

Contemporary Relevance of the Term Secular in the Preamble

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ABSTRACT

A secular state, in the context of India, means that the State protects all religions equally and does not uphold any religion as the State religion. India became a secular state in the post-independence era, i.e. after becoming independent in 1947. However, even though the Constitution that came in to force with effect from 26 the January, 1950 did not use the word secularism, the Fundamental Rights made the operation visible. In other words, India became a secular state more in spirit than in terms of political ideology. The term “secular” was added to the Preamble of the Indian Constitution by the 42nd Amendment Act, 1976. Both during colonial and post-colonial period, the Indian society has been a traditional society dominated by various customs and tradition with deep religious orientation. The basic aim is to promote fraternity while assuring unity and integrity of the nation along with individual dignity. Fraternity is a very significant tool to combat the divisive factor. Religious harmony is a must to promote fraternity particularly in Indian context. So it's a constitutional mandate upon the state to combat the factors which curtails religious fraternity. It is also incumbent upon the state to take positive as well as negative actions to promote fraternity and the unity and fraternity of the people of India, professing numerous faiths, has been sought to be achieved by enshrining the ideal of a ‘secular state’.

Keywords: Secular; Preamble; Constitution; Religions; Fundamental rights; Society; Unity; Fraternity

INTRODUCTION

The core ethos of India has been a fundamental unity, tolerance and even synthesis of religion. It is an indubitable fact that hundreds of millions of Indians belonging to diverse religions lived in comity through the ages, marred through at times by religion revolts, economic exploitation and social suppression being often at the bottom of it all.

India is the birth place of four major world religions: Hinduism, Jainism, Buddhism and Sikhism. Yet, India is one of the most diverse nations in terms of religion.

Many scholars and intellectuals believe that India's predominant religion, Hinduism has long been one of the most tolerant religions. India is a country built on the foundations of a civilization that is fundamentally non-religious [1].

The Preamble of Indian Constitution aims to constitute India a Sovereign, Socialist, Democratic Republic. During the drafting of the Indian Constitution, despite the reluctance of the

Constituent Assembly to incorporate the word ‘secular’, and despite the fact that the word ‘Secular’ was formally inserted in the Preamble to the Constitution of India by the 42nd Amendment of 1976 to the Constitution of India, still, a survey of the provisions of the Indian constitution suggest that India as a state is separate from religion and would guarantee religious freedoms to the citizens of all faith, while not discriminating against any citizen on the basis of religion. Thus, the Indian Constitution guarantees both individual and collective freedom of religion through the Articles 25-28 enshrined in Part III of the constitution which deals with Fundamental rights. Article 15 and 16 also guarantees non-discrimination on the ground of religion [2].

The Indian constitution through its preamble, fundamental rights, and directive principles have created a secular state based on the principle of equality and no discrimination. With the development of Indian Constitutional philosophy of social and economic democracy, secularism has been held to be one of the ‘Basic Structures’ of Indian Constitution. Thus, the nature of

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polity promised in the preamble is incapable of alteration even in the exercise of the power to amend the Constitution under article 368. Religion is a matter of faith [3].

Secularism is believed to be a basic postulate of the Constitution but a deep analysis of its provisions clearly shows that the concept is limited, qualifies and unique. The Supreme Court of India had once described the religious, linguistic and cultural diversity of India in these legend words: "India is the most popular country of the word. The people inhabiting this vast profess different religious and speak different language. Despite the diversity of religion and language, there runs through the fabric of the Nation the golden thread of a basic innate unity. It is a mosaic of different religious, languages and cultures. Each of them has made a marks on the Indian policy and India today represents a synthesis of them all."

Secularism's meaning in India has changed in the course of history, initially it was considered to be anti-majoritarian and pro-minority. During this period, several political parties in their efforts to consolidate and appease the minority used secularism as a weapon to mobilise them. However, at present, in order to consolidate the majoritarian sects few parties have begun working on pro-majoritarian form of secularism in the Indian context. Some in the political realm have opposed the concept of secularism altogether as it has failed to serve the purpose, while some feel that India without secularism would create a volatile atmosphere throughout the country.

Today, the secular character of the Indian democracy is considered to be under threat. The razing of the Babri Mosque in Ayodhya (Uttar Pradesh) led to riots and killings by Muslims and by Hindus. The recent massacres of Hindus in Godhra (Gujarat), presumably ignited by smouldering Muslim resentments against the Hindutva proponents over Ayodhya, touched off a big massacre of Muslims in tit-for-tat killings that destabilized yet furthered the hostility under which these religious societies had lived earlier in Gujarat State in an atmosphere of secularism [4].

