

THE ROLE OF SECULARISM IN THE INDIAN CONSTITUTIONAL FRAMEWORK: AN ANALYTICAL STUDY

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ABSTRACT

“Secularism” is a very popular word in the Indian political system next to democracy. In spite of the fact that India is considered and invariably accepted as a secular state, yet secularism is not a settled issue. Secularism constitutes the best principle of civilised living as the life in the society based on equality and freedom for all communities and nationalities living in society. It advocates absence of discrimination based on religion, culture, language, colour, caste, place of birth and sex. The concept of secularism as it has come to India from the west as well as from the east, which implies a separation that exist between state and religion. As per the concept, no religion will be considered as the state religion and no one will be discriminated against on the ground of religion.

KEYWORDS: Discrimination, Religion, Constitution Of India, 42nd Amendment, Religion, Secular Nation.

INTRODUCTION

Secularism in India means equal treatment of all religions by the state. With the 42nd Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation. However, neither India's constitution nor its laws define the relationship between religion and state. The laws implicitly require the state and its institutions to recognize and accept all religions, enforce parliamentary laws instead of religious laws, and respect pluralism. India does not have an official state religion. In matters of law in modern India, however, the applicable code of law is unequal, and India's personal laws - on matters such as marriage, divorce, inheritance, alimony - varies with an individual's religion. Muslim Indians have sharia-based Muslim Personal Law, while Hindu, Christian and Sikh Indians live under Common Law. The attempt to respect unequal, religious law has created a number of issues in India such as acceptability of Child Marriage, polygamy, unequal inheritance rights, extra judicial unilateral divorce rights favorable to some males, and conflicting interpretations of religious books.

Secularism as practiced in India, with its marked differences with Western practice of secularism, is a controversial topic in India. See also Pseudo-secularism Supporters of the Indian concept of secularism claim it respects. Supporters of this form of secularism claim that any attempt to introduce a Uniform Civil Code, that is equal laws for every citizen irrespective of his or her religion, would impose majoritarian Hindu sensibilities and ideals. Opponents argue that India's acceptance of Sharia and religious laws violates the principle of Equality before the law. Secularism is a divisive, politically charged topic in India.

VIEWS OF OUR FOUNDING FATHERS OF OUR CONSTITUTION

MAHATMA GANDHI ON SECULARISM

For Mahatma Gandhi, religion is intractably woven into the fabric of Indian life. He once said those who thought that religion had nothing to do with politics, understood neither religion nor politics

GANDHIJI'S VIEWS

“Religion is a personal matter which should have no place in politics“- in 1942
“Religion is the personal affair of each individual. It must not be mixed up with politics or national affairs” – in 1947.

NEHERU'S CONCEPT ON SECULARISM

Neheru looked at secularism from the humanist and scientific point of view. He looked at secularism as a great cementing force of the diverse people of India. While Gandhi ji stressed on the equality of all religions and religious pluralism. Neheru was more inclined towards modernity of enlightenment. Neheru was the first in the sub-continent to accept the western concept of secularism as opposed to Gandhi and Maulana Abdul Kalam Azad who spoke of Secularism from the perspective of Religion. Again, he says, “Equal protection by the state to all religion, He wanted a Secular state to be one that protect all religions but does not favour one at the expense of others and does not itself adopt any religion as the state religion.

DR.B.RAMBEDKAR'S VIEW

His main concern was to bring heterogeneous communities under one roof, in a nation divided on caste lines.

WHY SECULARISM IS IMPORTANT FOR INDIA?

India is a multiethnic, multicultural, multi-lingual society. If India doesn't maintain its tolerant culture, then balkanisation of India will be imminent. In order to hold together a diverse nation as India, which is a democracy, there is no alternative but to further nurture and strengthen the principles of secularism, tolerance, empathy and compassion. Communal incidents bring religious disharmony, disturb the course of life of citizens, hurts the economy and drives away investors from the country. India cannot afford to indulge in such inanities of “gharwapsi”, manufactured notions of “communal hatred” because India has an onerous responsibility of constantly progressing on the path of development to enable the eradication of poverty and malnutrition that affects a considerable section of the population.

EVALUATION OF SECULARISM

1. Observe Dharma Nirapekhata: The Indian constitution makes the state to observe Dharma nirpeksh. But our country is steeped in religion. Religious feeling govern our mode of thinking and observance of religious festivals and rituals as part of our day to day life.

2. Uniform Civil Code: - Uniform civil code introduced in the Directive principle of state policy of Indian constitution but unfortunately till now no progress has been made for its evolution and today its adoption appears to be more problematic than it was at the time when the constitution was framed. Some section of minorities claims it is a way of imposing majority view on them.

