

## CHALLENGES OF SECULARISM IN INDIA

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### **Abstract :-**

India since its independence in 1947 has been a secular state. The secular values were enshrined in the constitution of India. India's first prime minister Jawahar Lal Nehru is credited with the formation of the secular republic in the modern history of the country. With the 42<sup>nd</sup> amendment of the constitution of India enacted in 1976. The preamble to the constitution asserted that India is a secular nation. However, the Supreme Court of India in the 1994 case S.R. Bommai V. Union of India established that there is a separation of state and religion.<sup>1</sup> Secularism in a country like India is very important because India consists of several religions. To keep peace within the country and develop society, secularism plays a vital role. During post independence several challenges were faced by India<sup>2</sup> include communalism, religious militancy, poverty, incidents of communal violence. In this paper, We will discuss about challenges of secularism in India.<sup>2</sup>

**Keywords :-** Secularism, Communalism, Indian constitution, Casteism.

**Introduction :** Secularism refers to the independence of state's governance from religion. It means that a state functions as neutral (towards all of its citizens without giving unjust precedence to one religion over the other. In a secular state people of different cultures and religions live in harmony and peace, obeying same rule of law. Secularism is very essential for a nation to progress without having internal problems, more so in religiously and culturally diverse country as India. India is a country comprising of various religions such as Hinduism, Islam, Buddhism, Sikhism, etc. Secularism is one of the most important achievements of independent India as it has ensured equal treatment of people in all aspects regardless of their caste, religion, beliefs, etc. The government will not compel anybody to adopt any particular religion. Religious freedom is our fundamental right and it is written in our constitution. Everybody has the freedom to propagate any religion, to adopt any religion, or construct any religious building. No particular religion will be taught in school textbooks. Every citizen is free in his religious matters. All religions are treated equally. There is no religious distinction in government jobs. In India, minority communities enjoy greater

religious freedom. They are allowed to live their life according to their customers and nobody, can force their views on another people. They have an equal right to vote and send their representatives to the parliament and law making agencies. In the eyes of law, all religious and their followers are equal. India is a secular country and it signifies religious tolerance, amity and feeling of oneness in spite of large variety.<sup>3</sup>

### **Meaning of Secularism :-**

Secularism is a word which has its origin in Westerns countries and relates to the separation of the church from the state, giving the state a position of neutrality between different religious, while at the same time guaranteeing all citizens the right to profess any one of them. In some ways the word 'secular' is used as a contrast with the word 'Religious'. This has sometimes led people to believe that secularism is opposed to religion, but broadly speaking it is used not as opposed to religion but as divorced from all religious or religion having nothing to do with the conduct of state affairs. In India the word has been used not in anti-religious sense, but making treatment of all religious in an equal fashion and ruling out any discrimination of any Indian on the ground of his religion. In the Indian context, secularism means equal status to all religions.<sup>4</sup>

### **Secularism : Its basic outlines in the constitution :-**

Our constitution has adopted a system of political philosophy that rejects all forms of religious faith and worship and has accepted the view that public education and other matters of public policy should be conducted without the introduction of religious elements. Explaining the secular character of the Indian constitution the Supreme Court said, "There is no mysticism in the secular character of the state. Secularism is neither anti- God nor pro-God, it treats alike the devout, the antagonistic and the atheist. It eliminates God from the matters of the state and ensures that no one shall be discriminated against on the ground of religion".

The basic outlines of the secularism is enshrined in the following Articles of the constitution :-

**1. Preamble :-** It is true that the word 'secular' did not first occur either in Article 25 or 26 or in any other Article of Preamble of the constitution. By the constitution (42 Amendment Act, 1976), the preamble was amended for the words 'Sovereign Democratic Republic' the words 'Sovereign, Socialist, Secular, Democratic Republic' were substituted.

