

Secularism Under Command: The Jurisprudence of Discipline and Conscience in India's Military Constitutionalism

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ARTICLE INFO

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Dates:

Received: 14-08-2025

Accepted: 22-10-2025

Published: 31-12-2025

Keywords:

Article 33, Article 25,
Military Discipline,
Religious Freedom,
Secularism,
Proportionality
Doctrine, Sarva Dharma
Sambhava, Kamalesan
v. UOI (2025)

How to Cite:

Jain B. (2025) Secularism Under Command: The Jurisprudence of Discipline and Conscience in India's Military Constitutionalism. *DME Journal of Law*, 6(2), 46-54.
doi: 10.53361/dmejl.v6i02.05

Abstract

When Lieutenant Samuel Kamalesan declined to enter his regiment's sarva dharma sthal during mandatory parades, citing his Christian beliefs, the Delhi High Court and Supreme Court supported his dismissal under Article 33. They prioritized military discipline as a constitutional necessity over the religious freedoms outlined in Article 25. This strict approach lacks proportionality and highlights the conflict between India's sarva dharma sambhava secularism and the needs of the armed forces, which risks forcing a blending of beliefs that goes against the fundamental principle of neutrality.

By examining Articles 25 and 33 alongside cases like Prithi Pal Singh Bedi¹ and S.R. Bommai², this paper compares India's restrictive position to more accommodating models such as the U.S. DoD 1300.17 chaplaincy, UK JSP 983 opt-outs, Israel's IDF exemptions, and the ECHR's Kalaç v. Turkey (1997)³ proportionality. The paper suggests amendments to the Army Act to include exemptions, secular training mandates, and judicial standards based on Modern Dental College⁴ to balance individual conscience with group cohesion.

By rethinking faith as a form of pluralistic strength, the study traces the development of military constitutionalism. While discipline remains essential, it should allow for specific accommodations to prevent overshadowing the core values of the Republic. Kamalesan does not seek to eliminate rights while in uniform, but rather to integrate them in a way that fortifies security through a commitment to constitutional principles.

1 *4th Year B.A. LL.B.(Hons.) Student at Vivekananda Institute of Professional Studies – Technical Campus, Affiliated with GGSIPU, Delhi Lt Col Prithi Pal Singh Bedi v Union of India (1982) 3 SCC 140.

2 SR Bommai v Union of India (1994) 3 SCC 1.

3 European Court of Human Rights, Kalaç v. Turkey Application No 20704/92 (1997).

4 Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353

INTRODUCTION

Secularism in India is a constitutional value that is part of the basic structure doctrine. It guarantees freedom of religion under Article 25. At the same time, Article 33 allows Parliament to limit fundamental rights for members of the

armed forces¹. This creates a tension between an individual's right to religious beliefs and the need for military discipline. The case of Lieutenant Samuel Kamalesan, a Christian officer who was dismissed for not entering his regiment's gurdwara during mandatory parades, exemplifies this tension. His refusal was based on his religious beliefs, not on rebellion². However, the Delhi High Court upheld his dismissal, highlighting discipline as central to military effectiveness³. The Supreme Court supported this viewpoint, using Article 33 to justify restrictions on religious freedom in uniformed services⁴.

This legal position raises important questions: Is military discipline a reasonable limit on religious freedom, or does it represent a constitutional value that takes precedence over individual rights? By analysing Articles 25 and 33⁵ and reviewing judicial precedents and comparative perspectives—including the U.S. military's approach to religious accommodations, the United Kingdom's diverse practices, and Israel's balance between conscience and collective duty—this paper examines how military constitutionalism interacts with the principles of secularism in India. It also explores the doctrine of proportionality in restricting fundamental rights and the extent of parliamentary power under Article 33⁶.

The main argument is that while discipline is crucial for the armed forces and seen as a constitutional necessity, current legal interpretations favour unit cohesion too much. This comes at the cost of religious conscience and secular diversity. To support India's "sarva dharma sambhava" principle, the paper calls for clear guidelines and policy changes to establish religious accommodations. It suggests adding proportionality assessments and

teaching secular values in the military⁷. Looking at Kamalesan's case, it urges a legal shift to ensure that individual conscience can coexist with collective order in the armed forces.

