

ASPECTS OF SECULARISM AND THE CONSTITUTION OF INDIA

Aadil Ahmad Shairgojri¹, Dr. C. Subramanian²

Research Scholar of Political Science, Annamalai University, Annamalainagar¹

Professor of Political Science, Annamalai University, Annamalainagar²

*Correspondence: aadilhassan1995@gmail.com

Abstract

Promoting democracy through safeguarding national cohesion and sovereignty is an example of how the secularist principle can be put into practise. The Constitution also includes provisions for the establishment of secular societies. No person shall be subjected to Section 15's discrimination on the basis of his or her religion, race, caste, gender, or country of origin. The right to religious freedom is guaranteed by Article 25. In India, everyone has the freedom to follow whatever faith they choose and to help spread that faith to others. However, religious intolerance has no place in a democratic society. No publicly funded school is required to offer religious instruction in accordance with Section 28. Article 30 guarantees the right of all minorities to found schools that meet their specific needs on the basis of their religion and language.

Keywords: Democracy, Religion, Secularism, Multiculturalism

INTRODUCTION

Multiculturalism is a tradition that India has carried forward from ancient times. India is home to people of many faiths and cultures. India's multicultural society is a major factor in the country's distinct place in the world. A nation cannot be formed unless its citizens share a common language, culture, history, and religion. This, however, is the rare case in India. India is home to people of a wide variety of faiths and cultural backgrounds. India continues to exist as a nation. Tolerance of others, along with multiculturalism, is one of India's defining characteristics. People act in ways that are consistent with their religious and cultural beliefs, but they still respect those of others. In India, people of all faiths and backgrounds are encouraged to share their traditions with others. Religion has become so embedded in Indian culture that it is impossible to separate it from the social fabric. Since India's independence, the country's constitution has worked to strengthen the country's pluralistic society while preserving national unity. Religion is protected within a framework that is explicitly secular. People will be free to practise their faith privately, but it will not be allowed to influence public policy. The idea of a secularism with such a positive outlook is widely accepted. For this reason, India's social fabric has not been compromised.

Purpose of the Study

People of different religions live in Indian society. Therefore, the role of Constitution's is to create religious tolerance by the political system respecting all religions. Respect the freedom of other religions along with freedom of our religion and we must be careful that our freedom does not disrupt the public interest. However, religious bigotry is increasing day by day in Indian society. The main objective of this study is to understand the role of the political system in creating religious tolerance and another

purpose of this study is to understand what is secularism and the future of secularism in Indian society.

The Meaning of the Secularism

When a state is secular, it does not provide protection for any one religion. Behaving in accordance with one's religion entails accepting one's personal issues and accepting the religious practises of others. According to the British Encyclopedia, secularists reject the existence of a divine or spiritual realm. However, unlike atheism, secularists believe all religions have equal value and that the state should not promote any one religion. There will be no religious influence in government either. The United States is home to people of many different faiths. Everyone has the right to practise his or her faith without interference from the government. To put it simply, this is what secularism means. There are three main conceptions of secularism in Indian culture. One, secularism is seen as a good thing by those who subscribe to liberal ideology. Religion and politics are two separate spheres. Both religion and politics should stay out of the public square. These two points are disagreed upon. Second, progress in the areas of society, economy, and government is prioritised by those who subscribe to the transformationalist ideology. This worldview acknowledges that religious practise belongs primarily in the realm of personal privacy and advocates for the promotion of scientific worldviews. And third, Gandhian ideology is no longer in the same position as liberal and transformative ideology. When it comes to religion, Gandhians place equal emphasis on both religious bigotry and religious tolerance. There is no separating the realms of religion and politics. Morality in politics, in the eyes of the Gandhians, must be grounded in religious principles. India's secularism has been shaped by three distinct ideologies that set it apart from its Western counterpart. Even so, in India's culture, faith and politics are seen as distinct spheres. Religion is tolerated on a personal level. India was the birthplace of the secularist ideal, which holds that religion should be kept out of politics. So, India's unity has been preserved even as the country has grown in stature.

Indian Constitution and Secularism

Secularism was not explicitly defined in the founding document. And yet, the Indian Constitution was written with a secular philosophy in mind. This means that India does not recognise any one religion as the official religion of the country. Every faith will be treated equally by the state. Secularism in India's Constitution is not premised on atheism. The existence of religion is acknowledged, but religious tolerance and bigotry have led to the development of a secular society. Several articles of the Indian constitution make allowances for this purpose.

