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# **SECULARISM IN INDIA: CONSTITUTIONAL PRINCIPLES AND PRACTICE**

**AUTHORED BY - HARSHIT SINGH**

## **1. INTRODUCTION**

Secularism, a concept deeply interwoven with the tapestry of human history, has evolved over time, assuming different forms and meanings across diverse cultural landscapes.

This paper embarks on a journey through the historical corridors of secularism, unravelling its conceptual nuances, and exploring its manifestations both in India and around the world.

To comprehend the contemporary understanding of secularism, one must delve into its historical roots. The historical aspect will trace the evolution of secularism, exploring its origins, transformations, and the socio-political contexts that shaped its development.

At its core, secularism embodies a complex and multifaceted concept. The terms Secular and Secularisation will dissect the layers of this term, examining its philosophical underpinnings, ideological dimensions, and the various ways in which it manifests within societies. Building upon the broader concept of secularism, this section will scrutinize the distinctions between being secular and the process of secularization. What does it mean for a society or an individual to adopt a secular stance, and how does secularization impact cultural, political, and religious spheres?

India, with its rich tapestry of cultures and religions, provides a unique backdrop for the exploration of secularism. Here, we will examine the historical trajectory of secularism in India, considering its constitutional foundations, challenges faced, and the ongoing discourse surrounding secular principles. Secularism transcends national borders, and its manifestations vary across different global contexts. This section will provide a comparative analysis, exploring how various countries interpret and implement secular principles, offering insights into the global landscape of secular governance.

As we navigate through the historical and conceptual dimensions of secularism, this chapter aims to lay a robust foundation for the subsequent exploration of its role, challenges, and implications in the specific context of India and its global counterparts. Through a nuanced understanding of secularism, we embark on a journey to unravel its complexities and relevance in our contemporary world.

## 1.1 History of the Secularism

The concept of secularism finds its origins in the political circumstances of the eighteenth century in European states. While the term "secularism" was coined by Holyoake during the Church-State dispute, it is through this conflict that the boundaries of spiritual authority were defined. This laid the foundation for the evolution of beliefs associated with secularism, including religious liberty, tolerance, and democratic principles in the Indian state.

A brief historical overview of the conflict between the Church and State in the West reveals that the issue of religion became prominent with the rise of secularism. In 313 A.D., Christians, who initially refused to recognize the divinity of the state religion, eventually saw Christianity becoming the state religion of the Roman Empire.<sup>1</sup> This shift led to conflicts, with the Christian religion asserting the right to believe and becoming intolerant of other religions. Over the centuries, disputes persisted between the state and religion, marked by power struggles between the Pope and the Emperor. The Church's authority was further strengthened through conflicts and alliances, leading to a manifestation of conflicting interests<sup>2</sup>. The appointment of Popes initiated a reforming trend within the Church, aiming to emancipate authority and resulting in disputes over the power to choose bishops.

As the state-church conflict continued, the Church's power endured, even facing challenges such as the Protestant Reformation. The concept of religious freedom was unknown in the Middle Ages, with the Church enforcing belief as its obligation. The misuse of Church authority led to the Protestant Reformation, which emphasized the autonomy of the Church but did not introduce a fresh concept of religious liberty<sup>3</sup>.

In the seventeenth century, the concept of religious freedom was rejected, and persecution of heretics was advocated for societal cohesion. However, the Reformation principles contributed to higher religious freedom, enabling the examination of religious concepts and the assertion of independence from internal powers.

The presence of religious minorities in England influenced the conception of citizenship not being dependent on religious beliefs. Tolerance was highlighted in the seventeenth century, and

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<sup>1</sup> <https://nykdaily.com/2020/12/history-and-origin-of-secularism>

<sup>2</sup> <https://secularismandnonreligion.org/articles/10.5334/snr.113>

<sup>3</sup> <https://www.learnreligions.com/secularism-101-history-nature-importance-of-secularism-250876>

with the Enlightenment, scholars like Locke and Hobbes emphasized values based on established knowledge, marking a move towards secularism. Secularism is defined as a movement aiming to establish conduct theories without regard to religion, signifying the rejection of religion and emphasizing freedom from religious tyranny.

## 1.2 Concept of Secularism

The concept of secularism has been developed over a long period of time and by various scholars both of west and India. The separation of church and state is a political and legal doctrine advocating the independence of government and religious institutions. This concept, often associated with the principles of government secularity and freedom of religious exercise, is credited to the writings of the English philosopher John Locke.

