

IMPORTANCE OF SECULARISM IN MODERN INDIA

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ABSTRACTS

The Republic of India was also declared to be secular and socialist. Since then, the following held to be the basic features of the constitution. These are the chief goals to be achieved and the various Articles of the Constitution are the means or the methods by which the Republic is to keep and continue its above attributes and the goals set for it. It is argued that secularism was thought fit to be made a part of the Preamble in 1949, It may be said that it was probably because of the connotation of the word “Secular” in USA Constitution, this idea was brought forward for discussion that the state shall have nothing to do with religion. It is accepted as true that in Indian conditions all person were guaranteed the freedom of religion the religious practices and a few rights were also given to religious denominations in Articles 25 to 28. Accordingly, all religions were to be treated equally and discrimination on the basis of religion was prohibited.

Keywords : Democracy, Constitution, Sovereign, Republic, Secularism, Preamble , Socialist

INTRODUCTIONS:

“It would thus be clear that constitution made demarcation between religious part personal to the individual and secular part thereof. The state does not extend patronage to any particular religion. State is neither pro-particular religion nor anti-particular religion. It stands aloof, in other words, maintains neutrality in matters of religion and provides equal protection to all religions subject to regulation and activity acts on secular part”. It is really true that matters which are purely religious are left personal to the individual and the secular part is taken charge by the state on grounds of public interest, order and general welfare.

Role of judiciary – It cannot be denied that the role of judiciary in a democracy is well - defined. It has to ensure that the legislature does not exceed its authority in enacting the laws of the land and that the Executive does not exceed its authority as conferred on it by the legislature. The Supreme Court of India. In S.R. Bommai’s case, justice Jeevan Reddy has observed about

secularism that “it is a constitutional goal and a basic feature of the constitution. Any step, inconsistent with the constitutional policy, is, in plain words, unconstitutional.” In *M. Ismail Feroqui Vs Union of India* in which *Ayodhya Acquisition Act, 1993* was challenged, it is held that “The Preamble of the Constitution read in particular with Articles 25 and 26 emphasizes this aspect and indicates that it is in this manner, the concept of secularism embodied in the constitutional scheme as a creed adopted by the Indian people has to be understood while examining the constitutional validity of any legislation on the touch stone of the touch stone that one of the challenges to the *Ayodhya Acquisition Act, 1993*, mainly by the Muslims was that its provisions were biased in favour of the Hindus and against them and that these were hit by secularism as the basic feature of the constitution.

It is regarded as certain that the judiciary alone can enforce secularism in India. It is reliable to assert that scheming politicians can go to any extent for their political gains and so every legislation will have to be tested on the touchstone of secularism and law based on the religion of an individual called the personal law and Article 30(1) will have to be discarded. It is unfortunate that the Supreme Court had restored to the Shariat Law in its decision in the case of the *Mohd. Ahmad Khan Vs. Shah Bano*.

METHOD / PROCEDURE

The Government is bound by several restraints in handling employees and is guided by the provisions of the constitution. It has to administer justice and fair play and avoid discrimination. The government has to ensure that employees behave themselves, enforce discipline and promote loyalty for the smooth conduct of public administration, prevent corrupt practices and punish erring employees through appropriate disciplinary measure. In disciplinary proceedings not only justice must be done, but also it must be seen to have been done and punishment has to be corrective, constructive and according to the law against the offence. The right of appeal has to be honoured and to ensure fair trial in an appeal and speedy decisions, the Central Government have set up Administrative Tribunals under an act of parliament. The Indian Constitution treats secularism not only as a matter of structures and provisions but also as an aspect of freedom and way of life. It is unquestionable that the Supreme Court not only set out the parameters, meaning and contents of secularism but also shaped its scope and limits through its decisions on issues under Articles 25 – 28 related to freedom of religion, management of temples financial aid to religious minority institutions, reform of personal laws, cow-slaughter, religious processions, reconstruction of places of worship from public fund etc. It can be said with any certainty that Indian judiciary carried paramount

