CHAPTER FOURTEEN

ANTI-SECULAR PRINCIPLES AND PRACTICES

Though India's Constitution contains elements of Secularism, there are certain provisions and aspects which are not in accord with the Principles of Secularism.

Special Provisions and Reservations :-

One of the anti-secular principles can be traced in Articles 15 (4) and 16 (4) by which, the State, can make special provision for the advancement of backward classes and reservation of appointments or posts in favour of any backward class of citizens. This Constitutional provision has created caste and communal consciousness and vested interests in economic, social and educational reservations. This Constitutional provision injures the Secular character of the State. Therefore, it needs reconsideration, if not, it will create alienation and segregation, in different communities in India.

Prohibition on Cow Slaughter :-

The Principle contained in the Article 48 of the
Constitution which direct the State to prohibit Cow-slaughter and accordingly, many of the States have passed the Legislation to that effect, cannot be called Secular. The reason is that the word 'Cow' which has certain religious reference especially in Hinduism, has been specifically mentioned in this Article of the Constitution.

Representation on the basis of Religion and Caste :

The representation and reservations based on religion and caste is also contrary to the Principle of Secularism. The Constitution gives the right of representation to the Anglo-Indian Community in the House of the People (Article 331) and in the Legislative Assemblies of the States (Article 333). The Constitution also provides for the reservation of seats to the Scheduled Castes and the Scheduled Tribes in the House of the People (Article 330) and in the Legislative Assemblies of the States (Article 334).

Procedure of Oath :

The Constitution of India, no doubt, vests Sovereignty in the people of India and not in the God. However, it is to be noted that, 'God' finds a significant place
in the Constitutional provision. This is evident from the Third Schedule of the Constitution of India, which describes the procedure of taking Oath of high officials like those of the President, Governor, Prime-Minister etc. It requires one to take oath in the name of the God or solemnly affirm his loyalty to the Constitution. It can be pointed out, taking oath in the name of the God, is not compulsory. One may just solemnly affirm his loyalty to the Constitution. But the point to note is that, Swearing in the name of God precedes that of solemn affirmation. This Constitutional practice is contrary to the Dictionary meaning of Secularism which excludes all references to God. There is also a practice of taking oath in the courts of India in the name of God or touching 'Gita' or 'Quran' etc.

Performance of Religious Ceremonies:

The State dignitaries like President, Governors, Prime-Minister and other Ministers and Officers perform religious ceremonies at public functions. The practice of starting new project with the religious ceremony such as 'Bhoomi Pujan', breaking of coconuts, invocation of Hindu God, and holding of Hindu rituals has become common. The
participation of Government Officials in such functions gives a official recognition to them. In the line of the Secular character of the Constitution, religious ceremonies should be avoided on official functions.

Similarly, the Political Leaders and the important officials in the Government such as President, Governors, Prime-Ministers and other Ministers visit to places of religious significance and offer 'Puja' or 'Mahapuja' there. These things should be in private and not in the official capacity.

Religious demands of Political Parties :-

The political parties in India make religious or communal demands and play politics in the name of religion. In India, we find, political party, can declare 'Dharma-yudha'. In view of the Secularism, and Secular State in India, there should be restrictions on political parties taking up communal and religious demands. 'Dharma-yudha' for political purpose should be prohibited by law. This is because of the fact that, it often leads to inter-communal violence.
It can also be pointed out that, generally, a candidate contesting the election to the Legislatures, Central or State, goes to temple or Durgah and prays there for the success in the election. A candidate also starts his election campaign with blessing of some religious person, say, 'Guru' or 'Maharaja' or 'Baba' and breaking coconuts, and performing other religious ceremonies.

Other Practices :-

In our National Life, there are numerous other practices, which are contrary to the spirit of Secularism. For examples - Every year, the Government recognises and we observe many public holidays on religious festivals and holydays of all the communities, Hindu, Muslim, Christian, Budha, Jain, Sikh, Parsi etc. Similarly, there are also pictures of Hindu Gods and Goddesses in some public offices in many States. The Government also arranges special facilities for the pilgrimages to the religious places of almost all the communities in India.

There are many Educational Institutions named such as 'Hindu' School, College and University,'Muslim' School, College and University, Christian School and College etc.
Such things need to be prohibited by law.

Similarly, there are separate hostels for the students on the basis of Caste and Religion. In fact, this must be avoided and there should be common hostels and common Mess. There are also columns of caste and religion in the application forms of Government or private institutions. This must also be avoided. Similarly, prohibiting the playing of the band while a procession passes by a mosque can not be called Secular.

All the above mentioned and many other inconsistencies are found in the Indian Secularism, because the common people by and large are steeped in superstition and ignorance, and our leaders have not followed the principle of Secularism strictly in their public life. The inconsistencies in the Indian Secularism can be removed by the measures like Constitutional Amendments and Secularization of social and political life in the country.