CHAPTER SEVENTEEN

CONCLUSION

The foregoing analysis of the provisions in the Constitution of India clearly shows that, the Constitution of India, enunciates Secularism through its innumerable provisions and establishes a Secular State. It may, however, be observed that, Indian Concept of Secularism and Secular State is very different from the Western Concept of Secularism. Therefore, the Concept of Secularism as embodied in the Constitution of India, can not be viewed in the sense in which, it is conceived in the Western Countries. It is to be understood in the context of Indian State and Indian Society.

Tradition of Religious Tolerance:

In India, the Secular State has a firm historical basis. Indian State never became a theocratic State. The State in India at every stage, followed the policy of Religious Toleration which now forms the basis of Indian Secularism. The Hindu kings in Ancient India followed the
policy of Religious Tolerance and allowed different religions to flourish. Then the State during the period of Muslim Rule in India, was not also theocratic, as it was not completely based on Islam. But the Muslim kings with some exceptions like Akbar, were intolerant and followed the policy of forcible conversion to Islam. Later on, the British Government in India, by and large, followed the policy of religious neutrality. However, it can be said that, it was not a perfect neutrality, as the British Government enacted various laws affecting the religious life of the Indian people.

National Movement :-

The National Movement for independence of India can also be called Secular in its objects and principles. However, at the final stage, the separatist tendencies emerged and 'Muslim Nationalism' and 'Hindu Nationalism' started functioning. This development retarded the growth of Secular nationalism, and ultimately the country was partitioned in 1947, on the basis of religion.

Constitutional Provision :-

The Constituent Assembly of India discussed at length
and finally adopted the Secular State for India. However, the Indian Constitution before the 42nd Constitutional Amendment Act in 1976 did not contain the word 'Secular'.

The Constitution of India at present in its Preamble describes India "Sovereign, Socialist, Secular, Democratic Republic". It means that the Constitution of India does not establish a theocratic State. The Constitution does not prescribe any religion as the State Religion. In India, neither Hinduism nor Islam nor any other religion has been recognised as a religion of the State. The State in India gives equal treatment to all religions. It respects all religions. This is called 'Sarvadharma Sambhav'. This doctrine is an integral part of our tradition. It must, however, be noted that, this doctrine is very vague and certainly, contradictory to the Western Concept of Secularism which recognises the separation of the religion and the State.

Citizenship :-

The Secular character of the Constitution is also explicit in the Nature of Indian Citizenship which is not based on the religion or caste of the Individual. However,
the factors like the Constitutional Provisions relating to the reservations of seats in the Lok Sabha and in the Legislative Assemblies in the States, on the basis of castes and the policy of reservation in the Government services and Educational Institutions, and the prevailing practice of personal laws have weakened the ideal of Secular Citizenship.

Equality :-

Equality in the political, social and economic aspects of life, can be called one of the basic features of Indian Secularism. The Constitution of India provides for 'Equality' in the Articles 14 to 18. However, the principle of equality has been compromised in various fields in view of 'Protective Discrimination' in favour of the Citizens belonging to Scheduled Castes and Scheduled Tribes and other Backward classes. This policy of 'Protective Discrimination' has strengthened the caste consciousness and retarded the growth of Secularism in India.

Freedom of Religion :-

It is a significant feature of the Indian Secularism
that it recognises the relevance of religion in human life. It is not anti-religion. On the contrary, it respects all religions. The freedom of religion constitutes the essence of Indian Secularism. The right to freedom of religion is contained in the Articles 25 to 28 of the Indian Constitution. The Constitution guarantees the freedom of conscience, practice, profession and propagation of religion (Article 25). It guarantees freedom to establish religious institutions and manage and administer their affairs; to hold, to acquire, and administer properties (Article 26). The Constitution also gives freedom as to payment of taxes for promotion of any particular religion (Article 27) and freedom as to attendance at religious instructions or religious worship in certain educational institutions (Article 28). But all these rights are subject to the restrictions imposed by the State. These restrictions relate to the public order, morality and health etc. These Constitutional provisions indicate that the Indian Constitution seeks to maintain a balance between the freedom of religion and the powers of the State, and contemplates co-existence of religion and Secularism.
Protection of Minorities:

Protection of various religious and cultural and linguistic minorities is another feature of Indian Secularism. It can be traced in the Articles 29 and 30 of the Constitution. These Articles guarantee the cultural and educational rights to the minorities in India. The minorities are given fair and just treatment. These Constitutional provisions established India as a Secular State. The minorities protect Secularism from the attack of a single dominant majority community. But sometimes, the minority itself may create threat to Secularism, as it is evident from the Muslims and the Sikh communalism in the country. However, from the Constitutional point of view, the provision relating to the freedom of religion and the protection of the rights and privileges of the minorities indicate the liberal character of Indian Secularism.

State-Religion Relationship:

In the context of State-Religion Relationship, it may be noted that, the Constitution of India does not separate the State from the Religion. It does not set up a
wall between them, it rather breaks the 'Wall of Separation' between the State and Religion. The State in India, often intervenes in the religious matters, such as financial administration of religious denominations, entry of Harijans in the Hindu Temples, and the modification of Personal Laws etc. The State in India is not prohibited from granting aid to the educational institutions which require to impart religious instructions. However, the Indian Constitution makes India a 'Secular State'. 'Secular' in the sense that, it does not provide for an official State-Religion and guarantees religious freedom to individual as well as to religious institutions. The State does not give preference to one religion as against another religion.

