

Secularism is a principle that advocates the separation of religion from politics and governance. It seeks to establish a society where religious institutions and state institutions are independent of each other.



**US Model**  
Arm Length Distance  
between State and  
Religion



**Laicite/French Model**  
Total Separation  
between State and  
Religion



**Indian Model**  
Porous wall of separation  
Separation between  
State & Religion

### Supreme Court recent interpretation on Secularism

- Two-judge bench rejects PIL to restore original names of ancient cultural, historical and religious places that had purportedly been rechristened by Mughals.
- Supreme Court said **“The State “must be guided by the sublime realisation that Bharat is a secular nation committed to securing fundamental rights to all sections as contemplated in the Constitution.**

Indian Secularism	Western Secularism
<ul style="list-style-type: none"> <li>• <b>Equal Protection of all Religions:</b> Indian secularism upholds the principle of providing equal protection to all religions, without favouring one over the others or adopting any religion as the state</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Separation of State and Religion:</b> Western secularism advocates for the mutual exclusion of the state and religion, with each operating in separate spheres.</li> <li>• <b>Individual-Centric Approach:</b> It interprets liberty, freedom, and equality primarily in</li> </ul>

<p>religion.</p> <ul style="list-style-type: none"> <li>• <b>Inter-Religious and Intra-Religious Equality:</b> Indian secularism emphasises both inter-religious equality and intra-religious equality, addressing religious freedom for individuals as well as minority communities.</li> <li>• <b>State-Sponsored Reforms:</b> It promotes state-led reforms within the religious sphere on an equal footing, allowing for principled state intervention in all religions. For eg. Abolition of Untouchability, ban on practice of Tripple Talaq.</li> </ul>	<p>terms of individual rights, with less emphasis on community-based or minority-based rights.</p> <ul style="list-style-type: none"> <li>• <b>Intra-Religious Equality:</b> The focus of Western secularism is more on intra-religious equality rather than inter-religious equality, maintaining an arm's length distance between the state and religion in all matters.</li> <li>• <b>Homogeneity and Individual Freedom:</b> The Western model of secularism emerged from a relatively homogeneous society, emphasising strict separation of the state from the church to safeguard individual freedom.</li> </ul>
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<h3 style="text-align: center;">Constitutional Provisions on Secularism in India</h3> <ul style="list-style-type: none"> <li>• <b>Freedom of Religion (Article 25):</b> Ensures the right to freely practise, propagate, and profess any religion.</li> <li>• <b>Religious Freedom for Denominations (Article 26):</b> Grants religious denominations the autonomy to manage their religious affairs.</li> <li>• <b>Freedom from Religious Taxation (Article 27):</b> Prohibits the promotion of any specific religion through taxation.</li> <li>• <b>Freedom of Religious Instruction (Article 28):</b> Grants the freedom to attend religious instruction or worship in educational institutions.</li> <li>• <b>Prohibition of Discrimination (Article 15):</b> Forbids discrimination based on religion, race, caste, sex, or place of birth.</li> <li>• <b>Equality in Public Employment (Article 16):</b> Ensures equal</li> </ul>	<h3 style="text-align: center;">Judicial Pronouncements on Secularism in India</h3> <ul style="list-style-type: none"> <li>• <b>Secularism as Basic Structure (Keshavananda Bharati case, 1973):</b> The Supreme Court held that secularism is an integral part of the "Basic Structure of the Indian Constitution" and cannot be altered by Parliament.</li> <li>• <b>Explicit Recognition of Secularism (S. R. Bommai vs Union of India case, 1994):</b> The Court affirmed that although the terms "Socialist" and "Secular" were added to the Constitution in 1976, the concept of secularism was already embedded in the constitutional philosophy.</li> <li>• <b>Limitations on Right to Propagate Religion (Stanislaus vs State of Madhya Pradesh case, 1977):</b> The Court clarified that the right to propagate religion (Article 25) does not include the right to engage in forcible conversions that may disrupt public order.</li> <li>• <b>Non-Interference with Religious Essentials (Ratilal vs State of Bombay</b></li> </ul>
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<p>opportunity for all citizens in matters of public employment, irrespective of religion or other factors.</p> <ul style="list-style-type: none"> <li>• <b>Protection of Minority Language and Culture (Article 29):</b> Safeguards the distinct language, script, or culture of minority communities.</li> <li>• <b>Minority Educational Rights (Article 30):</b> Recognizes the rights of minorities to establish and administer educational institutions of their choice.</li> <li>• <b>Secular Nature of India (Preamble):</b> Declares India as a secular country (added through the 42nd Amendment Act in 1976).</li> </ul>	<p><b>case, 1954):</b> It was established that state regulations should not interfere with the essential practices of religion.</p> <ul style="list-style-type: none"> <li>• <b>Maintaining Public Order in Religious Practices (Church of God vs K.K.R Majestic Colony Welfare Association case, 2000):</b> The Court emphasized that while the right to religion is protected, prayers or religious activities should not disturb the peace of others or violate public order.</li> <li>• <b>Autonomy of Minority Educational Institutions (St. Stephen's College vs University of Delhi case, 1992):</b> The Court upheld the autonomy of minority educational institutions, stating that it is essential to preserve their right to establish and administer educational institutions</li> </ul>
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## Constitutional Secularism and Party-Political Secularism:

### Constitutional secularism:

- It is marked by critical respect for all religions and is not anti-religious.
- It acknowledges the need for the state to maintain a principled distance from all religions and intervene when religious groups promote communal disharmony or discrimination.
- Such intervention could be either due to inter-religious issues or intra-religious issues, such as the inability of religious groups to protect their own members from oppression.

- This form of secularism requires a collective commitment from the judiciary, media, civil society activists, and citizens.

**Party-Political secularism:**

- It is characterized by opportunism and alliances with religious communities for immediate electoral benefits.
- It has often been involved in controversial issues, such as the Babri Masjid/Ram temple case and the Shah Bano case.
- It is a doctrine that has removed the values from the core idea of secularism, replaced them with opportunism, and has been complicit in igniting communal violence.

**Positive and Negative Secularism:**

<b>Positive Secularism</b>	<b>Negative Secularism</b>
<p>This approach of secularism is generally more proactive and interactive. In positive secularism, the state takes an active role in ensuring religious harmony and respect for all religions. It doesn't advocate the total separation of religion from the state. Instead, the state acknowledges and respects all religions equally without favoring one over the</p>	<p>This type of secularism emphasizes the complete separation of religion from the state. In negative secularism, the state neither recognizes nor intervenes in religious affairs. Religion is considered to be a private matter that should have no influence on state affairs.</p>

other.

**Example:** India's approach to secularism often falls under positive secularism. The Indian constitution provides every citizen the right to practice, preach, and propagate any religion of their choice. The state often intervenes to maintain religious harmony, protect minorities, and ensure that religious institutions are free from discrimination. India's approach of positive secularism is reflected in its motto of 'Unity in Diversity', where diverse religions co-exist and are respected.

**Example:** The French concept of "laïcité", often falls under negative secularism. The French state maintains a strict separation between the state and religious affairs, aiming to keep public life and public institutions secular. This principle is so rigidly applied that it often leads to policies like banning religious symbols in public schools and prohibiting public employees from displaying their religious beliefs at work.

## **The Need for Secularism to Preserve Diversity in India**

- **Promotes Equality:** Secularism ensures that all religions are treated equally by the state, which is crucial in a diverse country like India where a multitude of religions coexist.
- **Prevents Discrimination:** By separating the state from religion, secularism helps to prevent discrimination on the basis of

religion. It provides a framework for the state to make decisions without favoring or disadvantaging any particular religion.

- **Upholds Democratic Values:** Secularism upholds democratic values by ensuring freedom of religion. It gives individuals the freedom to choose, change, and practice their religion, or to not follow any religion at all.
- **Promotes Unity:** By treating all religions equally, secularism can help to promote unity among people of different faiths. It helps to foster a sense of shared citizenship and national identity, despite religious differences.
- **Protects Minority Rights:** In a diverse society, secularism is crucial for protecting the rights of religious minorities. It ensures that minority religions are not marginalized or disadvantaged by the state.
- **Supports Social Harmony:** By providing a neutral platform where religious differences are respected, secularism supports social harmony. It helps to reduce religious conflict and promote peaceful coexistence.

### **Positive Aspects of Secularism in India**

- **Religious Freedom:** Secularism guarantees the freedom of individuals to practice and propagate their religion without interference or discrimination.