**2. No State Religion :-** There shall be no state religion in India. The state will neither establish a religion of its own nor confer any special patronage upon any particular religion. It follows from this that :-

(A.) The state will not compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution. (Article 27)

(B.) No religious instruction shall be provided in any educational institution wholly provided by state funds

(C.) Even though religious instruction be imparted in educational institutions recognized by or receiving aid from the state, no person attending such institution shall be compelled to receive that religious instruction without the consent of himself or of his guardian. In short, while religious instruction is totally banned in state owned educational institutions, in other denominational institutions. It is not totally prohibited but it must not be imposed upon people of other religions without their consent. (Article 28)

(D.) **Freedom of Conscience :-** Every person is guaranteed the freedom of conscience and the freedom to profess practice and propagate his own religion, subject only.

(i) To restrictions imposed by the state in the interests of public order, morality and health (so that the freedom of religion may not be abused to commit crimes or antisocial acts e.g., to commit the practice of infanticide, and the like.

(ii) To regulations or restrictions made by state relating to any economic, financial, political or other secular activity which may be associated with religious practice, but do not really appertain to the freedom of conscience.

### **3. Freedom of Manage Religious Affairs :-**

There is not only the freedom of the individual to profess, practise and propagate his religion, there is also the right guaranteed to every religious group or denomination;

(1) to establish and maintain institutions for religious and charitable purposes.

(2) to manage its own affairs in matters of religion.

(3) to own and acquire movable and immovable property

(4) to administer such property in accordance with law (Article 26)

### **4. Equality before the law :**

Article 14 guarantees equality before the law and equal protection of the laws to all. Article 15 enlarges the concept of secularism to the widest possible extent prohibiting discrimination on grounds of religion, race, caste, sex or place of birth. Article 16 (i) guarantees equality of

opportunity to all citizens in matters of public employment and reiterates that there would be no discrimination on the basis of religion, race, caste, sex, descent, place of birth and residence.

### **5. Cultural and Educational Rights (Article 29 & 30)**

Article 29 guarantees the right of any section of the citizens residing in any part of the country having a distinct language, script or culture of its own, to conserve the same.

Article 30 provides that "All minorities, whether based on religion or languages shall have the right to establish and administer educational institutions of their choice."<sup>5</sup>

#### **Secularism in Practice in India :-**

In practice we have followed the path of secular polity of the fourteen Indian presidents since the constitution was enforced in January 1950, as many as four were non-Hindus, three Muslims: Dr. Zakir Hussain, Fakhruddin Ali Ahmed and A.P.J. Abdul Kalam and a Sikh: Giani Jai Singh. Three Muslims have been Chief Justice of India, one of whom, Mr. M. Hidayatullah, was also vice-president for a term, a Muslim was Air Force Chief Air Chief Marshal I.H. Lateef, several others who have reached the second or a senior enough position in the army, navy and the air force there have been invariably more than one Muslim Minister at the centre and in most states, some of which even had Muslim Chief Minister, belonging to different political parties, apart from Jammu and Kashmir which always had a Muslim as its Chief Minister, many governors, vice chancellors, leaders in the field of science and technology, and number of ambassadors and so on.

In fact, the Indian system is non-discriminatory. Otherwise, how could the Parsis, the most numerous of minorities, give the country its first Field Marshal, a naval and an air force Chief? One Anglo Indian has been the chief of the IAF and two Christians have been Naval Chiefs. Two Sikhs have headed the air force and in the army they have a representation which could be the envy of any other community. As in arts so in sports, whether it is hockey or cricket, football or tennis or any other game, athletics, boxing or horsemanship, the minorities i.e. Muslims, Christians, Sikhs and the others have given the country some outstanding sportsmen in the five and half decades of independence. Sports and arts are not government by any constitutional provisions and yet the general non-discriminatory climate in the country ensures that ability and performance would be given due weight and nobody will be held back because of his religion. In other words, equality of opportunity is guaranteed in all fields for all people in India.<sup>6</sup>

## **Challenges of Secularism in India**

### **1. Party Politics :-**

Some of the political parties in India are organized on communal lines. These parties represent the interests of a particular region or a particular group. Some of the regional parties struggle for a separate independent state. They play communal politics for achieving and safeguarding their political interests. It has been remarked, that the known secular parties are not very secular in terms of composition and working.<sup>7</sup>