**Sovereignty of the People:**

The Constitution of India vests the sovereign power in the people and not in God, or in the high Priest of any religion. Similarly, the laws are passed by the Parliament elected by the people and they do not require any divine sanction. The Constitution of India does not prescribe any religious test for holding the office as
the Head of the State, as it is prescribed in the United Kingdom, Pakistan, Sweden, Syria, Thailand etc. The sovereignty of the people is expressed in the principle of universal adult franchise irrespective of religion, caste, creed, region etc.

Challenges to Secularism :-

The Concept of Secularism as embodied in the Constitution of India, is the product of India's own political, social and religious, conditions and it is to be implemented in the Indian Society which is full of diversities and which is basically religious. The majority of the people of India are superstitious and obscurantist. In India, there are many castes and religions which have been exploited by the politicians of different political even parties, after the independence of India. As a result of this, Indian Secularism is confronted with many challenges such as communalism, casteism and obscurantism etc., and there are many inconsistencies in it.

Suggestions :-

The answer to the challenges to Indian Secularism
and the inconsistencies in it can be found in building
up a Secular Society in India. It means that a society
will be based on Secular values of life and the social
life and the institutions in the society will be free
from the hold of religion. The Secular Society can be
created through Secularization.

There is also a need to amend the Constitution, so
as to make it more Secular in character. The Constitutional
provisions, especially Articles 15(4) and 16(4) by which,
the State can make special provisions for reservations of
appointments or posts on the basis of caste, and the
Articles 330 to 333 which provide for the representation
and reservation on the basis of religion and caste in
the Lok Sabha and Legislative Assemblies of the States,
need to be amended. The policy of 'Protective Discrimi-
nation' and 'Reservation' should not be the permanent
feature of the Indian Secular State. It is also essential
to accept the Concept of Secularism as a social philosophy
rather than as a mere political ideology. For this, the
people should learn to separate the public life and poli-
tics from religion and caste. The factors like the Edu-
cation, with a Secular bias, the Secular attitude on the
part of the people and the persons in the Government, the acceptance of modernization in every sphere of life, the industrialization and economic growth are also needed to eradicate the threats to the Indian Secularism.

Thus, for Secularism in India, only the Secular Constitution and the Secular State is not enough, a Secular Society is indispensable. In the absence of 'Secular Society', the Concept of Secularism which is enshrined in the Constitution of India, would be merely a theoretical and legal concept.

**Significance and Relevance of Secularism:**

Secularism is of the great significance in view of India's social, economic and political frame work. Secularism can meet the demands of a multi-religious, multi-culture, multi-caste and multi-lingual society like India. Secularism is essential for fostering ties between people of different communities in India. It seems to be the most effective cementing force in this context. The Concept of Secularism is also relevant to the process of nation building. It is a thread which has been binding us and keeping us united as a nation. Its increased influence
will eradicate communalism and sectarianism from the country. It is a powerful antidote against communal conflict in the country. Secularism is also important from the point of view of enjoying Fundamental Rights which are conferred by the Indian Constitution.

It is revealed from the experiences of many States in the world that the religion cannot be the basis of the State in modern times. Therefore, there is no alternative to Secularism. It is the only sound course to follow. And for this reason, any political party governing the country or aspiring for the power in future, accepts Secularism as its policy or claims itself to be Secular.

Thus, Secularism in India is the need of the Society and country as a whole. It is essential for peace, unity, integrity and progress of the nation. Therefore, the Secular character of the Indian Constitution and Indian State must be preserved at any cost.

Prospect of Secularism :

The future of Indian Secularism seems rather dim,
because of the predominance of communalism, casteism, obscurantism and other obstacles in the existing situation. It may, however, be pointed out that, there is no possibility of a theocratic State in India. This is because of the fact that, the minorities - Muslims, Christians, Sikhs and others would like the Indian State to be absolutely Secular in every respect as a guarantee for their protection and progress. The majority, the Hindus would also accept Secular State, as it is tolerant since antiquity. Certainly, there are some revivalist among the Hindus who believe and advocate the Concept of 'Hindu State', but they are small in number and their parties and organisations are not dominating in the politics of the country. Thus, there is no possibility of 'Hindu State' in India.

It is true that, there are certain communal parties and organisations which do not adhere to Secularism, but they are too weak to capture political power and declare India a theocratic State based on a particular religion.

Secularism in India has won the battle so far and
it will not be defeated in future. It must, however, be noted that Secularism in India is a basic aspect of democratic State, and its success depends upon the strength and weakness of democracy in India. The strength of democracy itself depends upon the realization of the values of liberty, equality, and fraternity in the life of the people. In this sense, it is startlingly true that democracy in India also is not yet safe.

The recent unfortunate happenings in the Punjab, Assam, Gujarat, Madhya Pradesh and other States as well as the Union Territories in India have created a grave threat to Indian democracy. Like Indian Secularism, the Indian democracy at present is confronting with many challenges such as regionalism, separatism, linguism, casteism, communalism, terrorism and foreign aggression. These challenges can be eradicated by building up a 'Democratic' and 'Secular' Society in India. Certainly, this is not an easy task, and it can not be left to the Government alone. The earnest endeavour by both, the Government and the people is needed to safeguard the Secular Democratic State in India.