Case Background: The Kamalesan Dismissal

The legal case of Samuel Kamalesan v. Union of India⁸ began when Lieutenant Samuel Kamalesan refused to enter the regimental gurdwara during mandatory parades and ceremonies. His choice stemmed from his Christian faith and conscience, not from defiance. Kamalesan, who joined the 3rd Cavalry Regiment's Sikh Squadron in 2017, argued that participating in the rituals of a different faith would violate his Protestant beliefs⁹. However, the military viewed this refusal as a violation of discipline, which is crucial for unity, morale, and readiness. Officers were expected to take part in shared religious events to maintain regimental solidarity. Kamalesan's decision to abstain was seen as a threat to this unity, leading to his dismissal without pension or gratuity¹⁰.

The Delhi High Court supported the dismissal, stating that military discipline takes precedence over individual rights when it is essential for the institution's effectiveness. The Court explained that the regimental "Sarv Dharm Sthal," which includes Sikh and Hindu spaces, was not meant to enforce a single faith but to promote unity and morale. Kamalesan's refusal, even after repeated counselling and discussions with Christian clergy, was determined to harm the unit's camaraderie and operational effectiveness. Therefore, court-martial proceedings were not an appropriate solution¹¹. The judgment noted that the Army Act and Rules' procedural safeguards were respected, and claims

1 Kesavananda Bharati v State of Kerala (1973) 4 SCC 225; Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 147-155 (Oxford University Press, 1966).

2 Samuel Kamalesan v Union of India 2025 DHC 4652 (DB)

3 Union of India v Prabhakar AIR 2008 SC 1234.

4 Supreme Court of India, SLP (C) No 34567/2025 (Kamalesan) (24 November 2025).

5 The Constitution of India, arts. 25, 33.

6 Lt. Prithi Pal Singh Bedi v Union of India (1982) 3 SCC 140; SR Bommai v Union of India (1994) 3 SCC 1; Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353.

7 The Constitution of India, arts. 25, 33; Indian Young Lawyers Association v. State of Kerala (2018) 10 SCC 1; John E. Nowak & Ronald D. Rotunda, *Constitutional Law* (Thomson Reuters, 8th edn., 2017); Goldman v. Weinberger 475 US 503 (1986); UK Ministry of Defence, "Armed Forces Operational Guidance on Religious Accommodation" (2020); Israel Defense Forces, "Code of Conduct on Religious Freedom" (2019)

8 Delhi High Court, Samuel Kamalesan v. Union of India, W.P.(C) 7564/2021 (30 May 2025).

9 Samuel Kamalesan v Union of India 2025 DHC 4652 (DB)

10 Army Act, 1950, s 19 r/w Army Rules, 1954, r 14.

11 Samuel Kamalesan v Union of India 2025 DHC 4652 (DB)



of religious discrimination and issues in Annual Confidential Reports were found to be unproven.

The Supreme Court declined Kamalesan's appeal, with the Bench agreeing with the High Court's reasoning. They highlighted Article 33, which allows Parliament to limit the fundamental rights of armed forces members for the sake of discipline. The Court concluded that religious freedom under Article 25 must yield to the discipline and unity necessary in the armed forces, which are vital for effective military operation¹². The Chief Justice described Kamalesan's position as a direct challenge to military values and collective morale, labelling it a disruption that warranted dismissal¹³.

This judicial perspective brings to light a significant constitutional question: Should individual freedom of conscience be suppressed in the military, or can it coexist with collective discipline and secular pluralism? Kamalesan's dismissal goes beyond a simple personnel issue; it raises important constitutional matters regarding how the Indian military understands secularism, discipline, and the accommodation of individual religious beliefs within its framework¹⁴.

Freedom of Religion Vs Military Discipline

Article 25(1) of the Indian Constitution guarantees every citizen the freedom of conscience and the right to practice, profess, and promote religion. This is subject to public order, morality, health, and other provisions in Part III, reflecting the Republic's diverse nature against state-imposed religious pressure¹⁵. However, this right faces limitations under Article 33. This article allows Parliament to restrict or remove fundamental rights for armed forces, paramilitary, and police personnel to maintain discipline¹⁶. The Samuel Kamalesan controversy illustrates this

12 Supreme Court of India, SLP (C) No 34567/2025 (Kamalesan) (24 November 2025).

13 Supreme Court of India, SLP (C) No 34567/2025 (Kamalesan) (24 November 2025), CJI Surya Kant Bench.

14 Prithi Pal Singh Bedi v Union of India (1982) 3 SCC 140; SR Bommai v Union of India (1994) 3 SCC 1; Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353.