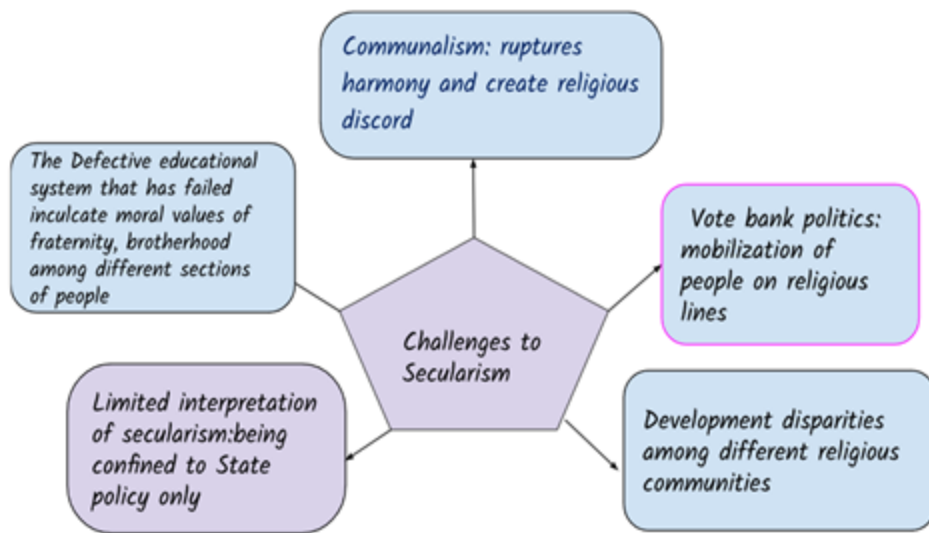
- **Preventing Religious Conflict:** By keeping religion separate from politics, secularism helps mitigate potential conflicts and tensions arising from religious differences
- **Protection of Religious Freedom:** Secularism guarantees the freedom of individuals to choose and practise their religion without discrimination or persecution.
- **Social Cohesion:** Secularism promotes unity and harmony among people from different religious backgrounds, fostering a sense of inclusivity and national integration.
- **Equality and Justice:** Secularism ensures equal treatment and protection of rights for all citizens, regardless of their religious beliefs.
- **Protection of Minority Rights:** It safeguards the rights and interests of religious minorities, preventing their marginalisation and ensuring their participation in society.
- **Democratic Values:** Secularism upholds the democratic principles of pluralism, tolerance, and respect for diverse opinions and beliefs.

**“Welfare without discrimination is true secularism” - Prime Minister of India Narendra Modi**

• "Secularism and Harmony" is not "political fashion" but it is "perfect

passion" for India and Indians. This inclusive culture and commitment has united the country with fabric of “Unity in Diversity” – Former Union Minister for Minority Affairs Shri Mukhtar Abbas Naqvi

## Challenges to Secularism



## Promoting Secularism and Inclusive Education: Examples from India

- **Ayodhya Verdict:** In 2019, the Supreme Court delivered a landmark judgment on the Ayodhya land dispute, providing a peaceful resolution to the long-standing dispute between Hindu and Muslim communities. The judgment focused on the secular principles of law and ensured the construction of a temple for Hindus and a mosque for Muslims in separate locations.
- **National Education Policy 2020:** It aims to promote a secular and inclusive education system. It emphasizes the importance of



imparting values of tolerance, harmony, and respect for diversity among students, fostering a secular mindset from an early age.

### **Current Developments on Uniform Civil Code (UCC)**

- Recently, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice called a meeting on the Uniform Civil Code (UCC) during which it said it will hear the views of stakeholders.
- Also, on June 14, 2023, the Law Commission of India solicited the views and ideas of the public and religious organisations to examine the Uniform Civil Code.

**Conclusion:** Secularism in India is a foundational principle that ensures religious freedom and equality for all citizens. It has promoted social harmony and diversity, allowing people of different faiths to coexist peacefully. However, challenges such as communal tensions and political exploitation of religious identities persist. Upholding secular values, fostering interfaith dialogue, and promoting inclusive policies are crucial for maintaining a pluralistic society and strengthening the fabric of Indian democracy.