



## Exploring Secularism in India : A Comprehensive Analysis

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### ORIGINAL ARTICLE



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Received on : 24/04/2024  
Revised on : -----  
Accepted on : 25/06/2024  
Overall Similarity : 10% on 17/06/2024



Plagiarism Checker X - Report  
Originality Assessment

Overall Similarity: **10%**

Date: Jun 17, 2024

Statistics: 405 words Plagiarized / 3944 Total words

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### ABSTRACT

*Secularism in Indian context means the state's impartial behaviour towards any religion, which may also be put as that the state does not have any religion of its own. This principle finds place in the Indian constitution as well and is a part of ethos of the country. The philosophy of the secularism is influenced by the principle of 'Sarva Dharma Sambhava', unlike western secularism which only emphasis about the separation of the church and the state. Indian secularism in essence is more about a positive approach which is inclusive of religious diversity and promotes harmony amongst the citizens. The country's overall history ranging from ancient to medieval times have exhibited a culture of religious coexistence. Rulers like Asoka and Akbar advocated religious tolerance and Sufism and Bhakti movements have strengthened the secular values. Coming to the Indian national movement era, the efforts of great leaders like Gandhi and Nehru always reflected the secular ideals for the people of the country, and the same finds place in the constitution which through various articles and amendments till date, guarantee fundamental rights that protect the freedom and equality and there are various judicial pronouncements on the same. Like all good things in governance, secularism has its impediments, hindrances such as caste based politics; pseudo secular practises are few of them. In this research paper the author would like to explore more on the intricacies of secularism in India.*

### KEY WORDS

*Secularism, Religious Positive Secularism Neutrality, Fundamental Rights.*

## INTRODUCTION

Secularism as a whole refers to a form of Government in which the state maintains its impartiality in questions of religion and is not allowed to favour any one religion. Religion is a personal matter, and that followers of all faiths must be acknowledged equally. Being a secular nation, the approach of the Government system should be secular. A 140+ crore population made up of people from all castes, faiths, colours, dialects, lifestyles, and perspectives coexisting under one constitution. In India, different persons, groups, communities, and parties have different opinions on secularism. Secularism is more of a set of opinion of a group or an individual that says religion is not social, political, economic, or cultural. Religion is something which is available to everyone and is presented without any other regard as a conscious issue to an individual.<sup>1</sup>

### Meaning and Concept of Secularism

Secularism is by no means clearly defined. However, it is a way of life that ignores all kinds of religious belief and worship. The fundamental tenet of a secular state is that religion should not interfere with public affairs and vice versa. Additionally, the State should not interfere in religion. As per Webster's New World Dictionary, the term "secularism" signifies the belief that religious and ecclesiastical matters should not enter into the function of the State. The concept of secularism is not a negative attitude towards religious belief; it is also a positive concept of equal treatment of all religions. The State will not establish any State religion, nor will the State accord any preferential treatment to any citizen or discriminate against him/her on the ground that he/she professes a particular religion.<sup>2</sup>

However, it does not mean that a State which does not have its own religion is a theocratic State. It is neither religious nor atheist. Also, a secular state maintains a sense of neutrality in matters pertaining to religion and provides equal protection to all religions. It is safe to say that secularism is a concept of maintaining equality among all religions.

### Philosophy of Indian Secularism

The word 'secularism' is similar to the concept of 'Dharma nirapekshata', in the Vedas which means the state of indifference to religion. Western civilization, where there is complete separation between religion and state, has also adopted this approach regarding secularism (separation of church and the state). Indian philosophy of secularism is related to "Sarva Dharma Sambhava" (literally it means that the destination of every religion is the same, though the paths themselves maybe different) which means equal respect to all religions. The above concept is accepted and promoted by great personality like Mahatma Gandhi and Swami Vivekananda and is referred to as "Positive Secularism"<sup>3</sup>, which represents the generally accepted notion of the Indian culture, as India does not have an official/state religion.

### Secularism in Ancient India

It is known that Indian religion united and developed together for centuries before the arrival of Islam in the 12th century, followed by the Mughals and colonialists. The Santan Dharma (Hinduism) was essentially permitted to grow as a comprehensive religion in ancient India by accepting various spiritual traditions and attempting to incorporate them into a single mainstream. The evolution of the four Vedas and the different Puranas and Upanishad interpretations amply demonstrate Hinduism's religious diversity. Likewise, the great Ashoka, in his 12th Rock Edict, demanded not only tolerance for all religious sects but also the development of a sense of respect towards them. Secularism in India is as old as the Indus Valley Civilization. We can explain this by taking the Harappan civilization and the cities of Lower Mesopotamia, which were not ruled by priests or leaders of any religion, as an example.<sup>3</sup> Though these civilizations had their particular God which was worshipped by the people but dominance to only one religion was not given. Additionally, dance and music were also secular in these urban civilizations.