Secularism undoubtedly helps and aspires to enable every citizen to enjoy fully the blessing of life, liberty and happiness, but in the pursuit of this ideal, those who believes in secularism must be inspired by a sense of ethical purpose in dealing with their fellow citizens.

LITERATURE REVIEW

Secularism in Indian politics: Theory and practice

This article talks about how secularism is one of the basic tenets of the Indian Constitution and even though the freedom of religion is guaranteed to all, certain limitations are placed on the public relating to public order, morals and health. It also confronts the fact that the idea of secularism deals with multifaceted and multi-dimensional challenges. This concept has been challenged by the increase in communal violence, fundamentalism and religious revivalism. Majority communalism such as relating to the idea of Hindutva, Article 370 and existence of Aligarh Muslim University has been mentioned but so has minority communalism, such as the

uproar regarding the Shah Bano case. Communalism and communal violence is considered to be one of the major obstacles of secularism. Even though Hindus form the clear majority in India, there is no official state religion. There is a freedom to practice and propagate the religion of a person's choice according to article 25 of the Constitution of India, which is a Fundamental Right, but this right is not absolute and unlimited. When there was discussion regarding this provision in the Constituent Assembly, there were claims to declare India as a Hindu State after observing how Pakistan had declared itself to be an Islamic State. The article concludes by saying that the role of the government is to ensure cooperation and tolerance between all religions, including the majority and minority, without promoting the beliefs of either [5].

Secularism in India: Challenges and it's future

The article mentions how Jawaharlal Nehru believed in democracy and secularism, and fought for the achievement of these two concepts. Sources of communalism, separatism and terrorism obstruct the development of a nation. Secularism is believed to be born during renaissance in Europe and is considered a Western concept. Nehru talked about how the word 'Secular' meant freedom of religion and conscience, including freedom of those who had no religion. It also aims to ensure social and political equality. Reasons for adopting secularism, unlike Pakistan, are large in number. Even after partition, 9.52 crore Muslims, 1.88 crore Christians, 1.62 Sikhs, 0.63 Buddhists and 0.33 Jains remained in the country. India was established as a Democratic State and in a Democracy; every citizen is ensured equal rights. Article 25, 26, 27, 28, 30 and 325 of the Constitution of India all promote secularism. The article mentions how equal honour is given to all faiths in India, and how citizens from all religions and caste have played an important role in socio-economic fields such as Maulana Abdul Kalam Azad, Giani Zail Singh and B.R. Ambedkar, The concept of secularism is giving rise to multiple problems in the country as well, such as Communalism and division between majority and minority, especially for political gains. The article concludes by saying that the citizens can lead a contented and peaceful life if secularism exists, with it being the only way of development of the country.

Secularism: Why Nehru dropped and Indira inserted the s-word in the constitution

The article talks about how every one of the individuals in the Constituent Assembly concurred, obviously, on the need of setting up a Secular state. Most shared a comprehension of history where the development for the detachment of religion and state was irreversibly a piece of the undertaking for the democratization of the latter. The association among secularism and effective functioning of Democracy had been settled in Europe, and since India was to pursue the goals of vote based system, secularism was regarded as significant.

Amusingly however, it was Nehru alongside the Chairman of the Drafting Committee of the Constitution of India, B R Ambedkar, who were additionally most restricted to including Pachouly S the word 'Secular' in the introduction of the

constitution. A closer assessment of the conditions where the constitution of India was delivered, and later of the time in which the word 'Secular' proceeded to be incorporated into the Preamble, will outline a few political and verifiable contemplations that went into the application of secularism in India. Nehru and Ambedkar were firmly dedicated to the perfect of secularism. "It is a perfect to be gone for and all of us whether we are Hindus or Muslims, Sikhs or Christians, whatever we are, none of us can say in his innermost self that he has no preference and no corrupt of Communalism in his psyche or heart," said Nehru. However when it came to including 'Secular', both were careful about its utilization. With the passing of the 42nd Amendment in 1976, the soul of Secularism which was in every case an integral part of the Constitution was officially embedded into its Preamble [6].

ANALYSIS

Mahatma Gandhi once said, "I do not expect India of my dreams to develop one religion, i.e., to be wholly Hindu or wholly Christian or wholly Mussalman, but I want it to be wholly tolerant, with its religions working side by side with one another. Those who say that religion has nothing to do with politics do not know what religion means."

The historical and cultural ethos of India, its plural society, and the social turmoil and political upheaval accompanying independence formed the backdrop for the adoption of secularism as the cornerstone of the Constitutional setup.

By the 42nd Amendment, the opening words were replaced by the following: "We, the people of India, have solemnly resolved to constitute India into a sovereign socialist secular democratic republic." The Constitution as enacted did not contain the word "secularism" at all. It only spoke of freedom of religious faith and of the State of India immunized from religion. It was Mrs. Indira Gandhi who introduced the word "secularism" in the preamble of the Constitution in the year 1976.

