

Secularism in India

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Abstract

Indian Constitution ensure the fundamental rights to all citizens to the country. Secularism is a wonderful concept of multi-religious Indian society. We have to understand this concept in the context of Indian Constitution. Secularism is necessary to us, it was realized by the Constitution Makers, so they mention all provisions regarding secularism and Indian democratic system. All over the world there are so many threats to maintain secularism; fortunately we have all the measurements within the Constitution to face these threats.

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Introduction

In 1947, Due to partition, Independent India was anointed in a bloodbath consequent to communal riots that rocked the sub-continent for nearly two years. The Muslim majority areas of the British India were constituted into Pakistan, a theocratic Islamic State – a concept that was duly incorporated later in the Constitution of Pakistan. It should be remembered that in the history of the world Pakistan is the first and the only Islamic State born or established as such. Other Islamic States were States already existing that came to acquire Islamic character. This development has certain and social consequences that should form the subject of a separate study.

Due of the generally non-communal character of the political party that spearheaded the freedom struggle and the intellectual leadership that guided India polity at the initial stages India fortunately did not become a religious or a theocratic State. The debates in the Constituent assembly that there would be no discrimination based on religion, though there was no common understanding what secularism meant. Surprisingly or otherwise, these was no discussion on this subject at least in the public till the sixties.

Thought about Secularism in Indian

In 1963 there appeared what has been regarded as a pioneer study on secularism in India. **This was 'India as a Secular State'** by Prof. Donald E. Smith of Princeton University, New Jersey. Around the same time there was another study on the study on the subject made by VedPrakashLuthera of University of Delhi, India, which was awaiting publication. It was published in 1964 as **'The Concept of the Secular State in India'** Thereafte, regular discussion and debates took place on this subject, namely, Secularism and India. It would be in order to take note of some of the earlier studies which were published.

Challenges to Secularism

Prof. A.B Shah the Founder-President of the Indian Secular Society, wrot a book under the title 'Challenges to Secularism in 1968. This book deserves much wider reading than it seems to have enjoyed. Sample the following headings: The Challenge from Hindu Obscurantism; The Challenge from Muslim Obscurantism; Dialogue with a Hindu Obscurantist.

A collection of essays in the form of a symposium has bee edited by Prof. V. K. Sinha and has been published under the title of Secularism In India on behalf of International Association For Cultural Freedom. The readers will be interested to note that this volume contains criticism of Prof. Smith's book by two other academicians viz. Prof. MargGalanter of University of Chicago and Prof. John T.

Flint at the State University of New York at Binghamton, New York, and Prof. Smith's rejoinder to the same

During the sixty eight years or so secularism has been a supremely debated, discussed and contested subject. In India everyone says he is a secularist. Hindutvavadisinsist that they are the true secularists and the Congress is pseudo-secularist; some Muslim scholars- propound a theory that Islam based upon the Holy Quran is secularism. Moreover so many topics and sub-topics related-directly or indirectly-with secularism have been the subject of secular discourse in India that it is not possible to survey it within the space permitted for this essay. I intend to cover the debate in so far as it deals with three questions, which I formulate as follows:

- What is the true meaning of secularism?
- Is the Republic of India, as per the Constitution of India.a secular State?
- Is secularism desirable or possible in India?

The Secularism

What is Secularism? Though very brief – of the origin to the concept and meaning of secularism is necessary. As a concept, secularism was the product of Renaissance in Europe though the word secularism was not then used. Secular attitude arose as a reaction to the tendency displayed during the medieval ages to despise human affairs and to meditate upon God. If a beginning is to be made towards understanding the meaning of this word, one may turn to the Oxford English Dictionary, which states that secularism is the doctrine that morality should be based solely on regard to the well-being of mankind in the present life to the exclusion of all considerations drawn on belief in God or in a futureState.In 1851, a definite stage in the emergence of explicit secularism was reached by the founding of the Central Secular Society by Holyoake. The Society issued a statement of secularist doctrine proclaiming:

1. Science as the true guide of man,
2. Morality as secular. not religious. in origin,
3. Reason as the only authority.
4. Freedom of thought and speech, and
5. The owing to the uncertainties of survival we should direct our efforts to this life only

