



A Study On The Concept Of Secularism And Its Significance In India

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ABSTRACT

The Indian Preamble states that India that is Bharat to be a ‘ ‘ Sovereign, Socialist, Secular, Democratic, Republic’’. Ever wondered why the word Secular is mentioned in the Preamble? What was the need to mention the word? After all the word secular was inserted in the Indian Constitution in 1976 by the 42nd Amendment Act. Let’s ask ourselves what is exactly is secularism? Why is Secularism significant in a nation like India? This research paper strives to understand the idea and the notion of Secularism and its successes and challenges! Besides this research paper attempts to find out the role of the Indian Judiciary when it comes to interpreting Secularism.

Key Words- Secularism, Preamble, Uniform Civil Code, Fundamental Rights

INTRODUCTION

India the world’s seventh largest country is known for its pluralistic nature. India is also known for its diversity principle. When I talk about diversity it includes almost everything be it the religions, caste, creed or various sociocultural backgrounds, one can find almost everything in India.

India’s religious diversity is a universally acclaimed principle. One can never ignore religion in India, Religion in fact holds a lot of significance and relevance in India. Though the word Secularism was not inserted in the Constitution by the drafting committee, both Nehru and the Congress believed that the principle of Secularism was to be one of the binding forces of the Indian Constitution. Secularism was crucial to make Indian society were people with diverse religions with diverse religious beliefs live harmoniously.

Let’s now try understanding the basic meaning of a Secular state, the basic idea of a secular state is that there shall not be any intervention of religious matters in the affairs of the state and vice versa. The aim of a secular state is to act balanced in religious affairs and most of the secular states does not have an official religion for the nation. The State refrains itself from supporting nor opposing any religion. Its only aim is to create an environment where people of all religions can live peacefully.

There are two main notions of Secularism- 1) Western Secularism and 2) Indian Secularism. The Western notion simply bats for an erection of a wall between the church and the state and the freedom of religion of all people. Whereas the Indian notion of Secularism are as follows:

- a) The State shall permit freedom of practicing any religion.
- b) The State shall not associate with any religion.
- c) The State shall honour all faiths of equality.

The first two are almost identical to the western notion, while the last one is an innovational notion of the Indian Secularism

2.1 Literature Review

1. "India After Gandhi: The History of the World's Largest Democracy" by Ramachandra Guha - Ramachandra Guha meticulously traces India's journey post-independence, highlighting the complex evolution of secularism amidst diverse challenges. Guha's narrative explores the tensions, compromises, and aspirations that have shaped India's secular ethos, reflecting its ongoing struggle for pluralism and inclusivity.

2. "The Promise of India: How Prime Ministers Nehru to Modi Shaped the Nation (1947-2019)" by Jaimini Bhagwati - This book examines the role of secularism in shaping India's political landscape through the leadership of its prime ministers, providing valuable insights into its significance over the years. Bhagwati elucidates how each leader navigated the complexities of secular governance, offering valuable insights into its enduring significance and the varied approaches adopted to uphold India's secular ethos amidst societal, political, and cultural dynamics.

3. "Secularism and Secularity: Contemporary International Perspectives" edited by Barry A. Kosmin and Ariela Keysar - This collection of essays offers diverse global perspectives on secularism, shedding light on its significance in different cultural and political contexts.

4. "India's Struggle for Secularism" by Ajoy Ashirwad Mahaprashasta - Ashirwad Mahaprashasta critically examines the multifaceted challenges to secularism throughout Indian history and in contemporary times. Mahaprashasta underscores the pivotal role of secularism in India's socio-political fabric, illustrating how it serves as a cornerstone for unity amidst diversity. Through insightful analysis, the book sheds light on the ongoing efforts to uphold secular ideals in the Indian context.

5. "Secularism in India: A Constitutional Ideal" by Raghuram Raju (Economic and Political Weekly, Vol. 43, No. 39, September 27, 2008) - This article explores the constitutional framework of secularism in India.

