

## **A RESEARCH ON EXPLORES INDIA'S RELIGIOUS FREEDOM AND HUMAN RIGHTS**

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### **Abstract**

*Western secularism includes a strict separation between state and religion. However, India, where religion is a major component of private life, is quite different from the West. India treats all religions equally. The freedom to freely exercise one's religion is one of India's fundamental rights, and religious bigotry is unlawful. This paper examines secularism in India and religious freedom under the Indian constitution. It also gives an outline and emphasizes religious tolerance and democracy in India.*

**Keywords:** "Secularism, religious freedom, fundamental right, state.

### **Introduction**

After 30 years of European war, "secularization" was first used in 1648. The princes took over the Church's properties. In 1989, Tallor and told "the French National Assembly" that practically all church assets were now national property. In 1851, George Jack Holyoaked coined "secularism" and led a nationwide movement. Progress included secularization. Secularization has always provided solace, notwithstanding its incompleteness.

"Secularization" nowadays means "removing parts of society and culture from religious organizations and symbols," according to Peter Bergeri. "George Ostler's definition of secular in the Oxford Dictionary of Current English is relating to this world or the current life, not ecclesiastical, not discovered by monastic notions." Thus, secular refers to "worldly" or "present-life" matters. It's used to disparage spirituality and religion.

D.E. Smith defines a secular government as one that guarantees religious freedom for people and companies, regards everyone as a citizen regardless of faith, is not constitutionally tied to any religion, and does not publicize or interfere with that religion. <sup>3</sup> According to V.P. Luthara, it is a secular country that does not value religion. Each individual in the secular government is a citizen, not a member of a religious group. Citizenship's functions and responsibilities are untouched by religion.

Freedom of religion means that an adult is free to think about and discuss various religions and choose a religion without official interference. No state involvement. The state cannot force a religion on the individual. It cannot charge him to maintain a religion. Thus, a secular government cannot legally restrict religion's external expressions for reasons of safety, morality, or protection. Secular states guarantee individual, association, and religious freedom. Respect every religious organization's right to organize and govern its own affairs. It also buys property. It may also establish and run nonprofits and universities. A secular

country recognizes citizens as citizens, not religious members. Citizenship Religion is irrelevant to citizenship. To preserve religious freedom, we must understand that religious and government duties are different. Secular governments should not promote, regulate, control, or interfere with religious behaviors. Secular states see all religious activity as voluntary groupings of private individuals, subordinate to the state. Religious institutions must follow the basic laws and fulfill their civic commitments. The state regards religious groups as benevolent organizations with common goals, whether social, intellectual, or economic.

A secular state guarantees basic rights to its residents and does not discriminate based on religion, sexual orientation, social caste, or other factors. Besides giving such powers. It also enables the free expression of conscience and the free profession, practice, and promotion of any religion as long as it does not compromise public order, decency, or wellbeing. A secular country may also adjust measures for socially backward societies or apply religious restrictions to maintain community cohesion and morality. Secular states allow both. Thus, a secular state protects its inhabitants' well-being and offers them equal opportunities to grow. It ignores other universes. Thus, the following secular country characteristics are most significant.

Articles 25–28 of the Indian constitution provide religious freedom. It permits individuals to publicly recognize, practice, and disseminate their religion. This privilege is not automatic in India. However, it has limits. India's freedom of conscience must not compromise public order, hygiene, morality, or other essential rights. It has been suggested that the government may amend any social program provision it deems suitable.

These regulations deepen India's secularism. Writers of India's constitution debated religious freedom. Then, all provisions took effect. Based on Hinduism, the Constituent Assembly argued whether the state should secularize Hindu family rules or leave them as they are, notwithstanding their unfairness. Nehru thought that modifying Hindu traditional family customs was crucial to India's growth and modernization, while Congress conservatives and Hindu fundamentalists opposed the concept.

The constitution's drafters used an evolutionary rather than transformative approach, which allowed them to transfer any power over the state's secular character to the political realm. This meant that future legislatures would determine whether and how to implement constitutional proposals. The Hindu Code was debated in the 1950s and split into four pieces between 1955 and 1961.

These legislation changed wedding, divorce, inheritance, and adoption rules. However, the "Uniform Civil Code" was never adopted but remained as a government policy scenario. Because of this, each religious group in India has its own particular rules, with only minimal changes to conventional Muslim and Christian legal codes. India's state-religion relationship is controversial.

India's secularism is neither like France's, where the government and religion are clearly separated, nor like other European countries', where one particular ideology is prioritized. US secularism most resembles Indian secularism. 10 Philosophers have discussed India's secularism. Religious liberty is difficult to understand without studying the political

management of many social issues. B.R. Ambedkar, who helped guide multiple iterations of the "Indian Constitution through the Constituent Assembly" decades before, said that the person, not the community, was the cornerstone of the Constitution.

"The Constituent Assembly's vacillation between severe separation, Hindu majoritarianism, and numerous intermediate possibilities is seen to have resulted to Sarva Dharma Sambhava (good will toward all religions) and Dharma Nirpekshata (religious neutrality).

Often included is Gandhian Vasudeva Kudumbakam (universal brotherhood). However, such assertions greatly downplay and even mislead about the Constitution's importance of religious practice. Minority populations require assurances that they would be equal stakeholders in India's democratic process after independence. They may freely exercise their religion and culture".