Locke's social contract theory emphasized the government's lack of authority over individual conscience, establishing a natural right to the liberty of conscience. Locke's ideas on religious tolerance and the protection of individual conscience greatly influenced the American colonies and the drafting of the United States Constitution<sup>4</sup>. Locke's conception of secularism bears the imprint of his personal religious history as a Protestant dissenter, subject to persecution and bias from the Anglican Church and English monarchy. Additionally, Locke's philosophy draws upon classical and biblical foundations of natural law, a synthesis he perceives as harmonious with both reason and revelation. It is crucial to note that Locke's vision of secularism is not antagonistic toward religion; instead, it aspires to foster a rational and harmonious coexistence among diverse religious beliefs under the auspices of a secular and restrained government.

Thomas Jefferson, in a letter to the Danbury Baptists in 1802, coined the phrase "separation of church and state" to express the intent of the First Amendment.

James Madison, a key figure in drafting the United States Bill of Rights, advocated for the total separation of church and state, emphasizing its essential role in maintaining the purity of both institutions.

Globally, countries vary in their degrees of separation between government and religious institutions. While the United States is recognized as the first to completely disestablish its government from any religion, other nations maintain varying levels of connection between the two. France and Turkey represent examples of active secularism, with their respective models of *laïcité* emphasizing the protection of religious institutions from state interference.

The separation of church and state is a foundational principle derived from the ideas of thinkers

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<sup>4</sup> <https://www.e-ir.info/2023/04/25/secularism-a-religion-of-the-21st-century/>

like Locke and enshrined in the U.S. Constitution, aiming to maintain the independence of government and religious institutions. However, the interpretation and application of this principle vary both within the United States and globally.

#### 1.4 Secularism in Indian Context

“WESTERN DICTONARIES DEFINE SECUARLISM AS ABSENCE OF RELIGION, BUT INDIAN SECUALRIM DOES NOT MEAN IRRELIGIOUSNESS. IT MEANS PROFUSION OF RELIGION”

-SHASHI THAROOR

The concept of Indian secularism, anchored in the principle of according equal respect to all cultures, has a historical lineage that predates the establishment of the Indian Republic in 1950. Its roots extend beyond the documented history of the nation, finding expression in the religious convictions articulated in the Vedas—ancient sacred texts whose precise dates continue to be a subject of scholarly debate. The essence of Indian secularism is intertwined with the philosophical nature of Hindu culture, characterized by principles rather than authoritarianism. The constitutional provisions that delineate individual rights and explicitly bar the Indian State from endorsing or nationalizing any specific religion are not innovations introduced by the Constitution itself<sup>5</sup>. Rather, they are the outcomes of centuries of harmonious intellectual development within the Indian mindset, a mindset deeply influenced by Hindu thought. These constitutional principles affirm the Hindu belief that every religion is sacred, emphasizing the idea that there is no inherent need to accord preferential treatment to any religion or faith.

At the heart of Indian secularism lies the Hindu perspective that the soul of every individual, irrespective of their religious affiliation, is equally precious.

This ethos is grounded in the expansive and inclusive worldview of Hinduism, which recognizes the sanctity of all natural beings. The Constitution, in adopting and endorsing these principles, merely reflects and formalizes the longstanding intellectual and cultural traditions that have shaped the Indian mindset over centuries. Before delving further into the intricacies of Indian secularism, it is essential to acknowledge the broader historical and cultural context. The phrase "secularism" itself has its origins in the West, where it emerged in the 19th century to describe the separation of church and state. In the Indian context, however, the term takes on a distinct

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<sup>5</sup> <https://vajiramandravi.com/quest-upsc-notes/secularism/>

character, reflecting the nation's unique history, cultural diversity, and philosophical underpinnings.

Karl Marx's assertion that religion is the "opium of the people" marked a turning point in the global discourse on religion. Yet, India's historical and cultural landscape has been shaped by a rich tapestry of diverse religious traditions, each contributing to the mosaic of the nation's identity. Religion, far from being relegated to the periphery, remains a significant and deeply rooted aspect of the lives of many individuals in India.

