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# The Idea of Secularism

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## ABSTRACT

*This article analyses the differences in ideas and interpretation of Secularism and the ambiguity arising out of it. The importance of Secularism in this world with its diversity is to prevent tyranny and exploitation because some religions are in the majority more than others.*

## I. WHAT IS SECULARISM?

The term secular means "of this world" as opposed to religious "other-worldly beliefs." As a result, Secularism refers to any tendency in a culture that is steered away from otherworldliness and toward earthly life. According to Charles Taylor, *"the modern era is not one without religion; instead, secularisation marks a shift from a society in which belief in God is unquestioned and uncomplicated to one in which it is seen as a choice among others."* The result is a radical pluralism that offers unprecedented freedom while also posing new challenges and instabilities<sup>2</sup>.

## II. INTERPRETING SECULARISM: DIVERSITY OR AMBIGUITY?

George Jacob Holyoake, a British writer, was the first to coin the term "Secularism". According to him and a few others, Secularism means that

religious factors should not be considered when drafting laws or political decisions. These thinkers see Secularism as an earmark of progress, while faith as a step backwards. They believe that in order to promote social order in the modern world, society must separate itself from religion<sup>3</sup>.

Secularism is a complex notion with a variety of ethical, philosophic, and socio-political implications. Its spiritual and ideological manifestations are based on straightforward but powerful principles. Secularism can be divided into two categories: hard and soft. "Hard" Secularism strictly forbids interference of religion in government affairs and vice versa. The "soft" variety promotes religious tolerance and liberalism. "Hard" Secularism strictly forbids interference of religion in government affairs and vice versa. The "soft" variety promotes religious tolerance and liberalism<sup>4</sup>.

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<sup>2</sup> Keddie, N. R. (2003). Secularism & Its Discontents. *Daedalus*, 132(3), 14–30. Accessed at - <http://www.jstor.org/stable/20027855> (last accessed on November 7, 2021)

<sup>3</sup> Beyond Secularism and Fundamentalism T. Accessed at - <https://docs.lib.purdue.edu/cgi/viewcontent.cgi?article=1187&context=claritas>. Last accessed on September 16, 2021)

<sup>4</sup> Beteille, A. (1994). Secularism and Intellectuals. *Economic and Political Weekly*, 29(10), 559–566. Accessed at - <http://www.jstor.org/stable/4400898> (last accessed on November 7, 2021)

### III. DYNAMISM OF SECULARISM:

The definition of Secularism is ever-changing. Over the years, Secularism has been interpreted and adapted differently. Even in India, the Supreme Court has been analysing Secularism in the Indian Constitution differently from time to time.

As remarked by Mushir-Ul-Haq in 1972: "*For the last two decades Indians have been talking of Secularism, yet the term remains vague and ambiguous. One may, therefore, be justified in asking: what does Secularism really mean- especially in the Indian context?*" According to him, the idea of Secularism has undergone numerous discussions without yielding a precise definition<sup>5</sup>.

In its original nineteenth-century formulation, Secularism was not antagonistic towards religion; instead, it was pro-religion, allowing believers to decide moral dilemmas according to their own conscience without undue state intrusion. A lot has happened since then in matters of faith, ideologies, Secularism, and community as a whole. New problems have surfaced that reveal Secularism's vulnerabilities and flaws and its ability to marginalise and exclude people, raising issues about its utility in its current dominant form<sup>6</sup>.

#### Importance of Secularism:

Secularism aims to build a framework for a

peaceful and democratic society. Its purpose is to maintain the right to practise, profess, and propagate religion as long as it does not infringe on others' rights and liberties. It also assures that a person's right to religious liberty is constantly weighed against his or her right to remain free from any religious practices.

Secularism, in its various forms, strives to govern connections between opposing viewpoints in modern democracies that are incredibly different in order to create an ideal atmosphere for living<sup>7</sup>.

Human rights abuses, assistance and welfare, resettlement and refuge, global warming, dispute resolution, and reconciliation, to name a few, are all addressed by secularism-based global governance institutions and frameworks<sup>9</sup>.