## Secularism in Medieval India

In medieval India, Sufism and Bhakti movements restored the secular character of Indian society. They propagated various aspects of secularism such as tolerance, brotherhood, ecumenicality, harmony and reconciliation. The leaders of these movements were Khwaja Moinuddin Chishti, Baba Farid, Aziz Kabir Das, Guru Nana, Guru Nanak Dev, Aziz Tukaram and Mira Bai. Similar steps were taken during Akbar's Mughal Empire, and in medieval India the state was characterized by religious tolerance and freedom of worship. He employed several Hindus as his minister, and also did away with the Jizya tax, and prohibited forced conversions. Akbar also started a secular religion which was recognised as "Din-i-llahi", sometimes known as "the religion of God," in 1582 CE. His plan was to create a new religion that combined Hinduism and Islam while also including elements of Christianity, Zoroastrianism, and Jainism. Birbal is regarded as the first follower of this secular religion. So we can say that the era of Akbar had marked the secular nature of the society.<sup>4</sup>

## Secularism in Modern India

After Aurangzeb, India came under control of the East India Company and the British Raj. While British East India Company was in control, they promoted the policy of "divide and rule", even then, Indian freedom movements enriched and strengthened the spirit of secularism. The policy of "divide and rule" to some extent was the reason behind the communal discord between various communities and the Partition of Bengal in 1905 was the result of this discord. Furthermore, the Britishers tried many tactics to raise the religious disputes amongst the Indians. Like, through the Indian Councils Act of 1909, separate electorates were provided for Muslims. The Government of India Act, 1919 expanded the scope of the clause to include Sikhs, Anglo Christians, the Europeans, and Anglo-Indians in particular parts of India. Separate electorates further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women, and labour (workers) through the Government of India Act, 1935. Britishers were successful in their attempts. The formation of the Indian National Congress in 1885 with secular values united the people from all sects and took the freedom movement on a constructive and successful path. Nehru gave a detailed report (1928) which called for the abolition of the separate electorate to found a secular state. Gandhi's secularism stemmed from his commitment to promoting religious communities' oneness, which is based on their shared respect for the pursuit of truth, whereas, J. L. Nehru's secularism was based on a commitment to scientific humanism tinged with a progressive view of historical change.<sup>5</sup>

## Ambedkar's Vision of a Secular Constitution

Prof. K. T Shah from Bihar moved an amendment to the original Preamble statement. He insisted that the words "Secular, Federal, Socialist" should be inserted into the Preamble. In a detailed reply, Dr. B. R. Ambedkar justified as to why he did not incorporate the words "secular" and "socialist" in the Preamble. Dr. B. R. Ambedkar responded in following words, "Sir, I regret that I cannot accept the amendment of Prof. K. T. Shah. My objections, stated briefly are two.

Firstly, as stated in my opening speech for the motion presented in the house, constitution is nothing but a mechanism which regulates the work of organs of state and it is not in any sense the process which puts certain persons/parties are installed inorganically in the office, as it will be destroying the democracy in its complete essence. If someone tells that constitution has to direct which form a state has to take, then you are taking away the liberty of the people of the state to decide their own social organisation which they wanted to live in. today, people mostly are accepting the socialist model of Government over the capitalist one, but as and when the time requires, it could be thought otherwise by the majority in near future. Hence, in my opinion the constitution should not dictate to the people as to which form of living they should adopt for their own selves.<sup>6</sup> This is one reason why the amendment should be opposed."

In the constituent assembly, majority of the members agreed with the concept that India is a secular state. However, Jawaharlal Nehru and Dr. Ambedkar believed in Secular ideology but were of the view that inserting “secular” in its truest form may have created a hurdle then, as it might have affected the provisions of religion and other rights associated with it.

## Secularism and the Indian Constitution

### ➤ Preamble of the Constitution

Preamble is the part of the Indian Constitution. It is the document that explains the purpose, philosophy, aims, and objectives of the Constitution. It is part of the basic structure of the Indian Constitution. The term ‘Secular’ was added to the Preamble by the Forty-Second Constitution Amendment Act of 1976 (India is a Sovereign, Socialist, Secular, Democratic, Republic).