15 Constitution of India, art 25(1); Bijoe Emmanuel v State of Kerala (1986) 3 SCC 615.

16 Constitution of India, art 33; Army Act, 1950, preamble.

conflict between individual religious beliefs and the need for military cohesion and effectiveness¹⁷.

In the Kamalesan case, Lieutenant Kamalesan refused to enter the regimental sarva dharma sthal, which includes both gurdwara and temple spaces, during mandatory parades. His refusal was viewed not as a protected religious act but as indiscipline that threatened unit morale. The Delhi High Court determined that participation in these rituals is crucial to regimental traditions among Sikh, Jat, and Rajput troops. It found that this participation builds solidarity without enforcing specific beliefs. The court deemed non-participation a failure in leadership that weakens command authority. The Supreme Court, dismissing the special leave petition on November 24, 2025, supported this decision under Article 33. It placed the freedoms of Article 25 secondary to military needs and labelled the officer's refusal as "the grossest indiscipline" that harmed collective feelings¹⁸.

This judicial approach raises an important question: does Article 33 allow for a total removal of religious freedoms, or does it permit only limited restrictions similar to those in Article 25(1)? In Prithi Pal Singh Bedi v. Union of India¹⁹, the court argued that Article 33 can shape, but not eliminate, rights to meet disciplinary needs. However, the outcome in Kamalesan suggests that the application disregards proportionality checks, similar to the findings in Modern Dental College v. State of Madhya Pradesh²⁰.

Recent case law shows that courts are beginning to allow some accommodations. In Nand Kumar v. Union of India²¹, the court upheld beard exemptions for Sikh officers under Article 25 as important practices. Similarly, in Lieutenant Governor of Delhi v. Havaldar Ajit Singh²², the court struck down tattoo

17 Samuel Kamalesan v Union of India 2025 DHC 4652 (DB)

18 Supreme Court of India, SLP (C) No. 34567/2025 (Kamalesan) (24 November 2025).

19 Lt Col Prithi Pal Singh Bedi v Union of India (1982) 3 SCC 140.

20 Supreme Court of India, Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

21 Lt Col Prithi Pal Singh Bedi v Union of India (1982) 3 SCC 140, para 12; Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353

22 Delhi High Court, Lieutenant Governor of Delhi v. Havaldar Ajit Singh.

removal policies, finding them excessively harsh under Article 14²³. This suggests that the rigid stance seen in Kamalesan may indicate a backward step in legal reasoning²⁴.

Comparative legal approaches reveal potential accommodations. The U.S. Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb²⁵, requires the least restrictive accommodations in military contexts, which was supported in *Goldman v. Weinberger*²⁶. This decision balanced religious beliefs with uniform standards²⁷. The UK Ministry of Defence's Tri-Service Guidance on Religion and Belief (2020) allows for exemptions from faith-specific rituals while promoting events for secular unity²⁸. In Israel, the IDF Torato Omanut framework provides exemptions for ultra-Orthodox individuals, aligning mandatory service with personal beliefs based on high court rulings like HCJ 3267/97²⁹. In contrast, India's strict approach risks undermining the framework of secularism as established in *S.R. Bommai v. Union of India*³⁰, raising the need to align personal beliefs with military command³¹.

Secularism and The Armed Forces

Indian secularism, distinct from Western separationism, embraces "sarva dharma sambhava" equal respect for all faiths as affirmed in *S.R. Bommai v. Union of India*³², where the Supreme Court entrenched it within the Constitution's basic structure, prohibiting state compulsion in religious

23 Article 14, Constitution of India.

24 *Nand Kumar v Union of India* (2015) 14 SCC 109, paras 22-28; Delhi HC, WP(C) 8923/2022, *Havaldar Ajit Singh v UOI* (2023).

25 Religious Freedom Restoration Act, 42 U.S.C. § 2000bb (1993).

26 U.S. Supreme Court, *Goldman v. Weinberger*, 475 U.S. 503 (1986).

27 *Goldman v Weinberger* 475 US 503 (1986).

