

INDIA: A STUDY OF THE PHILOSOPHY OF SECULARISM**Ayub Khan**

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ABSTRACT

In recent years, one of the most contentious issues in India has been secularism. Separating religion from the state is the broad definition of secularism. One of the distinguishing characteristics of secularism in India is that it does not establish a clear line of separation between church and religion but it also does not support any faith. The concept of secularism in India is considerably different from the west or its typical use in the English language.

Interestingly, the 42nd Constitutional Amendment introduces secularism to the constitution, while the constitution's framers were quite explicit about the secular character of the state. The arguments in the constitutional assembly provide a clear record of the widespread consensus among the members about the non-establishment of any one religion while simultaneously honoring people's religious emotion. Thus, the study attempts to analyze the many facets of India's secularism and what makes India secular.

This essay makes an effort to comprehend the numerous connotations of secularism. The study examines how secularism has taken on multiple meanings throughout Indian history, starting with Asoka and ending with contemporary Supreme Court rulings. Contrary to common opinion, secularism is not alien to India; rather, it has always been a fundamental aspect of Indian culture, even if it has been shaped and affected by the Western notion of secularism. This essay seeks to comprehend the idea of secularism and its applicability in the present day by focusing on many definitions and perspectives of the word.

Keywords: *Philosophy, Secularism, Separation*

INTRODUCTION

Secularism underpins the Indian constitution and democracy. In Indian constitutional law, "secularism" has a completely different meaning than in English. However, secularism influenced the Indian liberation fight and the draft constitution and constitutional assembly discussions. The 42nd amendment adds "secularism" to the constitution, which had not previously included it. A careful review of the constitutional assembly's procedures shows that the document's framers were concerned about India's secularism.

Laws are a "mirror of society" that reflect its history, habits, and morals. Indian secularism is more inspired by the Indian freedom struggle than western ideals. Indian culture prioritizes spiritual growth above riches and power, unlike western democracies. Indian society is based on religion. Thus, rather than imposing western principles on India, we must examine secularism and our needs.

Indian secularism provides a "principled distance" between religion and state, according to Rajeev Bhargava. In order for religion and the state to coexist, Seval Yildirim described "Indian secularism" as "a discourse to reconstruct the political space."

This article examines secularism in India, the constituent parliament, and the judiciary.

ORIGIN OF SECULARISM IN INDIA

Religion and spirituality have shaped Indian civilisation. Swami Vivekananda brilliantly argued that whereas westerners want individual liberty, Indians seek renunciation. Indian civilisation has traditionally prioritized spiritual development and religion, which

undoubtedly led to the establishment of various religions. Indian culture has traditionally valued religion and spiritual progress, which may explain why so many religions have arisen there.

Stranger yet, India has always allowed various religions and spiritual concepts to grow without confrontation. Indian religion believes there are numerous routes to freedom or renunciation, not that one needs alter their beliefs. The Indian philosophical system's many viewpoints on the same themes are "mutually complementary, not contradictory."

Secularism shaped Indian history. Ashoka and Harshahad supported several religions 2200 years ago. The Elora Caves exhibit several faiths and intellectual systems. Indic religions have coexisted harmoniously for centuries. Dr. Radhakrishnan writes that Buddha discouraged his pupils from engaging in interreligious conflicts. Islam brought religious extremism to India. A comprehensive history reveals that this bias is more political than spiritual.

After the Muslim invasion, the ruling elites realized tolerance was needed to serve the Hindu majority community. Akbar's acts were exemplary. Akbar's first secular kingdom gave equal weight to all religions. Amity, equality, compassion, and tolerance were Akbar's religious principles. Dr. Shankar Dayal Sharma stressed that Din-e-illahi was the result of Akbar's forbearance.

Christianity, Islam, and Zoroastrianism initially arose in India and expanded over the subcontinent without armed invasion. This religion flourished because to the local authorities' cohabitation.

SECULARISM IN CONSTITUENT ASSEMBLY

As a result, the Indian system, which is built on the idea of universal acceptance and tolerance, has remained diverse from its inception.^{xiv} Thus, Indian culture embraced the notion of free dissemination of ideas based on many philosophical systems, or "darshan," but this spread of religion was not motivated by wealth or influence. Instead, it was based on various religious theories. This encouraged the free spread of religion in Indian society, which the constituent assembly eventually acknowledged. The Indian Constitution is one of the few that acknowledges the right to the free exercise of religion. Similar arguments regarding the definition of the propagation of religion were raised in the constituent assembly debate on December 6th, where some of the members opposed the constitutional safeguard to the propagation of religion. In his crucial response, Pt. Laxmikant Maitra emphasized that the great Indian culture highly values our being able to promote whatever we honestly feel and believe in. Additionally, he emphasizes the meaning of the term "propagation," emphasizing that it does not entail conversion by force or compulsion. The diversity of India has undoubtedly led to issues and conflicts that have been resolved by universal acceptance and tolerance. Sufi saints and later notable figures like Mahatma Gandhi and Jawaharlal Nehru adopted this stance.

