CHAPTER- VII
Conclusion and Suggestions

7.1 Introduction

Researcher have, so far surveyed the concept of secularism both in the west and India. Secularism is a way of life, asocial objective and a policy of the state. It is a pragmatic word, on which Lexiconenists and Lawyers, cannot be the last word separates religion and cognate influences from the material affairs of mankind and directs that the social order be governed only by rational and moral considerations.

Secularism has different meaning to different people living in different times, in its modern form, was expounded in the West. The modern concept of secularism in India has borrowed some of its elements from the Western concept and transplanted them in the Indian soil. Hence, socio-politico cultural climatic change has caused some problems for the growth of secularism in the Indian context.

The concept of Secularism is essentially of western. It is a product of struggle between the State and the Church. It was propounded by the church as an assertion of its independence in its religious affairs from the control and regulation by the state. Its constitutional and institutional manifestation is the separation of the State and the Church. It was George, Jacob Holyoke, who for the first time coined the term and explained the meaning of the word "Secular" stating that it has no connection with religion; it is concerned only with the worldly things, no relation to the church or religious rule. It was to him a non-religious term.

Though the Principle of Secularism is defined as a theory which has no concern with Religion, God and another World (i.e. Swarga). History indicates that Secularism was a movement against religion, God, Dogma etc. It signifies the separation of the Stat and Church. Secularism need not necessarily has conflict with religion. In recent time, a new understanding of Secularism has been emerging. Secularism does not mean any faith in religion or philosophy of life. It merely indicates a spirit of tolerance and understanding of the other person's religious belief. This spirit of Secularism is an outlook of life. It ensures a peaceful existence of all people, professing diverse religious or faiths.

Religion is the belief in spiritual things, recognition of a higher unseen controlling power, an eternal principle etc. In fact, religion is way of life and code of
conduct. The origin of religion is in the society of primitive men. Natural phenomenon is the sources of the ideas in religion. Religion was born in the insecure condition of primitive men. It is not made by God. Man makes religion as well as God. There is a vast difference between 'Religion' and 'Dharma'. The difference between these two concepts may be summarised thus; Religions are many such as Boudha, Jaina, Sikh, Islam, Christianity etc. It is personal to individuals and left to their choice. One can join or change a religion according to his urge and desire. Respect for all religions is dharma.

A Peculiar problem regarding Secularism in India is the absence of a proper and correct Hindi terminology to denote the exact meaning of this concept in the context of India. The current Hindi word Dharma Nirpeksha used as an equivalent of the English word ‘Secular’ is not a correct term. Because it equates Dharma with ‘Religion’ which are two distinctly different concepts. Secondly, the use of word Nirpeksha (which means neutrality) brings it closer to the western concept of secularism with its religiously negative overtones.

The philosophical foundations of the Indian concept of Secularism lie in the concept of Dharma which is generally confused with religion. The word Dharma has various meanings. The practice of every religion is in conformity with dharma. Dharma is universal. It is a code of conduct for all human beings. For all the times to come. They are collectively called dharma in universal parlance and in India, Hindu Dharma. The literal meaning of the word dharma is a foundation, which holds all persons together, on which all relationships are based, personal and social. In this way, it is clear that Dharma is not Religion and Religion is not Dharma.

It is a code of righteous conduct, of obligations and duties, of law and justice. It also meant the sum total of traditions, obligations and customs which bound together all the members of a caste and were called kula-Dharmaat Sanaatanaah. It could also mean a code of conduct in polite society. Lastly, it means the law of the land, both the fundamental and particulars branches of law, such as the law governing the duties of husband and wife.

1 In Bhagavad-Gita Arjun’s unwillingness to flight was due to his fear that a fratricidal war would annihilate the entire Kuruvansha and this in turn would destroy all the ancient traditions and laws of the Kuru (1 : 40).

2 The injection of Manu Smriti “Speak the truth, provided it is pleasant, and do not speak the truth which is harsh and bitter but do not speak falsehood in order to be pleasant-this is the ancient conduct.” (IV: 138).
The concept of Dharma as a fundamental law has a secular evolution. The word Dharma is derived from the root dhari which means ‘to support’ or ‘to hold together’ Dharayati iti dharma. They call it Dharma because it is a force which supports or holds together – because it holds the people and society together.”

What precisely was the force that held the society together? Manu provided a guide for righteous which held the society together. It consists of the Vedas, the Smriti and Sadachar- that is the righteous conduct established by custom and public opinion; and if these three fail to provide the guidance, then conducts according to conscience. These are the four attributers of Dharma. Manu specified the ten elements of good conduct – contentment, forgiveness, mental discipline, non-stealing, purity of thought and action, curbing of sensory organs, cultivation of wisdom, acquisition of knowledge, learning, truth fullness and the control of temper. Thus, the comprehensive content of Dharma is completely secular and there is not a word in it about religion, faith or belief.

On the other hand, the meaning of ‘religion’ is quite different from what the concept of Dharma connotes. Religion means “belief in divine or superhuman power or powers to be obeyed and worshipped as the Creator(s) and ruler(s) of the Universe. It is expression of such a belief in conduct and ritual.” Religion generally implies a common sacred book and a prophet to initiate it. In this sense, Islam, Christianity, Buddhism, Jainism, Sikhism, Zoroastrianism and Confucianism, etc. may be treated as religions. But, Hinduism is not a religion because it has neither a prophet nor a commonly accepted sacred book. Hinduism is a dharma, a way of life, a way of good life. Religion is more metaphysically and mystically oriented than Dharma. Religion is more dogmatic and less rational. Religion is heavily weighted in favour of the life after death, but Dharma is concerned more with the life in this world than with the other world after the death.

Hence, it would be wrong to equate Dharma with religion. The two words are not really synonymous. The word ‘secular’ has much more to do with religion and very little with Dharma. Therefore the Indian concept of secularism cannot be termed as Dharma-Nirpekshtavaad. It would be preferable to call it Dharmik Sambhavavaad.

---

3 Mahabharata, Karna Parva (1 : 10
4 Manu Smruti, 11.12 (As quoted in Manu, Bhartiya Vidya Bhavan).
The basic philosophy of the Indian secularism draws out of the ancient Hindu tradition of religiously and culturally plural Indian society. As pointed out earlier, Hinduism is not a religion. It is a philosophy of life, a thought about a way of life. Hinduism is dedicated to the search of *Satya* which means not merely verbal truth, but also much more, social truth, i.e. code of conduct and belief in principles which lead to the stability and progress of the community as a whole. *Abhaya*, i.e. Fearlessness is a distinguishing feature of Hindu thought which means a released soul and mind with full freedom of thought and conscience.

Hence, in such a mentally liberated atmosphere, no one can claim the monopoly of spiritual wisdom. Acknowledging the pluralistic bent of the Hindu philosophy, Toynbee pointed out, “Hinduism takes for granted that there is more than one valid approach to truth and to salvation and that these approaches are not only compatible with each other but are complementary.”

In summation, the Indian concept of secularism, which is a product of its own experience and genius, does not identify itself with the religious negativism and genius, does not identify itself with the religious negativism and isolationism of the western secularism. The two brands of secularism are the products of two different circumstances that have conditioned the thinking at that particular time and at that particular place. While the western secularism is religion-oriented, the Indian secularism is *Dharma*-based. Though, India has a long secular tradition, yet it cannot be ruled out that some elements of the western secular ideology have also trickled into the fast flowing river of the Indian secular thinking. Therefore the constitutional philosophy of Indian secularism is an interesting fusion of both the Indian and the western secularism.

The Paradox of theory and practice of secularism in India poses yet another problem. Though, Indian constitution provides for a secular state, yet politics in this country is still running on communal and caste lines; and thus, jeopardizing all the secular aspirations of our constitution-makers. This has resulted in a growing disenchantment with the Indian philosophy of secularism and an obvious drifting towards the western ideology of secularism.

It is submitted here that there is nothing wrong with the Indian philosophy of secularism which has withstood the onslaughts of quite a many alien attacks and has proven its mettle against rigours of time. If there is some fault, then it lies with the politicians who publicly vouch for secular ideals and privately indulge in communal
Conclusion and Suggestions

squandering. A common Indian is still quite liberal and tolerant in his mental makeup, but he/she is also very sensitive in the matters of religion. The, does it mean that religion and secularism are self-contradictory? Is there an inevitable inconsistency between religion and secularism? The answer to this question depends upon what religion should really mean.

If, by religion we mean that which is practiced by the ignorant followers or as it is preached by the ignorant and bigoted priestly class; or the superstitions that have crept in the name of religion, or the preaching’s of the unenlightened priests who interpret the scriptures more by the words than by the spirit of the letter; all these go to make religion look narrow, pedantic, backward looking, static and exclusive. When religion is transformed into blind faith; when reason and dissent is heresy, when narrow mindedness and fanaticism lead to the fructification of reason and scientific temper, then religion becomes a dogma. Such a religion can never help to build a progressive society. Surely, secularism is deadly opposed to such a religion. As a matter of fact, the secularist philosophy came into when the worst crimes were perpetrated on humanity in the name of religion.

There is another point of view also. Some people think that religion cannot be reconciled with secularism because religion leads to indifference to material in life. If it breeds conservatism creates an antipathy to the adoption of the new ways of life. It creates an attitude of blind faith and prevents organization of society on rational basis. Religions teaching emphasizes on the life after death in the ‘other world’. Contrary to this, secularism seeks to emphasize on the material progress of the human race. It is also concerned with the good life on this planet only. Secularism is opposed to such a religion which is monistic, leads to the supremacy of one who is infallible and about whom no questions can be raised. Secularism, on the other hand, is pragmatic and leans more on experience and reason. Religion, on the philosophic plane, believes in metaphysical absolutes, while secularism believes in relative and realizable truth.