3. Political Parties: - The decade of eighties saw the rise of religious militancy among Muslims, Hindus and Sikhs. It also witnessed dangerous communal violence in North India. On the one hand there were the Shah Bano case and Ramjanmabhumi movement and on the other Mandal commission disputes. The main challenges before the Indian secularism are religious and communal politics, caste leadership..

4. Religion occupy a Central Position: - Indian Secularism has been imposed in society, which is unsuited to its growth. Too much conscious of their religious and social identities, the Indian people in general present a country emotionally balkanization. To impose secularism on such country and then expect it to grow is likely to prove as successful as making "omelette out of hard boiled eggs".

5. Distortion of Constitutional and Democratic Institution: - The distortion of constitutional and democratic Institution has also greatly contributed to the weakening of secularism in India. The constitution and political institution have not worked the way they were enriched by the framer of the constitution.

6. Pseudo Secularism: BJP maintain that our present Secularism is pseudo secularism, as it is appeasement of the minorities. Our political leaders have been help less prisoner of electoral politics and vote arithmetic. Their first concern has been to create favourable vote bank.

IT'S EFFECT ON THE SOCIETY

Secularism is not just about separating from irrationality and dogmas of the religion, but also about achieving progress of mankind.

REMOVAL OF POVERTY

It can play a major role in resolving the issues related to poverty, disease and destitution. Secularism offers a rational way towards development. It objects to misuse of religion in politics. By bringing ethics into international relations, it can demand for minimum amount of balancing between the lives of the rich and the poor. It must resist the economic and political measures that are perpetuating such religious conflict. UNO must be further strengthened to check such countries from wielding unnecessary powers. It must also look at the causes of growing inequality among and within the nations of the world.

TO RESOLVE THE CONFLICTS

Secularism along with non-alignment can resolve any conflict in the world through ethical and neutral arbitration.

- 1. Disarmament, weapons of mass destruction. Biological and chemical weapons:** Nuclear weapons, biological and chemical weapons spell a doom over the lives of the masses. Such weapons can be put to an end with the help of secularism.
- 2. Gender equality:** Secularism with the help of religion can resolve the issues related to women and girl child like female infanticide, women and child trafficking, family planning, breast ironing, female genital mutilation etc. Most of these problems arise due to the blind faith in superstitions that took the form of religion. Secularism can bring light to the lives of such women.
- 3. Universal brotherhood:** Secularism is not only about bringing harmony among various religions, but also among the various sects, languages, regions and cultures within each religion. Overall it emphasizes the good in every religion and reaches out to the entire humanity with its message of unity and equality.

CONSTITUTIONAL PROVISIONS

India being a conventional social order that holds, not one, however numerous conventions, owing their birthplace partially to the diverse religions that exist here, has so far devised a workable plan to hold the common character of its commonwealth.

The essential blueprints of the Secularism are worshiped in the accompanying Articles of the Constitution:

1. Preamble: doubtlessly the saying “mainstream” did not first happen either in Article 25 or 26 or in any possible Article or Preamble of the Constitution. By the Constitution (42nd Amendment) Act, 1976, the Preamble was changed and for the statements ‘Sovereign Democratic Republic’ the expressions ‘Sovereign, communist, common, Democratic Republic’ were substituted.
2. No State Religion: There ought to be no ‘state religion’ in India. The states will not, one or the other build a religion of its own nor give any uncommon support upon any specific religion.

IT ACCOMPANIES FROM THAT

1. The state won’t force any national to pay any assessment for the advancement or support of any specific religion or religious organization (Article 27).
2. No religious guideline should be given in any instructive organization wholly run by state reserves.
3. While religious direction is completely banned in state-possessed instructive foundations, in other denominational organizations it is not completely denied yet it should not be encroached upon individuals of different religions without their assent (Article 28).
4. Flexibility of Conscience: Avery individual is ensured the opportunity of inner voice and the option to purport, practise and proliferate his own particular religion.
5. Flexibility to Manage Religious Affairs: individual to star fess, practise and engender his religion, they are additionally the right ensured to each religious bunches or sections:

SCOPE

The scope of secularism in India is enormous. It is the only medicine which can bring this country out of the cancerous effects of religious politics and violence. It is what can soothe the minds and hearts of billions who would otherwise be baying for the blood of the ‘other’ man. Secularism is what binds a democratic nation. Before development takes place or we become economically strong as a nation, we must ensure internal peace in the country and draw up a resolution whereby we will do anything and everything to maintain this peace. This peace can only be obtained and preserved by the spreading and sharing of secular values and value systems. Today it is secularism which keeps religious forces at bay who at the first instance will try to stoke violence and hence communal problems. Secularism also has a large scope in the upliftment of the religious backward classes and the minority groups to make sure they do not feel alienated from mainstream Indian way of life. We need to ensure that a chunk of the overall national development must help in their development too, thus removing the sources of religious discord.