6. "Secularism in India: The Supreme Court's New Challenge" by Christophe Jaffrelot (Carnegie Endowment for International Peace, August 2015) - This article examines the role of the Supreme Court in defining secularism in India's context

2.2 Research Methodology

RESEARCH DESIGN:

This Research adopts a research design of qualitative approach. This enables for a complete understanding on the notion of Secularism in India and also it's features and to do a broader study on why India needs Secularism

DATA COLLECTION:

The study on the Concept of Secularism and its significance in India, employs the use of secondary data. The contents were mainly gathered through the use of articles, books, media sources in order to provide a greater understanding on this topic

DATA ANALYSIS:

Since this project required more of quantitative data, it did undergo thematic analysis and to recognise the reappearing themes and patterns in the form of interviews and group transcripts. This perhaps will issue a greater understanding into the idea of Secularism, its constitutional provisions and its importance.

DOCUMENT ANALYSIS:

Findings on the document analysis will be mainly associated with the qualitative data, in order to provide a better insights on Secularism and its significance in India.

2.3: Research Objective

- To Understand the concept of Indian Secularism
- Understanding the relationship between the Indian Constitution and Secularism

2.4: Research Question

- What is Indian Secularism?
- What is the role of the Indian Judiciary in moulding Secularism?
- To know the differences between Western and Indian notions of Secularism?

3.1: Indian Constitution and Secularism

The Indian Constitution grants and guarantees "the freedom of conscience and free profession, practice and propagation of religion" to all its citizens. Additionally, there are few more articles that has the secularism principle and they are:

- **Article 14-** 'Equality before law and equal protection of law'. By this it means that all citizens are to be treated equally.
- **Article 15** proscribes the discrimination on the basis of caste, colour, religion etc. No person shall be discriminated on the grounds of religion.
- **Article 16(1)** simply states that there will be equal opportunities for all citizens in the government offices. **Article 16(2)** of the Indian constitution is an elucidation of **Article 16(1)** states that no citizen shall be ruled out or discriminated against in terms of any employment or in the government offices based on religion, caste, colour etc.

As mentioned earlier India is a pluralistic society with diverse religions that's the reason why the makers of the Indian Constitution stressed to have a constitution that is religious neutral and wanted to bestow the Indian constitution with religious freedom to various religious groups. **Article 25 to 28** of the Indian Constitution makes it clear that every citizen living inside India is entitled to profess, practice and propagate his religion if they don't breach the rule of law. By this it also means that any individual is free to convert his or her religion from one to another and that should be done voluntarily and not by any sort of force or inducement since it may harm the public order. The State won't intervene in religious matters; hence the state shall not be able to regulate religious activity. Nevertheless, any secular activity that is related with religious activity shall be regulated by State. An act shall be considered as religious if it's viewed as an

essential and a fundamental part of religion whereas, it will be regarded as secular if it's not considered to be as a necessary part of religion. This is where the practice of Triple Talaq and the debate of Secularism comes under the radar. The Triple Talaq was announced as illicit stating that it wasn't protected under **Article 25** of the Indian Constitution and added that it wasn't an essential religious practice. Under such scenario the state shall intervene in religious affairs and practices to bring a new social reform. They should be done with a rational mind and shouldn't be biased, mainly no coercive force of law should be practised. It is important to note that situations do arise that force the state for a speedy legal coercion to bring in the social reform. For eg, an Act that was brought to ban Polygamy was valid since it was not an essential component in the Hindu customs. Similarly, Devdasi and Sati system in Hinduism and Triple Talaq in Islam were abolished since they were a social evil not an essential part of their religion. Over the years debates and supports have grown for the implementation of Uniform Civil Code in India which not only for social reform but also for social welfare and the Nation's interest.

3.2: Role of the Indian Judiciary in moulding secularism.