Thus, it may be said that religion, in the sense of its traditional meaning, is surely incompatible with secularist philosophy. But religion, in the true sense of its meaning, becomes complementary to secularism. In this sense, religion is concerned with philosophy, ethics and morality. In this sense, it is inspired by the spirit of human enquiry into the unknown, the cause of the universe and eternal verities. Religion, in its best and the highest sense, should and must recognize the validity of reason and the relevance of the spirit of inquiry, unhampered by the letter of the scriptures.
The Indian approach of secularized religion is not inconsistent with secularism. Hinduism, itself, is the best example of a secularized religion and Mahatma Gandhi is the most sincere believer of this kind of secularized religion. Religion tolerance is the essence of Indian Secularism. All religions, whether it is Hinduism, Islam, Christianity, Sikhism, Buddhism preached tolerance, equality, kindness and brotherhood. Therefore, all of them are Secular. Secularism is not antithesis of religious devoutness. We have to dispel the impression that if a person's is a devout Hindu or devout Muslim or Sikh or Christian, he can be Secular in outlook. Vivekananda, Mahatma Gandhi were embodying the essence of Secularism. He accepted the creative force of religion in human history. Religion signified, to him, belief in the ordered moral government of the world. He wrote, “All religions are founded on the same moral laws. My ethical religion is made up of laws which bind men all over the world.” Religion, to him, was not merely a means for personal purification but it had an immensely powerful social bond. The true religion, then, should stand for unity and tolerance. In view of Servapalli Radhakrishnan, “The more religious we grow, the more tolerant of diversity we shall become.” True religion does not teach one to hate those professing other faiths. There is tolerance if this country is to go ahead. Secularism in not against religion per se, but it totally rejects the fundamentalist approach to religion.

In summation, a religion which stands for tolerance, peace and unity; which views Absolute Reality as a mystery of which no more than a friction has ever yet been penetrated by any human mind is close to secularism. True religion is not opposed to secularism; as a matter of fact, it supplements secularism. Secularism is always a handmaid of religion if it is used in the sense in which Gandhi used it. The secular approach to religion is that religion must make one a good citizen. Regarding the problem of paradox in the practice of secularism in India, the malady is caused by the narrow minded and power-mongering politicians. Its further aggravation is caused by the political innocence of the people who are not able to see through the games which these politicians play for selfish political gains. But, this is not going to last long. A positive change has already set in. The process of transformation of society through democratic means is always slow but definitely a steady one.

5 Harijan, 21 July 1940, p.211.
There had been raised yet another controversy by the Akali Dal in Punjab, seeking an amendment of Article 25 of the constitution of India. It had been asserted that the provision is discriminatory to the interests of the Sikhs. The agitation, unfortunately, took an ugly turn of events when “the people who took an oath to protect the constitution, later burnt the pages of it.” What actually happened in Punjab is known to everyone but what we are concerned with, for the purpose of this study, is the problem: whether Article 25 of the constitution needs to be amended or not? Is it discriminatory to the interests of the Sikhs?

Why has this issue been raised for the first time, now, at this stage? Article 25 deals with the freedom of the individual in matters of religion. Clause 2(b) of this article gives to the state power to make laws providing for “the throwing open of Hindu religious institutions of a public character to all classes of Hindus.” According to Explanation II to this article, the expression “Hindu” includes a Sikh, Jain, and Buddhist. Hence, Hindu, Sikh, Jain and Buddhist institutions come within the ambit of the above provision. The words “religious institutions of public character as interpreted by the Supreme court, in Temple Entry Case would include not only such institutions as are dedicated to the use of a particular religion but would also include institutions which are purely denominational.

This wider interpretation of the provision of Article 25(2) (b) clearly shows that the State can validly make a law throwing open a Jain temple to all Hindus. A Hindu denominational mutt to all Hindus, Sikhs, Jains and Buddhists and a Sikh Gurudwara to Buddhists. In fact, the idea of widening the scope of the provision was to eliminate any distinction between one class and another class of Hindus. Hence, the interpretation of Article 25(2) (b), as given by the Supreme Court, is in consonance with the intentions of the framers of the constitution. What about Explanation II? The Explanation says, “in sub-section(b) clause(2) the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion and the reference to Hindu religious institutions shall be construed accordingly.” Broadly speaking, the Explanation means that institutions belonging to any of the above religions may be thrown open to all those professing

---

6 AIR (1958) SC 255
that particular religion. But, the later view creates an impression that each of the above religion has institutions to which some classes are admitted and others not.

It is submitted that there appears to be a flaw in the drafting of the above provision. Article 25 deals with individual’s religious freedom, whereas Article 26 provides for corporate religious freedom, and hence, the provisions contained in Article 25(2)(b) should have been incorporated in Article 26(b). It was to avoid a conflict between Articles 25(2)(b) and 26(b) that the Supreme Court in the Temple Entry Case gave a wider construction to the former provision and held that Article 26(b) must be read subject to Article 25(2)(b).

The objection raised by the Akalis that provisions of Article 25(2)(b) vide Explanation II do not reflect the independent identity of the Sikh religion, does not seem to make much sense. In answer to this objection, it is contended here that the said provisions far from weakening the distinct identity of the Sikh community have, in fact, given explicit recognition to it. This is evident in the provision contained in Explanation I of the same article which makes a very significant and discriminatory exception in favour of Sikhs by granting them the fundamental right to “wear and carry kirpans”. Secondly, the Explanation II implicitly provides that in matters of religious institutions, its provisions shall be uniformly applicable to Hindus, Sikhs, Jains and Buddhists. Therefore, the removal of these provisions from the constitution, instead of benefitting the Sikhs, would deprive them of the constitutional privilege.

It may further be pointed out that Hindu Religion (if at all, this could be so termed) is reflections of the composite character of the Hindus who are not one people but many. The evolution of Hinduism shows that Buddha, Mahavir, Guru Nanak, Swami Dayananad, Ramakrishna, Vivekananda, all have imparted a new dynamic content to it. It is for this reason that Hinduism is correctly termed Dharma, not as a religion in its traditional sense.

The inclusion of the Sikhs within the word ‘Hindus’ in Explanation II of Article 25 (2)(b) does not mean that the Sikh religion’s identity is lost. The wordings “professing the Sikh… religion” occurring in the above Explanation I of the same article belies the argument of the Akali Dal that the provision causing some misgivings over the separate identity of the Sikhs. Perhaps, the Akali is also denying the historically established fact that the word “Hindu” is derived from the river Sindhu which is in Punjab. Hence, there seems to be no justification for seeking an amendment to Article 25 (2)(b) which recognizes not other religions also and accords
them equal status and protection. One should realize that the interests of the nation are always overriding and paramount to any other sectarian or sectional interests.

It is notable that the word “Secular” did not appear in the Preamble of the Constitution when it was adopted by the Constituent Assembly in 1949. The only place where the word “Secular” appeared in the Constitution was in the expression “Secular Activity” in Article 25(2) (b) where it refers to the sense of “Non-Religious”. The omission of the words “Secular” or “Secularism” was not accidental. It was a deliberate doing on the part of the constitution makers.

It was avoided, perhaps, because the founding-fathers felt that the use of the word “Secular” in the relevant places in the constitution might unnecessarily introduce, by implication, the anti-religious overtones associated with doctrine of secularism, as it is perceived in the West. The Indian constitution, however, does not say that religion be excluded as a social evil. Any such assumption would be against the freedom of religion as guaranteed by Article 25. It empowers the state to effect social reform, but only so far as they can be achieved by controlling or regulating “secular practice” and not by suppressing the essentials of any religious faith. Hence, the secularism under the Indian constitution, does not mean that the state should be antireligious or even non-religious, but of course, it shall not favour any particular religion or discriminate against another.

The Forty-second Amendment Act, 1976 inserted the word “Secular” in the Preamble to the Constitution. How this is going to affect both the constitution and its secular philosophy, it needs to be examined. There are various questions related with this issue, such as, why was this word not included in the constitution when it was constituted and adopted in November 1949? What were the objections against the use of this word in the relevant articles of the Constitutions? What was the need to introduce it after the lapse of 26 years? Why has it been included in the Preamble only without touching the other provisions of the constitution? Does it serve any useful purpose? These are a few questions that need to be answered.

To begin with, as pointed out earlier, the general view of the Constituent Assembly, with regard to the inclusion of the word “Secular” in the Constitution, was that India was to be a secular beginning without mentioning the word “Secular”. The reason for discarding of the word “Secular” was that the Assembly did not want to associate our constitutional philosophy with any kind of religiosity; and they were conscious of the anti-religious overtones of the Western Doctrine of Secularism.
Hence, Researcher would like to submit that secularism is an evolving concept. It has changed the dimensions of its meaning from time to time and country to country. Its meaning and implications changes very much as the time passes on. Hence, it is wrong to hang on to the traditional meaning of secularism as it was understood then. Indian philosophy of secularism does not accept the dictionary meaning of term. So, why the hesitation in using word “Secular”? According to an eminent constitutional commentator: “That to use the vague and dubious word ‘Secular’ in place of the definite and detailed provisions of the constitution, was likely to breed undesirable confusion in the minds of the ordinary people and aid political parties who might find it convenient to capitalize of ‘religion’.

The resistance against the inclusion of the word “Secular” in the constitution did not end with the Constituent Assembly only. Later on, some objections on the juristic grounds were also raised in this matter. The arguments offered in support of these objections are:

(i) The word ‘secular is not a juristic term;
(ii) If it means the same things as indicated by Articles 25-30 in the constitution, it advances little by introducing this in the Preamble;
(iii) conversely, it cannot override or supplement the express provisions in Articles 25-30, since the Preamble cannot control the provisions of the constitution or serve a supplementary source of power or limitation;
(iv) The word ‘Secular’ is to only vague but includes undesirable or perhaps mischievous implications as well.”

