

Criticism of Indian Secularism Right or Unfair: An Analytical Study

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Abstract

The Constitution of India derives its secular character from the collective reading of several of its provisions, particularly the various fundamental rights it guarantees. The secular character of the Indian state is maintained for the reason that it is neither a theocratic nor does it accept any religion as the state religion. It has adopted a very sophisticated policy to achieve religious equality. Due to this policy, it can also secede from the religion in the American style or can also make a relationship with it if need be. It is noteworthy that the Indian state can also create prohibitive relations with religion to oppose religious persecution. This is also reflected in actions like ban on untouchability, triple talaq, entry of women in Sabarimala temple.

Some critics argue that secularism is anti-religious, but Indian secularism is not anti-religious. In this, due respect has been given to all religions. It is noteworthy that while secularism opposes institutionalized religious supremacy, it is not synonymous with being anti-religious.

Since secularism is an integral part of the basic structure of the Constitution, the governments should ensure its protection.

In the case of *S R Bommai vs Republic of India* in 1994, the Supreme Court ruled that if religion was not separated from politics, then the religion of the ruling party would become the religion of the country. Therefore, there is a need for political parties to implement this decision of the Supreme Court. The Uniform Civil Code that challenges secularism needs to be enforced firmly.

Religion in any secular state is a purely individual matter. Therefore, public representatives should avoid using it as a vote bank.

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Introduction

In general the word secularism means detachment from this world from religious teachings etc. But secularism in real sense has been undefined for a long time. Secularism in Indian context does not have the same meaning as in European context. Secularism i.e. secularism which is from secular. is made.

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Pandit Jawaharlal Nehru said that "*There is no word for secular in Hindi*". It basically means era or generation. The term was originally used in opposition to churches. That is, its meaning as non-ecclesiastical or non-religious was prevalent.¹

Holyoke, the founder of secularism, considers a person secular who pays main attention to those subjects. Whose issues can be tested on the basis of this life experience.

Holiak also said that "The main aim of secularism is to improve the condition of the human species in which it is living." That is, its main aim is to achieve human interests.²

Pandit Jawahar Lal Nehru wanted a secular nation that would "protect all religions". Do not favor any one religion at the cost of other

religions and do not accept any religion as the state religion itself." Nehru was a philosopher of Indian secularism. Nehru himself did not follow any religion. It should be remembered that he did not believe in God, but for him secularism did not mean aversion to religion. In this sense, Nehru was quite different from Atatürk of Turkey. At the same time, he was also not in favor of complete separation between religion and the state. According to his view, secular state can intervene in the matter of religion to improve the society.

Mahatma Gandhi was a religious person in his personal life, giving prominence to the relationship between religion and politics. In this matter he differed from Pandit Nehru.

Therefore, secularism means that religion should be kept away from the state, politics and other non-religious matters and there should be no discrimination against anyone on the basis of religion by the government and administration. People of all religions should get equal opportunities of development in the state without any discrimination. Secularism does not mean opposing one's religion, but everyone is free to practice their religious beliefs and beliefs with complete freedom. Religion in secularism is a purely private matter of the individual, which should not interfere in politics or public life. Similarly, the state should also not interfere in the matter of religion unless there is conflict between different religions or with the basic concept of the state. In a secular state, there is respect for a person who does not follow any religion.³

Reflecting on secularism, Dr. Sarvepalli Radhakrishnan has said that "*When Indians are said to adopt secularism, it does not mean that they support irreligion or materialism. They have this respect for all religions and respect all prophets. Tolerance does not mean indifference to one's own religion, tolerance gives us a spiritual vision, which is as far from fanaticism as the North Pole is from the South Pole. Real knowledge of religion breaks the walls between sect-sect, religion-religion. By the practice of tolerance towards other religions, we will get a more true knowledge of our religion*".

Considering the secularism of religion, the eminent historian Vipan Chandra wrote that "*Secularism has been interpreted in four ways in India like other places*."

First: Religion should not interfere in politics. Religion should remain separate from politics, economy, education and larger spheres of social life and culture. Religion should be considered a

personal or individual matter of the individual. To speak of the so called Indian definition of secularism that rejects it is a negation of secularism. Also secularism does not mean removing religion from life or opposing religion. Secular governance does not mean a government that discourages religion.

Second: Secularism in a polytheistic society also means that the government should be neutral to all religions or, as many religious people say, give equal consideration to all religions including atheism.

Third: Secularism further means that the government should treat all citizens as equal and do not discriminate against them on the basis of their religion.