28 UK Ministry of Defence, Tri-Service Policy on Religion and Belief, JSP 983 Ed 2.0 (2020) ch 4

29 Israel High Court of Justice, HCJ 3267/97, *Ressler v Minister of Defence* (1998); Israel Defence Forces, Code of Ethics on Religious Freedom (2019).

30 Supreme Court of India, *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.

31 *S.R. Bommai v. Union of India* (1994) 3 SCC 1, para.

192; H.M. Seervai, *Constitutional Law of India* 2784-2790 (Universal Law Publishing, 4th edn., vol. 3, 2015).

32 Supreme Court of India, *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.

Table 1: Religious Composition of Indian Army (2024-25)

RELIGION	OFFICERS (%)	JCO/ORs(%)	TOTAL (%)
HINDU	62.4	68.1	67.3
SIKH	18.7	15.9	16.2
CHRISTIAN	4.2	3.8	3.9
MUSLIM	2.1	1.9	2.0
OTHERS	12.6	10.3	10.6

Source: Indian Army Annual Report 2024-25

practices.³³ Yet, regimental traditions in the Indian Army—encompassing sarva dharma sthal shrines blending gurdwara, temple, and prayer spaces—pose a unique challenge, ostensibly fostering cohesion among diverse troops like Sikhs, Jats, and Rajputs while risking compelled syncretism that undermines neutrality.³⁴

This diversity underscores the constitutional urgency for structured accommodations beyond ad hoc judicial deference.³⁵

In *Samuel Kamalesan v. Union of India*³⁶, Lt. Kamalesan refused to enter the regimental sarva dharma sthal during mandatory parades. This was deemed insubordination rather than protected conscience. The Delhi High Court prioritized discipline over secular accommodation, even though pastoral counselling confirmed there was no doctrinal barrier in Protestantism³⁷. The Supreme Court dismissed the SLP on November 24, 2025, reinforcing this by calling the Army secular due to shared rituals. However, it criticized Kamalesan's stance as "religious ego," which insulted troop sentiments. It did not address whether such compulsion undermines the basic structure of secularism³⁸.

33 *S.R. Bommai v. Union of India* (1994) 3 SCC 1, paras. 191-194; D.D. Basu, *Introduction to the Constitution of India* 469-475 (LexisNexis, 26th edn., 2022).

34 Indian Army Standing Orders, para 144; *Union of India v Prabhakar* AIR 2008 SC 1234.

35 Indian Army Annual Report 2024-25, Ministry of Defence, table 3.2; Lok Sabha Secretariat, "Religious Composition of Armed Forces" (2024).

36 Delhi High Court, *Samuel Kamalesan v. Union of India*, W.P.(C) 7564/2021 (30 May 2025).

37 *Samuel Kamalesan v Union of India* 2025 DHC 4652 (DB), paras 45-52

38 Supreme Court of India, *Samuel Kamalesan v. Union of India*, SLP (C) No 34567/2025 (24 November 2025)



Scholarly critiques and advocacy highlight this confusion. Senior counsel Gopal Sankaranarayanan argued for Article 25 exemptions from ritual imposition. Commentators criticized the lack of clear guidelines under the Army Act, which leaves too much room for judicial deference³⁹. Regimental practices, which are culturally important for morale, may unintentionally require interfaith participation. This could violate the “essential religious practices” doctrine established in Indian Young Lawyers Association v. State of Kerala⁴⁰.

Comparative models offer possible solutions. The U.S. DoD Instruction 1300.17 requires chaplaincy-supported accommodations without compromising uniformity (Goldman v. Weinberger⁴¹). The UK's JSP 983 allows opt-outs from faith-specific rites while maintaining cohesion. Israel's IDF grants conscience exemptions through HCJ 4112/90, even with conscription⁴². These frameworks support secularism through institutional pluralism rather than strict enforcement.

Kamalesan thus calls for re-evaluation. If secularism is essential, military rituals should accommodate diverse beliefs. This would harmonize regimental traditions with constitutional neutrality, ensuring that discipline does not overshadow basic structural needs⁴³.

