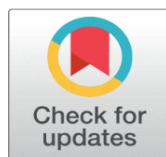


RE-EVALUATING THE CORE PRINCIPLES OF SECULARISM IN CONTEMPORARY INDIA

Arun V Unnithan ¹, Dr. S. T. Naidu ² 

¹ Research Scholar (Part time external) School of Law, Vel-Tech Rangarajan Dr Sagunthala R&D Institute of Science and Technology, Avadi Chennai

² Research Supervisor & Associate Professor of Law, School of Law Vel-Tech Rangarajan Dr. Sagunthala R&D Institute of Science and Technology, Avadi Chennai



Corresponding Author

Dr. S. T. Naidu, drsadem@veltech.edu.in

DOI

[10.29121/shodhkosh.v5.i7.2024.3987](https://doi.org/10.29121/shodhkosh.v5.i7.2024.3987)

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Copyright: © 2024 The Author(s). This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

With the license CC-BY, authors retain the copyright, allowing anyone to download, reuse, re-print, modify, distribute, and/or copy their contribution. The work must be properly attributed to its author.



ABSTRACT

Secularism, a foundational pillar of India's democracy, has played a pivotal role in maintaining the nation's pluralistic fabric. However, recent socio-political developments necessitate a re-evaluation of its core principles to ensure fairness, inclusivity, and impartiality in governance. This study explores the historical context of secularism in India, its constitutional mandates, and the challenges posed by the politicization of religion and judicial ambiguities. Through a comparative analysis of Indian and Western secular frameworks, the paper emphasizes the need for policy reforms and judicial clarity. Ultimately, it advocates for a balanced approach where state neutrality and protection of minority rights co-exist, reinforcing the constitutional ethos of secularism in modern India.

Keywords: Secularism, India, Constitutional Principles, Minority Rights, Governance, Judicial Clarity, Pluralism

1. INTRODUCTION

Secularism, the foundational principle that advocates the separation of religion from state affairs, has been a cornerstone of India's democratic framework since its independence. However, in contemporary India, the relevance and application of secularism are increasingly being questioned amidst changing socio-political dynamics, religious polarization, and evolving interpretations of national identity. Originally enshrined in the Constitution of India, secularism was intended to ensure equal treatment of all religions by the state, fostering harmony in a country marked by diverse faiths and cultural traditions. Yet, as the nation faces growing challenges in religious tensions, the political influence of religious groups, and the rise of identity politics, the very essence of secularism has come under scrutiny. This is to critically examine the core principles of secularism in India, reassessing its practical implications and challenges in the current socio-political climate. By analysing the evolution of secularism in India and its interaction with

religion, governance, and public policy, this exploration aims to provide a nuanced understanding of how secularism functions in a pluralistic society, and whether its current form continues to serve the ideals of equality and justice envisioned by India's founding fathers. In doing so, the paper will also delve into the tensions between secular ideals and the lived experiences of religious communities, questioning whether secularism in contemporary India needs recalibration to address the complexities of modern Indian society.

Secularism is not about distancing from religion but ensuring equal treatment of all religions.”
- Atal Bihari Vajpayee

1.1. THE HISTORICAL CONTEXT OF SECULARISM IN INDIA:

Secularism, as envisioned by India's Founding Fathers, was shaped by the unique historical, cultural, and social realities of the country. The Indian independence movement was led by figures like Mahatma Gandhi, Jawaharlal Nehru, and Sardar Patel, who emphasized the importance of religious tolerance and pluralism as central to the vision of an independent India. They understood that India's unity could only be preserved if the state refrained from favouring any particular religion, thus creating a secular framework where all religious communities could coexist peacefully¹

The Indian Constitution, adopted in 1950, explicitly enshrines the secular nature of the state. Article 25 grants citizens the freedom of religion, while Articles 26, 27, and 28 prohibit the state from establishing any religion, collecting taxes, or interfering with spiritual practices. Secularism, in this sense, was understood not as the complete separation of religion from public life, but as a mechanism to ensure that the state would not interfere in religious matters or discriminate against any religion²