Fourth: Secularism has another characteristic in the context of India. Secularism in India came as an ideology to unite all Indians against colonialism and as part of the process of nation building. Simultaneously, communalism emerged as a highly divisive social and political force. As a result secularism means a regime explicitly opposed to communalism. It was because of this vision and commitment to it that independent India could prepare a secular constitution and lay the foundation of secular governance in spite of partition and partition riots.⁴

The topic of secularism is not new to India. People of different cultures and religions have coexisted and lived side by side for thousands of years. When India became independent in 1947, a secular democratic structure was adopted in the Constitution. The word secular was added to the preamble of the constitution after the 42nd constitutional amendment, but the word secular has not been used in any part of the Indian constitution, although there are many such articles in the constitution that prove India to be a secular state, which is confirmed. From the following points:

In India, citizens have been assured by the Constitution that they will not be discriminated against on the basis of religion. No religion of the Indian state has been declared in the constitution and no particular religion has been endorsed. According to Article 14 of the Constitution, all persons in the territory of India shall be equal before the law and shall not be discriminated against on grounds of religion, caste or sex.

At the same time, under Article 15, discrimination on the grounds of religion, caste, race, sex and place of birth has been banned. Article 16 talks about providing equal opportunities to all in the field of public employment. Along with this, the

fundamental right of religious freedom has also been provided to every citizen by Article 25 to 28 of the Constitution of India. Article 25 of the Constitution gives every person the right to spread or spread his religious beliefs and principles. Has been given at the same time, Article 26 gives the right to establish religious institutions. Article 27 says that citizens shall not be compelled to pay taxes in return for the establishment or maintenance of any particular religion or religious institution. Provision has been made not to give religious education of any kind. Expenditure for religious works has been declared tax-free by the Constitution of India. Article 30 of the Constitution empowers minority communities to open and administer educational institutions of their own. Article 44 provides that the State shall endeavor to create a Uniform Civil Code for all citizens.⁵

Indian secularism is a unique concept in itself which has been adopted keeping in mind the special needs and characteristics of Indian culture. Secularism encourages science and technology and rationalism in society and forms the basis of a modern secular state.

A secular state is independent of religious obligations and adopts a tolerant attitude towards all religions. Individuals are highly sensitive to their religious identity so they would like to seek protection against violent behavior by an individual or group of individuals. This protection can only be provided by a secular state. The secular state also protects the life and property of atheists and also gives them the right to live their own way of life and life. A secular state is also more stable from a political point of view. Thus secularism is a positive, revolutionary and comprehensive concept that strengthens diversity.

It is sometimes said that Indian secularism is an imitation of western secularism. But a careful reading of the Constitution reveals that this is not the case. Indian secularism is fundamentally different from western secularism. Unlike the totally separatist negative secular concept of the West, India's secularism is based on the constitutional belief of respecting all religions as a whole. Indian secularism does not stress the separation between religion and the state but emphasizes on inter-religious equality. Indian secularism has focused simultaneously on inter-religious and inter-religious supremacy. The Indian concept of secularism is in stark contrast to the Western interpretation of secularism. In the West, it is based on the three major pillars (pillars) of freedom of religion, the separation of state and religion, granting equal citizenship to every citizen

regardless of their religion. Though the Indian Constitution adheres to only two of the three pillars, it fails to adhere to the most important one, as religion actively interferes in the working of the state, either through direct or indirect means. Even though the Constitution of India is considered the supreme law in India, the complexities of Indian society allow personal laws such as the Shariat and the Hindu Code Bill to exist as long as it is an individual's fundamental rights and peace in society. And don't disturb the goodwill.⁶

Western diversity is concerned with the state and religion not interfering with each other's method of functioning. The power conflicts with the state and its rights are allowed to be curtailed if religion is obstructing the functioning of the state. On the other hand, Indian secularism focuses on an inclusive form of secularism by allowing the individual to take advantage of his fundamental rights while creating an atmosphere of peace and harmony. The concept is not limited to how religious groups are viewed. Whereas, the essence of secularism lies in creating a positive relationship between the state and religion in the social and cultural sphere.

In Indian secularism, there is also scope for state-supported religious reform and also compatibility, which is not seen in the West. For example, the Constitution of India has banned untouchability, while the state of India has also enacted several laws to abolish child marriage and prohibition imposed by Hinduism on inter-caste marriage.

It is the responsibility of a modern, secular and democratic republic to create a common civil and personal law for all its citizens belonging to different caste, religion, class and gender. It is generally observed that personal laws of almost all religions are discriminatory towards women. Men are given preference in the matter of succession and inheritance. In such a situation, the Uniform Civil Code will be helpful in bringing both men and women to the level of equality. Indeed, contemporary India is an entirely new society, with more than half the population below the age of 25. The social consciousness of this youth of India has been shaped by universal and universal principles of equality, humanity and modernity. Uniform Civil Code will further strengthen this consciousness. All Indian citizens have equal protection by laws, as criminal law and other civil laws are same for all.

Under secularism in India, more emphasis has been laid on Gandhiji's concept, according to which there has been talk of encouraging all religions equally and positively. Thus the secularism of India is neither completely connected with religion nor

completely neutral with it. It may be noted that the Supreme Court of India, in its decision in the Kesavananda case, has considered secularism as a part of India's infrastructure. Indian secularism differs in principle from Western secularism on the basis of these values.