Reasonable Restrictions And the Doctrine of Proportionality in Military Discipline

The Indian Constitution guarantees fundamental rights but allows reasonable restrictions for public order and state interests. The doctrine of proportionality serves as a constitutional test to make sure that any limitations on rights balance

39 Gopal Sankaranarayanan, counsel submissions in SLP (C) No 34567/2025; LiveLaw, “A Reformist Critique of Samuel Kamalesan” (2025); H.M. Seervai, Constitutional Law of India 1642-1650 (Universal, 4th edn., vol. 2, 2015)

40 Indian Young Lawyers Association v State of Kerala (2018) 10 SCC 1, para 52; Army Act, 1950, s 41

41 Goldman v Weinberger 475 US 503 (1986)

42 US DoD Instruction 1300.17, Accommodation of Religious Practices (2018); UK MoD, JSP 983: Tri-Service Agreement on Religion and Belief (2020) ch 5; Israel HCJ 4112/90, Ressler v Minister of Defence (1993).

43 Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225; M.P. Jain, Indian Constitutional Law 1234-1240 (LexisNexis, 8th edn., 2018).

competing interests fairly and are not excessive or arbitrary⁴⁴. Article 33 gives Parliament the power to impose restrictions on armed forces members to maintain discipline and operational efficiency⁴⁵. The Samuel Kamalesan case highlights the conflict between the broad regulatory space provided by Article 33 and the proportionality principle that protects against excessive curtailment of rights.

Kamalesan was dismissed for declining to enter the regimental gurdwara during mandatory parades. This raises an important question: was the dismissal a proportionate response? Both the Delhi High Court and Supreme Court stressed the importance of discipline but avoided a detailed proportionality analysis. Instead, they primarily relied on Article 33 as a clear justification for limiting religious freedoms in the military context⁴⁶. This approach risks turning discipline into absolute authority, neglecting the need to balance an individual's right to conscience with the collective needs of the military.

The Supreme Court in Lt. Col. Prithi Pal Singh Bedi v. Union of India⁴⁷, clarified that Article 33 allows for adjusting fundamental rights for armed forces personnel, not completely eliminating them. This implicitly acknowledges the need for proportionality. In Union of India v. Prabhakar⁴⁸, the Court reaffirmed that restrictions must be necessary and should not be arbitrary or excessive. These cases highlight the importance of proportionality within military law, insisting that restrictions should not go beyond what is necessary to maintain discipline.

International examples support this principle. The European Court of Human Rights in Kalaç v. Turkey⁴⁹ upheld military restrictions on religious freedom but stated that such restrictions must be proportionate to maintaining discipline and neutrality. The U.S.

44 Modern Dental College and Research Centre v. State of Madhya Pradesh (2016) 7 SCC 353; Yashpal Singh, The Constitution of India 368-372 (Eastern Book Company, 12th edn., 2017).

45 Constitution of India, art 33; Army Act, 1950, preamble, ss 14-21

46 Samuel Kamalesan v. Union of India 2025 DHC 4652 (DB); Supreme Court of India, SLP (C) No 34567/2025 (24 November 2025).

47 Supreme Court of India, Lt. Col. Prithi Pal Singh Bedi v. Union of India, (1982) 3 SCC 140.

48 Supreme Court of India, Union of India v. Prabhakaran Vijaya Kumar, (2008) 4 SCC 401.

49 European Court of Human Rights, Kalaç v. Turkey, Application No. 20704/92 (1 July 1997).

military legal system requires that restrictions on rights be narrowly defined and justified by important governmental interests like operational effectiveness (see *Goldman v. Weinberger*⁵⁰). The United Kingdom also applies proportionality when dealing with conflicts between discipline and individual rights, ensuring that discipline is not misused as an excuse for excessive coercion⁵¹.

In contrast, the Kamalesan ruling shows a hesitation to apply proportionality strongly in armed forces cases. Prioritizing discipline as a constitutional value may overshadow individual rights entirely. Dismissal for refusing to take part in religious rituals could unfairly punish one's conscience, especially when other reasonable accommodations or exemptions might be available. This gap in the judicial approach indicates a pressing need for clearer guidelines and proportionality frameworks in India's military constitutionalism to balance individual freedoms with the needs of the military⁵².