First and foremost, it's important to note the fact that the term secular is not fixed; it rather is dynamic. There cannot be a predetermined or a fixed aspect on this idea of secularism all the time. Over the years the Court has given various meanings of secularism and has got it enforced in practice. For instance, in the *Keshavanand Bharati vs State of Kerala*, the Supreme Court of India held that Secularism indeed was part of the basic structure of the Indian Constitution. S.M. Sikri who was the chief justice back then added stating that the Indian constitution had a secular character which was the essence. Adding to it, Justice Pingle JaganMohan Reddy specified that 'Liberty of thought, expression, belief, faith, and worship' can never be amended no matter what since they were as one of the basic principles of the Indian Constitution.

Similarly, the Supreme Court in the case of *Bommai vs Union of India* elucidated the meaning of Secularism. The Supreme Court adhered that the word 'secular' which was drafted in the preamble by the 42nd Amendment Act simply highlights the Fundamental Rights granted and guaranteed in Articles 25-28. The Court also added stating that the neutrality of the State would be breached if religion is being used for political agendas. The Supreme Court firmly held that both Politics and Religion shouldn't be mixed. Though theoretically a secular state means non-interference in religious affairs, but it necessarily will not mean that the State can absolutely have no say in religious affairs.

This case was followed by the case of *Ismail Faruqi vs Union of India*. In this case the Supreme Court of India declared that the state has the rights to acquire the lands or properties belonging to any religion under eminent domain.

3.3 Differences between the Western and the Indian notions of Secularism

Western secularism and Indian secularism, though both rooted in the principle of separating religion from state affairs, exhibit notable differences in their historical contexts, implementation, and societal implications.

Historical Context:

Western secularism traces its roots back to the Enlightenment period in Europe, where thinkers advocated for the separation of church and state to prevent religious dominance over governance. This movement emerged in response to centuries of religious conflicts and the desire to establish governance based on reason, liberty, and individual rights.

In contrast, Indian secularism arose from the country's colonial past and its diverse religious landscape. India's long history of religious pluralism, encompassing Hinduism, Islam, Christianity, Sikhism, Buddhism, and others, necessitated a secular framework to maintain harmony and prevent religious discrimination in governance.

State-Religion Relationship:

Western secularism typically advocates for a strict separation of religious institutions from the state. Laws and policies are designed to be independent of religious influence, with the government maintaining a neutral stance towards all religions.

On the other hand, Indian secularism acknowledges and respects the country's religious diversity. While the state is secular in its outlook, it engages with religious communities and accommodates their interests within the framework of governance. This approach allows for a degree of interaction between religion and the state, albeit with an emphasis on neutrality and inclusivity.

Uniform Civil Code:

One significant point of departure between Western and Indian secularism is the concept of a uniform civil code. Western secularism often advocates for a single set of civil laws that apply to all citizens, irrespective of their religious affiliations. This uniform code is intended to ensure equality before the law and prevent religious laws from superseding civil laws.

In contrast, Indian secularism permits personal laws based on religious beliefs, resulting in different civil codes for different religious communities. For example, Hindu, Muslim, and Christian personal laws govern matters such as marriage, divorce, and inheritance. This accommodation of diverse religious practices reflects India's commitment to respecting religious freedoms and cultural autonomy.

Freedom of Religion:

Both Western and Indian secularism uphold the principle of freedom of religion, but they approach it differently. Western secularism emphasizes individual liberty and autonomy in matters of faith, allowing individuals to practice, change, or reject any religion without state interference.

Indian secularism also protects freedom of religion, but it incorporates principles of religious accommodation and affirmative action for disadvantaged religious groups. The state plays an active role in ensuring the protection of minority rights and promoting religious tolerance, often intervening to address religious conflicts and discrimination.

Role of the State:

In Western secularism, the state typically adopts a hands-off approach to religious matters, maintaining neutrality and refraining from favouring or endorsing any particular religion. Government institutions are expected to operate independently of religious influence, with a focus on safeguarding individual rights and liberties.

