

The Deficiency of Secularism: The Constitutional Provisions and Political Practice in India

Bachan Biswas

M.A, Department of Political Science,
University of Kalyani, West Bengal, India.

Gmail - bachan.biswas.ku@gmail.com

Abstract:

“It is easy enough to be Friendly to one’s Friends. But to be Friend the one who regards himself as your enemy is the quintessence of true religion. The other is mere business.” - Mahatma Gandhi.

The term ‘Secularism’ was coined by English newspaper editor and operator George Jacob Holyoake in 1851. After India's independence, nationalist leaders and constitutional experts, driven by secular ideology but did not use the term directly in the constitution. Later the word secular was inscribed in the 42nd Amendment (1976) to the preamble of Constitution. However, the word "secular" was used indirectly in various articles and sub-articles of the constitution. Such as the right to liberty (19), the right to religious freedom (25-28), the right to equality (14), the right to enter public educational institutions (29), untouchability is forbidden(17) etc. Although the above constitutional issues are written about the concept of secularism but there is a big deficiency with the political practice. I have tried to analyze those gaps in this article.

Key Words: Secularism, Constitution, Deficiency, Political, Religious.

Introduction:

The term secular has been widely discussed outside India since the middle Ages. It was originally centered on Christianity in Europe. In the West, secularism means separating the church from the king or the state or politics (Laxmikanth, 2019:35). In Western society at that time, the state and the church were not considered as two separate entities. The rule in this society here was parallelism which was called the 'Republica Christiana'[1]. But there was a difference between secularism in India and narrow secularism in the West. Indian society is multi-religious [2], so all religions have been used to mean equal respect and protection (Ibid,p.35). However, even though the makers of the constitution have taken various measures to establish the ideal of secularism, even after 73 years of independence, there has been inequality in establishing it properly in the society. Conflicts are taking place between Hindu-Muslim, Shia-Sunni, Akali Sikh and Nirankari[3], Christians and other religious communities in the Northeast. This can be attributed to the previous system of governance of the British government and later the policy of divided and rule of the British government. But even in the 21st century, India's secularism has to be proven and narrow-minded politics as well as some God-fearing [4] can be blamed for it.

Methodology:

The study is a descriptive and documentary analysis. These data are collected on the secondary and primary sources, such as various books, reports, journals, magazines and website. This study deals with the deficiency of secularism between constitutional provision and political practice.

Deficiency of Secularism:

Unlike Pakistan, Iran or Afghanistan, India has not adopted any state religion. Rather India has adapted secularism but there are some differences between the constitutional concept and the practical application of the political process. The reasons behind this difference will be better understood by discussing the endeavor.

Article 44 of the directive Principles of the Constitution of India calls for the introduction of the same law or 'uniform civil code [5]' for all but does not include all religious communities living in India. Hindu, Sikh and Buddhist practice Hindu code bills (Hindu marriage act, succession act etc.), Muslims observed Personal laws [6] and Christians followed by Christian Personal laws (Anand, 2015). As a result, the religions of other small communities have become protesters.

The laws enacted by the British Government before independence was linked to the Indian Government structure. Such as the provision of 'Communal Representation' [7] through the

Legislature Act of 1909, 1919 and 1935. The end result was the recognition of India and Pakistan as states on the basis of religious division. After the partition, Pakistan adopted Islam as its state religion and on the other hand, India adapted the secular state of ideology. As a result, Islamic fundamentalists have incited Indian Muslims across the border in Pakistan since independence, and Hindu and Muslim fundamentalists in India have used the situation for political gain (Needham & Rajan,2007:46-52).However, Post-independence Elections in India have not been held on communal grounds, but the constitution provides for reservation of seats for backward classes, Scheduled Castes and Scheduled Tribes. It is said that only 10 years after the introduction of a constitution to be recognized but has not yet because of politics.

Most of the people of India have traditional, religious and conservative character. As a result, they are unable to adapt to the new way of thinking and the traditional way of life as well as it is not conducive to the direct development of secularism in India. People here are more aware of their religious and social identities. Consequently, there is a difference between theory and practice (Masselos, p.1-20).

At the time of Independence, several National Congress leaders took the initiation to work with the minority community. But the next time they move away from that position, they fail to win the trust of the secular people. As a result, the activities of Jamaat-e-Islami[8], RashtriyaSwayamsevakSangha[9], All India Majlis-e-IttehadulMuslimeen(AIMIM) etc., are increasing. As a result, secularism is facing obstacles (Rajarajan, 2007).