India's secularism, unlike the Western model, which advocates a strict separation of church and state, is often described as 'positive secularism.' This concept, particularly championed by Nehru, recognizes the importance of religion in the lives of individuals but ensures that the state remains impartial in its dealings with religious groups. The Indian state is expected to accommodate all faiths, and in return, religion is expected to stay out of the political sphere. This model aimed to protect the rights of religious minorities and prevent any one religion from gaining undue political power.³

1.2. CHALLENGES TO SECULARISM IN CONTEMPORARY INDIA:

Challenges to secularism in contemporary India arise from a complex interplay of political, social, and legal factors that threaten the constitutional principle of state neutrality in religious matters. Religious polarization and communalism, often politically exploited for electoral gains, have led to increased tensions and violence, undermining national unity. The rise of cultural nationalism, particularly ideologies like Hindutva, equates national identity with a specific religion, marginalizing minority communities and eroding pluralism. Political parties frequently use religion for vote-bank politics, while personal laws based on religion create disparities in civil rights, contradicting the secular ideal of equal treatment. The absence of a Uniform Civil Code (UCC) further deepens these inequalities by allowing different legal standards for different religious groups. Educational and institutional biases, including the distortion of historical narratives in school curricula, promote sectarian thinking rather than fostering secular values. Additionally, digital misinformation and hate propaganda on social media platforms have amplified communal tensions. Judicial interpretations sometimes reflect majoritarian sentiment, leading to public perception of bias, as seen in cases like the Ayodhya verdict. Religious intolerance, hate crimes, mob violence, and attacks on places of worship have become more frequent, posing serious threats to India's secular fabric. Addressing these challenges requires stronger legal frameworks, depoliticization of religion, educational reforms, and a renewed societal commitment to pluralism, equality, and constitutional values.⁴ Despite its constitutional promise, secularism in India has been increasingly questioned in the last few decades. Several factors have contributed to the erosion of secular principles, including political polarization,

¹ Bipin Chandra, *India's Struggle for Independence* (New Delhi: Penguin Books, 2007), p. 122

² Constitution of India, Articles 25-28.

³ Nehru, Jawaharlal. *The Discovery of India* (New York: Meridian, 1994), p. 256

⁴ The Constitution of India emphasizes secularism under Articles 25-28, with the 42nd Amendment explicitly affirming India's secular character. However, the lack of a Uniform Civil Code and the persistence of personal laws based on religion have led to inconsistencies in the application of secular principles.

the rise of religious nationalism, and the failure of secular policies to address the concerns of religious minorities effectively.

1.3. THE RISE OF RELIGIOUS NATIONALISM:

The rise of religious nationalism, particularly in the form of Hindutva (Hindu nationalism), has been one of the most significant challenges to secularism in India. Political groups, particularly the Bhartiya Janata Party (BJP), have increasingly employed religious symbolism to rally support, often positioning Hindu identity as central to the concept of Indian nationalism. Hindutva advocates assert that India is a Hindu nation, and the idea of a secular state is seen as an import that undermines India's 'true' cultural identity.⁵ The increasing influence of religious nationalism has led to the perception that secularism in India is being undermined, with the state increasingly seen as sympathetic to the interests of the Hindu majority. This shift has raised concerns about the marginalization of religious minorities, particularly Muslims and Christians, and has led to a growing sense of alienation among these communities. The rise of majoritarian politics has led to questions about whether secularism can continue to coexist with the growing prominence of religious identity in political discourse.⁶

1.4. POLITICAL MANIPULATION OF SECULARISM:

Another significant challenge to secularism in contemporary India is the manipulation of the concept by political parties. In the post-independence period, political parties across the spectrum have used secularism as a tool to garner support from various religious communities. However, over time, this has led to the politicization of secularism, where the state's commitment to religious neutrality has been compromised.⁷ Political parties have often resorted to appeasing religious groups to win elections. In some cases, secularism has been used as a shield to justify the state's intervention in religious affairs, often with the intent of maintaining political power. For instance, in regions with a large Muslim population, secular rhetoric has been used to mobilize Muslim voters, while at the same time, the state has failed to address the concerns of the minority groups effectively. Similarly, in areas with a strong Hindu presence, secularism has been diluted to appease Hindu sentiments, further eroding the essence of impartiality.⁸