CHALLENGES OF SECULARISM IN INDIA

Indian is known for its cultural heterogeneity with respect to language and religion. Hindus constitute the majority, while the Muslims constitute the largest minority. The animosity between the Hindus and Muslims was largely the creation of the British rulers. In order to keep themselves in power, they adopted a policy of 'divide and rule' and tried to promote feelings of hostility among the members of these two communities. After a long history of independence, at present too, the lack of proper adjustment between them has often resulted in violent outbursts and communal riots, which unfortunately becomes a serious challenge to the secular identity of our country.

On the other hand, very often the political parties, including the national parties, too sometimes, do not allow secularism to take precedence over their political interests. The electorate in India, guided by tradition, tends to be responsive to appeals based on caste, religion and language. By announcing various schemes favouring a particular community, political parties, openly violate the idea of secularism they claim to stand for. While distributing tickets during elections, nearly all political parties take religion of a candidate into consideration. Such a practice in India poses the greatest threat to secularism.

SECULARISM IN INDIA

Secularism in the Indian context implies that everyone has the freedom to practice their religion. This right is guaranteed via Article 25 of the Fundamental Rights chapter. In fact we do not need to proclaim secularism in order to grant religious freedom. This freedom forms a part of the Fundamental Rights. But the principle of secularism goes further and establishes equality between all religious groups. The concept of secularism also distances the State from the sphere of religion lest one religion should emerge as the State religion. This assures the Minority a legitimate place in the country. At the same time the Majority group would not be privileged in any manner. Thus the concept of secularism in India has the following components:

ITSELF AS THE STATE RELIGION

1. All citizens are granted the freedom of religious belief.
2. The State will ensure equality among religious groups by ensuring that one group is not favoured at the expense of the other. Correspondingly, the minorities will not be discriminated in any way.

THE CRISES OF SECULARISM

The later Prime- Ministers of India belonging to the Congress party favoured Hinduism. The Congress has been wavering when it comes to secularism. At times, the individual members of the party wildly violated the secular principle. The Congress government at the centre remained silent as the Babri Masjid was razed to the ground to build a Ram temple in its stead. Aggressive cultural nationalism is harmful.

SECULARISM AND DEMOCRACY

Secularism is invaluable for a society like India which is characterized with religious diversity. Secularism regulates the relationship between the State and various religious groups. In a secular State, all groups are treated equally and the State is not aligned to any religion. No person shall be discriminated against on the ground that he or she belongs to a particular religion. The concept of secularism is derived from the principle of democracy. Secularism becomes meaningful only when it refers to democratic equality. No society is

secular unless it is committed to democratic principles of freedom and equality. But secularism is meant to regulate inter-group relations. Within the group, individual members may be treated unjustly as in the case of women's rights within religious communities.

SECULARISM IN MODERN INDIA

India is a fast growing economy with a huge demographic dividend. The predominantly youthful population of India has rising aspirations of a bright future. Though India has progressed manifold since independence, it is beset with some serious challenges. Because of the colonial past, India faces the challenges of communalism. The nature of competitive politics has aided the spread of divisive communal forces in independent India. The model of secularism that India adopted was unique because it did not ask for complete separation of religion from state but advocated equal treatment of all religious by the state. India adopted the democratic principles of liberty, equality, fraternity and justice-social, economic, political. Such democratic ethos have been the anchors during episodes of communal violence that have erupted in India sporadically. Most often, there have been political reasons behind instigation of communal violence, for e.g., Muzaffarnagar in Uttarpradesh was rocked by a series of incidents of communal violence before the 2014 General Elections. The secular nature of the state is sometimes perceived as compromised during incidents of communal violence. The state machinery has to be totally non-partisan and provide complete security of life to all its citizens, regardless of their religion.

CONCLUSION

India is a land of religions, languages and customs. Many religions are flourishing here since long back, which have their own traditions and beliefs. Therefore, India is a multi-religious and multi-cultural country from its known history. It was never mono-religious or mono-cultural. The number of invasions and incursions from Aryans to Mughals added to religious, cultural and linguistic pluralism. British colonialism also contributed to its cultural and religious multiplicity. Thus with every invasion and incursion Indian society became more and more complex and rich. Perhaps no other society of the world is as multi-cultural and multi-religious as Indian society. It is rightly said that 'here the Aryans, the nonAryans, the Dravidians and the Chinese, the tribes of Scythians and Huns, the Afghans and the Muguls have all merged into one body'. Indian society is like a mighty river fed with many tributaries and the main stream flows on and on. Hence, Indian society is very rich, and well known for wisdom and great thoughts. Secularism is an important aspect of Indian society, for which it is also well known in the world.

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