The words "We the people of India..." appear in the opening paragraph of the Indian Constitution. In this one sentence, we have the defining characteristic of secularism. This sentence has nothing to do with any specific religion. The term "secular" was added to the Constitution, however, in 1974. That doesn't disprove the idea that India was a secular nation-state prior to that year. India's constitution made the country a secular state, but it never uses the term. Various articles of the Constitution and judicial rulings make this

abundantly clear. Promoting democracy through safeguarding national cohesion and sovereignty is an example of how the secularist principle can be put into practice. The Constitution also includes provisions for the establishment of secular societies. No person shall be subjected to Section 15's discrimination on the basis of his or her religion, race, caste, gender, or country of origin. The right to religious freedom is guaranteed by Article 25. In India, everyone has the freedom to follow whatever faith they choose and to help spread that faith to others. However, religious intolerance has no place in a democratic society. No publicly funded school is required to offer religious instruction in accordance with Section 28. Article 30 guarantees the right of all minorities to found schools that meet their specific needs on the basis of their religion and language.

In spite of the fact that people of many different faiths call India home, the Constitution guarantees that none of them can challenge the supremacy of the people. The Indian Supreme Court has repeatedly declared that secularism is an integral part of Indian culture. The Constitutional Bench of the Hon. Supreme Court reaffirmed that secularism was an integral part of the Constitution in *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225. This opinion was solidified in the seminal case of *S.R. Bommai v. Union of India* (1994) 3 SCC 1. In fact, the judges in the *S.R. Bommai* case went on to say that the First Amendment of the United States and the Indian Constitution share a similar view of religious freedom. Nonetheless, the Hon. Supreme Court in *Ismael Faruqui v. Union of India* (1994) 6 SCC 360 began watering down the proactive, positive concept of secularism based on scientific thinking it had advocated in the *S.R. Bommai*'s case within a year. Following this, the Hon. Supreme Court extensively cited Indian scriptures to defend its concept of secularism in the infamous *RamJanambhoomi* case. In reality, India's secular character has suffered a setback, and the issue of Secularism in modern India is complex, especially in light of the resurgence of religious fundamentalism, which the government has failed to stem despite being aware of the dangers it poses.

In *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay*, the Supreme Court made its first pronouncement on the secular nature of the Constitution, saying, "Article 25, and 26 embody the principle of religious feature of Indian civilization from the very beginning of its history." Case in point: *M.H. Quareshi v. State of Bihar*, also known as the "Quareshi Cow-Slaughter case," in which the Supreme Court ruled that a ban on cow slaughter by the state did not infringe on Muslims' freedom of religion. The Constitutional Bench of the Hon. Supreme Court affirmed "liberty of thought, expression, belief, faith, and worship as part of the basic structure of the Constitution" in *Kesavananda Bharati v. State of Kerala*. Secularism is now embedded in the system's fundamentals. *S.R. Bommai v. Union of India* is a seminal case that solidified this perspective. A year later, however, the Hon. Supreme Court in *Ismael Faruqui v. Union of India* (also known as the *Ayodhya Acquisition Case*) began watering down the proactive, positive concept of secularism based on scientific thinking. It was determined that the Constitution's guarantee of religious freedom for all individuals and groups, regardless of their faith, as stated in the Preamble when taken in conjunction with Articles 25 through 30, emphasises that there is no religion of State itself. Afterwards, in the infamous *Ram Janambhoomi* case, *A.S. Narayana Deekshitulu v. State of Andhra Pradesh*, the Hon. Supreme Court justified its

concept of secularism by quoting extensively from Indian scriptures to justify its concept of secularism: 'Sarwa Dharma Sambhava,' i.e., tolerance of all religions. To return to the definition of secularism as tolerance, the Supreme Court appears to have rejected the western concept of secularism based on separation of Church and State as explained in the earlier verdict of S.R. Bommai. The Supreme Court of India made the observation in *Arunaroy v. Union of India* that the essence of secularism is the absence of state-sponsored religious discrimination. One possible explanation for the danger to "Secularism" is the widespread religious strife happening around the world.

The Need of Secularism in India

Secularism has no alternative option in a multicultural nation like India, therefore, the Indian Constitution adopted secularism. People of different languages and religions live in Indian Union. They needed secularism to keep them together. Therefore, with the right to freedom, it was necessary to accept secularism. Though there is an attempt to bring unite in diversity in India, the minority communities suffer injustice, oppression of minorities. Of course, even after the formation of a secular state, the spirit of nationalism could not be created. Awareness of social intolerance among minorities is a threat to national integration. There is a need for secularism to instill a sense of nationalism among the minority groups in the country.