Separation of Religion and State

The theory of separation of the Church from the state had been earlier, in December 1791, incorporated in the U.S. Constitution by the First Amendment which

stated that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;..." Two theories were originally competing regarding the true meaning of this amendment. One theory was that the amendment bans the preferential treatment of any particular religion or sect by the State. The other theory was contained in the famous letter which Thomas Jefferson wrote to a group of Baptists in Danbury, Connecticut, in 1802 wherein he opined that the purpose of the First Amendment was to build a wall of separation between Church and State. Seventy-seven years later in 1879, The U.S. Supreme Court has from time to time wrestled with this question but the long line of decisions till today have consistently taken the view that State-aided schools cannot allow the school time to be utilised for anything connected to religion, even non-denominational religion, nor can such schools permit their premises even outside the school time, to be used for any religious purposes.

America, a secular State in concept and practice, was founded by pilgrim Fathers. Immigrants, who have poured into this country for over two centuries, have been intensely religious people. Even today there are probably more religious societies, groups sects – incorporated or not – in America than in any other country.

American society is not secular though the State is. The world's first fundamentalist movement was born in this country. The American example demonstrates that in a multi-religious society it is not only necessary but also possible to build a secular State. This holds a valuable lesson to India.

On the other hand, France was the most religious nation in the world, but by a cultural revolution was transformed into most secular State. Today it is impossible to know the religious composition of the French society because census does not ask for nor records the religious affiliations of the French citizens.

It means that in secular society everyone should be free to practice his or her religion. In my opinion, this is of very little use in the discussion on secular State.

Nature of Secularism

Justice P.B. Gajendragadkar who, as the Chief Justice of India said, "The word 'secular', like the word 'religious', is amongst the richest of all words in its range of meaning. It is full of subtle shades which involve internal contradictions, and of these contradictions the conventional dictionary meaning can scarcely give a correct view."

The meaning of secularism, it is believed, has emerged with sufficient clarity from the survey of historical development made earlier herein. The next question is whether India, as unfolded by the Constitution is a secular State. What did the

Constitution- makers intend it to be? The Constitution, till the 42nd Amendment in 1976, did not contain the word 'secular' except incidentally in Article 25(2)(b). Prof. K.T. Shah was the only member who made a valiant effort to get a provision regarding the secular character of Indian included in the Constitution. The following amendment, moved as Amendment No.366, was defeated on 3rd December 1948.

“The State in India being secular shall have no concern with any religion, creed or profession of faith; and shall observe an attitude neutrality in all matters relating to the religion of any class of its citizens of other persons in the Union.

No- Discrimination State

There are a couple of provisions, which, it is easily seen, do not prevent the utilization of funds belonging to the State for non-secular purpose. Article 27 stipulates that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion. Does this prevent appropriation from the general revenue for such purposes? It is the application of funds from the general revenue that is making possible the broadcasting of devotional songs and kirtans and telecasting unabashedly of religious programmes.

Note that the ben applies only to institutions wholly maintained out of state funds and not to institutions recognized by the State or receiving aid out of State funds. It is well known that almost every private educational institution in India is run to a great extent on funds provision was recognized by Prof. K.T. Shah who unsuccessfully sought to get the words “wholly maintained” substituted by “wholly or partly”

These provision have been noted by Luther in his book. He has also pointed out that the state in India can get entangled in the management of religious affairs and institutions. for these and other reasons and in the light of the connotation the word 'secular' has acquired historically and legally, Luther has argued that India is not a secular State.

India as a Secular State

A very comprehensive study of the Constitution of India and also of the social and cultural conditions in India with a view to determining whether '**India is a secular State**' has been made by prof. D.E. Smith in India as a Secular State noticed earlier. It has been rightly regarded as a pioneering study on the subject. Contrary to popular understanding, Prof. Smith does not assert that India is a Secular State. To the question whether India is a secular State, his answer is a qualified 'yes' The reason why he does not answer in the negative of the term 'secular States' in

the Indian context? There were several features of the Constitution which were strongly suggestive of suggestive of secularism. The prevalent cultural indicators were supportive of secularism.

Degrees of Secularism

I believe that Prof. Smith is in error in holding that India is a secular State, to a degree. There cannot be degrees of secularism – at least in such a way that quantitative difference results in qualitative one. The provisions in the Constitution have been examined earlier here which are capable of producing secular practices. On the other hand, they have created and are creating a situation of non – secular and anti – secular ethos. Luther is more correct on this question.