India is a pluralistic society and a country of religions. It is inhabited by people of many religions. The framer of the constitution thus desired to introduce the concept of secularism, meaning state neutrality in matter of religion. They also wanted to confer religious freedom on various religious groups. Religion has been a very volatile subject in India both before and after independence. The constitution there for seeks to ensure state neutrality in this area. Religious tolerance and equal treatment of all religious groups are essential part of secularism. No specific protection has been accorded to any religious groups as such except the policy of non- interference with religious secular rights of the citizen or the state the power to regulate socioeconomic matters. India has struggled regarding shaping a mainstream society with a neoliberal express that has basically erased the authenticity of shared ethos, supplanting it with a aggressive spirits since the nation set out on the voyage of economic progression. Simultaneously, decrease in the might of the Congress party and the ascent of conservative legislative issues, jingoistic enthusiasm to some extent matching with the moving back of a welfare state supplanted by a deliberate affiliation dependent on the private ethic of individual

obligation have resulted in falling apart of the standards of secularism revered in the Constitution. The subject of personal law brings out yet another feature of secularism i.e. the protection of minorities in a plural state. Secularism sans protection to minority religions and cultural groups creates majoritarianism. To protect minority interest's special protection measures need to be undertaken to cover need for different identities and cultures. Opposition to reform personal laws is based on the freedom of religion and conscience, whereas the guarantee to citizens of equal protection from the law and before the law supports a uniform civil code. This issue also raises questions concerning the hierarchy of rights-can the rights be governed by personal laws, or have they precedence over the right to equality and legal pluralism in a diverse society. The quintessence of secularism lies in to fabricate fellowships with fluctuated social gatherings and defeat xenophobia that is destroying the social texture of the Indian culture. In a more extensive canvas like India where contrasts exists as far as various religions and societies it is important to strike at the foundation of xenophobia as opposed to concentrating on the way the state manages such religious contrasts. In a secular state, religion is expected to be a purely personal and private matter and is not supposed to have anything to do with the governance of the country. The state's job likewise needs to be shortened and centered around fashioning profound established ties between various religions as well as among various social gatherings, ethnic, provincial, linguistic and caste [7,8].

DISCUSSION AND CONCLUSION

India aspiring to become a developed nation in near future needs to achieve first the internal harmony in the society. Swami Vivekananda told 'to achieve religious harmony we need acceptance rather than tolerance, because tolerance has limit but once if you accepted and let live other fellow faith persons, you have no problem of tolerance'. Moreover, as mentioned in our fundamental duties, one should try to develop scientific temper. Science will provide some solutions to some of our basic understanding of human evolution. Shared characters, genes etc. apart from our judiciary will play important role of securing secularism in the country. Earlier religion was considered superior to state, because it played an important role in regulating actions of human beings and it was the way for human beings towards the god but in present scenario, it must be kept in mind that the first role is being played by the state and as regards to the relation of individual with god, the domain is totally free. The religion has become subordinate in these days and the state is the main unit of the society.

The Court's jurisdiction to interpret the Constitution had given it considerable authority. In the absence of any rigid demarcation of the spheres of the secured and the secular, the Court has remarkable autonomy. While India carries with it many traditions it has managed to retain the secular character of its polity, while in many countries especially from the third world, a secular authority has crumbled in face of conflicting traditions. Clearly the judiciary in India is a significant site where contests under the banner of secularism have been taking place over the last fifty or more years. Though the judiciary is

trying to strike the balance in a harmonious way but the people of India should not forget the dream of framers of the constitution and the ancient philosophy of 'Sarva Dharma Sambhavah' i.e. all religions are equal. A secular India is must for our future generations to live in peace and to prosper.

REFERENCES

1. Kohli A. Democracy and Development in India: From Socialism to Pro business. *Indian J Polit Sci.* 2010;71(3):447.
2. Homas B. Responsibility & Accountability in Ethics in Public relation. *Resp Acc.* 2006.
3. Aubut J. The Good Governance Agenda: Who Wins and Who Loses. Some Empirical Evidence for 2001. *Econ Polit Stud.* 2004.
4. Doornbos M. State Formation Processes under External Supervision: Reflections on 'Good Governance. 1993.
5. Rosenau JN. Governance in the twenty-First Century. *Glo Gove.* 1995;1:13-43.
6. Comstock A. Women Members of European Parliaments. *Am Political Sci Rev.* 1926;20:379-84.
7. Haavio-Mannila E. How Women Become Political Actors: Female Candidates in Finnish Elections. *Scan Polit Stud.* 1979;2:351-71.
8. Hansard Society. Report of the Commission on Electoral Reform (London: Hansard Society). 1976.