Against this backdrop, Indian history unfolds as a tapestry woven with the threads of various religions, but it is the Hindu loop and fabric that stand out prominently. The Hindu tradition, with its ancient scriptures and philosophical teachings, provides a comprehensive framework for understanding the complexities of human existence, societal relations, and the cosmic order. "Hindus had texts that defined the social bond between individual and individual as well as between man and God,"<sup>6</sup> notes the historical context.

These texts, which include sacred scriptures like the Vedas, Upanishads, and epics like the Mahabharata and Ramayana, lay down not only spiritual and ethical guidelines but also delineate the intricate interplay between individuals and the broader social and cosmic dimensions. The Hindu perspective, in contrast to being dogmatic, is rooted in a philosophy that acknowledges the interconnectedness of all life forms and the cyclical nature of existence. The intricate dance of creation, preservation, and dissolution—manifested through the deities Brahma, Vishnu, and Shiva—is a central tenet of Hindu cosmology.

This cosmic perspective extends beyond religious rituals to encompass the entire spectrum of human experience and the natural world. In the Hindu worldview, the individual is not isolated but is an integral part of the cosmic dance—a concept encapsulated in the term "dharma." Dharma, often translated as duty or righteousness, encompasses the moral and ethical responsibilities that guide individuals in their personal and societal roles. It emphasizes the importance of living in harmony with the cosmic order, recognizing the interconnectedness of all living beings.

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<sup>6</sup> <https://www.lawaudience.com/historical-evolution-of-the-concept-of-secularism-in-india/>

The historical evolution of Indian thought has been marked by a continuous dialogue and synthesis of diverse philosophical and religious traditions. While Hinduism provides a foundational framework, India has been a crucible of various religious and philosophical movements. Buddhism, Jainism, Sikhism, and other schools of thought have contributed to the pluralistic fabric of Indian society. The concept of secularism in India, therefore, is not a rejection of religion or an attempt to diminish its significance. Rather, it reflects a nuanced understanding of religion as a dynamic and evolving aspect of human culture.

Indian secularism acknowledges the diversity of religious beliefs and practices, seeking to create a society where individuals of all faiths can coexist harmoniously.

The historical trajectory of Indian secularism challenges the conventional narrative that modernization inevitably leads to the decline of religious influence. The Indian experience underscores the resilience of religious traditions and their capacity to adapt to changing societal dynamics. It is against this backdrop that the constitutional provisions relating to secularism in India gain significance.

The constitutional declaration that the State shall not endorse or support any religion is not a radical departure but a formalization of the principles that have guided the Indian mind for centuries. It echoes the Hindu belief in the sanctity of every religion and the equality of all souls. The Constitution, in essence, articulates the deeply ingrained values and philosophies that have shaped the Indian consciousness over millennia.

The term "secularism" in the Indian context is not a negation of religion; rather, it is an affirmation of the pluralistic ethos that defines the nation. The secular fabric of India recognizes the coexistence of diverse religious traditions and seeks to ensure that the State does not privilege any one religion over others.

This principle aligns with the core values of Hinduism, emphasizing the equality of all individuals and the sanctity of diverse religious paths.

While the concept of Indian secularism draws inspiration from the Hindu worldview, it is crucial to recognize that it encompasses and respects all religions. India's history is replete with examples of religious tolerance and accommodation, where different communities have thrived side by side. This spirit of coexistence is not a recent phenomenon but has deep historical roots. The Indian approach to secularism diverges from the Western model, which often emphasizes the separation of church and state. Instead, it adopts a more inclusive perspective that acknowledges

the role of religion in shaping the cultural, ethical, and spiritual dimensions of society. The Indian Constitution, by embracing and formalizing these principles, seeks to create a socio-political framework that accommodates and celebrates religious diversity.

In recent years, the concept of Indian secularism has faced challenges and debates. Critics argue that the constitutional provisions aimed at ensuring a secular state have sometimes been misinterpreted or selectively applied.

Additionally, questions arise regarding the extent to which secularism can be fully realized in a society marked by deep religious diversity. The global phenomenon of secularism has also witnessed shifts and reconsiderations. The assumption that the world would inevitably move towards a more secular orientation has been questioned. Studies indicating a resurgence of religious adherence and identity in various parts of the world challenge the once-dominant narrative of secularization.

The Indian experience offers a unique perspective on these global debates. It underscores the importance of understanding secularism not as a rigid separation of religion and state but as a dynamic and inclusive approach that respects and accommodates diverse religious traditions. The Indian model of secularism recognizes that the coexistence of multiple faiths is not a threat but an enriching aspect of societal life.

