

Secularism in India : “Theory And Praxis”

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Abstract

India is a secular State and Secularism is a fundamental feature of Indian Constitution. But the declaration of India as a secular state took place after the enactment of 42nd amendment in the constitution (1976). Unity in diversity and the pluralistic nature of society are the two basic elements of culture. In recent years, secularism in India has been faced some major constraints such as communalism, religious fundamentalism, and religious militancy etc. Besides, poverty and illiteracy, topped up with political fraudulent has given it an ugly face. The political parties talk about secularism in theory but end up doing nothing for the greater good than strengthening their pockets. This paper is an attempt to analyze the current secular blend of Indian polity on one hand, and view of the larger society on the other. It ventures to locate the possibilities of cropping secular values in the Indian political system.

KEY WORDS: Secularism, Preamble of the constitution, Fundamental Rights.

The concept of secularism is a product of European reawakening. But the term ‘Secularism’ was not used at that time. During medieval Age, there was supremacy of God and all the activities of social, economic and political life were dictated and governed by the Church. In 1851, the conflict between Church and state came into limelight. This was the time, when the concept of secularism gained importance in theoretical discourse. According to the Oxford Dictionary, George Holyoake used the term ‘secularism’ for the first time, which refused religion and its underpinning in governance. In other way, one can say that secularism confines it to the welfare and is inclined towards the greater common interests of larger masses. Achin Vanik opines that, “It is multi sided process involving the progressive decline of religious influence in the economic, political and social life of human beings.”¹

The term ‘Secularism’ is made up to ‘Secular’ which is derived from the classical ‘Scularis’. ‘Secularis’ means not concerned with the religion, not sacred not monastic.² The Religion and Ethics encyclopedia defines the term in the following way, ‘Secularism may be described as a movement, intentionally ethical, negatively religious, with political intention of providing a certain theory of life and conduct. It follows that in its positive aspect it is ethical since, it undertook to do this without a reference to a diety or a further life, and thus proposed to fulfill a function of religion apart from religious association, it may be regarded as negatively religious. However, it originated, primarily due to certain political conditions and philosophical influences.’³ According to the Shorter Oxford Dictionary, “Secularism means: (a) the doctrine that Morality should be based solely in regard to the will of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future slate and (b) the view that national education should be purely secular.” According to the encyclopedia of Social Science “Secularism in the philosophical sphere may be interpreted as a revolt against theological and

universal. In the political sphere it meant temporal ruler which was entitled to exercise power in its own right.⁴ In brief Secularism sets out three principles for as secular State ie (a) freedom of religion. (b) Negation of any discrimination on religious grounds and (c) It separates of State from religion.

Secularism in India:

India is called a land of unity in diversity. People of different castes, creeds, communities, colour, culture, languages, customs and traditions reside here under one umbrella. In India every citizen is granted equal rights by the constitution and has to perform corresponding duties. The constitution paves the way to choose the religion by one's own will. The concept of secularism does not negate and condemnate any religious value but it honors all religions on an equal basis: J.L. Nehru, in his grand text 'The Discovery of India, 1949, says that 'Tolerance for all seats and religions the core of Indian Society.'

Jawahar Lal Nehru, the first Prime Minister of India was the main architect of the idea of secularism. Jawahar Lal Nehru précised his impressive insemination of secularism like this, "We call our state as secular state one, It does not. Mean a state where religion as such is discouraged, it means freedom of religion and conscience, including freedom for those who may have no religion."⁵ The word 'Secular', however, It conveys the idea of social and political equality and not as to what a explained in the dictionary. Thus a caste ridden society is not properly secular.⁶ Taking lessons from our past, the framers of Indian Constitution kept religion and communalism distanced from the affairs of the state.

Indian secularism was first defined by the Constituent Assembly on April 3, 1948, Whereas it is essential for the proper functioning of democracy and the growth of national unity and solidarity that communalism should be eliminated from Indian life. "This Assembly opined that no communal organization, which, by its constitution or by the exercise of discretion power vested in any of officers and organs, admits to, or excludes from its membership persons on grounds of religion, race, caste or any of them, should be permitted to engage in any activities other than those essential for the confide religious, cultural, social and educational needs of the community and that all steps, legislative and administrative necessary to prevent such activities should be taken."⁷ On this ground, the builders of Indian constitution adhered to the basic idea of secularism. The Preamble of Indian constitution grants the freedom of self expression and choice to its citizens. Thus the concept of secularism is elementary doctrine of Indian Constitution, but it has becomes controversial topic today. To quote Berubari case where Supreme Court had held that secularism was not a part of the constitution. But latter the same apex court had judged it as the contrary in Keshrananda Bharti case that secularism forms the part of the basic structure of the constitution.