### ➤ Fundamental Rights of the Constitution

These Charts Represents the various Fundamental Rights enshrined under the Indian constitution.<sup>7</sup>



- **Concept:** Every Person is equal before the law.
- **Two Main Rights:**
  - Equal Legal Protection
  - Equal Subjugation:

- **Concept:** No citizen can be discriminated against based on religion, race, caste, sex, or place of birth.

- Equal Opportunity in Public Employment**
- **No Discrimination Based On:**
    - Religion
    - Race
    - Caste
    - Sex
    - Descent
    - Place of Birth
    - Residence



**Article 19: Protection of Certain Rights Regarding Freedom of Speech, etc.**

- Six Fundamental Rights:
- Subject to reasonable restrictions to maintain public order.

**Article 25: Freedom of Religion**

- Freedom of conscience and the right to profess, practice, and propagate any religion.
- Prohibits forced religious conversions.
- Secularism: No state religion, equal treatment of all religions.

**Article 26: Freedom to Manage Religious Affairs**

- Rights to establish and maintain religious and charitable institutions.
- Rights to manage own affairs in matters of religion.

Article 27

**Article 27: Freedom from Taxes for Promotion of Religion**

- No compulsion to pay taxes for the promotion or maintenance of any religion or religious institution..

Article 28

**Article 28: Freedom as to Attendance at Religious Instruction or Religious Worship in Certain Educational Institutions**

- Religious groups can impart religious instruction in their educational institutions.
- Prohibits religious instruction in state-funded institutions, except those formed under endowments/trusts requiring it.
- Protection against coercion to attend religious services.

Article 29 and 30

**Articles 29 and 30: Cultural and Educational Rights**

- Article 29: Protection of interests of minorities.
- Article 30: Right of minorities to establish and administer educational institutions.

Article 44

**Article 44: Uniform Civil Code**

- Empowers the Centre to implement a uniform civil code across India.
- Aims to ensure justice and equality regardless of religion, caste, or tribe.
- Covers marriage, divorce, succession, and family matters (not yet implemented)

Article 51A(h)

**Article 51A(h): Fundamental Duties of Citizens**

**Duty to Promote Harmony and the Spirit of Common Brotherhood**

- Foster solidarity and unity among all Indians.
- Eliminate discrimination based on caste, creed, religion, or gender.
- Engage in community activities promoting national integration.

**Objective to Value and Preserve India's Composite Cultural Heritage**

- Recognize and appreciate India's diverse cultural practices.
- Preserve historical monuments, artifacts, and sites.
- Promote and participate in cultural festivals and events.
- Support traditional arts and crafts.

## Judgements on Secularism

1) **Hindu Front for Justice v. Union of India**<sup>7</sup> (Allahabad HC Judgement): In this judgment, the Supreme Court has pretty much reiterated the principles laid down in the Minerva Mills case. The court held that “these principles and ideals have always been ingrained in the [constitutional] scheme”. In this judgment, multiple judgments were cited to nullify the arguments mentioned above. The judgments which were cited (excluding Kesavananda Bharati and Minerva Mills) are as follows:

1. S.R. Bommai and others v. Union of India and others, 1994.
2. Mrs. Valsamma Paul v. Cochin University and others, 1996.
3. Bal Patil and another v. Union of India and others, 2005.

In totality, the substance of these judgements in the author's context means that the apex court upheld the fact that the features of secularism was already a part of Indian constitution before the amendment act of 1976 and all these judgements also reiterate that the country has no official religion of its own and follows positive secularism. The Allahabad HC also had similar views in various judgements, and henceforth, the arguments of the petitioners (which are in consonance with the arguments of the author in this paper) were dismissed by the court.

As such, secularism has been held to be an essential ingredient of the basic structure of the Constitution of India in the seminal case of *S R Bommai v. Union of India*,<sup>8</sup> What several people miss out on is that secularism in India does not equate to that of the US. Unlike the US, secularism in India does not imply separation of the state from religion. In fact, secularism in India implies a positive connotation comprising mutual understanding among all religions. This was reiterated by the Hon'ble Apex Court in the case of *Aruna Roy v. Union of India*,<sup>9</sup>