The concept of Indian secularism is deeply rooted in the cultural, philosophical, and religious traditions that have shaped the Indian subcontinent for millennia. It draws inspiration from the Hindu worldview, emphasizing the equality of all souls and the sanctity of diverse religious paths. Far from being a recent innovation, Indian secularism reflects a historical commitment to religious tolerance, diversity, and coexistence. While debates and challenges persist, the essence of Indian secularism lies in fostering a society where individuals of all faiths can live harmoniously, contributing to the rich tapestry of India's cultural heritage.

## **2. COMAPRITIVE ANALYSIS OF SECULARISM IN INDIA AND AROUND THE WORLD**

Secularism, as a concept, takes on different forms and nuances across countries, shaped by their distinctive historical, cultural, and political backgrounds. Examining the approaches to

secularism in the United States, Canada, the United Kingdom, Russia, and Australia provides insight into the diverse ways in which these nations navigate the relationship between religion and the state.

In the United States, secularism is deeply ingrained in the nation's founding principles, as enshrined in the First Amendment to the Constitution. This constitutional cornerstone prohibits the establishment of religion by the federal government and safeguards the free exercise of religion. The result is a unique form of secularism that places a premium on religious freedom and pluralism.

The separation of church and state in the U.S. is aimed at ensuring that no single religion is favoured or endorsed by the government. This commitment to neutrality allows for a diverse and dynamic religious landscape to flourish.

It encourages the public expression of various religious beliefs while preventing any faith from dominating the public sphere. This American model of secularism reflects a commitment to religious liberty and the idea that individuals should be free to practice their faith without state interference.

Canada adopts a more inclusive stance toward secularism. Without an official state religion, the Canadian Charter of Rights and Freedoms guarantees freedom of religion. Unlike a strict separation of church and state, the Canadian approach allows for the public expression of religious beliefs while maintaining governmental neutrality in religious matters. This inclusivity reflects a commitment to recognizing and respecting the diversity of religious practices within the country. While the government remains secular in its operations, it does not seek to suppress or marginalize religious expressions. Instead, Canada's secularism aims to strike a balance between individual religious freedoms and the principle of state neutrality.

Secularism in France, known as laïcité, is a foundational principle deeply embedded in the nation's identity. Enshrined in the French Constitution, laïcité advocates for the strict separation of religion from the state. This model aims to create a public sphere free from religious influence, ensuring governmental neutrality in matters of faith. Laïcité emphasizes individual freedoms, prohibiting religious symbols in public institutions, such as schools and government offices. While designed to uphold the principles of equality and freedom of conscience, France's approach to secularism has faced debates and challenges, particularly concerning the integration of

religious minorities and the balance between individual rights and national cohesion. Overall, laïcité remains a core element of French societal values, shaping public life and governance.<sup>7</sup>

The United Kingdom presents a unique case of secularism due to its historical association with the Church of England, an established church.

Despite this historical tie, the UK has evolved into a diverse and pluralistic society where various religious beliefs coexist.

The Church of England's role in the UK's constitutional framework does not preclude the practice and recognition of other faiths. The UK's approach to secularism reflects a delicate balance between acknowledging historical religious institutions and embracing the modern imperative of pluralism.

This model allows for the accommodation of diverse religious practices without imposing a rigid separation between religion and the state.

Russia's historical trajectory has seen shifts in its approach to secularism. During the Soviet era, the state embraced atheism, suppressing religious practices. However, since the fall of the Soviet Union, Russia has recognized the significance of religion in society. The Russian Constitution now guarantees freedom of religion, marking a departure from the atheistic stance of the past. Despite this constitutional commitment to religious freedom, the Russian Orthodox Church holds a privileged position. Ongoing debates surround the extent of secularism in the country, with questions about the level of state involvement in religious affairs. Russia's journey toward secularism involves navigating the legacy of its Soviet past while acknowledging the diverse religious landscape that has emerged in the post-Soviet era.

In the Australia, like Canada, does not have an official state religion. The government generally maintains a secular stance, emphasizing state neutrality in religious affairs. However, debates persist regarding the role of religion in public life, particularly in domains such as education and politics.

Australian secularism aims to ensure that the state remains impartial and does not unduly interfere

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<sup>7</sup> <https://www.jurist.org/commentary/2021/01/1-ali-khan-french-secularism/>

in religious matters. The principle of state neutrality is central to this approach, allowing individuals to practice their faith freely without facing discrimination. The ongoing debate surrounding religion in public life reflects the dynamic nature of Australian secularism, seeking a balance between individual freedoms and societal harmony.

