering a dynamic and inclusive framework for addressing religious diversity. Yet, the evolving jurisprudence around Quebec's Bill 21⁶² signals a critical test for Canada's multicultural model and the strength of its constitutional protections.

⁵⁸ *Loyola High School v. Quebec (Attorney General)*, [2015] 1 S.C.R. 613.

⁵⁹ *Hak v. Quebec (Attorney General)*, 2021 ACCA 1331 (Can.).

⁶⁰ Bill 21, An Act respecting the laicity of the State, 1st Sess., 42nd Leg., Quebec, 2019 (Can.).

⁶¹ Canadian Charter of Rights and Freedoms, § 33, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

⁶² Bill 21, *supra* note 61.

COMPARATIVE ANALYSIS – LEGAL, POLITICAL, AND SOCIAL APPROACHES

Temporal frameworks for achieving secularism in India parallel those of France and Canada thus demonstrating successful methods to handle religious inclusivity in multicultural contexts. Each nation upholds secular principles but maintains distinct laws about proper interpretation which stem from existing historical elements together with cultural backgrounds and political settings. A comprehensive evaluation investigates these systems through assessment of fundamental doctrines such as legal principles and judicial directives together with present-day obstacles and their methods for maintaining freedom of religion and public security alongside societal unity.

A. Legal Philosophy

India bases its secular model on Article 25 to 28⁶³ of the Constitution of India that protects religious freedom through its commitment to pluralistic ethics along with religious tolerance. The legal framework of India accepts constitutional morality as the guideline so judges must restrict some religious activities that threaten fundamental rights. The Indian judiciary maintains a constant pursuit toward securing religious practice flexibility while protecting the equality rights of all individuals according to decisions like Shayara Bano case of 2017⁶⁴. In this case the apex court of India made Triple Talaq illegal because it violated gender equality laws while preserving secular values in the constitution. France practices secularism through *laïcité* which establishes complete religious-statism separation according to the 1905 Law on the Separation of Churches and State. Through the 2004 public schools ban on standout religious school accessories France upholds its principle of keeping the state separate from religion while ensuring public discipline. French courts have repeatedly defended these principles through judicial decisions like *S.A.S. v. France* (2014)⁶⁵ which proved the ban of face veils after considering public order needs and social solidarity. Canada adopts a flexible multicultural framework because of the Canadian Charter of Rights and Freedoms (1982) and the Canadian Multiculturalism Act (1988). Under Canadian legal doctrine the judicial system seeks to accommodate religious diversity through frequent support of this principle. Cases like *Multani v. The Court* protects religious freedom of minority groups through reasonable accommodation measures while

⁶³ INDIA CONST., *supra* note 5.

⁶⁴ Shayara Bano, (2017) 9 S.C.C. 1, at 9.

⁶⁵ S.A.S., App. No. 43835/11, at 2.

guaranteeing public policies do not violate religious rights as seen in Multani case of 2006⁶⁶ and Big M Drug Mart Ltd. case of 1985⁶⁷.

B. Judicial Trends and Case Law Emphasis

Different approaches exist for each nation to establish their judicial systems in the face of secularism. The apex court of India upholds secularism through constitutional moral teachings which ensure religion supports “fundamental principles of equality and justice” included in the constitution. The Supreme Court in Sabarimala (2018)⁶⁸ found a balanced approach to link spiritual practices with sex equality because religious opening required unrestricted access without discrimination. French court systems enforce public order above all else while supporting the state position of neutrality. Through the S.A.S. v. France⁶⁹ court ruling the French judicial system establishes public religious controls as its main authority to secure spaces free from religion. Within Canadian jurisdictions court systems recognize multicultural policies to allow religious expressions in their jurisdiction. The courts in Canada structure their priorities to support religious minority rights while maintaining individual freedoms for religious practices according to Syndicat of 2004⁷⁰ and Multani case of 2004

C. Current Challenges and Debates

Different expressions of religion cause similar obstacles for all three nations to merge secularism yet these challenges manifest uniquely based on their individual contexts. People in India maintain discussions about implementing a Uniform Civil Code to resolve conflicts arising from personal law versus constitutional requirements for secularism. A national argument persists regarding whether uniform legal codes should replace religious personal laws to achieve religious freedom in addition to equality and national unity. Two fundamental challenges exist for France in balancing secular principles with personal liberties when it deals with religious symbols in public spaces. The 2021 Anti-Separatism Law heightened restrictions about religious participation in public

⁶⁶ Multani, [2006] 1 S.C.R. 256, at 2.

⁶⁷ R. v. Big M Drug Mart Ltd., [1985] 1 S.C.R. 295.

⁶⁸ Indian Young Lawyers Association v. State of Kerala, (2018) 10 SCC 1 (India).

⁶⁹ S.A.S., App. No. 43835/11, at 2.