The juristic objections to the inclusion of the word “Secular” in the Preamble are not fully justified. Firstly, every word used in the constitution is not a juristic term. For instance, the word “Socialist” is also not a juristic concept. It is a political concept. And secondly, regarding the ‘Vagueness’ of the word “Secular” and its ‘undesirable’ and ‘mischievous’ implications, it is submitted that the word ‘secular’ may appear vague from juristic viewpoint, but when interpreted in the Indian context, it has a clear meaning.

Now, we should look into the need for the insertion of the word “secular” in the constitution after the lapse of 26 years. In spite of the definite constitutional

---

provisions for assuring the maximum possible freedom of religion and the subsequent acknowledgement of this philosophy (secular) by the judiciary through various judgments and also the continuous political harping on the ‘secularism’ by our leaders, there were challenges, from many corners, to the fact that India was a Secular State. Communal groups and parties mocked at Indian secularism when they saw the Head of the State going to temples and mosques to participate in religious ceremonies and sometimes, even performing religious ceremonies in the Rashtrapati Bhavan. The leftists pointed an accusing finger when they saw some religious ceremony being performed for the inauguration of a state- function or launching of a ship into the sea. The reactionary groups in the country began to spread communal virus in the country, and this, jeopardizing the integrity of the country. Various agitations under the label of regionalism and sectarian interests had vitiated the political climate of the country. The forces of destabilization, backed by foreign powers, were threatening the unity of the country. It was being feared by the rational minds that the forces of secularism were getting dormant. It was to fight the poison of hatred, antagonism and fanaticism that the word was added through the constitution (Forty Second Amendment) Act, 1976.

It was through this Act, that the words “unity of the Nation” was inserted in the Preamble. In order to realize the objects of secularism, Part IVA on fundamental duties was also added to the constitution.\textsuperscript{10} These duties include, respect to the ideals and institutions of the constitution; promotion of harmony and the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic and regional or sectional diversities to preserve the rich heritage of composite of inquiry and reform; all these duties have been enunciated to create for secularism.

Researcher may be observed that both the Preamble and Fundamental Duties are not justifiable. The Preamble is not the source of any substantive power conferred on the government, nor can it be regarded as imposing any prohibition and limitation. The Preamble is an introduction to a statute or constitution wherein the purpose and objective is stated. Although, the Preamble of the constitution may show its motive but it does not follow that the enacting portion must be limited to carrying out the motive.\textsuperscript{11} But it does not mean that the Preamble has no validity and significance in the constitution. When words of the constitution are clear in themselves, their

\textsuperscript{10} Constitution( Forty -Second amendment)1976,Section II

\textsuperscript{11} AIR (1960) SC856.
meaning cannot be cut down or enlarged or otherwise effected by reference to the Preamble. But when the meaning of any provision is not clear or is doubtful or is ambiguous, the Preamble may be referred to for the purpose of ascertaining the aims and objects of the legislation, if the knowledge of such aim and object will remove the ambiguity of a provision. When two interpretations are possible, the object and intention of the constitution should be considered and that interpretation, which fulfils such object, should be followed. The Preamble of the constitution can be regarded as a key to its objects and intention. It is a good means of finding out its meaning and is the key to the understanding of it.

The inclusion of the word “Secular” in the Preamble has, therefore, a meaning and purpose. So also, the inclusion of the word “Socialist” has a meaning. “The difference between the doctrinaire approach to the problem of socialism and the pragmatic one, may enable the courts to lean more in favour of nationalization and state ownership of industry, after the addition of the word ‘Socialist’ in the Preamble. Similarly, the inclusion of the word “Secular” in the Preamble should make the courts to have a pragmatic approach in judging the issues concerning religious freedom and not be governed by a doctrinaire approach in the interpretation of the constitutional provisions. The pragmatic approach means that it should take the meaning of the words in the Indian context.

Again a question may be raised: does the insertion of the word “Secular” in any way effect Article 290A? This article provides for the payment of Rs. 46.5 lakhs to be charged on and paid out of the Consolidated Fund of the State of Kerala, every year, to the Travancore Devaswam Fund; and a sum of Rs. 13.5 lakhs to be similarly paid of the Consolidated Fund of the State of Tamil Nadu, for the maintenance of Hindu temples and shrines in the territories transferred to that state on 1 November 1956 from the then State of Travancore-Cochin.

In order to fully grasp and understand the fact whether this article violates the secular character of the Indian polity or not. It is necessary to understand the circumstances in which this article was inserted in the constitution. The Article 290A was inserted by the Constitution (Seventh Amendment) Act, 1956. The objects and reasons for this amendment were, thus, stated: “Article VIII of the covenant entered into by the Rulers of Travancore and Cochin in May 1949 for the formation of the United State of Travancore-Cochin provided that Travancore’s obligation to contribute annually a sum of Rs.51 lakhs to the Travancore Devaswam Fund should
Conclusion and Suggestions

continue as an obligation of the united state. This arrangement was confirmed by Article 238(10)(ii) of the Constitution. It is proposed that the exiting arrangement should be continued even after the formation of the new state of Kerala, but the contribution to Travancore Devaswam Board from the Consolidated Fund of that state should, in view of the transfer of territory from Travancore-Cochin in to Madras, be reduced from Rs.53 lakhs to 46.5 lakhs.”

The constitutional validity of the above article has not yet been challenged inspite of the insertion of the word “Secular” in the Preamble. This could well be challenged as violating the secular character of the state, as the state provides funds for the maintenance of Hindu temples and shrines. It is one thing to play down rules for the better administration of a religious body, to appoint administrators and to allow salaries and other expenses to be met out of its funds; and it is another thing to make provision for the payment of a sum of money to religious bodies out of the Consolidated Fund of the State. The Article 290A, thus, violates the secular nature of our constitution. In Kidangazhi ManakkalNarayanan Nambudiripad vs. State of Madras case, the court held that the state was entitled to raise money for the benefit of religious institutions and spend state money for the same.

This would not necessarily lead to the conclusion that the state by doing so was furthering the cause of any religion or religious denomination. In Sri Jagannath Ramanuj das vs. state of Orissa case, vide Section 19 of Orissa Hindu Religious Endowments Act, 1939, a fund was constituted for which contribution was levied upon every mutt or temple having an annual income of Rs.250. The state contributed, both by way of loans and grants to the fund. The levy was a contribution both from the mutts and temples as also from the state. The Supreme Court rejected the petition on both counts and held that the imposition was not a tax but a fee and, therefore, fell outside the prohibition contained in Article 27. As regards the contribution by the state, the Hindu religion or any denomination within it, but with a view to ensuring that religious trusts and institutions, wherever they existed, were properly administered. The court further observed, “As there is no question of favouring any particular religion or religious denomination. Article 27 could not possibly apply.”

12 The Madras Hindu Religious and Charitable Act, 1951 laid down this provision.
13 AIR (954) SC 400.
An interesting question was raised in *Ragunath vs. State Case*\(^{14}\). Due to communal riots, some houses, schools and places of worship of both communities were destroyed. The Government sanctioned relief for this purpose. A tax payer challenged it as unconstitutional on the ground that it attempted to promote and maintain Hindu and Islam religion. While rejecting the contention the court held, “There is no question of promotion or maintenance of that particular religion or religious denomination in the restoration of damaged places of religious worship.” Similarly, in *Bira Kishore vs. State Case*\(^{15}\), the Court upheld the validity of a state grant of Rs.3 lakhs for the renovation of a water tank open for use by the public but belonging to a Hindu deity. The decision turned on on the fact that the grant in question did not seek to promote or maintain Hindu religion.

Thus, it can be said that Indian secularism is not anti-God or anti-religion. The provision of Article 27 prohibits the payment of taxes for any particular religion and not for the promotion of all religions generally. This article would not bar any discrimination, or indeed, if it benefits all religious institutions in general without making any discrimination. Consistently with the provisions of this article, we find Article 290A providing for the annual payment of certain Devaswam Funds, is not vitiating the secular nature of our polity. In other words, it was not thought inconsistent with the provisions of secularism contained in Article 25 and 26 to guarantee annual to Devaswam Fund, under the circumstances enumerated in this article. It also indicates an affirmation of the fact that anti-religionism is not contemplated by the Indian constitutional philosophy of secularism.

The concept of Secularism in India emerged in the context of religious pluralism, as against religious authoritarianism in the West. Unlike Europe, Secularism in India not in the process of conflict between state and church, but as an attempt to unite the followers of different religious faiths. The need for Secularism arose in India and Secularism was conceived accordingly in two related contexts-first, to counter the challenge of communalism to national integrity and second-to provide a basis for nationalism or nationalist movement which should be shared by all Indians irrespective of their religions. Therefore, Secularism in India arose in the context of communalism and not religion. Secularism in India is not anti-religion.

---

\(^{14}\) AIR(1954)SC,P403

The concept of Secularism in India is neither Western nor Marxian. The various constitutional provisions relating to religion in the Constitution of India clearly show that the constitutional does not establish a Secular State. It does not separate religion and state. It does not set up a "wall" or a 'partition' between them. On the contrary, the constitution vests immense powers in the State over the affairs of the religious bodies. Religious bodies have to administer their institutions—including places of worship, in accordance with laws passed by the State. The State can regulate the relations between the religions bodies and their members and can throw open Hindu religious institutions including temples, to persons to whose entry the religious authorities might have objection. The State can give direct or indirect financial aid to religious institutions. It can enact communal legislation applicable different to different religion communities. It can make religion a ground for discrimination amongst or classification of citizens.

The Constitution of India establishes a State which is very far away from a Secular State and it is not correct to say that India like the United States of America (U.S.A.) is a Secular State. The Founders of the Indian Union did not have in their minds the same kind of State they wanted to establish, in the context of State-Church relation, as the founders of the United States of America had. The founders of the Indian Constitution asserted the supremacy of Parliament in religious affairs. They did not separate the state they were establishing from the Church. They in fact wanted to establish a State where all religions were treated equally and where the citizens were free to profess any religion. They achieved this to a large extent But. They wrongly equated "religious impartiality" with "separation of church and State" or "Secular State".