Thus, each nation's secularism reflects its unique historical trajectory, cultural values, and political considerations. It showcases the adaptability of secular principles to diverse contexts, illustrating that the relationship between religion and the state is a nuanced and evolving aspect of national identity.<sup>8</sup> As these countries continue to shape their secular frameworks, they contribute to the global discourse on how societies can foster religious freedom, diversity, and coexistence.

### 3. CONSTITUTIONAL PRINCIPLES OF SECULARISM IN INDIA

The constitutional framework of secularism in India is firmly embedded in the text of the Constitution and its Preamble. The Preamble declares India to be a sovereign, socialist, secular, and democratic republic, affirming the nation's commitment to secular governance. Moreover, the Constitution guarantees fundamental rights to freedom of religion, expression, and equality before the law, ensuring that secular principles are enshrined in the legal fabric of the nation.

In practice, secularism in India entails a delicate balance between respecting religious diversity and ensuring state neutrality in matters of religion. The Indian state neither promotes nor interferes with any particular religion, allowing individuals the freedom to practice their faith without fear of discrimination or persecution. This principle of state neutrality serves as a safeguard against religious coercion or hegemony, preserving the secular character of the Indian state.

#### A. Preamble: Secularism as a part of the basic structure

The Preamble to the Constitution of India stands as a testament to the foundational values and principles upon which the Indian Republic is built. It serves not only as an introductory statement but also as the soul and conscience of the nation, encapsulating the collective aspirations and commitments of its people.<sup>9</sup> In its succinct yet profound language, the Preamble lays out the overarching objectives of the Indian state, affirming its sovereignty, socialism, secularism, and

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<sup>8</sup> <https://www.clearias.com/secularism/>

<sup>9</sup> M. P. Singh, V. N. Shukla's Constitution of India

commitment to democracy.

B. Articles 25-28: Freedom of religion and related rights<sup>10</sup>

B.I Article 25: Freedom of Religion of the Indian Constitution guarantees every individual the right to freedom of conscience and the freedom to profess, practice, and propagate religion. This provision recognizes the intrinsic right of individuals to hold and express their religious beliefs without any interference from the state. It forms the cornerstone of religious freedom in India and reflects the nation's commitment to religious pluralism and tolerance.

B.II. Article 26: Freedom to Manage Religious Affairs

Article 26 of the Indian Constitution grants religious denominations the freedom to manage their religious affairs, including the right to establish and maintain institutions for religious and charitable purposes. This provision recognizes the autonomy of religious institutions and protects their right to administer their internal affairs without government intervention.

B.III. Article 27: Prohibition of Religious Taxation

Article 27 of the Indian Constitution prohibits the state from levying taxes for the promotion or maintenance of any particular religion. This provision ensures that the state remains neutral in matters of religion and does not use public funds to favor or promote any specific religious community. It upholds the principle of state secularism and prevents the misuse of state resources for religious purposes.

B.IV. Article 28: Freedom from Religious Instruction in Educational Institutions of the Indian

Constitution safeguards the right of individuals to attend or participate in religious instruction or worship in educational institutions maintained by the state. While allowing for religious instruction, this provision also ensures that no student is compelled to receive religious instruction against their will. It reflects the commitment of the Indian state to secular education and respect for religious diversity.

Overall, Article 28 plays a crucial role in promoting secularism and religious freedom in India's educational system. It ensures that students have the freedom to pursue their education without any interference or coercion in matters of religion, thereby fostering a culture of tolerance, respect, and pluralism in Indian society.

Collectively, Articles 25 to 28 of the Indian Constitution form the cornerstone of religious

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<sup>10</sup> Upendra Baxi. The Indian Constitution: Oxford India Short Introductions. New Delhi: Oxford University Press, 2008.

freedom in India, guaranteeing individuals and religious communities the right to practice their faith without fear of discrimination or persecution.

These provisions underscore the secular character of the Indian state and its commitment to respecting and protecting religious diversity. By safeguarding religious freedom, autonomy of religious institutions, and neutrality of the state in matters of religion, Articles 25 to 28 contribute to the promotion of social harmony, tolerance, and inclusivity in a diverse and pluralistic society like India.