⁷⁰ Syndicat Northcrest v. Amselem, [2004] 2 S.C.R. 551.

life especially when targeting Muslim religious customs⁷¹. A dispute exists between Canadian national multicultural policy and provincial secularism because Quebec adopted Bill 21⁷² to regulate rules about religious symbolism in public institutions. The Supreme Court of Canada's decision on Bill 21 will shape the national strategy that connects secularism practices with cultural diversity protection.

D. Emerging Legal Debates and Potential Directions for Reform

Various countries currently resolve legal conflicts about how both secularism and accommodation practices will develop in the future. Future development of the United Council of Churches within India could revolutionize national approaches to religious diversity through fresh reforms creating superior equilibrium between human rights and protections of religious liberties. The French government works to enhance their secularism laws to control minority religious influence on public domains while Quebec implements accommodations policies after discovering multiculturalism challenges through Bill 21. Present-day modern social changes drive the ongoing dynamic evolution of the secularism framework at the constitutional level across these three nations.

RECOMMENDATIONS

The central recommendation for India should involve defining how personal religious laws connect with constitutional secular principles. Various religious customs within India create difficulties for secularism maintenance because they conflict with safeguarding religious freedom boundaries. The judicial system has played an essential part in managing these opposing interests by assessing cases such as Shayara Bano case concerning Triple Talaq. Sharp distinctions between religious freedom-based rights and constitutional marriage equality and individual liberty protections would build a stronger Indian secular structure. National security must take into account Indian cultural and religious diversity when planning a Uniform Civil Code which maintains full rights for minorities.

French authorities must review their approach to laïcité because human rights and multicultural changes in practice need

⁷¹ David Tittensor, *France's Anti-Separatism Law Is Increasing the Securitisation of Muslims*, MELBOURNE ASIA REV. (Sept. 7, 2023), <https://www.melbourneasiareview.edu.au/frances-anti-separatism-law-is-increasing-the-securitisation-of-muslims/>.

⁷² Bill 21, *supra* note 61.

consideration. Muslim communities have strongly pushed back against rigid secularism in France under 2004 religious symbols' prohibition and 2010 full-face veil bans. The European Court of Human Rights supported these laws through the S.A.S. 2014⁷³ case because of public order concerns. As France becomes both more pluralistic and tolerant regarding religious practices the nation should examine alternatives to its strict secularism which could generate better religious inclusion without compromising government neutrality.

Canada needs to resolve the policy differences between provincial regulations and the framework of national multiculturalism especially in Quebec. Bill 21 in Quebec bans public servants from donning religious insignia while posing serious challenges to Canadian secularism. The national Canadian Multiculturalism Act (1988) demonstrates federal recognition of multiculturalism while provincial authorities enact rules which limit religious expression⁷⁴. The Supreme Court of Canada stands ready to make a vital decision about Bill 21 which will shape how the nation addresses its multicultural foundation against public workplace requirements. The Canadian legal system ought to make religious accommodation available as a proper function but retain overall social equality and unity⁷⁵.

CONCLUSION AND WAY FORWARD

The comparative analysis shows nations compare both universal aspects about secularism while displaying various distinctions in their execution of secular policies for religious diversity. India's secular system aims to create harmony between respect for pluralism and legal uniformity. As per India's constitutional Articles 25 to 28⁷⁶ the country grants religious freedom yet legal implementation faces difficulties because of religious diversity especially regarding the proposed implementation of the UCC. Similarly, France has received strong criticism for its demanding model of secularism enforced through the 1905 Law on the Separation of Churches and State which resulted in both public-school students being barred from wearing visible religious symbols and a prohibition against wearing masks covering the face. The French effort to uphold public order through secular policies activated social discussions about religious minorities' ability to practice their beliefs in such a state structure. The Canadian government has chosen a multicultural framework that

⁷³ S.A.S., App. No. 43835/11, at 2.

⁷⁴ Canadian Multiculturalism Act, *supra* note 20.

⁷⁵ Bill 21, *supra* note 61.

⁷⁶ INDIA CONST., *supra* note 5.

continues through the Canadian Multiculturalism Act (1988) to integrate diverse religious beliefs into a secular nation. The opposition between Canada's federal multicultural laws and Quebec's provincial Bill 21 creates substantial barriers for finding equilibrium between religious freedom rights and the country's secular principle.

Future studies need to explore what modifications secularism demands from changes in social elements and religious expressions and cultural conditions. Comparative studies like this research demonstrate how various nations address secularism during globalization whereas the global world functions today. The exchange of learning between Canada and India helps researchers better understand possible solutions for merging multiculturalism with secular principles to support religious diversity. Future academic studies should examine how modern social movements affect secularism along with judicial powers that form its future direction. The essential aspect for modern societies requires adaptable legal systems which can effectively adapt to quick cultural and social changes in contemporary environments. The secular framework needs movable mechanisms to account for mounting influence of cultural diversity and religious minority practices in order to resolve future challenges.