Inequality in India's education system as a whole has hampered the proper application of secularism because the curriculum of Indian Education System could not satisfy all communities and nations.Developing tolerance of religion, generosity of heart, attitude of exchange, etc., could not create the ideal of cooperation between different religions and groups. Rather, the education system has encouraged more communal attitudes. Moreover, special privileges under Articles 29 and 30 of the Constitution of India have created inequality in this regard (Engineer, 2006:75-80).

In India, it is forbidden to take special measures against any religious institution on the initiative of the Government as a standard of secularism. However, in this case, taking special measures against the religious institutions of some communities, offering prayers, etc., have unchaste secularism. These include the Government of Orissa taking special measures for the renovation of the Jagannath Temple, special security for the Amarnath Temple[10], providing grants for the Hajj pilgrimage[11] of Muslims (although it has now been cancelled by the Supreme Court), etc(Rajarajan,2007:408-09).

Religious or Ethnic Political Parties and the Media in India play an important role in enforcing secularism. Political parties use religion to gain electoral advantage. And the media invites the religious representatives to various debates to raise the TRP[12]. The religious agent also

highlighted the superiority of one's own religion. However, in a country like India, there are many obstacles in the way of impartial media coverage.

Conclusion:

Finally it can be said that in India, there is a big deficiency between the constitutional provision and political practice of secularism. However, various steps have been taken by the Government and the Judiciary to address this inequality. Such as the judgment of Ram Mandir and Babri Masjid[13], the Triple Divorce Verdict [14] and the promise to apply uniform civil codes etc.

In third world country like India, this inequality against secularism to eliminate neither the Government nor the Judiciary really needs to move forward as well as the people need to help with a positive attitude. I think the media and political parties should also play a pivotal role in this. In this article, I have highlighted only deficiency between the provisions and practice of secular system in India. Even without it, there are various aspects of secularism that I have not mentioned in this article.

End Notes:

1. The originally Roman idea of the *res publica* ("republic" or "commonwealth") to describe this community and its happiness
2. When one or more tribes and different religions, communities and cultures live together in a country or a land, it is called multi-religious country, such as India.
3. This communal riot took place on April 13, 1978 in the former Sikh Community and Nirankari in Amritsar, Punjab. As a result, several people from both communities died.
4. The religious people who try to obey the rules of their religions and to live in a way that is considered morally right.
5. This article of the directive principle of the Constitution of India states that it shall be governed by universal and uniform law for all.
6. According to the personal law (shariat), all the Muslim in India are being ruled. Such as marriage, succession, inheritance, and charities among Muslim (1937 citizens in India.act.)
7. Communal Representative was initiated in 1909 by the Morley Minto Reform Act. Later the Acts of 1919 and 1935 provided for representatives on the basis of religion. However, it no longer exists in independent India.

8. It is an Islamic Movement, founded in 1941 in British India by AbulAlaMaududi. This movement aims at ensuring Muslim brotherhood, an ideology based on the modern revolutionary conception of Islam.
9. It is founded on 27 september, 1925. It is an Indian right wing, Hindu nationalist, and paramilitary organization and the aims of RashtriyaSwayamsevakSanghais to form Hindu Rastra in India through the help of the Hindu Community.
10. Amaranth cave is a Hindu temple located in Jammu & Kashmir, India.
11. The hajj is an annual Islamic pilgrimage to Mecca, Saudi Arabia, the holiest city for Muslims.
12. Television Rating Point (TRP) is a tool provides to judge which programmes are viewed most. This gives us an index of the choice of the people and also the popularity of a particular channel.
13. The Ajoithya verdict is a political, historical as well as socio-religious controversy in India, centred on a plot of land in the city of Ajoithya, U.P. The five judges supreme branch solved this verdict on November 2019.
14. Triple talaq means as instant divorce and irrevocable divorce form of Islam, has been used by Muslims in India.

Reference:

- i. Rotstein, A.(1993). 'Good Faith? Religious-Secular Parallelism and the Establishment Clause'. Vol. No. 1, Columbia law review, Columbia, p. 1763-1806.
- ii. Engineer, A.(2006). 'Secularism in India'. P. 75-80.
- iii. Yerankar, S.(2006). 'Secularism in India: Theory & Practice'. Adhyayan Publisher & Distributors.
- iv. Rajarajan, R.(2007). 'Secularism in Indian Politics: Theory and Practice'. Vol.No.LXVIII, The Indian Journal of Political Science.
- v. Needham, A., Rajan, R.(2007). 'The Crisis of Secularism in India'. Duke University Press, Durham and London, p. 46-52.
- vi. Tejani, S.(2008). 'Indian Secularism'. Indiana University press, U.S.A
- vii. Anand, A.(2015). 'Why India is not a Secular State'. The Economic Time, 7th Dec.
- ix. Masselos, J. 'Muslim and Indian Nationalism, Dilemma and Decline 1928-34'. P. 1-20.