Indian secularism means equality for all religions. According to "Dr. Radha Krishanana," no religious ideology should be given particular benefits in public culture or international politics, since this would violate democratic values and harm both state and religion financially. No religious doctrine deserves special treatment. If so, no spirituality should be privileged in public culture or international policy."

According to Gurpreet Mahajan, the policy of non-separation was not simply a reluctant concession made for peaceful coexistence or tolerance, but rather based on the idea that religion has a public dimension and the state needs to take cognizance of that to facilitate the observance of these practices.

Thus, non-separation was predicated on the premise that religion is more than a hobby. India pursued a different approach, blending religious tolerance with non-denominationalism. Mahajan stated that the Indian constitution supported introducing religion to the public arena and governmental intervention in religious concerns and religious societies, which differed from a mainstream liberal paradigm of the time. The Indian constitution made religion public, therefore this viewpoint was distinct".

Robert Baird found that the Indian constitution is a religious document that allows religious activity in the modern Indian state.

Nehru valued secularism and democracy. Nehru always supported secularism. Donald Eugene Smith says India has many religious and sectarian groups. Thus, elevating one religion has not been advantageous. Secularism defines our country. Over the previous several millennia, many religions have coexisted, shaping our morals and values. Secularism unites diversity. It symbolizes our awe at the world's wonders. In India, secular doesn't mean anti-religion. It means respecting all religions, whether they are the majority or minority. Secular societies enable free worship and religious promotion.

The state does not believe in any religion, although religious discrimination is illegal. Smith claims that "secularism is predicated on two things: religious freedom and equality before the law," which the Indian constitution provides. Thus, India is secular. India is secular and democratic." Galanter's study of Indian secularism disputed Smith's.

He learned that Smith's secular India model was built on the idea that religion and secularism are clearly distinguishable. He really believed that the Indian state should promote religious reforms rather than religious freedom. The Wheel of Law: India's Secularism in Comparative Constitutional Context by Jacobson characterizes Indian secularism as an ameliorative approach that incorporates Indian nationalism's social reform urge in the context of the

nation's deeply established religious plurality and stratification.

Jacobson calls Indian secularism a social reform paradigm that supports Indian nationalism. Academics like "Ashish Nandy and T.N. Madan" believe India's secular administration was doomed from the start. Given the present situation, Madan believes that "secularism in South Asia as a broadly agreed credo of life is untenable, as a foundation for governmental action unfeasible, and as a blueprint for the foreseeable future ineffective."

Since most South Asians are active followers of a religion, it's hard to use it as a credo or life philosophy. However, religious minorities don't share the public's perception of what "Buddhism and Islam" mean for the country, therefore maintaining religious impartiality or equal distance is difficult. Either way, it cannot support government action. It cannot confront religious extremism and fanaticism, making it unsuitable as a guide for the future. It's pointless.

Secularism is the illusion of a minority that wants to shape the majority in its own image, that wants to push its will upon history but lacks the means to do so within a democratically structured government," he said. Free and democratic societies reflect the ideals of their citizens.

Thus, secular is a lie that hides this minority's incapacity to separate government and religion in its community. Secular myth covers this. Buddhist monks, Hindus, Muslims, and Sikhs understand how to centralize religious activity, while Protestant Christians do not. Thus, "secularism" is a phantom phrase for the majority. "To stigmatize the people as primordialist and to teach secular to the latter because the rule of human experience is moral arrogance and worse I say worse because in our times economics takes precedence over ethics political folly on the side of the secularist minority.

That's moral arrogance and political ignorance it ignores South Asians' religious importance. Southern Asians grow via religion. I won't discuss the term's definition, but each citizen's religion is the main cultural and economic force that shapes their place in society and gives their life meaning. However, Ashish Nandy sees secularism as part of a larger governmental campaign to silence nonconformists. According to him, secularism is based on secularism. The yearly remembrance of Ashoka, Kabir, and Gandhi's tolerance has discredited secularism in India. This replaces secularity. He favors religious tolerance over secularism.

Many Indian academics have different views on secularism. Some defended India's pervasive secularism. A few truly pious Indians think it will be a tragedy. Thus, India is a culturally and religiously varied civilisation. Criteria must be established to solve society's problems. We must resolve the problem of using religious freedom to undermine civic dignity. In 1986's Shah Bano case, domestic laws violated divorced women's rights.

This has to be rectified from inside society and involves examining how many Hinduism practices have been gathered and outlawed. Check these two requirements. A fair and secular state must prioritize the existence of the person and individual liberty. Rajeev Bhargava's "political secularism" or "contextual secularism" refers to the Indian constitution's ambiguous passages on religion and government. This view denies church-state separation.

It maintains a "principled distance" from all religious beliefs by providing equal legal support and aid to followers of all religions and preferring disrupting religious behaviors that directly oppose the nation's goals of equality, freedom, and socioeconomic growth. Critics say this method perpetuates religious and secularism tensions, which overburdens India's political and

judicial systems.

This approach's proponents argue that unclear arrangements promote stability and democracy at the state's base. However, detractors argue that such arrangements likely to exacerbate religious and secularism tensions. The Indian Constitution recognizes religious liberty as a fundamental right. Since no religious discrimination would occur, the Indian constitution appropriately represents secularism. The text was accepted sans the word "secular."

However, Nehru and Gandhi's "Dharm Nirpekshita and Sarva Dharma Sambhava" were a step toward discovering and understanding India's secular revolution. The best secularism for India has been debated by many schools of thought. This article emphasizes democracy and religious freedom in India and provides an overview.

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