Through reading and evaluating the provisions and rights of the Indian Constitution together, it becomes clear that the Preamble of the Indian Constitution has acquired a secular character rather than just words. At one point, secular thought, pluralistic India's tolerance of all sects and religions was considered the core of Indian society. Events from the early 1990s have changed the state of reality which was an important base of India. The meaning of secularism in India has changed in history, initially it was considered anti-majority and pro-minority. During this period, many political parties used secularism as a weapon to reinforce and appease the minorities. However, at present, some parties have started acting as majority supporters of secularism to strengthen the majority sects in the Indian context. Some in the political sphere have opposed the concept of secularism as it has failed to serve the objectives, while some believe that without secularism, India would create an unstable environment everywhere in the country.⁷

India is struggling to form a secular society with a neo-liberal state that has practically destroyed the legitimacy of shared morality, shunned by aggressive sentiments since the country embarked on its journey of economic liberalisation. At the same time, as the Congress Party declined in power and right-wing politics emerged, the role of nationalist fervor was transformed into a voluntary association, coupled with the wave of a welfare state, based on a personal ethic of individual responsibility enshrined in the Constitution for secularism. destroying its ideals.

The essence of secularism lies in socializing with different social groups and overcoming the hatred that is destroying the social fabric of Indian society. In a diverse country like India, where differences are prevalent in terms of different religions and cultures, it is imperative to eliminate the root of the animosity rather than focusing on how to deal with such religious differences. To reduce the role of the state, the focus needs to be on fostering deeper ties not only between different religions but also between different cultural groups, ethnic, regional, linguistic and caste.

Indian secularism has been the subject of sharp criticism since its inception. Many arguments have

been given regarding this. Some critics argue that secularism is anti-secular, but Indian secularism is not anti-secular. In this, due respect has been given to all religions. It is noteworthy that while secularism opposes institutionalized religious supremacy, it is not synonymous with being anti-religious. It is also said about secularism that it is imported from the West, that is, inspired by Christianity, but this is not a correct criticism. In fact, secularism in India has had its own distinctive identity since ancient times, it is not imported from anywhere but is original. India's secularism has also been accused of being a minority issue. It may be known that Indian secularism does advocate for minority rights, but this advocacy is according to justice. In such a situation, minority rights should not be seen as special facilities. Secularism in India is governed by the state. Minorities complain that the state should not interfere in matters of religion. It is noteworthy that on the issue of triple talaq, the Muslim Personal Law Board had said that in the name of social reforms, private laws are being interfered by the state. On the other hand, Jains are defending their Santhara system on the basis of its thousands of years of existence. Apart from this, it has also been alleged that the state interferes in the affairs of minorities only after being influenced by the majority. On the contrary, the majority suspects that the state is appeasing the minorities. Such a tendency is working to increase communalism in the communities.

Some incidents questioning secularism have also challenged it such as the 1984 riots, the demolition of the Babri Masjid, the 1992-93 Mumbai riots, the Godhra incident and the 2003 Gujarat riots, religious and racial attacks under the guise of stopping cow slaughter. Etcetera.

Some critics argue that Indian secularism is oppressive. It interferes more with the religious freedom of the person. While it is not so, the nature of Indian secularism is not oppressive but reformist. The word secularism is not well defined in our constitution which provides a proper place for its misuse and undefined. In this sense, the word conversion has also been misused and misinterpreted from time to time. Another argument given by critics is that secularism promotes vote bank politics.⁸

Conclusion

The criticism of Indian secularism is unfair. The secular character of the Indian state is virtually intact due to the fact that it is neither a theocratic nor does it accept any religion as the state religion.

Instead it has adopted a very sophisticated policy to achieve religious equality. Due to this policy, he can also secede from the religion in the American style or can also make a relationship with it if need be.

It is noteworthy that the Indian state can also create prohibitive relations with religion to oppose religious persecution. This is also reflected in actions like ban on untouchability, triple talaq, entry of women in Sabarimala temple. Apart from this, the Indian state power can adopt many complex strategies to promote the values of peace, freedom and equality. Ultimately it is clear that the meaning of Indian secularism goes far beyond peaceful coexistence or tolerance. Now it is necessary that its shortcomings should be rectified. For this, here are some suggestions that can be implemented.

The government should ensure its preservation as secularism has been recognized by the court as a part of the basic structure of the constitution. A commission should also be constituted to ensure the observance of the constitutional mandate of secularism. The representatives of the public should be kept in mind. That in a secular state religion is a purely personal and private matter. Lastly, it should not be made a political issue for vote bank. Also, politics should be seen separately from religion.

It is noteworthy that in the case of S-R- Bommai vs Republic of India, the Supreme Court had held that if religion is not separated from politics, then

the religion of the ruling party will become the religion of the country. This decision of the Supreme Court needs to be implemented by political parties. The concept of secularism is based on recognizing minorities and ensuring their protection. Therefore, special efforts should be made for the welfare of minorities and it should not be seen through the prism of secularism.

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