



FACULTY OF JURIDICAL SCIENCES

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Lecture-

20



LECTURE 20:

. Philosophy of Indian Secularism The term ‘secularism’ is akin to the Vedic concept of ‘Dharma nirapekshata’ i.e. the♣ indifference of state to religion. This model of secularism is adopted by western societies where the government is totally♣ separate from religion (i.e. separation of church and state). Indian philosophy of secularism is related to “Sarva Dharma Sambhava” (literally it means♣ that destination of the paths followed by all religions is the same, though the paths themselves may be different) which means equal respect to all religions. This concept, embraced and promoted by personalities like Vivekananda and Mahatma♣ Gandhi is called ‘Positive secularism’ that reflects the dominant ethos of Indian culture. India does not have an official state religion. However, different personal laws - on matters♣ such as marriage, divorce, inheritance, alimony varies with an individual's religion. Indian secularism is not an end in itself but a means to address religious plurality and sought♣ to achieve peaceful coexistence of different religions. Secularism and the Indian Constitution There is a clear incorporation of all the basic principles of secularism into various provisions♣ of 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). o It emphasise the fact that constitutionally, India is a secular country which has no State religion. And that the state shall recognise and accept all religions, not favour or patronize any particular religion. While Article 14 grants equality before the law and equal protection of the laws to all, Article♣ 15 enlarges the concept of secularism to the widest possible extent by prohibiting discrimination on grounds of religion, race, caste, sex or place of birth. Article 16 (1) 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. Article 25 provides ‘Freedom of Conscience’, that is, all persons are equally entitled to♣ freedom of conscience and the right to freely profess, practise and propagate religion. As per Article 26, every religious group or individual has the right to establish and maintain♣ institutions for religious and charitable purposes and to manage its own affairs in matters of religion. As per Article 27, the state shall not compel any citizen to pay any taxes for the promotion or♣ maintenance of any particular religion or religious institution. Article 28 allows educational institutions maintained by different religious groups to impart♣ religious instruction. Article 29 and Article 30 provides cultural and educational rights to the minorities.♣ Article 51A i.e. Fundamental Duties obliges all the citizens to promote harmony and the♣ spirit of common brotherhood and to value and preserve the rich heritage of our composite culture. Indian vs. Western Model of Secularism Over the years, India has developed its own unique concept of secularism that is fundamentally different from the parallel western concept of secularism in the following ways: As per the western model of secularism, the “State” and the “religion” have their own♣ separate spheres and neither the state nor the religion shall intervene in each other's affairs. Thus, the western concept of secularism requires complete separation of religion and state.♣ However, in India, neither in law nor in practice any 'wall of separation' between religion♣ and the State exists. In India, both state and religion can, and often do, interact and intervene in each other's♣ affairs within the legally prescribed and judicially settled parameters. In other words, Indian secularism does not require a total banishment of religion from the♣ State affairs. As per the western model, the state cannot give any financial support to educational♣ institutions run by religious communities. On the other hand, Indian model has chosen a positive mode of engagement.♣ In India, the state provides all religious minorities the right to establish and maintain their♣ own educational institutions which may receive assistance from state. In the western model, State does not intervene in the affairs of religion till the time religion is♣ working within the limits of the law. On the other hand, in Indian secularism, state shall interfere in religion so as to remove evils♣ in it. India has intervened by enforcing legislation against the practices of sati or widow-burning,♣ dowry, animal and bird sacrifice, child marriage, and preventing Dalits from entering temples. In western concept of secularism, religion is relegated entirely to the

private sphere and has♣ no place in public life whatsoever. The western model prohibits any public policy to be drafted on the basis of religion♣ therefore; state is absolutely distanced from the religious activities and practices of its citizens. In India, state has the policy of setting up Departments of Religious Endowments, Wakf♣ Boards, etc. It is also involved in appointing Trustees of these boards. Threats to Secularism While, the Indian Constitution declares the state being absolutely neutral to all religion, our♣ society has steeped in religion. Mingling of Religion and Politics that is mobilisation of votes on grounds of primordial♣ identities like religion, caste and ethnicity, have put Indian secularism in danger. Communal politics operates through communalization of social space, by spreading myths♣ and stereotypes against minorities, through attack on rational values and by practicing a divisive ideological propaganda and politics.

Politicisation of any one religious group leads to the competitive politicisation of other♣ groups, thereby resulting in inter-religious conflict. One of the manifestations of communalism is communal riots. In recent past also,♣ communalism has proved to be a great threat to the secular fabric of Indian polity. Rise of Hindu Nationalism in recent years have resulted into mob lynching on mere suspicion♣ of slaughtering cows and consuming beef. In addition with this, forced closure of slaughterhouses, campaigns against ‘love jihad’,♣ reconversion or ghar- wapsi (Muslims being forced to convert to Hinduism), etc. reinforces communal tendencies in society. Islamic fundamentalism or revivalism pushes for establishing Islamic State based on sharia♣ law which directly comes into conflict with conceptions of the secular and democratic state. In recent years there have been stray incidences of Muslim youth being inspired and♣ radicalized by groups like ISIS which is very unfortunate for both India and world. Way Forward In a pluralistic society, the best approach to nurture secularism is to expand religious♣ freedom rather than strictly practicing state neutrality. It is incumbent on us to ensure value-education that makes the younger generation♣ understands and appreciates not only its own religious traditions but also those of the other religions in the country. There is also a need to identify a common framework or a shared set of values which allows♣ the diverse groups to live together. The prerequisites to implement the social reform initiative like Uniform Civil Code are to♣ create a conducive environment and forging socio-political consensus