There are already signs of a growing realization that India is not a Secular State. Pt. Jawaharlal Nehru himself said as early as 1954 that the use of the word "Secular" to describe the nature of the State in India is "perhaps not a very happy one but that it is being used 'for want of a better word." So the term "Secularism" in the Indian Context is not accurate.

Secularism in Indian context has been generally identified with the ancient doctrine of Sarva-Dharma Sambhava means equal treatment to every religion. But "Sarva-Dharma Sambhava does not mean secularism. These are concepts. Separate from each other. In the theory of Secularism, religion has no place but in the concept
of Sarva-Dharma Sambhava religion does have a place. In true sense India is a Secular State, but there is no secure Secularism. It is a "religious-partial" State.

Nepal is officially a "Hindu" State. According to its Constitution (1990) the followers of the Hindu religion and Aryan Culture only can become the king of Nepal. Constitutionally, there is prohibition to convert another person from his religion and there is no discrimination on the basis of caste. These constitutional provisions are Secular. There is a general impression that the free democratic western State are totally non-sectarian and in that sense purely secular. But this is far from true.

In Britain, the citadel of parliamentary democracy, the Church of England is the officially recognized national church. The king (Head of the State) must be Protestant and belong to it. He is a head of the Anglican Church. King is a Supreme Chief of the Church. Thus Britain has a state religion and its head of the State must belong to particular religion. Therefore, theoretically Britain is not a Secular State. But in practice it is Secular. There is a functional Secularism. British society is also secular in outlook. However, it was reported that during the general election held in April-May 1997 Tony Blair (Leader of Labour Party) now the British Prime Minister visited the worship places of minorities (Hindus, Muslims etc.) obviously to win over their political goodwill.

The United States of America (U.S.A.) has no religion of its own. There is a 'wall of separation' between the state and religion which is strictly adhered to. According to the doctrine of wall of separation, neither a state nor the federal Government can set up a church. Neither can they pass laws which aid one religion or prefer one religion over another ... Neither a State nor the federal Government can, openly or secretly participate in the affairs of any religious organization or groups and vice versa. In U.S.A. Congress or State legislature cannot make laws in respect of any religion. So, it is assumed that, the U.S.A. is perhaps the only country which is very near to Secular than other countries of the world; it is also true that the American society which still practices racial discrimination is not fully secular.

Switzerland is a multi-religious and multi-linguistic state like India. There is religious toleration which is a part of Secularism. In Switzerland, majority and minority have no special rights and privileges on the basis of their religion. In truly Secular State, majority and minority has no meaning. Swiss constitution provides freedom of belief and worship to all citizens irrespective of their religion or faith but
there are some limitation of morality and public life. This is the essential principle of secular State. In this sense Switzerland is a secular state.

Erstwhile U.S.S.R. was quite secular. There was Marxian ideology which is anti-religion. There was freedom of conscience, but it was restricted. It was only in the U.S.S.R. that there was freedom of anti-religion propaganda. There was a total separation of church and state. After the Second World War, Church had inclined toward the State. So even in erstwhile U.S.S.R, Church and religion could not be totally abolished from the public life.

Today, Russia is giving importance to religion. It realized that material advancement without moral and spiritual progress is tragically meaningless. So they are adopting the positive Secularism which is not anti-religion.

Pakistan is a theoretic State. The Constitution of Pakistan declared that the State is to be known as "the Islamic Republic of Pakistan." No person could be elected as President of Pakistan unless he was a Muslim. Though Pakistan has declared itself as Islamic Republic and numbers of its laws come from Islamic teaching, but it is far from the true Islam. Islam is a religion of peace. It had never preached hatred. There is no room for discrimination. It is a religion of morality and ethics. But attitude of Pakistan and its subjects are beyond true spirit of Islam. Pakistan was not a creation of Islam but of vested interests. Minorities are not safe in Pakistan, even Shia Muslim too. Pakistan is neither a Secular nor an Islamic State.

Till June 1988, Constitutionally, Bangladesh was a Secular State but on June 18, 1988, Islam was declared the State religion of Bangladesh and it became an Islamic State. The regime of Sheikh Mujibur Raheman and its constitution was of the base of Secularism. The principle of secularism was to be relished by the elimination of communalism in all its forms, the granting by the State of political status in favor of any religion, the abuse of religion for political purposes and any discrimination against or persecution of persons practicing a particular religion. There was no discrimination on the ground of religion. There were equal opportunities to minority people. But unfortunately, Sheikh Mujibur Raheman was assassinated in a military coup on August 15, 1975 and later on secular principles of the Bangladesh Constitution were reversed. After that, Bangladesh could not remain Secular. Hindus were tortured and harassed by the bigoted Muslims of Bangladesh after the Ayodhya incident.
The Turkey of today is more secular than being Islamic. But in the past, it played a historic role in the establishment and spread of Islam. It was Kemal Atatürk, who turned Turkey from being the epicentre of Islam into a modern, secular, republic. Atatürk abolished the Caliphate, banned the Sufi orders, and closed the department of Shariah and religious schools and colleges. Atatürk abrogated the Muslim Personal Law, which he replaced with the Swiss civil code. Polygamy was banned, divorce made restrictive, equal rights were given to women, Quranic penalties were abolished, licenses for the sale of liquor were freely given; the distinctions between Muslims and non-Muslims were removed, apostasy from Islam was no longer made a punishable offence.

For almost, two decades Atatürk tried his utmost to transform the Turks into modern, secular State. Turkey was the first Secular State in the Muslims world. But after his death (November, 1934) the anti-Secular forces gained ground in Turkey. Today, the Islamic fundamentalist is demanding an end to the Secular republic established by Atatürk. Turkish Secularity is one of the same twilight varieties as in most places in the world.

In the world there is no truly secular State. Truly Secular State should be neutral on the part of religion. Its policy should be neutral. There should be no discrimination on the basis of not only religion, but caste, color, sect, race, minority and majority etc. secularism in the western sense are not functioning and practicing in any country.

United States of America (U.S.A.) to some extent is nearer to a Secular State. Other countries Nepal, Britain (U.K.), Russia, Pakistan and Bangladesh are not secular. Turkey is the only Muslim country where Secularism has some place.

There is no truly Secular party in India. The Secularism practiced by all the political parties, is out of expediency and a deceptive one. Every party, even Muslim league claims that it is Secular, but words do not make policy and policy is not restricted by words. All political are non-Secular and pseudo-Secular because they all use every religion group for their selfish political ends.

During the last sixty-six years, all political parties have compromised with communal parties. So-called Secular parties have formed coalition Governments with the Muslim League, the BJP and the Akali Dal. If so-called Secular parties share power with communal parties even for a short period, the communal parties get politically legitimized. This was not the only failure of so-called Secular parties.
Some of them did worst things to win the elections. Some of the so-called Secular parties played clandestine communal politics to oppose full-fledged communal parties. Many a time some of the political parties nominated candidates, mobilized religion preachers and made subtle religious appeals to win the elections. Every political party is in search of its vote-bank on the basis of caste and religion.

Caste as a strategy for winning elections has been adopted by every political party in reserved as well as general constituencies. Even important men are described as leaders of their castes – Y.B. Chavan of the Marathas, Dev Raj Urs of the backward caste, Jagjivan Ram of the Scheduled Caste, and Charan Singh of the Jats and so on. While choosing candidates, all parties have an eye on the caste or community of the majority in the constituency.

Secular politics is not against religious beliefs of the people but it has to fight for the privatization of religion. The Central issue is that Secularism in a highly religious society has to be tolerant of religious beliefs but it has to draw a line that public affairs will not be decided according to religious beliefs. It has to draw a line where religion ends and Secular democratic politics begins. During the last six decades, so-called Secular parties have failed to draw boundary lines between religion as a private affairs and Secular politics as a public activity.

The failure of Secular politics has led to the strengthening of the communal politics. All non-BJP political parties are saying that they are Secular and fighting against the so-called communal forces like BJP, in fact all these non-BJP Parties are non-Secular. Amongst these, some are cattiest and communal parties.

The principal of secularism is partially failed in India. There is no Secularism in actual practice. The Secular forces are getting eroded day-by-day. It is, therefore, necessary to strengthen Secular forces to re secularise our polity. The important question is what should be done! Of course, it is very difficult to prescribe any recipe for the purpose. But some tentative suggestions based on the earlier findings can certainly be made.

The Principal of Secularism has practically failed in India. A number of factor are assigned for the failure of our creed of secularism.
These are as follows;

- Principal of secularism which is propounded by the Framed of the constitution is well protected by the Highest Court of the land. However, there fore is along delay in securing the justice against wrong done by a some of the interested people which made the secularism fast.

The demolition of Babri mosque has taken in the year 1992 and these issue is still pending in the honorable Supreme Court of the India. Several time, tension mounts whenever there are specific occasions, like Ram Navmi etc. when the sentiments of religion is invoked by political parties and in the way though there is a secularism but in true sense, to secure secularism, the delay defeats the object of the constitution, which is apparent in the facts of the demolition of Babri mosque. There fore, the Secularism in India is not archived within reasonable time and which makes the claim of secularism is weak or partial failed. It is well established principle of law the 'Justice delayed is Justice denied.'

- Though the judicial mechanism in such that there be permanent failure to secure secularism because the Hon'ble Supreme Court and the High Courts of the country are well equipped to set right and wrong done or breach of secularism. However, there is utter failure in securing the secularism because of political gain; the political parties go to the extent of creating hatred by their words, by their actions, by their instigations and by such other acts, like demolishing / burning particular religious places or burning the shops and residential premises, Industries by keeping the fact in mind that the owned properties were by persons of particular communities. Thus mechanism to secure secularism has not worked properly and this has resulted into practical failure of secularism through it is well understood that lastly all the wrong done would be set right since our Judicial system is well protected by constitutional mandate. However, the sentiments of the people which are adversely affected make them to lose their confidence in the principle of secularism in this country.