In contrast, Indian secularism involves a more proactive role for the state in promoting religious harmony and resolving religious conflicts. The government intervenes to protect minority rights, support interfaith dialogue, and foster a culture of tolerance and inclusivity.

In conclusion, while Western and Indian secularism share the overarching goal of separating religion from state affairs, they diverge in their historical origins, approaches to governance, and treatment of religious diversity. Understanding these differences is essential for appreciating the complexities of secularism in diverse cultural contexts.

4.1: Why India needs Secularism?

In a heterogeneous country like India both in terms of culture and religion, it's absolutely a no-brainer for the state to declare itself as being secular. People come various religions, caste, creed and sociocultural backgrounds. To keep them together India needs Secularism. After all India follows the principle of 'Sarv

Dharma Sambhav' where many religions till date live and have no quarrels amongst each other. Being the world's largest country in terms of population India has succeeded in being a secular state. When many countries are fighting in the name of religion here there's India which has kept its people intact.

At the same a fact cannot be denied that the minorities in India are in a need of secularism for them to develop a sense of patriotism towards India. It's a known fact to one and all that India is a secular state, but what happens at times is that people use religion as a political weapon. If one looks at how the scheme of things during elections has worked, it's that these religious institutions are playing a bigger role than caste in the contemporary electoral politics. Be it any religion, people have developed a sense of communalism in them, and the spirit of nationalism is trailing behind communalism.

Let's call a spade a spade! The Hindu's are the majority in India, whereas the Muslims are majority in terms of minority population. Over the years there has always been rising tensions between these two communities. On one hand, if one looks closely most of the Hindu's are willing to be identified as a Hindu more than their identification in terms of caste, a sense of Hindu feeling is reaching its zenith. This is ok acceptable, but what actually happens out here is these two communities were always at conflict and with debates of introduction of UCC, CAA the Muslims are feeling left out, and nationalism is trailing behind. I'm not blaming the entire community, there are individuals at both the sides who want to create mischiefs and never want these two communities to unite fearing that they will be cornered in the political arena.

Hence, it's crucial to place secularism as per the democratic ideals. Not to forget India is a pluralistic country and it's agreed that one can never ignore religion in India, but faith-based politics shouldn't corner national spirit.

5: CONCLUSION

A lot of voluntary efforts are needed for scientific approaches to utilise Secularism more effectively and promote harmony amongst people belonging to various religions. The State has guaranteed the right to freedom to every citizen, and this is irrefutable. The educational institutions need to act more responsible and should conduct frequent workshops to secularize the students. Secular ideas should be imparted in the minds of the people. The State should make efforts to make sure, ensure politics and religion are different and should never be blended.

In my opinion, I personally do believe that Uniform Civil Code is the need of the hour. We are talking about equal rights for all, but what about laws? Achieving UCC is only going to lift the secular image and the spirit of India.

6: REFERENCES

1. Verma, Gangesh. "Secularism in India: Its Impact on National Integration." *Journal of the Indian Law Institute* 42, no. 4 (2000): 581-598.
2. Roy, Ramashray. "Secularism and Minority Rights in India." *Pacific Affairs* 67, no. 1 (1994): 52-70.
3. Jha, D.N. "Secularism in India: A Historical Appraisal." *Social Scientist* 20, no. 11/12 (1992): 3-17.
4. Sharma, Jyotirmaya. "Secularism and the Concept of Minority in India." *Economic and Political Weekly* 35, no. 26/27 (2000): 2289-2294.
5. Chatterjee, Partha. "Secularism and Tolerance." *The Journal of Asian Studies* 65, no. 4 (2006): 715-737.
6. "Secularism: A Fundamental Tenet of Indian Democracy" - *The Times of India*
7. "Secularism and its Role in Indian Society" - *Hindustan Times*
8. "The Significance of Secularism in India's National Identity" - *Indian Express*
9. "Secularism: Upholding Constitutional Values in India" - *The Financial Express*