Although India has adopted the concept of secular state, in fact religion has been politicized. Religious institutions are used for voting politics. Therefore, the principle of secularism is falling behind by increasing communalism. Communalism is anti-democratic, so the concept of secularism needs to be rooted in the promotion of democratic values. In a pluralistic society like India, politics based on religion is detrimental to national integrity. Therefore, in order to build a strong democracy, the values of secularism must be respected in the society while respecting religious values.

The challenges before secularism in India

India is not bound to any particular religion. However, religion was adopted as an integral part of Indian social life, along with freedom of religion and secularism. Increasing interference of religion in politics is a major challenge facing the secular state. Candidates selected for elections are given on the basis of religion. The politics of votes are cast in front of religious sentiments. Therefore, the right people do not get elected. There are minority communities such as Muslims, Christians, Parsis, Sikhs living with Hindu majority. Everyone has the right to spread and promote his or her religion. Despite this, the feelings of insecurity in religious minorities still do not seem to diminish. This makes it difficult to create a secular society. India's growing racism is one of the major challenges facing the secular society. Unless all the communities of the country come together tighter with national spirit, a secular society is not possible.

CONCLUSION

Deliberate and well-planned efforts are required for the successful implementation of scientific approaches to secularism and the establishment of social justice in the world at large. It is undeniable that the right to religious freedom has been guaranteed by the Constitution. The right is given to the individual, not the religion, and we should keep this in mind. The vast majority of Indians are religious believers. A large number of people think that every book of scripture contains some kind of teaching that benefits humanity. With proper respect, autonomy, and integration of the modern curriculum's illustrative and complementary components, we can learn about and appreciate all religions. Doing so will help people of all faiths appreciate one another's beliefs and will allow for the deliberate exercise of the right to religious freedom. The people have the final say on whether or not to adopt the religion. This will aid in religious harmony without causing any alienation, polarisation, or separation. To a secularist, the scientific worldview is fundamental. This encompasses both your guiding principle and the fundamental responsibilities of every citizen. If religion and politics are distinct spheres, then secularism can only mean that religion has no place in public life. It is official policy that the state does not recognise any religion. The vast majority of Indians believe that scriptures are founded on religious teachings and messages of kindness to humanity. All the morals taught in religious texts taught in public schools can help lay the groundwork for a secular state. Strategic welfare programmes for all religions are possible when the political system does not discriminate based on religious affiliation.

REFERENCES

- Bajpai, Rochana. "The conceptual vocabularies of secularism and minority rights in India." *Journal of Political Ideologies* 7, no. 2 (2002): 179-198.
- Bhargava, Rajeev, and T. N. Srinivasan. "The distinctiveness of Indian secularism." *The future of secularism* (2007).
- Bhat, Rashid Manzoor, Showkat Ahmad Dar, and Aadil Ahmad Shairgojri. "Electoral System of India: Major Issues and Challenges." *IRPITAGE JOURNAL* 2, no. 3 (2022): 133-140.
- Bhat, Rashid Manzoor. "Dr. BR Ambedkar's Views on Religion and Conversion to Buddhism: An Analytical Study." *Journal of Legal Subjects (JLS) ISSN* (2022): 25-31.
- Chishti, S. M. A. W. "Secularism in India: An Overview." *The Indian Journal of Political Science* (2004): 183-198.
- Jaffrelot, Christophe. "The fate of secularism in India." *Carnegie Endowment for International Peace* (2019).
- Kothari, Rajni, and Rushikesh Maru. "Caste and secularism in India case study of a caste federation." *The Journal of Asian Studies* 25, no. 1 (1965): 33-50.
- Marbaniang, Domenic. *Secularism in India: a historical analysis*. Lulu Press, Inc, 2011.
- Needham, Anuradha Dingwaney, and Rajeswari Sunder Rajan, eds. *The crisis of secularism in India*. Duke University Press, 2007.
- Rao, Badrinath. "The variant meanings of secularism in India: notes toward conceptual clarifications." *Journal of Church and State* 48, no. 1 (2006): 47-81.
- Richman, Paula, Shabnum Tejani, Rajeswari Sunder Rajan, and Anuradha Dingwaney Needham. *The Crisis of Secularism in India*. Duke University Press, 2007.

- Sen, Amartya. "Democracy and secularism in India." *India's Emerging Economy: Performance and Prospects in the 1990s and Beyond* (2004): 35-47.
- Shairgojri, Aadil Ahmad. "Indian Nationalism: Redefined in Today's Time." *Journal of Psychology and Political Science (JPPS)* ISSN 2799-1024 2, no. 03 (2022): 31-36.
- Shairgojri, Aadil Ahmad. "Rising Fundamentalism: The Challenging Time for Secularism." *Journal of Psychology and Political Science (JPPS)* ISSN 2799-1024 2, no. 02 (2022): 17-23.