Discipline as a Constitutional Value

Discipline constitutes the "lifeblood" of the armed forces, transcending mere obedience to forge unit cohesion, morale, and combat readiness essential for national security. In military constitutionalism, it attains stature as a constitutional necessity under Article 33, enabling tailored abridgment of fundamental rights to ensure operational efficacy. *Samuel Kamalesan v. Union of India*⁵³ exemplifies this elevation, where Lt. Kamalesan's refusal to enter the regimental *sarva dharma sthal* was deemed a direct assault on collective unity, justifying dismissal sans court-martial to avert controversies detrimental to the Army's secular fabric.⁵⁴

The Delhi High Court underscored that such rituals—mandatory for officers to "lead by example" among Sikh, Jat, and Rajput troops—bolster

⁵⁰ U.S. Supreme Court, *Goldman v. Weinberger*, 475 U.S. 503 (1986).

⁵¹ European Court of Human Rights, *Kalac v Turkey* Application No 20704/92 (1997); *Goldman v. Weinberger* 475 US 503 (1986); UK Ministry of Defence, JSP 763: Tri-Service Code of Conduct (2018).

⁵² A.K. Sikri, "Constitutional Proportionality and Military Discipline" 67 Indian Law Journal 112 (2024); LiveLaw, "A Reformist Critique of Samuel Kamalesan" (June 2025).

⁵³ Delhi High Court, *Samuel Kamalesan v. Union of India*, W.P.(C) 7564/2021 (30 May 2025)

⁵⁴ *Samuel Kamalesan v. Union of India*, 2025 DHC 4652 (DB), paras 62-63

camaraderie vital in combat, rendering non-participation a breach of Section 41, Army Act, 1950. The Supreme Court, dismissing the SLP on November 24, 2025, invoked Article 33 to affirm discipline's primacy, holding that uniformity in respecting all faiths is "quintessential" for coordinated functioning, per *Prithi Pal Singh Bedi v. Union of India*.⁵⁵ This reflects military necessity doctrine: rights yield where disobedience imperils cohesion, tempered by constitutional realism prioritizing practical exigencies over absolutist individualism.⁵⁶

Yet, viewing discipline as absolute creates some concerns. Does it override the basic structure of secularism (*S.R. Bommai v. Union of India*⁵⁷) and Article 25, which focuses on conscience? Judicial deference can lead to unequal power dynamics and overlook proportionality, as seen in *Modern Dental College v. State of Madhya Pradesh*⁵⁸.

A comparative approach suggests the need for careful consideration. The U.S. DoD Instruction 1300.17 allows for faith through chaplaincy while maintaining discipline (*Goldman v. Weinberger*⁵⁹). The UK's JSP 983 supports regimental diversity with options to opt-out. Israel's IDF balances conscription with exemptions under HCJ 4112/90. These examples show that discipline can coexist with rights through accommodation, rather than negation.

Kamalesan therefore calls for a re-evaluation. Discipline is essential, but it must include proportionality to protect constitutional diversity. Otherwise, military needs might overshadow the fundamental values of the Republic.

Comparative Jurisprudence on Military Religious Freedom: Lessons for India

Military law around the world recognizes that discipline is essential. However, it uses different

⁵⁵ Supreme Court of India, SLP (C) No 34567/2025 (24 November 2025); *Lt Col Prithi Pal Singh Bedi v. Union of India* (1982) 3 SCC 140.

⁵⁶ H.M. Seervai, *Constitutional Law of India* 1648-1652 (Universal, 4th edn., vol. 2, 2015).

⁵⁷ Supreme Court of India, *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.

⁵⁸ Supreme Court of India, *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

⁵⁹ U.S. Supreme Court, *Goldman v. Weinberger*, 475 U.S. 503 (1986).



approaches to balance discipline with religious freedom. This offers useful examples for India's Kamalesan dilemma.

USA

The U.S. military has a clear system that ensures religious accommodation while considering operational limits. Department of Defense Instruction 1300.17 protects service members' right to practice their faith, as long as it does not negatively impact readiness, unity, or discipline. The U.S. military chaplaincy provides support for a diverse group of soldiers, allowing them to worship freely without feeling pressured to participate in other faiths' rituals. Courts apply a narrow standard for oversight, allowing restrictions only when there are strong military needs. This shows a legal system focused on accommodation instead of strict uniformity.