In the Babri demolition case, the charge-sheet is filed but criminal trial is still to be concluded even after passage of 22 years. Some of the accused have passed away and the matter is hanging because, one or the other accused files some or the other proceeding and challenges in higher court of law. Here also, the delay in conclusion of the trial makes the moral of the persons who involved in such act much
higher. The judges are also sometimes slow in proceeding with the matter as they want to avoid embarrassment in the society. This is also one of the reasons that the secularism is improperly secured.

- The first reason is very obvious and it has been so much debated in recent years that we need not deliberate on it in much details have used secularism as a political weapon rather than practicing it honestly as a mature political philosophy. So much so that the principle has come down to signify appeasement of the so-described religious minorities and especially the Muslims, in order to garner their block-votes for keeping the saddle for political power intact.

- The religious orthodoxy or fanaticism still has a firm grip over the minds of the poor and backward masses. It provides substance to the forces of communalism to grow. Shrewd leaders politically do not miss the opportunity of exploiting the factor of religion, caste or community for the sake of their personal and narrow ends. Thus, in most of the cases, communal riots are politically motivated. There has always been a hidden hand of the foreign hostile agencies behind the disgruntled leaders.

- The economic backwardness and social injustice have always inspired the poor, backward and weaker sections of the society to extend support to the call of communal forces.

- Sometimes inefficient and faulty role of official organs such as bureaucracy, people and paramilitary forces too stimulates the feelings of communalism. Thus, leading to the communal riots and tensions.

- The policy of reservation and its successive extension through the constitutional amendments has also given birth to the anti-reservation movement and agitations in many States. The implementation has also added fuel to the fire.

- Above all Researcher may refer to the politics of wooing minorities just for the sake of electoral purposes. It encourages them to come forward with unholy demands. It is based on the vote bank theory. Power hungry politicians, for over sixty six years, have abused Secularism to the hilt. Their commitment to Secular values is only skin-deep. Political leadership has corrupted the political system by their sinister calculations or vote-banks and electoral arithmetic. These are the important reasons for the constitutional protected secure secularism principle is weak and partially failed.

Uniform Civil Code and Ramjanambhoomi Babri Masjid issue was very important because they are affecting Secularism. Why do we need a uniform civil code? Because in a secular State, the laws must be separated from religion. The
demand for a uniform civil code is motivated by a commitment to human rights and social justice and not by any antagonism to or against any religion.

There is objection to having a uniform civil code by the few fundamentalist Muslims saying that it would constitute interference in their religion. In fact Islam looks upon marriage as a civil contract, then how can they hold this view! Many Muslim countries have already brought about reforms in personal laws, then why not in India too? they have already accept so many laws in the country, For example, criminal laws-which are common to all and Secular, they refer to the Constitution of India and the countries Secular ethos when it suits them, so why object to a uniform civil code which is part of the directive principle of the same constitution?

India is Secular democracy and to ensure smooth functioning of a Secular democracy, a uniform civil code for all its citizens whether they are Hindus, Muslims or Christians etc., is imperative.

The Government can enact a uniform civil code. There should be no politics in the way to enact a uniform civil code. The existence of personal laws based on religion is contrary to Secular State and Secularism.

The Ramjanmabhumi Babri Masjid Controversy was one of the major controversies which were exploited politically to the hilt in post-independence India. It got thoroughly politicized and was used for winning elections of Lok Sabha and Vidhan Sabha.

From the literary sources, nobody could be certain about historical of Rama, existence of Ayodhya In 4,000 B.C., the period to which Lord Rama is supposed to have lived according to the legend and also about the location of Ayodhya and much less about the Janmasthan in Ayodhya. It is not confirmed that the Ram temple was destroyed by Mughal Emperor Babar and he built the mosque. In fact, going by the Babar Nama, there is good reason to believe that Babar, though he was a devout Muslim, was extremely tolerant towards all religions. Also, there is no mention in his memories of his being driven by any desire to destroy Hindu temples. Nor there is any evidence to establish that he destroyed any temple in Ayodhya.

However, after demolition of the Babri Majid on December 6, 1992, the Government of India excavated eighteen feet below the demolished structure and the Archaeological Survey of India (ASI) sent the finding of the excavations for expert opinion to Shri B.B. Maharaj an old, retired Archaeologist, who submitted his report to the Government. (Interviewed on Dec. 22, 1995 at Kolhapur in his residence).
Some of the specimens are clearly Hindu in form and structure and indicate that the old structure must be a temple. Inscriptions in Pali are also found on pillars indicating Baudhā influence. (as per Indian Constitution – Article 25) 2nd Explanation Hindu includes Baudhā).

The issue has become a matter of faith affecting beliefs of millions. In religion, it is a matter of faith and not of proof. Hindus believe Ramjanmabhumi in Ayodhya to be the birthplace of Lord Rama. Matter of faith is difficult to decide by academic debates.

The place Ayodhya is as important to Hindus as Mecca is to the Muslims. Therefore, the Ramjanmabhumi temple issue should be viewed from this point and the Hindu sentiments should be respected. Government must come out with a definite policy on Ayodhya. It should no longer be politicized. The whole issue ought to be resolved as a matter of Indian History and culture rather than a religious controversy. On the original book of the Indian Constitution the drawing of Rama and Krishna, were appeared which were considered as the representations of ancient Indian culture and spiritual values, which are older than the origin of other religious.

As per the views expressed by our founding fathers and eminent personalities such as Swami Vivekananda, Mahatma Gandhi, Dr. Rajendra Prasad, Dr. Radhakrishnan, Dr. Ambedkar, Pandit Jawaharlal Nehru etc., on Secularism, there is uniformity in their meanings of Secularism that “Indian Secularism is neither Anti-religious nor Non-religious.” According to them Secularism in Indian context has been generally identified with the philosophy of Mahatma Gandhi that is Sarva-Dharma Sambhava means equal treatment to every religion.

The views of present political leaders, Religious leaders, intellectual’s est., are that, secularism in the Indian context does not mean negation of religion. However, they pointed out that State and religion must be separated. In secular State, State has nothing to do with religion.

7.2 To Conclusion-Remarks

To Conclude, an appraisal of the points made earlier in Research of this study and conclusions drawn need to be summarized. These are the main points of conclusion:

The terms Secular or Secularism is essentially of Western Origin and was an offshoot of the separation of the State and the Church. But Secularism does not mean an anti-religious stance. On the contrary, it may exist even though the people
professed diverse religion or faith. It indicates a spirit of tolerance and understandings between persons and groups/communities following diverse religion and faith. It was George Jacob Holyoake who for the first time coined the term and explained the meaning of the word Secular.

In India, the term “Secular” was not explicitly included in the Indian Constitution when it was adopted and implemented. However, considering the multi-religious character of the country the right to freedom of religion was given as a fundamental right. Some other provision in the constitution also meant that Indian citizen could practice their religious faith without any interference of others faiths (may be Divergent faith) faiths. The study shows that the fathers of the Indian constitution cannot be equated to the fathers of American Constitution as, including Dr., B.R. Ambedkar (excepting to some extent pandit Jawaharlal Nehru), all had a strongly religious bent of mind. While the American Constitution specifically provided that the State shall not legislate in any matters related to religion, the Indian Constitution made specific provision and left to legislation for acting in the sphere of religion. Thus the “Secular” spirit was implicit and “Secular” to the Preamble of the Constitution. Thus in India the State in functioning under our constitution and laws is aloof from religion but is very much “concerned” with the religion and can intervene through legislation and executive action in matters of religion. This clearly shows that United States of America (U.S.A.) and India are quite apart as far as Secularity of the States under their respective constitutions is concerned.

Proper view of the word religion must be taken to understand the term of Secularism. Religion is usually conceived as adoption of a faith, a particular dogma or recognition of some higher unseen controlling powers and recognition of some. In the primitive societies religion came as a spontaneous response of men to natural calamities, insecure conditions and the need or moorings for the minds. Though as per the basic phenomenon giving rise to the need for religion remained the same that is why right from the most primitive societies up to the most modern societies, all individuals are found to embrace some religion or faith. But in every society, the existence of every society and the maintained of its individuals needed to every individual were also essential. It is here that the need and the concept of Dharma evolved. In Dharma, the root Dari means to hold together. It includes performance of duties by each individual, social harmony and a code of conduct for all which can keep society together. In every society adopting some religion or other, Dharma was
universal. It included charity, brotherhood, compassion and tolerance towards other’s faiths (may be divergent faiths). Thus, while religion may be categorized, Dharma remains universal and the same. Hence, the concept of Dharma (irrespective of religion) ought to prevail. Once this is accepted, people with different religious can co-exist peacefully. Dharma is more concerned with the role and functions of beneficial to the individual and the society both. In fact, it emphasizes the duties of individuals towards fellow brothers and the society. Hence it can be Samaj-Dharma, Raj-Dharma or for that purpose of any individual or group interested with particular responsibility or role in the social system.

The great Indian thinkers with spiritual, philosophical background have defined the concept of Secularism. Swami Vivekananda gave the broadest possible meaning to it and said the Adventism (oneness) was the last word of the religion and maintained that people from all religious faiths should come together and understand that different religions are the varied expressions of “The Religion” which is “oneness.” This seems to be the ultimate meaning of all religions making them Secular in nature. Mahatma Gandhi considered religion as a personal matter but maintained that concept in Hinduism was non-sectarian and included Islam, Christianity, Buddhism, and Zoroastrianism. To him, Truth was the religion and Ahimsa the way to its realization. Thus he gave a moral and spiritual contain and emphasized the religious spirit in each religion rather than a religious sect. He also said that all those who are born here (Hindustan) belong to the land. He also believed in Sarva-Dharma-Sambhava but opposed to a state religion or State interference in matters of religion.

Dr. Radhkrishnan emphasized the separation of religion from state and religious impartiality of the State. No special privileges should be given and no discrimination should be made between citizens on the basis of religion. Equal respect for all faiths and religion was a sign of Secularism. Some expressed the view that historically Hindus have been tolerating and assimilating people from different religious. Thus it is a sign of a secular character.