India was declared as Secular State after the 42nd Amendment of the constitution (1976). The Preamble now proclaims India as a Secular State. Lokenath Mishra, (1921-2009) an Indian politician and a member of constitutional Assembly, propagated that Indian State is a Secular State and inculcates tolerance rather fanaticism. Another member of Constituent Assembly, K.M. Munshi also remarked in this context, that, 'In the present

setup that we are now creating, under the constitution under Article 25, It guaranties individual and collective freedom of conscience and free profession, practice and propagation of religion. Article 25th also calls upon that State cannot aid a religion nullifying others values. Article 25th, is the religious fundamental right of an individual whereas Article 26th of the constitution extends this right to the community or any section of society. It provides freedom to (a) establish and maintain institutions for religious and charitable purposes (b) to manage its own affairs in matters of religion and (c) administers such property respecting the rule of Law. It never meant that freedom of religion was absolute and unlimited. All the religious affairs mentioned under Article 25 and 26 are subjected to the order of the people, morality and public health.

The world 'religion' is not defined in the constitution but Supreme Court of India has interpreted the term considerably in a number of cases. 'All the rituals and observances, ceremonies and modes of worship are regarded as integral parts of religion and each religious denomination enjoys complete autonomy in the terms of rites and rituals. Hence, the scope of the freedom of religion is India in considerably wide and broad.⁸

Secularism, as practiced, today, has become a matter of controversy. A number of unhealthy trends and practices in Indian politics are responsible for this condition. Aggressive fundamental forces are raising their heads in India and no religion is unaffected with this upsurge. Religious and communal politics, casts leadership, religious fundamentalism, militancy, communal mind set, immense poverty, unemployment and illiteracy are main factor that are responsible for the present picture of Indian secularism. Also religion based organizations such as Shiva Sena, Vishva Hindu Parishad, Muslim League and Jamite I Islami etc, have posed some major deterrments for democratic and secular nature of Indian state.

India does not have any official religion of the skill> But the applied code of law for different religion is unequal. Indian Muslims have their own Sharia based Personal Laws regarding marriage, divorce, inheritance, alimony etc and the Hindus, Christians and Sikhs have their own Personal Common Law. This has created a number of conflicting issues amongst and between these communities. Any attempt or demand for a uniform civil code is considered a threat by one group or the other. Goa is the only state in India which has Uniform Civil Code. Law governs all irrespective of religion, ethnicity or linguistic affiliation. Whereas in India, there are all religion specific civil codes that repeatedly govern upholders of deferent religions. "The legitimization of communal organization as the bonafide representatives of different religious groups."⁹

All political parties in India use religion as a political tool, because politics in India has been transformed into a game of number of mechanical device for grabbing and retaining power. The Idea of Rajiv Gandhi, former Prime Minister of India, to undo the impact of the judgment of Supreme Court in Shah Bano Case and the withdrawal of Presidential Ordinance (1990) acquiring the disputed land at Ayodhya on the pressure of Babri Masjid Action Committee, had a very negative effect on Indian Secularism. It paved the way for politicization of religious identity in Indian Politics. "The legitimization of bonafide communal organization."¹¹ The destruction of Babri Masjid in Ayodhya on December,

1992 is an example of the havoc against Indian Secularism. As Prime Minister P.V. Narsimha Rao puts it, 'the demolition posed a great threat, to the institution, principles and ideals on which the constitutional structure of the republic has been built, Mandal Commission or Kamandal disputes have also caused a major set back to Indian secularism, e.g. a recent judgment, Supreme Court of India said,' criminalization of politics was akin to termite to the citadel of democracy'. Deepak Mishra, Chief Justice of India quoted that, 'Criminalization of politics was never an unknown phenomenon in the Indian Political System but its presence was seemingly felt in its strongest since 1993, Mumbai Bomb Blasts, which was the result of a collaboration of a diffused network of criminal gangs, police and custom officials and their political patrons.' The use and status of Triple Talaq in India has been a subject of controversy and debate. Those questioning the practice have raised issues of justice, gender equality, human rights and secularism. The debate has involved the Government of India and the Supreme Court and is concerned with the debate about uniform civil code (Article 44) in India. A plea challenging the constitutional validity of the provisions of a recent ordinance that makes the practice of instant Triple Talaq a punishable offence was filed in the Supreme Court. The petition claimed that the ordinance would lead to polarization and disharmony in society, as it applies to a specific class of people based on their religious identity.

No doubt, Indian secularism is in danger today and the present picture is neither blissful nor optimistic. The long Journey of secularism in India shows that 'Although embodied in the constitution, it is yet to be acknowledged as an aspiration. It has not yet permeated in our social lives. It is even in danger today. Some of the major challenges to secularism are religion and communal based politics corruption and valueless politics, saffronization, Christianization, Islamisation and Hinduzation etc.¹² Today in India, all political parties practice secularism in theory, but in practice they are much away from it. For political interests, merely, the country is divided into minority and majority. All political parties aim to get political power to get more money for themselves and in this gambit, they use the religious and caste sentiments of the society.

No doubt, Indian constitution has constructed a secular state but it has failed to establish secular values making a secular society in India. Secularism is impossible unless each and every member of society inherits secular values in its theory and practice. 'Live and let Live' should be the motto of every Indian. Indians must not forget that first of all they are Indians and then a Hindu, a Muslim, a Sikh or a Christian. Also, our political parties should develop secular values in their basic agenda. Politics is meant for the service of mankind, not for the service of self.

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