### **2. Constitutional Contradiction :-**

The constitution has failed secularism as Article 48 is couched in secular phrases but sanctioned ban on cow slaughter, a religious sentiment. Kripan, a weapon, is allowed for sikhs as a religious practice? Polygony is allowed for Muslims and discrimination against women is not yet struck down by the court all because of religion at the root. Even in the Articles regarding minority communities, the court has read Article 30 lopsidedly as putting the major community as less advantaged. Certainly, a factor fomenting communal jealousy and destabilisation. Democracy must guarantee to the minority equal rights with and immunity from the tyranny of the majority, not more, best the imbalance produce new pressures of majority communalism.<sup>8</sup>

**3) Casteism :-** The roots of the caste system are very deep. The ancient 'varna' scheme is supposed to be the basic of the caste system. It may be said, that originally caste was associated with a specific occupation and village community and village economy. The politics in India, especially at the state level, cannot be understood without the study of the caste in that particular state. There are some political parties which are organized to represent castes. Thus, caste consciousness has become the very core of the Indian Politics and it has become the greatest roadblock to the furtherance of secularism in our polity.

### **4) Communalism :-**

It becomes a problem in a secular state with muslim minorities because there is an inherent clash between the requirements of a secular way of life on the one hand and religious orthodoxy on the other. It unites people of a particular religious faith for secular causes and uses religion for political purposes.<sup>9</sup>

### **5) Cultural Symbols and Secularism :-**

Many public rituals and ceremonials like Bhumi Pujan, Breaking of coconut on inaugural occasions, performing of “aarti” and applying “tilak” are perceived by Hindus as cultural or nationalistic expressions, but to non-Hindus these are manifestations of Hindu culture. Such rituals are performed even on state functions and therefore, create unnecessary misgivings about the neutrality of the state<sup>10</sup>.

### **6) Obscurantism :-**

Obscurantism is one of the obstacles of the Indian secularism. Despite the progress in almost all the directions of life, obscurantism still persists. In all the religions, there are obscurantism elements which create obstacles in the way of evolution of human and dynamic social order. It is because of obscurantism, that the people give importance to customs and traditions rather than reason.<sup>11</sup>

### **7) Content of Text Books :-**

Our educational institutions do not radiate secularism. Most of the prescribed text books glorify the good features of one and not all the communities. There are also prescribed text books which deal with imaginary ancient wrongs suffered by one community at the hands of another, silently calling for revenge. No educational institutions has made a determined effort to inculcate in the youth secular ideals.

### **8) Society is Non-secular :-**

For the sake of brevity, one may move on from the philosophy of secularism and the law of neutrality to secular humanism manifest in the special concern for women and children and for backward classes and denunciation of practices often based on religious bigotry like sati and dowry, derogatory of the dignity of women. Is there a secular society in India? There cannot be a secular state without a secular society.

### **9) Growing Fundamentalism :-**

The growing fundamentalism both amongst Hindus and Muslims is a serious threat to the secular character of our polity. One can understand the growth of fundamentalism amongst muslims because the minorities wish to preserve their identity. But Hindu fundamentalism is a new phenomenon which is fraught with sinister consequences. Concomitant with it is the

dis-concertingly growing revivalism. Revivalist trends stimulate narrowness in thought and enfeeble the spirit of secularism and also national unity.

**Conclusion :-**

To sum up, India has been declared a secular state by its written constitution and it every Indian's duty to stand by and believe in this declaration. In the end, secularism begins in the heart of every individual. There should be no feeling of "otherness" as we all have is a shared history. It is point to note that we need proper educational plan too, and we should redesign our curriculum in the schools and colleges. The text books presenting distorted historical facts have to be changed and secular ideas will have to be inculcated in the innocent minds of our young generation. All religions should get their weightage in the textbooks of history. The culture, traditions and festivals of any particular religious should not be over-projected. The sacrifices and hardships of all religious communities and their contribution towards freedom and development of the country need to be focused in the books of the history at school and college level. The importance of various culture and traditions of different religions in the peculiarity of the country should have to be discussed properly.<sup>13</sup>

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