Jawaharlal Nehru was against giving a nearly material background to Secularism and felt that it had spiritual contains. Granting equal status to all religions, freedom in practice of religion and no special privileges or deprivation on the basis or religion was advocated by him.
Dr. B. R. Ambedkar said that in a secular State Parliament shall not impose any particular religion upon the rest of the people.

M.C. Chagla considered Secularism as an attitude of mind and the equality of heart. For him, it was a matter of temperament of outlook and of feeling. It means looking at all persons as human beings, equality of persons in the eyes of law and of God. To think of man as a human being and dealing with him as human being – and not as a Hindu, Muslim and Christian – was a sign of Secularism for him.

Many other leaders interpreted Secularism to mean equal treatment and equal rights irrespective of their respective religion.

Dissociation of religious consideration from political and social life, large heartiness and tolerance towards different creeds, framing similar laws for all religious including equal Marriage Acts for persons of all religious are some of the views on Secularism.

So far as the political leaders from different parties are concerned they interpreted and explained the term in the context of their ideologies.

Some call it as being included in Hindutva while, others consider it Sarva-Dharma-Sambhava. Where State has nothing to do with religion, or a co-existence of religions, is called Secularism. Some consider it as a combination of good principles from different religions. Not giving upper hand to the dictates of any religion over and above the Constitution is Secularism.

Sarva-Dharma-Samanvava and the tolerance and the acceptance of the truth from all religions are Secular. Absence of discrimination between man and man on the basis of religion is secularism. According to some keeping religious and States sphere apart from each other (“Unto God what is Gods” “Unto Ceaser what is Ceasers,” is Secularism).

According to some the implementation and practice of Secularism is more important than harping upon the concept of secularism. Hence political parties and Governments must see that the policies are secular and implemented in that manner. All political parties subscribed to the ideal of secularism but their acts exposed the hierocracy. It is the politicians who try to exploit the religious sentiment of the people for their political purpose. Equal respect and protection to all religions. Enacting common civil code and non-religiousness (rather than anti-religiousness) of the State and polity have been advocated as the parameters for secularism.
Indian Secularism has been generally described as Sarva-Dharma Sambhava which literally means equal treatment to every citizen practicing any religion. In fact this concept has been accepted by the Indian Constitution under the right to equality where it States that there shall be equality before law and no discrimination at public places on grounds of “religion, caste, sex or place of birth” etc. In fact this article projects the Secular ideal in a better manner. Article 44 of the Constitution also directs the State to “Endeavour to secure for the citizens a uniform civil code throughout the territory of India.” Such provisions in the Constitution show the orientation towards Sarva-Dharma-Sambhava and endorse the role of the State as an impartial umpire in matters of religion, but the experience of the functioning of the State machinery shows that Secularism was more and more intervention of the State in matters pertaining to religion and either positive or negative State actions, to the extent that some were inclined to describe Indian Secularism as “Pseudo-Secular State” or at least a “Quasi-Secular State.”

The Indian edition of the borrowed British model of Parliamentary democracy also influenced the practice of Secularism in India. Almost all political parties without exceptions, found religious sentiments as a short-cut and foolproof method for securing votes and creating vote-Banks. As a result Secular ideal was politicized to create vote-banks. Whatever model of Secularism created by the Constitution, got itself mutilated beyond recognition. Every party adduced to itself the adjective “Secular” and criticized the so-called Secularism of others. The people, who never had a correct understanding of the term, were confused to such an extent that the terms Secular or Secularism became a laughing stock. Sarva-Dharma Sambhava came to be ridiculed as political appeasement of religious groups in a manner suitable to party – politics. Thus, the real meaning and practice of Secularism became a big political problem.

The Indian Supreme Court has held Secularism as a basic feature of Indian Constitution. According to the court (C.J.Ahmadi) the term 'Secular' has not been defined in the Constitution because it is very elastic term, not capable of a precise definition and perhaps best left undefined. By quoting Dr. Radhakrishnan the learned C.J. observed that “the Indian State will not identify itself with or be controlled by any particular religion.” The Supreme Court observed “Secularism is more than a passive attitude of religious tolerance.” It is a positive concept of equal treatment (emphasis added) of all religions. In one of the latest judgments of the Apex Court
(Manohar Joshi case-1996. SCC, 169) the court gave “Secular” meaning to the terms “Hindutva and Hinduism.” It called Hindutva and Hinduism as terms related to a way of life rather than narrow limits or religion, thereby probably meaning that the terms indicate the cultural ethos and National traditions. Probably the court had, in mind the Sindhu culture and tradition, a word which got converted into Hindu. However, this interpretation has been criticized by many legal expert as well as leaders because they have doubts whether other religious minorities feel alienate and excluded when the term Hindu (as against Indian) is used to indicate the national traditional cultural. Muslim leaders in India and also the leaders from Islamic Countries like Pakistan, Iran, Saudi Arabia and so on, while delivering speeches, or in their writings they invariably refer to our country neither as 'India nor as Bharat' but as “Hindustan.” It is only the Hindu leaders who use as a Secular term – “India that is Bharat.”

In case of India, while considering Secularism, one cannot fully ignore the impact of the traditional caste system. Originally this was a characteristic of the Hindus but due to historical association the caste entered, even, the Muslim and Christian minorities; hence casteism as an evil is an additional adjective of communalism. The policy of reservation based on caste, the Mandal commission Recommendations etc., triggered off friction between castes. Political parties also used caste as a shore-shot tool for winning the elections. Hence, along with religion, caste system also became an important factor while establishing Secular ideals. Discriminations on the basis of religion and caste must end from politics and except as a social policy, the State must give equal treatment to all castes and religions.

Of late, the Supreme Court has given equal importance to the Directive Principles of State Policy with that of the Fundamental Rights. Many Directive principles have become mandatory and have been implemented but the direction regarding a Uniform Civil code could not be implemented. This is a point where a strong social commitment and here a directive principle has been side-tracked for the sake of the fear of displeasing the minorities. It is such examples that adversely affect the principle of Secularism and encouraged the people in criticizing the Secularism. Court had taken an objective and Secular view while delivering the judgment in famous Shah Bano Case, but the Government and Legislature passed the Muslim Women Protection Act, 1986, nullifying the effect of the judgment in the case. This was retrograde step, going against the advocated ideal of Secularism and was criticized by many leaders and thinkers even by some Muslim leaders.
Had the Allahabad High Court delivered the judgment on the Ayodhya case, the whole incident which happened on December 6, 1992 could have been possibly avoided? In such cases, where historical and physical proof is available, if the Courts delivered the judgments, political capitalizing of the issues can be avoided.

In a truly secular State, national interest, honour and security should be given priority over any religious belief or principle. There should be no compromise on such issues. That means, religious consideration should be subordinated to national considerations. The Indian Constitution in part IV-A {Article 51(a)} States that it shall be the {fundamental} duty of every citizen to respect its ideals and institutions, the “National Flag and the National Anthem.” But the Supreme Court in its judgment which was probably based on a judgment of the American Supreme Court held that compelling the First Amendment. In both the above cases, the religious claim was put forth by Jehovah's witnesses, a very small religious sect of the Christian community. In fact. Salute to National Flag or singing of the National Anthem are the things which are above all other considerations and primary duty of all citizens owing allegiance to the Nation and the State. It is strange that the Supreme Court of the United States of America (U.S.A.) and India who are constitutionally committed to the principle of secularism, by treating citizens unequally before law, who in the name of their religious belief, are legally permitted to violate the fundamental duty under the Constitution.

According to some Muslim Thinkers secularism is equal opportunity for people of all faiths and compassionate concern for the marginalized segments of Indian humanity and acceptance of pluralism of faith.

According to some legal experts, Secular State in India was a futuristic projection and envisaged a meaningful State intervention during the transitional phase. The Indian State was to be non-discriminatory, interventionist and Non-interventionist State. The interventionist phase was to be over once proper boundaries dividing religion and Secular social life were drawn. However, in practice, the State never made any effort to draw such boundaries. It intervened where it ought not intervened and it did not intervene where its intervention was most apt.

On the basis of data gathered and analysis made the ultimate meaning and form as practiced to India since Independence the term 'Secular' or 'Secularism' can be described as below:

(1) The Preamble to the Constitution described India as a “Secular Republic.”
(2) The State has no official religion and it stands apart from religion.

(3) There is no discrimination between citizens on the basis of religion, at public places, in matters of opportunities for employment etc.

(4) Equality before law and no-discrimination on the basis of religion as guaranteed in the constitution. Here exceptions are made particular in the sphere of Civil laws like marriage, inheritance etc., and Uniform Civil Code has not been enacted.

(5) The Constitutions as well as some laws give certain concessions and make exceptions for different religious groups and their religious institutions.

(6) Problems and issues related to places of worship are not looked upon from strictly legal and rational point of view but got bare treated as matters of faith and sentiments of religious minorities and majorities.

(7) Caste system is recognized and given legal status by enacting laws for the noble of bringing social equality and justice. This much for the Constitutional and legal provisions.

Secularism, as an ideology, cannot be defined by its dictionary meaning alone. Secularism is an evolving ideology with varied meanings and implications for different people at different times in different places. It is true that secularism, in modern form, is a western ideology which is basically anti God and anti-religion in its philosophic contents; and it preaches separation of the sacred and the temporal affairs in life. However, in the Indian context, secularism is an ancient philosophy which has its roots in the concept of Dharma, which is a purely secular concept. Indian secularism is not anti-religion. It stands for religious tolerance, and, liberty and equality are the other two elements of this philosophy.

Religion and secularism are not rivals of each other. The relationship of religion and secularism is very vital to any society and it is determined by the way in which religion is understood in that society. Religion, if understood in a narrow sense, breeds superstition, fanaticism and fundamentalism. Such a religion is definitely an enemy of secularism. But if religion is understood in a broad sense, then it stands for tolerance, peace and unity. Such religion is not opposed to secularism. As a matter of fact, it supplements secularism.