1.5. RELIGIOUS VIOLENCE AND COMMUNAL TENSIONS:

Religious violence and communal tensions have been a persistent feature of Indian society, and they represent a significant challenge to the country's secular fabric. The riots that occurred during the partition of India in 1947, and more recent incidents such as the Babri Masjid demolition in 1992 and the Gujarat riots in 2002, have shown the dangers of religious intolerance and the failure of the state to protect its citizens from communal violence.⁹ In the context of secularism, the state's inability to prevent or adequately address such violence raises questions about its effectiveness in maintaining religious harmony. When the state fails to act decisively in the face of religious violence, or when it appears to tacitly support one group over another, it undermines the very foundations of secularism. The ongoing struggles of religious minorities in India, particularly Muslims, Christians, and Dalits, to secure equal rights and protection under the law, further expose the limitations of secularism in its current form.¹⁰

1.6. THE ROLE OF RELIGION IN ELECTORAL POLITICS:

Religion has become a dominant factor in electoral politics in India. Political parties often use religious identities to build vote banks, and religious leaders are regularly involved in the political process. This trend undermines the principle of secularism, which requires the separation of religion and politics.¹¹ The rise of religion-based vote banks has led to the

⁵ Giri, Anupama. "Hindutva: The New Face of Religious Nationalism in India." *Journal of Political Studies*, 2018.

⁶ Sharma, Ramesh. "Secularism and Identity Politics in India." *The Hindu*, 2017

⁷ Thomas, William. "The Politics of Secularism in India: An Overview." *Asian Political Review*, 2016.

⁸ Manan, Shubhangi. "Politicization of Secularism and Religious Identity in India." *Indian Political Science Review*, 2020

⁹ Banerjee, Bina. "Communal Violence and Secularism in India: A Historical Perspective." *Economic and Political Weekly*, 2010.

¹⁰ Jaffrelot, Christophe. "The Politics of Secularism in Contemporary India." *Journal of Indian Politics*, 2015.

¹¹ Lelyveld, David. "Religion in Indian Politics: Changing Contexts." *Harvard South Asia Review*, 2013

instrumentalization of religious identities for political gain. In some cases, this has resulted in the exploitation of religious sentiments to further political agendas, leading to heightened polarization. The use of religion in electoral campaigns, the establishment of religiously based political parties, and the increasing prominence of religious figures in politics have all contributed to the diminishing role of secularism in Indian politics¹².

2. THE FUTURE OF SECULARISM IN INDIA

The future of secularism in India will depend on the nation's ability to uphold its constitutional commitment to religious neutrality and pluralism amid rising challenges. As India continues to diversify and modernize, the need for a secular framework that treats all citizens equally, regardless of their faith, remains crucial for social harmony and democratic integrity. However, the growing influence of majoritarian ideologies, communal tensions, and the political exploitation of religion threaten to erode the foundational principles of secularism. The future requires a more robust legal framework, including the implementation of a Uniform Civil Code (UCC) to ensure equal civil rights for all citizens, irrespective of religious identity. Educational reforms promoting inclusive history and civic education can help counter sectarian narratives and foster interfaith understanding from an early age. Moreover, a vigilant judiciary committed to constitutional values must play a proactive role in safeguarding secularism by resisting majoritarian pressures and ensuring unbiased interpretations of law. Civil society and grassroots movements will also be pivotal in advocating for secular values, challenging hate speech, and promoting dialogue between communities. Technology, though often a tool for spreading misinformation, can also be harnessed to promote tolerance and factual awareness. Ultimately, the future of secularism in India depends on a collective commitment to uphold justice, equality, and cultural coexistence, ensuring that no community feels marginalized and the nation remains true to its pluralistic ethos.¹³ Given the challenges secularism faces in contemporary India, it is crucial to reconsider its future trajectory. There are several ways in which the core principles of secularism can be re-evaluated to better address the current socio-political realities.