### IV. SECULARISM IN INDIA

As correctly put by Salman Rushdie, a self-professed humanist, "Secularism for India, is not simply a point of view, it is a question of survival." India is characterised by its religious diversity. The expanse of the territory, inhabited by the large population, speaking languages of baffling diversity, and professing different faiths, has always posed a true barrier to any attempt at unification and coherence. This variety necessitates equal opportunity, equality before the law, and other factors that are only achievable through Secularism. Secularism in India is

<sup>5</sup> Colonial Consciousness - vacuityofsecularism. <https://sites.google.com/site/colonialconsciousness/vacuityofsecularism>. (last accessed on September 19, 2021)

<sup>6</sup> Wilson, Erin K. (2017) The socio-political dynamics of secularism and epistemological injustice in global justice theory and practice. *European Societies*

<https://doi.org/10.1080/14616696.2017.1334948>

<sup>7</sup> Supra note 5

<sup>8</sup> Heidemarie Winkel, Gladys Ganiel. (2017) The social dynamics of religion in the public domain. *European Societies* 19:5, pages 520-528.

<sup>9</sup> Supra note 5.

"religious tolerance," yet the exact definition seems uncertain and changing.

Religion plays a significant role in Indian culture and society. With its pluralistic, mediaeval, feudalistic, and caste-ridden foundation, the community's historical identity has been left without a decisive unifying factor all along.

The 42nd Amendment to the Indian Constitution guarantees Secularism. India's federal government and the state governments can pass laws to regulate the various religious institutions, non-profits, and trusts that are included in the Concurrent List as per the 7th Schedule of the Indian Constitution. Thus, India does not separate religion from State, much as it allows reforms in the former by the latter. The Indian Constitution allows the State to intervene in religious matters for reforms such as:

- The Constitutional abolition of untouchability ("Article 17<sup>10</sup>: *"Untouchability" is abolished, and its practice in any form is prohibited. The enforcement of any disability arising out of it shall be an offence punishable as per the law.*)<sup>11</sup>,
- imposing restrictions on the triple talakh system,
- Abolishing child marriage,
- Abolishing sati system,

- Allowing the rightful entry of people from the so-called lower castes in all Hindu temples,
- Allowing the entry of women into the Sabarimala Temple, and so on.

Furthermore, neither the Constitution nor its statutes specify the relationship between the State and religions. The State supports the representation and protection of all expressions of religion. Minority religious organisations are granted privileges in order to help them develop. All citizens are protected by the same laws on the freedom to practise, profess, and propagate their religion. Still, each community has its own set of personal rules governing marriage and property rights.

For example, a Muslim male can be married to four women living at a time. In contrast, if a Hindu male marries again during the lifetime of his first wife while being married to her, he is Punishable under Section 494<sup>12</sup> for the offence of bigamy. Marriage is seen as a contract in Muslim law, but it is sacred under Hindu law. The laws are susceptible to changes or reforms by acts and amendments due to reforms in society or legislature. Nevertheless, all are given equal consideration under the Indian Penal Code. The Indian concept of Secularism has both proponents and detractors. Supporters argue that it protects "minorities and plurality," and that enforcing a standard civil code like the West, i.e., equal rules for all citizens regardless of faith,

<sup>10</sup> Article 17, the Constitution of India

<sup>11</sup> Constitution of India, fundamental rights. [https://www.constitutionofindia.net/constitution\\_of\\_india/fundamental\\_rights/articles/Article%2017](https://www.constitutionofindia.net/constitution_of_india/fundamental_rights/articles/Article%2017).

(Last accessed on September 19, 2021)

<sup>12</sup> Section 494, the Indian Penal Code

poses a risk of imposing Hindu majoritarianism. On the other hand, critics call India's version of secularism "pseudo-secularism," claiming that the country's adoption of Sharia and differences in legislation based on religion undermines the principle of "equality before the law".

#### **Notable Verdicts by the Indian Courts:**

The Supreme Court of India had decreed that India has been a secular state since its foundation in *S. R. Bommai vs. Union of India (1994)*<sup>13</sup>. It further stated that "Religion has no role in affairs of the State; and, if the Constitution called for the State to be secular in thought and action, the exact requirement attaches to political parties as well."

In the *State of Gujarat and another vs. Islamic Relief Committee Gujarat and others*<sup>14</sup>, the Indian Supreme Court directed the State of Gujarat to pay compensation to the aggrieved party under Articles 27<sup>15</sup>, 226<sup>16</sup>, and 136<sup>17</sup> of the Indian Constitution. Under Articles 26<sup>18</sup> and 27<sup>19</sup> of the Indian Constitution, the state government's responsibility has been to provide equal treatment of all religions and faiths; religious property and places of worship require protection for national unity and integrity.