- 2) **St. Xavier College v. State of Gujarat**<sup>10</sup>: In the year 1974, the Supreme Court had said that even though the word secular was added to the Preamble only in 1976, the Constitution believed in this ideal since its inception. Probably that's why, the Liberty of thought, expression, belief, faith, and worship has been given immense importance in the Preamble to the Constitution of India.
- 3) **Kesavananda Bharati v. State of Kerala**<sup>11</sup>: Secularism was deemed an integral component of the fundamental framework of the Indian Constitution by the Supreme Court of India in the decisive 1973 judgment in *Kesavananda Bharati v. State of Kerala*. The Court further concluded that Parliament cannot change this basic structure which means that although Parliament can change the Constitution, it cannot change or eliminate its core tenets, including secularism. This decision guarantees that the fundamental principles of the Constitution will always be shielded against future legislative modifications.
- 4) **S.R Bommai v. Union of India**<sup>12</sup>: The ruling of *Kesavananda Bharati* case was repeated in 1994 in this case, the apex court of the land clarified the word "secularism" under the Indian Constitution and held that secular nature of a country or society does not mean that it is inherently atheist, but rather that it is more a heterogeneous society, it also aims to provide equal status to all religions and does not unconditionally advocates anyone.
- 5) **Stainislaus Rev v. State of MP**<sup>13</sup>: HC of M.P in this case elaborated upon the concept of freedom of profession, which means one's right to state in public and propagate about what his/her own religion is, does not in any sense include conversion of other person into the religion which is being propagated by him.
- 6) **Indian Young Lawyers Association v. State of Kerala**<sup>14</sup>: In this landmark case, women who were on the menstrual cycle were barred from entering the Sabrimala temple as per the religious custom and it was challenged as to violating the Constitution of India. The dissent of Justice Malhotra raise some serious dilemma as to whether doubts on the religious practices can be raised on the basis of equality, and it still is a bone of contention.
- 7) **Ziyuddin Burhanuddin Bukhari v. Brijmohan Ram Das Mehra**<sup>15</sup>: The Supreme Court proceeded to provide a philosophical and utilitarian definition of secularism. The Court established the State's obligation to give benefits to citizens of all castes and creeds in a neutral or unbiased manner. It also put an obligation on the State to make sure that its laws do not impose limitations on people because they practice or profess a specific religion. Nonetheless, it appears that several Supreme Court justices applied similar reasoning in the *Indra Sawhney* case. This is demonstrated by *Kuldip Singh, J.*'s opinion. Secularism, in his opinion, envisions a casteless, united society. Furthermore, "caste poses a serious threat to secularism and a consequence to the integrity of the country".
- 8) **Babri Masjid case**<sup>16</sup>: This case which was essentially a property dispute between Hindu and Muslim sect, the former claiming that the property in question is the birthplace of Lord Rama, and latter claiming

that it is a mosque. The infant Lord Rama also became the party in this “property” dispute, and one-third of the property was actually awarded to this Hindu deity. Many see this as a compromise that works but has no legal basis. While some commentators feel that there is no real need to explain “legal niceties” some eyebrows have certainly been raised at the deliberate introduction and consideration that the conflicting orientation and decision making process of religion raises questions that should not be overlooked from a religious perspective. In India, this opposition is headed by the minorities who feel that the enforcement of any uniform code will be driven only by the experience of the majority religion, and the Supreme Court of India’s rulings in the past have not done much to invoke any faith in a truly secular judicial attitude. For the same reason, intense “Hindu” groups have been known to support the cause of a uniform civil code.

## **True Secularism and Pseudo-secularism**

In India, secularism is that one-lane highway on which Indian Hindus are running, falling, hurting, yet reaching anywhere. But there must be true secularism, not pseudo-secularism or discrimination of majority or minority in the name of secularism. True secularism can play a great role in filling the religious and communal gap between the different communities. In India, doing anything against the majority community becomes secularism. This is just called pseudo-secularism.

In India, secularism is that one-lane highway on which Indian Hindus are running, falling, hurting, yet reaching anywhere. But there must be true secularism, not pseudo-secularism or discrimination against the majority or minority in the name of secularism. Left-liberals holds Doordashan responsible for broadcasting the Ramayana and Mahabharata serials in the 1980s as the main reason why, despite their propaganda and lies, Hindutvaha had risen as a political force in India. The causality runs the other way- it was the popularity of Sri Rama-Sri Krishna that made these tele-serials successful.<sup>17</sup>

Roushan believes that the true reason behind the real turning points in Hindu consciousness may not be the broadcast of these serials, but two other events – the firing on sadhus calling for a ban on cow laughter in 1966, and Mulayam Singh Yadav’s decision to fire on Hindu karsevaks demanding the building of a Ram Mandir in Ayodhya in 1990. Both incidents helped in painting a vivid picture in Hindu minds that the Indian state did not care about Hindu victims at all. This is best illustrated with the Keralite festival of Onam, where liberals claim that showing King Mahabali bowing to Lord Vishnu is “offensive”; Diwali is now about air pollution and noise, not the victory of good over evil. Any sight of saffron anywhere, even on a sadhu, is ‘saffronisation.’<sup>18</sup>