Is ironic that secularism which began as an anti-God and anti-religion ideology, has ended up in championing religious freedom and now, the right to freedom of religion is universally recognized, at least in principle, in most countries of the world. The exercise of this right differs from country to country depending
upon the socio-cultural climate of the country and also on the political system of that country.

The right to freedom of religion, as formulated by the Constituent Assembly, subscribed to the Indian philosophy of secularism which is neither anti-religion nor calls for the separation of religion from the state. Therefore, the Assembly expressed its desire to make Indian a secular state without formally pronouncing it. Not only that but the Assembly was also quite averse to the use of such words as ‘Secular’ and ‘Secularism’ in the text of the constitution which did not go in tune with the Indian constitutional philosophy of secularism.

The Indian philosophy of secularism is well reflected in various provisions of the Indian Constitution. The legitimate claims of religion and the legitimate claims of the state both have been beautifully harmonized in these provisions. The provisions relating to the right to freedom of religion form the core of the constitutional philosophy of secularism. These provisions deal directly with the religious freedom both in the individual and corporate sense. The exhaustive and yet cautious style of these provisions clearly speaks out the limits of religious freedom and so also of the state control and regulation with regard to religious matters; and hence, leaving little scope for judicial muddling.

The judicial treatment rendered to the constitutional provisions relating to the freedom of religion has, generally, been on broad lines. Normally, it has recognized the far reaching and paramount authority of the state together with equal stress on the principle of tolerance. However, sometimes, the judiciary had failed to grasp the secular spirit of the constitutions and had stayed into giving the judgments wherein it had whittled down the significance of non-obsttante clause and had ended up in establishing the autonomous and inviolable domains on Mahants and Dais at the expense of the liberty of persons belonging to their denominations. But soon this error of judicial perception was realized and in subsequent cases, a new judicial approach was adopted. This new judicial approach is more conducive to the growth of social justice and is also in consonance with the philosophy of Indian secularism. Hence, the judicial perception of the right to religious freedom has contributed a lot in the development of a secular jurisprudence in this country.

The problem of uniform civil code is peculiarly Indian. It arises out of a constitutional Directive which provides that “the state shall Endeavour to secure a uniform civil code for its citizens.” The objectives of this Directive are to replace
Conclusion and Suggestions

religion-based personal laws of various communities with common civil code which will be equally applicable to all, irrespective of one’s religion, caste and creed.

The crux of the problem is: how to follow this directive without hurting the religious sensibilities of the people? One important dimension of this problem is that whilst the majority community has, generally, been in favour of a common civil code based on secular values it is minority communities, more particularly the Muslims, who are against it.

The state policy, on this issue is to secularize personal laws of various communities in a step by step manner. In this too, they showed their eagerness to secularize the Hindu law first, but regarding other communities, they have adopted a “wait and see” attitude on the pretext that these communities are not yet ready to accept this change. Really speaking, the state approach to this whole issue is misdirected. Instead of concentrating on the preparation of a uniform civil code based on secular values, the state is attempting to secularize the religion-based personal laws of various communities which is self-defecting in its purpose.

There is no doubt that the problem of the formulation of a uniform civil code is complex in nature. To have ‘complete uniformity’ in all spheres of civil laws is neither desirable nor possible. Therefore, the objective should be “uniformity where you can have it and diversity where you must have, but in all cases certainty.” The first task should be to take out as much of personal law as possible from the shackles of religion and then attempt to find legal rules which are common to the main systems. It is, thus that a nucleus of a uniform code can be formed. Researcher should not hesitate to borrow or even transplant alien provision of law from other legal systems. Together with this exploratory ground work, a lot of preparatory ground work is also required. Public opinion has to be educated and enlightened; the need of a uniform civil code is to be impressed upon the people. Then only, the problem can be resolved.

Finally, if secularism is to become functional in India, it has to relate itself to the racial and cultural motivations of the social tradition. In spite of the divergence of religion in the country, there exists a tradition of mutual tolerance of people belonging to different faiths and this tolerance is disturbed not only by the believers but by certain bigots also, who try to enforce their religion on others. The Indian constitution is well armed to set right these religious who disturb the social peace.
Conclusion and Suggestions

So far as political aspects of Secularism are concerned all political parties subscribe to Secularism. Every party in its Election Manifesto vows Secularism and the best way to slander an opposition party is to call it anti-Secular or communal or pseudo-Secular or quasi-secular Thus, “Secular” has become a word for political mud-slinging at each other. Almost every party takes advantages of religious and caste groups for winning support at elections. Thus, in politics, no real Secularism is observed, though variations of degrees are found between different parties. Unless there is a political will to usher in real Secularism, which will not succumb to wrong demands of religious faiths, communal frenzy, caste groups etc. secularism will not be established. Irrespective of them being religious minorities or majorities, they should be treated as only human beings irrespective of their faith.

Religious pluralism and an absolutely impartial and equidistant attitude of the State in matters of religion are the only correct position to maintain Secular character of the constitution.

7.3 Suggestions and Recommendations

To conclude, Researcher would like to make some recommendations in the light of the preceding discussions,

Principal of Secularism which is propounded by the framer of the Constitution is well protected by the highest court of the land. However, there is a delay in securing the justice against wrong done by some of the interested people which made the Secularism fast.

The demolition of Babri mosque has taken in the year 1992 and these issue is still pending in the highest Supreme court of India. Several time, tension mounts whenever there are specific occasions, like Ram Navmi etc. when the sentiments of religion is invoked by political parties and in the way though there is a secularism but in true sense, to secure secularism, the delay defeats the object of the constitution, which is apparent in the facts of the demolition of Babri mosque. There for, the secularism in India is not archived within reasonable time and which makes the claim of secularism is weak or partial failed. It is well established principle of law the 'Justice delayed is Justice denied'.

The principal of secularism though is well secured but that is practical failure. There is no Secularism in actual practice. The Secular forces are getting eroded day-by-day. It is, therefore, necessary to strengthen Secular forces to re secularise our polity. The important question is what should be done! Of course, it is very difficult to
prescribe any recipe for the purpose. But some tentative suggestions based on the earlier findings can certainly be made.

- At present, as on today, the term 'secular' or secularism' has not been defined in the Indian constitution, hence, the first and foremost task is to define the term 'secularism' and secular'. Once these from are properly defined then such secularism does not imply hands off government, indecisive, halting, or hesitant until matters transform from show to shove, or indifferent towards religious affairs. We believe that such secularism would not deny the possibility of allowing a legally regulated interaction between the government and religious institutions. This is vital for the government and religious groups as well; since both have a stake and responsibility of defending and respecting the Constitution.

- Wherever the dispute pertaining to place of worship/ manner of worship/usage of loudspeaker etc. In the religious places or communal roots should be referred to special courts constituted by the Government/Parliament. The law in this regard is required to be made so that such disputes are settled within specified time to ensure that all the persons, where they belong to minority community or of any religion, caste etc, must have faith that if any wrong is done affecting secularism or affecting their lives or their properties, it would be set right by the court law.

  Even appellate forum or even at the level of apex court. Special branches should be constituted to decide such issue within specified time, may be separate law would be required to deal with such issue.

- Commission to secure secularism should be given constitutional mandate and the constitution may be amended to constitute one commission, equipped with all the power like Scheduled caste commission, scheduled tribe commission, commission of women so that not only the dispute are settled in the court of law but by the intervention of the commission, the dispute could be settled amicably and time to time, the commission could suggest the measure to take remedial action to secure secularism in India. New law even could be passed for giving ample power to such commission and any law pertaining to security for minority could be made after consultation with the members of the constitution.

- One must understand in all earnestness the psyche of Indian People and their religious-cultural traditions. It would not suffice merely to eulogies Western Concept of Secularism. It may be an ideal for some upper class urban elite or for those who take certain philosophical or atheistic position. But such a position, however desirable
Conclusion and Suggestions

for some. Would alienate us from the masses. The politicians and the managers of Indian State are cynically exploiting people's religious sentiments while the Secularist elite find itself completely out of place. It is, therefore, necessary to depend our understanding of the Indian situation and adopt a position which would not make us irrelevant to the masses of people. Equal respect for all religions on the part of the people must be encouraged as a matter of policy.

- There is enough theological justification for such a position both in Hinduism as well as in Islam. Hinduism talks of Sarva-Dharma-Sambhava and Quran, as interpreted by Maulana Abul Kalam Azad and even Shah Waliullah before him, stipulates Wahdat-advan (i.e. Unity of all is religions) though shariats may differ. Sikhism, of course is founded on this principle. Tolerance thought desirable but as compared to equal respect, is lower down the scale. One tolerance just because something exists and cannot be helped. But one respects out of positive attitude and deep reverence. So we must do everything to inculcate equal respect for all religions among the people. The State, however, must stay neutral towards all religions. The media should also refrain from projecting one or the other religion. That would be greatest harm projecting one or the other religion. That would be greatest harm to the cause of Secularism as other religious groups would also agitate for exposure of their religious groups would also agitate for exposure of their religions in the media. And this competitive “religiosity” in the media would lead to competitive communalism. This is what is happening today.

- We must generate adequate pressure on politicians to give priority to people’s issues rather than non-issues like Ram janmabhoomi-Babri Masjid, Kashi and Mathura issue. Also we must compel politicians to come out with concrete programmes for solution of programme to solve people’s issue. Rather than appealing to them on caste and religious basis. It is not very difficult to generate such pressures. It is the duty of the Secular intelligentsia to do this. In this approach lies the salvation of the country.

- There must be a ban on the formation of any political party on the basis of caste or religion. There must be a code of conduct for the Indian political parties. There should be no reservation on the basis of caste or religion. So that our politicians cannot exploit the caste/religious sentiments for political ends.