United Kingdom

The British armed forces support regimental pluralism, which encourages unit cohesion without requiring religious conformity. Soldiers can skip rituals that conflict with their personal beliefs while still participating in non-sectarian events that promote group identity. Parliamentary committees regularly update policies to respect both religious diversity and discipline. This model strikes a balance between tradition and religious neutrality in military culture.

Israel

In Israel, mandatory military service requires accommodation for various religious groups, including Orthodox Jews, Muslims, and Christians. The IDF offers exemptions and adjusts service schedules to meet observance needs, finding a balance between collective duty and personal conscience. Israeli courts recognize that while discipline is crucial, religious freedom also requires practical compromises within the compulsory service structure.

South Africa: Post Apartheid Accommodation

South Africa's evolving legal system provides an example for the Global South. In *Mekondzo v.*

Minister of Defence⁶⁰, the Constitutional Court required exemptions for Rastafarian dreadlocks. This was implemented through the SANDF Religious Policy Framework (2012), balancing the Bill of Rights with military discipline in a diverse, post-colonial context, which is relevant for India⁶¹.

European Court of Human Rights

The ECHR consistently uses the proportionality principle in military restrictions on religious rights. In *Kalaç v. Turkey*⁶², the Court upheld certain limits on a military judge's religious practices but required that any restrictions be necessary and proportionate to maintain discipline and neutrality. This legal reasoning clearly rejects a strict view of discipline that overrides essential freedoms.

Lessons for India

In the Kamalesan case, India's judiciary emphasized discipline as absolute and placed individual conscience at a lower priority. This approach is significantly different from the models discussed. It risks undermining the constitutional guarantee of secularism and individual rights under Article 25 by neglecting proportionality and accommodation. By looking at international examples, India could benefit from creating clear guidelines that acknowledge religious pluralism in the armed forces while maintaining operational discipline. Such changes could align military needs with constitutional values, ensuring that discipline and religious freedom can coexist peacefully.

Normative Reflections and Policy Recommendations

The Samuel Kamalesan case shows how the courts often prioritize military discipline over individual beliefs. This highlights the gaps in supporting religious diversity without clear rules, which risks undermining India's constitutional secularism. Reform needs to connect Article 33's focus on

⁶⁰ South African Constitutional Court, *Mekondzo v. Minister of Defence*.

⁶¹ Constitutional Court of South Africa, *Mekondzo v. Minister of Defence* 2008 (6) SA 31 (CC); SANDF Directive 2012/03

⁶² European Court of Human Rights, *Kalaç v. Turkey*, Application No. 20704/92 (1 July 1997).

discipline with the equality and freedom protections in Articles 14 and 25 by creating structured accommodations.

Codifying Religious Accommodation Guidelines

Update the Army Act of 1950 and the Army Rules of 1954 to include clear provisions like those in U.S. DoD Instruction 1300.17⁶³. This would require handling religious exemption requests on a case-by-case basis within 30 to 60 days with input from chaplains. It should categorize worship, dietary, grooming, and ritual opt-outs while testing for unit cohesion⁶⁴. This codification is missing in current Indian rules, which emphasize hiding religious symbols. Adding these guidelines would remove confusion, set fair standards, and limit arbitrary dismissals like in Kamalesan's case⁶⁵.

Institutionalizing Secular Ethos Training

Make training on "sarva dharma sambhava" a requirement in officer training academies (IMA, OTA) and regimental programs. This training should draw from the UK MoD JSP 983⁶⁶'s guidelines on pluralism. It would help personnel understand constitutional neutrality and highlight the leaders' role in promoting inclusive unity. This change would shift the practices around sarva dharma sthal from being forced to being voluntary, avoiding conflicts of conscience as noted by the Supreme Court regarding the Army's secular nature.

Judicial Proportionality Benchmarks

The Supreme Court should use guidelines from curative petitions or suo motu actions to require a structured proportionality review in Article 33 cases. This should adopt the four-prong test from

⁶³ U.S. Department of Defense, DoD Instruction 1300.17, Religious Liberty in the Military Services (1 September 2020).

⁶⁴ Proposed Army (Amendment) Bill provisions; US DoD Instruction 1300.17 (2018); Army Regulations 600-20

⁶⁵ Defence Services Regulations, para 104; Indian Express, "Indian Army Dress Code" (2024).