## **Politics over Secularism**

All the religions in India including Hindus and Muslims were living harmoniously. However, the wholesocial, economic, and political picture was diverted after the arrival of British rule in the 19<sup>th</sup> century. In India, there was no struggle between secular and religious power but between secularism and communalism. The communal force of Hindus and Muslims fought for political power, and for that, they used religion as a basis. Nowadays politicians treat caste as a weapon to win the electoral poll. They patronize religion on the basis of the majority existing in the society. Political parties formulate policies on the basis of caste most of the time to gain political status and votes. This may easily therefore take various forms in politics. Most of the time those political parties win election which is supported by the majority of religious groups. There is a relationship between caste and politics, where both politics and caste have their impacts on each other. The ruling Government tries to provide incentives, various relaxation schemes, and at last reservations to the particular religion. The importance of caste in politics can be drawn by the simple fact that several political parties in different state can be identified with some castes. People from the same caste do not want to vote the people from different parties as this may prove dominance over them. They fear that a person from a different caste may rule over them and they don’t want to be the same. Therefore, they cast votes for the parties’ favouring

their own religious believes. This hurts the principle of secularism as willing parties do not get fair chances and particular communities or religious groups become an emerging power, which may result in the dominance of a particular religion. Therefore, casteism may be the biggest challenge for an independent country like India where equality will be at risk. Democracy and casteism are therefore opposite to each other. People want empowerment and want their voices to listen. The political leaders will have to democratize themselves and try their best to fulfil the basic needs of the common man.<sup>19</sup> Even Article 325 of the Indian Constitution says that there should not be a vote based on religion.

### **Educational Institutions Promoting Secularism**

1. Educational institutions are the biggest secular centers of our State. It is run by the Government and is religiously neutral. Religious instruction is not imparted at Government educational institutions because of the secularist ideal. Tolerance is promoted in our educational system, and pupils are taught to display it.
2. **Moral Education:** Indeed, educational institutions do not provide any religious training. Moral education, on the other hand, is part of the curriculum, and all religions' fundamentals are taught to students. This contributes to the formation of moral character in children.
3. The State treats all educational institutes, whether public or private, similarly. Educational institutes operated by communities of any religion are treated equally and given equal assistance and aid by the Government,
4. Students, regardless of faith, are eligible to apply for admission to any educational institution.
5. Educational institutes can be opened by any religion. India consequently has almost as many educational institutions as it does religious establishments.
6. Today's educational goal is to instill positive human values in pupils. All religions have humanism at their core. Humanism is the essence of all religions. We want our pupils to develop a humanitarian perspective as a result of our training.<sup>20</sup>

### **Secularism in Indian Cinema**

As per Article 19, filmmakers are free to convey their opinions about their religion through their works, but they are not allowed to disparage other religions in the process of defending their own faith and expressing their own ideas. Therefore, film makers are breaking both the fundamentals and the Indian Constitution if they denigrate other religions in their films. Film makers are only allowed to promote their own faith; they are not allowed to disparage any other religions in their works. The Cinematograph Act is another way to put an end to these kinds of non secular films. The major purpose of this Act's introduction was to certify motion pictures. The certification of films for public release is governed by this Act. A movie cannot be sold in theaters until the censor board has given its approval for public display under this statute. This act prohibits the release of any movie that violates the law. The censor board advises filmmakers to change or remove any such scenes, and once the changes are made, the film is reexamined by the censor board before being permitted to be released if the recommendations are followed. Thus, the censor board established by this Act is crucial to its functioning.

### **CONCLUSION**

India is the most religiously diverse country. As a secular state, it does not have its religion, and every citizen has the right to choose, practice, propagate, and even change his religion. However, these rights are not constant and are based on constitutional limitations. No person in the name of any religion may engage in any activity that violates public order or causes any disturbance or intolerance among the Indians. Secularism in India can be explained by stating that it aims for the inclusion of all religions in India. Religion is so deeply rooted in our culture that it cannot be completely excluded from the state while forming laws. The court as well as the doctrine of essential practices aims to restructure India's understanding of secularism by giving equal



importance to all religions and their religious considerations, therefore, highlighting the positive notion through which secularism has been embodied in the Indian Constitution. India is recognized for its secularism. It contains myth and reality both in secularism.

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