In the *Gulam Kadar case*<sup>20</sup>, the honourable apex court held that that religious tolerance is the backbone of Indian secularism, and pluralism is

the hallmark of Indian civilization. It is founded on the concept that all religions are equally excellent and effective means of reaching God. It refers to a complicated interpretive approach wherein religion is transcended as many ideologies are brought together. It serves as a link between religions in a multi-religious community, allowing them to overcome their differences. In addition to that, secularism as a guiding concept of governmental policy and activity is a fundamental aspect of the Constitution.

#### **V. SECULARISM IN THE WEST:**

Here, Secularism is the separation of Religion and State. It means a total non-interference of the State in Religion and vice versa. In Western society, Secularism prohibits the open exhibition of religion outside of religious institutions. Many nations, including France, Belgium, and Denmark, have outlawed the hijab because it is seen as an unwelcome religious symbol. Students are also barred from wearing religious symbols and attire in public primary schools, secondary schools, and lycées under the Secular Principle, 2004-228 of 15 March 2004 (the Act)<sup>21</sup>.

James Madison, the fourth U. S. president and the "Father of the United States Constitution," opposed military and senatorial preachers, feeling that they were equal to or represented the

<sup>13</sup> *S R Bommai v Union of India- LNIND 1989 KANT*

<sup>14</sup> *State of Gujarat v. Islamic Relief Committee of Gujarat*, (2018) 13 SCC 687 : 2017 SCC Online SC 1011.

<sup>15</sup> Article 27, the Constitution of India

<sup>16</sup> Article 226, the Constitution of India

<sup>17</sup> Article 136, the Constitution of India

<sup>18</sup> Article 26, the Constitution of India

<sup>19</sup> Article 27, the Constitution of India

<sup>20</sup> *Valsamma Paul (Mrs.) v. Cochin University*, 1996 (3)SCC 545 [LNIND 1996 SC 19]

<sup>21</sup> Singh T. "When Discrimination Masquerades as Equality: The Impact of France's Ban of Religious Attire in Public Schools" (June 2014). Accessed at - [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FRA/INT\\_CCPR\\_ICO\\_FRA\\_17451\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FRA/INT_CCPR_ICO_FRA_17451_E.pdf) (last accessed on November 5, 2021)

government's support of religions. He wrote that "Every step short of this 'pure religious freedom', 'would leave crevices at least thro' which bigotry may introduce persecution; a monster... feeding & thriving on its own venom"<sup>22</sup>.

Unlike India, the Western states do not provide any financial aid to institutions run by religious societies. Also, Western society adheres to a standard code of conduct. Religious engagement in government affairs, particularly religious influence in state politics, is discouraged under Article 1 of the French Constitution<sup>23</sup>. It also forbids the government from interfering in religious affairs. In France, Secularism does not obstruct people from practising their faith freely.

## VI. CONCLUSION:

"Secularism is more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions," as remarked by Justice Reddy in the Bommai case<sup>24</sup>. Secularism is a multi-value doctrine, and the values that make it up don't always blend well. While secularism in the West generally denotes the government's autonomy from or impassivity to "religion", and subsequently, the alternative term for "secular" is "religious", in India, the State interferes in religion for the betterment of society (The Indian Constitution not only accepts the right to religion as a guarantee to individuals and spiritual sects, but it also incorporates State

intervention for the transformation of socio-religious belief systems, or, to put it another way, the abolition of social evils and discriminations fomented in the guise of religion, such as "sati," "devdasi system," "child marriage," "triple talaq," "untouchability," and several other socio-cultural injustices.), and hence, the alternative term used for "secular" is "communal" and not "religious"<sup>25</sup>. As a result, the "idea of secularism" will always necessitate new interpretations, contextual judgments, and reconciliation and compromise attempts<sup>26</sup>.

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<sup>22</sup> Shank, Richard. "Trump and the Presidency." The Hutchinson News, GateHouse Media, Inc., 4 May 2017, p. n/a. Accessed at - "Shank, Richard. "Trump and the Presidency." The Hutchinson News". (Last accessed on September 20, 2021)

<sup>23</sup> Article 1 in the Constitution of France

<sup>24</sup> Supra note 12.

<sup>25</sup> GULAM KADAR AHMADBHAI MEMON

Versus SURAT MUNICIPAL CORPORATION LNIND 1998 GUJ 208

<sup>26</sup>Bhargava R. "POLITICAL SECULARISM: WHY IT IS NEEDED AND WHAT CAN BE LEARNT FROM ITS INDIAN VERSION". Accessed at - <https://iow.eui.eu/wp-content/uploads/sites/18/2014/05/Bhargava-03-Bhargava.pdf> (last accessed on November 1, 2021)