

# UNDERSTANDING SECULARISM

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## INTRODUCTION

*"Secularism is neither a religion nor indifference to religion but equal respect for all the religions, not mere tolerance but positive respect without it, there is no future for the nation." -Indira Gandhi*

Imagine you are working in a US firm as a chief engineer but you are paid less than the other engineers just because you are not an American, and when you ask for the reason to your seniors, you are thrown out of the company. This situation is called discrimination. In such a condition, the person who is discriminated takes wrong steps or

starts fighting for justice with the other discriminated ones. To fight and remove such kind of discrimination, the Indian Constitution has adopted secularism and India became a secular state.

## DEFINITION

Secularism is a freedom to live by an individual's religious beliefs and practices. It separates power of religion and power of the state. This separation maintains law, peace and order in the society, state and in the country

## WHAT IS INDIAN SECULARISM ?

The Indian Constitution mandates that the Indian State be secular. According to the constitution, only a secular State can realise its objectives to ensure the following

- (i) that one religious community does not dominate another.
- (ii) that some members do not dominate other members of the same religious community
- (iii) that the State does not enforce any particular religion nor take away the religious freedom of individuals

## WAYS TO PROTECT SECULARISM

The Indian State works in various ways to prevent the above domination

- (i) First It uses a strategy of distancing itself from religion. The Indian State is not ruled by

a religious group and nor does it support anyone religion. In India government spaces like law courts, police stations, government schools and offices are not supposed to display or promote anyone religion

- (ii) The second way in which Indian secularism works to prevent the domination of one community is through a strategy of non-interference. This means that in order to respect the sentiments of all religions and not to interfere with religious practices the State makes certain exceptions for particular religious communities. For e.g in Sikhism : Indian State recognize that wearing a pugri (turban) is essential to a Sikh's religious practice and in order not to interfere with this, allows an exception in the law that wearing helmet during driving is necessary.

- (iii) The third way in which Indian secularism works to prevent the domination listed earlier is through strategy of intervention. For e.g. untouchability. This is good example where members of the same religion ('upper-caste' Hindus) dominate other members (some 'lower castes') within it. In order to prevent this religion-based exclusion and discrimination of 'lower castes', the Indian Constitution bans untouchability.

In this instance, the State is intervening in religion in order to end a social practice that it believes discriminates and excludes, and that violates the Fundamental Rights of 'lower castes' who are citizens of this country.

- (iv) Similarly, to ensure that laws relating to equal inheritance rights are respected, the State may have to intervene in the religion-based 'personal laws' of communities.

The intervention of the State can also be in the form of support. The Indian Constitution grants the right to religious communities to set up their

own schools and colleges It also gives them financial aid on a non-preferential basis

## ➤ INDIAN CONSTITUTION AND SECULARISM

- (i) Indian Constitution contains Fundamental Rights that protect us against state power as well as against the tyranny of the majority
- (ii) The Indian Constitution allows individuals the freedom to live by their religious beliefs and practices as they interpret these
- (iii) In keeping with this idea of religious freedom for all, India also adopted strategy of separating the power of religion and the power of the state.
- (iv) Secularism refers to this separation of religion from the state

## ➤ NEED TO SEPARATE RELIGION FROM STATE

### ◆ Role of majority

The most important aspect of secularism is its separation of religion from state power

- ◆ This is important for a country to function democratically.
- ◆ Almost all countries of the world will have more than one religious group living in them Within these religious groups, there will most likely be one group that is in a majority.
- ◆ If this majority religious group has access to state power, then it could quite easily use this power and financial resources to discriminate against and persecute persons of other religions.

This tyranny of the majority could result in the discrimination, coercion and at times even the killing of religious minorities

- ◆ The majority could quite easily prevent minorities from practicing their religion.
- ◆ Any form of domination based on religion is in violation of the rights that a democratic society guarantees to each and every citizen irrespective of their religion
- ◆ Therefore, the tyranny of the majority and the violation of Fundamental Rights that can result is one reason why it is important to separate the State and religion in democratic societies

### ◆ Freedom of Religions

- ◆ Another reason why it is important to separate religion from the State in democratic societies is because we also need to protect the freedom of individuals to exit from their religion, embrace another religion or have the freedom to interpret religious teaching differently
- ◆ The members who have control of State power might say that there is only one interpretation of Hinduism and that you do not have the freedom to interpret this differently

### ➤ INDIA SECULARISM AND DEMOCRATIC SOCIETIES OF THE WORLD

Some of the above objectives are similar to those that have been included in the Constitutions of secular democratic countries in other parts of the world

### ◆ The U.S.A. :

The First Amendment of the U.S.A. Constitution prohibits the legislature from making laws "respecting an establishment of religion" or that "prohibit the free exercise of religion".

The word 'establishment' means that the legislature cannot declare any religion as the official religion Nor can they give preference to one religion. In the U.S.A the separation between

State and religion means that neither the State nor religion can interfere in the affairs of one another.

Indian secularism differs from the dominant understanding of secularism as practised in the United States of America.

Unlike the strict separation between religion and the State in American secularism, in Indian secularism, the State can intervene in religious affairs.

Indian Constitution intervened in Hindu religious practices in order to abolish untouchability. In Indian secularism though the State is not strictly separate from religion it does maintain a principled distance vis-a-vis religion.

### ◆ France :

In February 2004, France passed a law banning students from wearing any conspicuous religious or political signs or symbols such as the Islamic headscarf, the Jewish skullcap, or large Christian crosses. This law has encountered a lot of resistance from immigrants who are mainly from the former French colonies of Algeria, Tunisia and Morocco. In the 1960s, France had faced a shortage of workers and, therefore, had provided visas for these immigrants to come and work in the country. The daughters of these immigrants often wear headscarves while attending school. However, with the passing of this new law, they have been expelled from their school for wearing headscarves.

This means that any interference in religion by the State has to be based on the ideals laid out in the Constitution. These ideals serve as the standard through which we can judge whether the State is or is not behaving according to secular principles

### ➤ PROTECTION OF SECULARISM IN INDIA

The Indian State is secular and works in various ways to prevent religious domination. The Indian constitution guarantees Fundamental Rights that are based on these secular principles. However,

this is not to say that there is no violation of these rights in Indian society. Indeed it is precisely because such violations happen frequently that we need a constitutional mechanism to prevent them from happening. The knowledge that such rights exists makes us sensitive to their violations and enables us to take action when these violations take place.