significance in shaping Indian secularism. It is worth-reiterating that religious tolerance, equal treatment of all religious, races and casts and protection of their life and property and of the places of their worship have been held to be an essential part of Indian secularism. It is certain that in the eyes of the state, all are equal and all are entitled to be treated equally. The court also forbids the mixing of religion with any secular activity of the state. No doubt, but in fact, the acceptance of this, goal of secularism is our cardinal faith and a necessity for unity, integrity, universal brotherhood and humanism. There is no reason to doubt, the Supreme Court has disapproved the use of fraudulent methods for conversion, uphold the right of propagation and opined that the right to propagate does not mean the right to convert as the Article 25(i) guarantees “freedom of conscience” to every citizen. So far as propagation through religious processions is concerned, the Supreme Court held the right to take out religious processions with music on roads and highway subject only to (a) any order of the local; authorities regulation traffic, (b) any direction of the Magistrate under any law and (c) the rights of the public. It is undeniably true and the right to freedom of religion is not absolute. It is not every aspect of religion that has been protected, nor has the constitution provided that every religious activity cannot be interfered with what the state protects are religious faith and belief and religious practices which are contrary to public order must allow priority to the good essence of his religious but many regulate activities which are economic, commercial and political in their character though they are associated with religious practices. Religious practices have been classified according to their essential or non-essential nature in order to deny constitutional protection to the non-essential, if they came into conflict with public good. In spite of that, the sacrifice of a cow has been held not to be an essential part of the religion of the Muslims and so its prevention did not amount to an infringement of religion. The Court, however, held that ban on the slaughter of cow or she buffaloes, after they ceased to be capable of yielding milk or breeding or working as draught animal was not in the interest of general public and was invalid. It is quite decided that minorities are not entitled to establish and administer educational institutions for their exclusive benefit, still the Supreme Court recognized the right of the state to regulate the standard of education and allied matter. The Court however, upheld the right of minorities to set-up educational institutions of their choice subject to the state’s right to prescribe regulatory provisions, if they seek the state recognition.

TEST OF SECULARISM AND EFFORTS TO ENFORCE SECULARISM

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legislation will have to be tested on the touchstone of secularism and law based on the religion of an individual called the persona law and Article 30(1) will have to be discarded. It is unfortunate that the Supreme Court had restored to the Shariat Law in its decision in the case of the Mohd. Ahmad Khan Vs. Shah Bano and upheld the Muslim Divorced Women's Protection Act mainly on the basis on the personal law of Muslims. It is known to be true that the Indian penal Code and the Cr. P.C. have been enforced in India since long by the British Government, unmindful of religious laws and practices on these matters and now these laws are accepted by all. The same may be said in case code which will develop as a common code on the basis of secularism. It is undoubtedly true that secularism is absolutely essential in such a country as India with religious and cultural diversities for democratic nation- building and promotion of national integration. The first constitutional document speaks about "equal treatment of all religions" when the British Government took over the governance of the country.

CONCLUSION

The Courts in British India followed this policy through various judgments and promoted a view which protected the right to religion of the people. The promoted a view which protected the right to religion of the people. The entire life and teachings of Vivekanand and Gandhiji embodied the essence of secularism Gandhiji's leadership of Indian National Congress and his emphasis on the social, political and religious unity of different communities helped to lay the foundation of secular state. Pt. Nehru also wanted to establish a secular state based on justice and equality and regarded secularism as the essential feature of a modern democratic society. In Keshava Nand Bharathi. The Constitutional bench of 13 judges declared the term "secularism" as the fundamental feature of the constitution. It is evident to all that the Supreme Court of India is as firm as rock in the defence of secularism and the court explained secularism several times in a number of decisions as a fundamental law of the land and the very basis of the Indian Constitution. It is fairly admitted that the essence of secularism is non-discrimination of people by the state on basis of the religious differences. The state on the basis of the religious differences. The state followed the policy of religious toleration which now forms the foundation of Indian secularism. The framers of the constitution of India contemplated a secularism which was the produce of India's own social experiences and genius. It is beyond all doubt that secularism in India today is in crisis and the secular character of the Indian democracy is under challenge and threat.

BIBLIOGRAPHY / REFERENCES

- Rethinking secularism By carig Calhoun, Mark Juergen Smeyer , Jonathan Vanaterpen oxford University Press 2011
- The Headscarf Controversy : Secularism and Freedom of Religion by Hila Elver O.U.P - 2012
- Secularism and Religion – Making By Markus Dressler, Aruine – pals
- Why I am not a Seculars – Mandair By William E. Conndly University of Minnesota 1999
- Indian Constitution Press 1949..

