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Dr. D. Suresh



SOCIETY FOR PUBLIC WELFARE AND INITIATIVES

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SECULARISM AND INDIAN CONSTITUTION



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Abstract: *The Constitution of India did not erect any 'wall of separation between religion and the State. While prohibiting religion-based discrimination between the citizens, it did not prevent the state from participating in the people's religious affairs. It enabled the State to generally "regulate or restrict secular activity associated with religion". Nowadays, the word secularism/religion continues with its many abusive forms and styles.*

Keywords: *Indian Constitution, Secularism, Misusing*

Introduction

The word 'secular' is not written in the Constitution, but it does not mean that the founding fathers of the Constitution had any doubt about the nature of the Indian state being secular. The framers of the constitution properly debated the issue of secularism and individual's religious rights with other members and after due considerations, they decided to make India a secular state. While the Indian Constitution has been based on secularism or Dharma Nirapekshita, the society is steeped in religion. Religious feelings govern the mode of thinking and the Indians consider religious festivals and rituals as part of our daily life. In comparison to other countries, secularism has a very different meaning in India. Even during the discussion in the Constituent Assembly on the fundamental rights relating to religion, the idea of secularism was extensively pressed into service by the members as the handiest tool to substantiate various viewpoints, often opposed. The members of the Constituent Assembly were in no doubt that the phrase 'secular state' and the terms secular and secularism should help us in understanding that the principle is meant the constitutional concept of equality and freedom for all religions. infused every provision of the fundamental

rights with this spirit and therefore very wisely avoided institutionalising it in words interminably capable of connoting varying and conflicting meanings.

42nd Constitutional Amendment Act and Secularism

The whole edifice of secularism in India took a large step. By the 42nd Constitutional Amendment Act (1976), the Preamble was amended from the words 'sovereign democratic Republic' to the words 'Sovereign, Socialist, Secular, Democratic Republic. For the first time, the word 'secularism' was introduced in the Constitution. Speaking on the motion for consideration of the Bill in the Lok Sabha on 25th October 1976, H.R. Gokhale, the Minister of Law, Justice and Company Affairs, justified the inclusion of the words 'Socialism and Secularism' by citing the Congress Resolution passed in 1931 at Karachi in which Pandit Nehru remarked after getting political freedom that their further objective was to bring about a socio-economic revolution in the country, "The objective which we had always in view, namely socialism and secularism, which we had tried to implement, will be more and more implemented and will be more accurately and correctly reflected in a basic part of our Constitution, namely, the Preamble".

Sardar Swaran Singh, justifying the addition of the concept in the Preamble observed, stated ".....But secular now is a word that I think has become part of our Indian languages. People of India in their different languages use the word secular because it has assumed a definite meaning and the meaning is that there will be equality before the eye of the law in our Constitution concerning the people professing different religions".

The Lok Sabha, after discussing the Bill for seven days, passed it on 2nd November 1976. Two days later, on 4th November 1976, the Rajya Sabha took up the 42nd Amendment as passed by the Lok Sabha, after discussing it for six days, passed it on 11th November 1976. By and large members from both Houses welcomed the addition of the word 'secularism' in the Preamble. The declaration by the 42nd Amendment, inserting the word 'secular' in the Preamble, amounts to this effect: "We the people of India, in the Constituent Assembly, on 26th November 1949, constitute India into a Socialist Secular State as we declare so on 18th December 1976". It was explained that insertion of the term meant equality, non-discrimination and equal respect for all religions.

Misusing of the word Secularism

In Indian polity, having rejected theocracy or state church and adopted equality of all religions as the state policy in the post-Independence constitutional era, the term secular had no relevance for the interpretation of the Constitution and laws. While the word 'secularism' is rather vague and was introduced by the 42nd Amendment, Articles 25 to 30 of the constitution relating to the freedom of religion and freedom to manage religious affairs are more specific. The ideals of a secular state have been embodied under the Indian constitution and the provisions are being implemented in substantial

measure. But the circumstances after independence have posed a challenge before secularism of India several times. India, being still a traditional society, contains not a single, but many traditions owing their origin in part to the different religions that exist in the country. While India carries with it many traditions it has managed to retain the secular character of its polity.

However, the overall environment around does not certify the theme of secularism and when we examine the working of various nongovernmental institutions, the various political parties, especially national ones, which are supposed to have thrown their membership open to all communities, we find that the spirit of secularism is being floated day after day. The Indians are not completely secular in their approach and attitudes. The universalisation of secular principles should enable secularism not to degenerate into an institutionalised policy of appeasement or domination of religious groups based on the needs of the day. A consensual framework that is based on mutual respect and common principles, not separate beliefs protected by law, needs to develop. The evolution of and adherence to such predetermined but definable principles of state and individual value-based behaviour are essential if secularism is to become a universalist social and community ideology and not a purely political instrument of societal regulation within the contemporary Indian scenario.

Conclusion

The political culture of India, like other developing countries, is in the formative stage and continues to evolve. It is an admixture of historical, geographical, socio-economic structures, contemporary and ancient social structures, old and new political ideologies and more importantly the practice and tradition of political apathy and nonviolence. In Indian political culture, commitment to religious values remained strong. The political and socio-economic changes produced a response along caste lines. The Constitution outlawed caste, but the political institutions continued dividing the country into many castes and sub-castes. As a result, the Indian political system has become the hub of irrational politicians who manipulate the state machinery to advance their power and economic gain by disseminating the seeds of social conflict. The secessionist movements, caste assertions, Hindu's nationalism and majority-minority schism on cultural identities has been entrenched often inspired by political parties and leaders for electoral gain. The politics of Hindus-Muslims-Dalits vote bank and more importantly the blamegame become the part and parcel of the Indian political culture. The political system in India is facing plenty of problems such as corruption, extensive centralisation, political criminalisation, declining secularism, the rise of national chauvinism based on religion, and a growing gap between the included and excluded. Indian political culture has failed to prevent communal violence, ethnic conflicts and political insurgency. Secularisation does not mean that religious institutions will cease to exist. It only means that they will cease to encompass or regulate all the other institutions of society.

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