The BJP was in power in Uttar Pradesh. It should be recalled that the BJP had contested the election and had come into power on the basis of a Manifesto, which contained the following:

It must be mentioned straightaway that in S.R. Bommai the Judges did not examine the concept of secularism in the light of the theory of separation of Church and State but dubbed as secular the situation existing in the context of the Constitutional provision such as Articles 25, 26, 29, 30, 44 etc. Sawant, J., who delivered the leading judgment, after examining the Articles mentioned above and some more, said:

In short, in the affairs of the State religion is irrelevant: it is strictly a personal affair. In the sense and in this behalf our Constitution is broadly in Agreement with the U.S. Constitution, the First Amendment where it declares that ‘Congress shall make no laws respecting to as the “establishment clause”’. Perhaps, this is an echo of the doctrine of separation of Church and State; may be it is the modern political thought which seeks to separate religion from the State – it matter very little. Even better: In this view of the matter. it is absolutely erroneous to say that secularism is a ‘vacuous word’ or ‘ a phantom concept

Religion Status

It does not expect that a socio-political revolution of the type that took place in France will take place in India; imposition of secularism, as was done in Turkey, is not desirable in India, nor is it possible even with a dictatorship which itself will not be accepted by the Indians. If a secular State is desirable in a multi- religious country that is India. it can be done and done easily by amending the Constitution to separate religious from all State activities and activities on behalf of State. To be sure a Secular State cannot build a secular society but a secular State can be established even in a non-secular society. This will put religion in its place where it belongs – the hearts and the homes of the individuals. Ultimate ideals and religious ideals are not

only irrelevant to but are obstructive of , ordinary secular life in this world. Bhargava quotes Charles Taylor, who has described ordinary life as the life spent in the production and the reproduction of life as distinct from life spent in the pursuit of some ultimate ideals. Ordinary life is not restricted as mentioned by Charles Taylor.

Happiness and Secularism

Mostly, Ordinary life is the secular life in this world. Its legitimate end is the pursuit of happiness in family life, in learning, in arts, in music, in health. How is a religious teaching useful in pursuit of happiness? Bhargava puts it at a slightly lower. “To sum up ordinary life requires that an acceptable minimum standard of human interaction exists and it is barbaric to fall below it.”

Prof. Rege considers view as the one having an aggressive element because it denies any place to the transcendent. Prof. Rege argues that secularism is no more than one member of a family of worldviews. relations between which need to be based on the principal of Sarva Dharma Samabhav.

Prof. M.S. Gore, a former director of Tata Institute of Social Science, Bombay, has criticized Prof. Rege’s view by pointing out that regard for any religion is not consistent with the concept of secularism, that a life must be guided by reason and a life guided by reason must take into account the material as well as the non-material needs of human personality, that the shared values and norms for a life in this world often run counter to the explicit norms of religion and that theistic and transcendental belief systems have often tended to be intolerant of each other. Prof. Gore rightly suggests that “even secularism of the agnostic variety need accept the respecting that belief system itself,” Despite the platitudes of politicians and others there is in reality no respect among the adherents of one religion for the religion of others.

Prof. H.Y. Siddiqui has accurately stated that instead of demanding a rational state of mind “the Indian concept of secularism demands acceptance of the values of other religions while permitting the individual to believe in the values of his own religion”.

The debate has taken place over too long a period and will continue ad nauseum unless one returns to the anchor concept of secularism mentioned in the beginning of this essay. Let the religions be followed by those who want to follow. But do nothing that may make the religions flourish. Enlarge the space of secularism, which is at present shrinking. So done, India, for the anti-secularists, can at worst be a bowl of salad and not of stew.

Conclusion

The secular character of the State is exhibited when it remains distant from, distinct from, religion-dominated politics. A secular State, in the pursuit of State activities, governmental obligation and administrative duties, should exhibit a capacity to show respectful indifference to religions and indeed keep vigilant distance from the politics of religious communalism.

The modern Indian State is an association of citizens equal and free, irrespective of caste, colour, sex, language, region, climate or status. The State in India is not a federation of religions, nor an aggregation of religious communities. The citizens of India, in law and by the Constitution, are members of a common unified national polity. A modern State is based on a Constitution- the fundamental, secular, manmade law of the land. Therefore the State should act as a State and a secular State as a secular State, no less and no more.

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