The constituent assembly rejected an express motion to include the words "secular" and "socialist," despite the fact that the majority of the members were committed to the state's being secular. For this reason, it is important to remember that the constitution as a whole, not just the preamble, is what gives the Indian state its secular character. India shall not be "directly associated with any religious faith," wrote Nehru in 1945. Gandhi ji articulated a similar viewpoint in 1946, writing that, although he could die for his faith, it is his personal

matter and has nothing to do with the duties of the state, which are to consider the "secular welfare" of its citizens.

The terms "secular" and "socialist" should be added to Article 1 of the Constitution, according to Professor KT Shah, who suggested the revision during the constituent assembly discussion on December 15. I believe that when he said that India must not be a godless, agnostic, or anti-religious state, he was speaking for the majority of the members.

The concept of secularism, according to Dr. Ambedkar, does not negate religious emotion on the part of the populace in India. The only restriction that the constitution acknowledges is that the state is not permitted to impose any religion on its citizens.

The fundamental principle of secularism is to separate the state from religion, and this fundamental idea is shared by nearly all secular states. However, Indian secularism does not reject the concept of religion; rather, it respects it while limiting its exposure to any particular religion's influence. The effectiveness of western secularism in multireligious societies is seriously questioned since it was created for single-religion societies, which Rajeev Bhargava has described as "threaten[ing] to throw western secularism into turmoil."

INTERPRETATION THROUGH COURTS

The Supreme Court first decided *Sardar Taheruddin Syedna Saheb. State of Bombay*, where the court upheld religious toleration under Article 25 and 26 of the constitution. Secularism was upheld in *Keshvananda Bharati Case*.

The Supreme Court decided Indian secularism did not clearly separate religion and state in *Ahmedabad St. Xaviers College Society v. State of Gujarat*. Indian secularism implies "live and let live."

Ziyauddin Burhanuddin Bukhari v. Brijmohan Ram Das Mehra investigates state secularism by the Supreme Court. Secular states must help all castes. States must outlaw caste and religious discrimination.

In *Indira Sawhney case*, Supreme Court extends secularism to caste equality. Kuldeep, J. concluded secularism creates casteless togetherness. 'Secularism envisions a united and casteless society.'

The *SR Bomai v. Union of India* judgement established secularism in the constitution. Secularism is uncertain. Ahmadi, J. said secularism is founded on "accommodation and tolerance," whereas Jeevan Reddy and Agrawal, JJ., went farther and said Indian secularism is in harmony with the first amendment of the U.S. constitution^{xxxiv}, proving that secularism is ambiguous.

Dr. M Ismail Faruqqi seems to disagree from *SR Bomai*. "Sarva dharma sambhava" supports Indian secularism, according to Verma, J. After *SR Bomai*, the court seems to have reverted to secularism with tolerance. *Ayodhya case* coincides with *Ex-communication case* and *Nain Sukh Das v. State of U.P.* Bharucha, J.'s opposing view supports *SR Bomai's* total positive and active secularism.

Hindutva was another deviation. Hinduism "depicts the way of life of the Indian people," the court said. Hindutva judgments may be criticized for neglecting VD Savarkar's long works promoting hindutva as a political theory. Political ideology should not influence national law or constitution.

In Mohd. Aslam v. Union of India, N.P. Singh and Venkataswami, JJ. said Hindutva and S.R. Bomai do not clash.

Secularism must be construed uniformly since judgements are not. Abhiram Singh v. C.D. Conmachen was referred. In Valsamma Paul (Mrs), Cochin University reaffirmed secularism as tolerance and emphasised "integrated India/Bharat."

Again, Bansi Lal case mirrors S.R Bomai. In A.S. Narayana Deekshitulu v. State of A.P., the court defined "Dharma" in Hinduism as protecting, supporting, and nurturing societal order, stability, and human well-being and advancement.

In conclusion, secularism is vague, but the court appears to have linked it to tolerance again. Most cases illustrate that the court has rejected Church-State separation and that secularism in India is based on "Sarva dharma Sambhava". Secularism is seldom accepted.

CONCLUSION

No one can definitively define Indian secularism, nor should it be fully defined, since it is a topic of ongoing public discussion. In India, the idea of secularism is so widely accepted that it embraces several philosophies and ideologies and cannot be defended in the context of any one ideology or philosophy. However, it is clear that Indian secularism is distinct from Western secularism because of its multireligious culture when the discussion of the Constituent Assembly and the opinions of many thinkers are taken into account.

Secularism is often seen as promoting religious tolerance, and this idea has a long history in Indian culture. The only thing that Indian secularism guarantees is that the government would be unable to impose any religion on its citizens. It does not, however, deny the existence of religious emotion among individuals.

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