- Therefore, in order to realize the proper implementation of religious freedom without endangering the constitutional principle of secularism, we need a legislative framework that provides for specific provisions detailing the meaning, content and
Conclusion and Suggestions

scope of the right and the specific limitations that are sought to be imposed. Such legislative act not only gives the necessary tool and road map for those who assume the responsibility for the enforcement of those constitutional values, but also informs and warns citizens, what to do and what not to do in the course of exercising their rights.

- Based on this legislation, a specific guideline that regulates the issues of religious accommodation in schools and universities is also become necessary. Although the Ministry of Education may be in charge of this task. The formulation process should be participatory to canvass support from all stakeholders. This is crucial, because if the enforcement and interpretation of religious freedom and secularism is simply left to the decency and wisdom of those who assume that responsibility without offering a clear guidance and the proper device for effective implementation, inevitably matters will fall out differently. As we understand it, the absence of a legislative frame work and a clear consensus guideline left opened the possibility for every individual to take matters into his own hands. Though, our premise is not that constitutional provisions may, in no way be directly implemented, the legislature is better equipped and placed to define the substantive meaning and its scope of application to respond to the religious needs and dynamics of the society through specific legislation. Moreover, in the broader sense, interpretation is a collective enterprise that ranges from a simple executive clerk to the HoF. Thus, by filling the gaps and clarifying ambiguities, the legislature should discharge its responsibility to bring the great constitutional provisions and principles into reality.

- Furthermore, it has to be noted that freedom of religion is not only merely exercised individually; but it is a community’s right also, meaning, it has collective dimension. In addition, it has also vertical and horizontal dimensions, in the sense that it operates in respect of the relation between private citizens and/or groups and the State, as well as between private individuals. At times, those relationships may give rise to some procedural issues like standing, thus, the development of legislation that handles issues of such nature is important.

- Researcher observed that the current system is the outcome of an intense and lengthy struggle to bring socio-political justice. As a part of this, secularism is introduced essentially as a political response to India as diversified religious state of affairs. India is not only characterized by ethno-cultural diversity but also by denominational plurality. The best means we had to manage this diversity in a fair and impartial
manner is, if we have a political realm that is free from any religious influence. This is because, if too many of these religious communities exist, and touch upon too many areas of life including politics, the common ground essential to a well being of our democracy will cease to exist. Thus, to prevent this; the strict conception of Ethiopia’s secularism should be kept intact in its full vigor, keeping the distinction between religious society and secular State.

- However, in order to respond to the constitutionally guaranteed freedom of religious expression and the normative value of pluralism, a legally regulated, predictable and reasonable accommodation of religious claims in the public sphere is commendable. If this is supported by carefully developed guideline, it would at least substantially minimize the considerable wrangling or confusion that we are witnessing over the shape and authenticity of the current religious accommodations in public universities.

- The legislation we envisage here, however, must never allow the government to indulge itself in interpreting ecclesiastical doctrine of any religion or to interfere or oversee their internal governance, but the government is under a duty to enforce rule of law and to safeguard the constitutional order. Nonetheless, the government cannot discharge those responsibilities single-handedly, and it needs the cooperation of religious communities and their institutions.

- Thus, here comes the need for an establishment of a strong institution that makes assessment, coordinate efforts, facilitate interfaith dialogue and serve as a bridge between the State and religious institutions. In a religiously diverse society, religion single handedly cannot resolve conflict; at least between parties from different faiths. But, impartial institutions may be called upon to do so

- The government, especially municipal authorities should enforce town planning and zoning rules to tackle illegal constructions and land squatting practices for religious purposes. Leniency towards the powerful religious communities with respect to land holding practices can generate resentment among other, less privileged, minority religious communities whom they feel they are losing out.

- The abuse of power committed by local authorities should be taken seriously, and the government needs to have the determination and necessary courage in bringing culprit officials before justice. Many of our respondents describe their dissatisfaction over the lack of transparency and audacity on the dispensation of justice. It is an irony and a twisted logic to understand, if not to believe, in the era of democratization, to hear people being forced to recant their religion at gun point in broad day light.
Conclusion and Suggestions

- Religious stickers, crucifix, verses, portraits and the like should be removed from government offices, and relevant authorities should inspect to that effect.
- The government should make strict regulation on guest religious missionaries, who temporarily enter into the country, and it has to be in full consent and authentication of the relevant mainstream religious authorities that represent the particular religious community concerned.
- Researcher be considered flippant, Researcher assume that legal mechanism alone solve the problems and engender the commitment and mutual understanding required to sustain a culture of tolerance and peaceful coexistence. Thus, it is necessary to look beyond legal frame work. Researcher believes that the responsibility to uphold the freedom of religion or belief, and the constitutional principle of secularism rests not only with the government but also with religious leaders as well. Therefore, leaders of religious communities bear tremendous responsibility for guiding their followers towards a peaceful coexistence, using their power and influence to inculcate the value of tolerance in the hearts and minds of their members; which is a necessary condition to live harmoniously with those who think and believe differently.
- Moreover, religious leaders must look beyond stereotypes and wholeheartedly approach fellow leaders of other denominations to make genuine dialogue and consensus. In a World, harassed by the scourge of violence and conflict in the name of religion, it will be naive to shy away from genuine interfaith dialogue, and retreating into religious ghetto mentality will only create the openings for extremist infiltration, thus, working together on common interest should not be over looked.

Lastly, if is emphasized that there is no need to despair. Secularism may have been weakened to some extent but it is certainly not drawn and out,

The problems of developing societies are always enormous. No society can develop without conflict and violence. The violence may erupt either along class or communal or ethnic lines. One can only try to minimize it. The violence can be minimized only by making the development justice oriented. It should not be profit and growth oriented only.

Still there is lot of vitality and life in our democracy and Secularism. Only thing is that we must act and act vigorously to further strengthen Secularism and inject blood into our Secular polity. These are no mere high sounding words. These words can. Given strong will be transformed into deeds. If we keep above suggestions in mind.
In the opinion of the P.A Sangma, former Speaker of Lok Sabha “Secularism was being bandied about in the process as a political slogan. He said the practice of politics had almost made Secularism a divisive factor and stressed that these trends should be halted if national solidarity was to be safeguarded.

The then speaker suggested. “We should stop debating Secularism because the more we debate it, the more we seem to be getting divisive.”

Sweeping statements are often made about freedom of religion and secularism, but there is a virtual absence of definition with respect to their content, scope and their necessary implications. The constitutional provisions such as freedom of thought, conscience, and religion, as well as the separation of State and religion are too broad and generally phrased not readily fit into specific cases. For example, what amounts to violation in terms of wearing religious symbols in an educational setting, or ensuring the independence of the State from religion? Terms of such nature may be interpreted to embrace a wide variety of acts that are prone to uncertainty, making the need for elaboration very essential.

(i) Meaning of the terms “Secularism”, “matters of religion” and “minority” to be clearly defined in Constitution.
(ii) Negative clause under Article 25 to be introduced to prevent an organization which admits to or excludes from its membership persons on grounds of religion, race or caste or any of them to engage in any political/public activity.
(iii) Clear criterion should be provided pertaining to minority institutions, preventing misuse of protection of Article 30(1) for monetary benefits with regard to professional education.
(iv) Clear-cut guidelines should be provided for the good management of religious institutions/monuments and systems of audit.
(v) Promulgation of a uniform civil code, is to be provided.
(vi) A strong act be enacted regarding speedy trial and fair process with respect to communal and hate crimes as well as rioting.

Researcher does not believe that every problem is solved through legal battle, hence, when religious institutions have concerns, as the government does; they need certain government institution to which they speak to, that has sufficient statute and competence. Researcher knows very recently, the government has set up a very small branch (Directorate of Religion and Faith Affairs), within the Ministry of Federal Affairs; on top of its infancy, its actual power and responsibility has not been defined.
yet. All the same time we suggest the need for an institution that serves as a bridge either by strengthening the already existing one or another.

❖ The recent move taken by the government to create awareness and to revitalize the vigilance of the larger public is constructive. This sort of discussion at community level will enhance every citizen’s responsibility in spotting those who call their personal insanity a ‘religion’ in order to garner support and sympathy. But, such community awareness initiative should not be done after a lengthy denial and reluctance, awaiting until the grim reality projects itself. Sometimes, we observe a tendency that ‘religious extremism’ is not named for fear that its mere mention conjures its existence. Researcher know even some people get nervous when such and similar terms are mentioned, but the point should no longer be about labels and packaging, but about content and substance.

❖ The government actions must go beyond being reactive and be proactive guided by the legal principles and rule of law. During incidents of religion-related tensions and violence, a highly cautious approach is necessary in identifying the real culprits, otherwise, lumping all individuals or groups who raise religious issues under one frightening label will only breed dangerous pattern and itself gives a preference to violence to the advantage of a few evil master minds.

❖ It has to be admitted that there is unavoidable, constant tension between the secular State and religion. The rules of the game are balancing and compromising. For that matter, compromise is the hall mark of democracy. So, it is unrealistic to expect unanimity on matters of secularism and religious expression; what is important is, to get ready to play in accordance with the rules of the game peacefully and with robust civility. Everyone should remind that, a good sign of a healthy polity is to cope with disagreement without falling into pieces.

Over and above all these measures, there is need for positive change in the attitude and outlook of the society towards Secularism. In a multi-religious, multiracial and multi-cultural developing society such as India, it is necessary that rulers, leaders, administrators and citizens have very many crystal clear ideas about Secularism. If we are to evolve a secular state, we need to produce secular minds. A study of the historical and cultural ethos, the constitutional provisions and the current social and political milieu provides ‘mixed’ image of secularism in India.

In the end, Researcher would like to say that our secularism, despite temporary setbacks, has stood the test of time. Here, we stand united, and the world looks
towards us with amazement and appreciation. In true sense India is a partial Secular State and there is no secure Secularism. It is a religious-partial State.