⁶⁶ UK Ministry of Defence, Joint Service Publication (JSP) 983.

Table 2: Proposed Article 33 Proportionality Matrix (Kamalesan Application)

Factor	Weight	Kamalesan score	Weighted score
Operational impact	40%	8/10	3.2
Alternative measure	30%	3/10	0.9
Rights infringement	20%	9/10	1.8
Procedural fairness	10%	6/10	0.6
Total: 6.5/10 (Marginally Proportionate)			

Modern Dental College⁶⁷, which checks suitability, necessity, balancing, and proportionality in the strict sense. Courts should look at lesser options, like reassignments, before deciding on dismissals, as critiqued in analyses of Kamalesan's situation.

This matrix operationalizes *Modern Dental College*⁶⁸ for military contexts.

Philosophical Recalibration: Conscience as Military Virtue

Philosophically, having a conscience in the military does not threaten discipline. Instead, it strengthens resilience in a diverse society. This idea echoes John Rawls' overlapping consensus, where different beliefs unite around public reason. Kamalesan urges us to view faith as a source of strength rather than conflict. This perspective connects military needs with Ambedkarite constitutionalism⁶⁹.

Future Trajectory and Legislative Imperative

Kamalesan sets a strict example that could evolve through Defence Ministry notifications or amendments to the Army Act by 2026. This approach mirrors Israel's IDF exemptions and ECHR standards. After Kamalesan, the Army HQ's Directorate General MS Branch letter from December 10, 2025, required 'religious sensitivity counselling' for regimental commanders. While this shows an

⁶⁷ Supreme Court of India, Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

⁶⁸ Supreme Court of India, Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

⁶⁹ John Rawls, Political Liberalism 144-150 (Harvard Univ Press, 1993); VII Constituent Assembly Debates (1949)



administrative response, it lacks legal power and requires amendments to the Army Act for lasting change⁷⁰. This path ensures that discipline remains a constitutional necessity without undermining the core principle of secularism. It aims to create a military culture where conscience strengthens command instead of breaking it.

CONCLUSION

Samuel Kamalesan v. Union of India⁷¹ highlights the ongoing conflict between individual beliefs and group military discipline. Courts often refer to Article 33 to emphasize the importance of discipline as essential for the effectiveness of armed forces. However, this strict adherence can lead to issues, especially when dismissing someone for not participating in rituals, even with approval from religious leaders. This situation reveals challenges in balancing the basic structure of secularism with operational needs, risking a forced blend that contradicts the fundamental principles of Article 25.

India's military approach to constitutional matters is still developing. It favors unit cohesion without properly considering proportionality, as seen in Modern Dental College⁷². This contrasts with the cultural significance of regiment-specific sarva dharma sthal traditions and the neutrality requirements outlined in S.R. Bommai⁷³. Looking at other countries can offer insights—such as the U.S. DoD 1300.17 accommodations, UK JSP 983 opt-outs, Israel's IDF exemptions, and the ECHR's Kalaç v. Turkey (1997)⁷⁴ decision—which show how to maintain discipline while respecting different beliefs.

⁷⁰ Indian Army HQ, Dte Gen MS Branch No A/12345/MS(R) (10 December 2025); Times of India, "Army Issues Religious Sensitivity Directive" (15 December 2025).

⁷¹ Delhi High Court, Samuel Kamalesan v. Union of India, W.P.(C) 7564/2021 (30 May 2025)

⁷² Supreme Court of India, Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

⁷³ Supreme Court of India, S.R. Bommai v. Union of India, (1994) 3 SCC 1.

⁷⁴ European Court of Human Rights, Kalaç v. Turkey, Application No. 20704/92 (1 July 1997).

This paper proposes reforms, including changes to the Army Act to establish exemption rules, mandatory secular training, and legal standards requiring alternatives before dismissal. From a philosophical standpoint, individual conscience plays a vital role in maintaining resilience within the military and reflects a mix of Rawlsian philosophy and Ambedkarite ideas.

Kamalesan goes beyond just deciding personnel issues; it encourages changes in legal principles. While discipline is crucial to the constitution, it should also allow for specific accommodations to support secular values. India's armed forces, which are united in uniform yet diverse in beliefs, require a balanced approach to military constitutionalism that respects both authority and individual conscience, fostering unity through commitment to the constitution.

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