2.1. REDEFINING SECULARISM IN THE CONTEXT OF RELIGIOUS DIVERSITY

While the current understanding of secularism focuses on ensuring the neutrality of the state, it may be necessary to redefine secularism in a way that recognizes the importance of religious diversity and pluralism as central to India's identity. Secularism should not be seen merely as the separation of religion and state, but rather as a framework that actively protects the rights and freedoms of all religious communities, ensuring that no group is marginalized or excluded from the political process¹⁴.

2.2. STRENGTHENING THE LEGAL FRAMEWORK:

In order to make secularism more effective, there is a need for a stronger legal framework that enforces religious neutrality. This could include stricter laws to prevent hate speech, communal violence, and discrimination based on religion. Legal provisions that protect the rights of minorities, ensure equal representation in political and economic spheres, and address issues of religious-based violence should be further strengthened.¹⁵

2.3. PROMOTING INTERFAITH DIALOGUE AND TOLERANCE:

To foster a more inclusive society, there is a need for greater efforts to promote interfaith dialogue and tolerance. Education and public discourse should focus on creating greater understanding between different religious communities and addressing misconceptions and prejudices. Secularism should not only be a top-down political policy but also a cultural ideal that is embraced by individuals at the grassroots level.¹⁶

¹² Agarwal, Amit. "Electoral Politics and Religion in Contemporary India." *Journal of South Asian Politics*, 2019

¹³ The Preamble of the Indian Constitution, reinforced by the 42nd Amendment (1976), explicitly affirms India as a secular nation, emphasizing the principles of justice, liberty, equality, and fraternity irrespective of faith.

¹⁴ Gupta, Anirban. "Religious Diversity and Secularism: A Revaluation." *The Indian Journal of Political Science*, 2018.

¹⁵ Varma, Usha. "Legal Reforms and Secularism in India." *Journal of Constitutional Law*, 2021.

¹⁶ Singh, Nikhil. "Interfaith Dialogue and Tolerance in India." *Indian Social Review*, 2019

2.4. REFORMING POLITICAL SECULARISM

Political parties must move away from using secularism as a tool for electoral advantage and instead adopt a more genuine commitment to religious neutrality. This could be achieved by ensuring that political discourse remains focused on issues of governance and development rather than religious identity. Politicians must resist the temptation to use religious symbolism and rhetoric for political gain and instead focus on policies that benefit all citizens, regardless of their religious background¹⁷.

3. CONCLUSION

Secularism in India is at a crossroads. The principles that once formed the bedrock of India's democratic framework have been challenged by rising religious nationalism, political manipulation, and religious violence. However, secularism remains crucial to India's identity as a pluralistic democracy. Re-evaluating and adapting secularism to contemporary realities is essential to ensuring that it continues to serve the needs of all citizens, irrespective of their religious affiliations. The future of secularism in India lies in creating a more inclusive, tolerant, and just society, where religious diversity is celebrated and protected. This will require not only political will but also a cultural shift towards understanding and embracing the pluralism that defines India's rich heritage. As India moves forward, the task is not to abandon secularism but to strengthen it in ways that reflect the complexities and challenges of the 21st century.

In contemporary India, re-evaluating the core principles of secularism has become imperative to address the evolving socio-political landscape and safeguard the nation's pluralistic ethos. While secularism, as enshrined in the Indian Constitution, advocates equal treatment of all religions and a separation between the state and religion, its practical implementation has faced significant challenges. Communal tensions, political exploitation of religious identities, and the marginalization of minority communities have highlighted the need for a renewed commitment to secular values. To ensure a more inclusive and equitable society, secularism must be reaffirmed not merely as the absence of religious favouritism but as an active principle that guarantees equal protection, respect for diverse cultural practices, and safeguards against discrimination based on faith. Achieving this requires consistent legal reforms, including a balanced approach to the Uniform Civil Code, as well as robust judicial oversight to prevent majoritarian influences from undermining constitutional guarantees.

The essence of secularism in India must be rooted in mutual respect, empathy, and a conscious effort to bridge interfaith divides. Educational reforms should emphasize civic values, critical thinking, and historical accuracy to counter sectarian biases from an early stage. Additionally, media and digital platforms must be held accountable for promoting harmony rather than amplifying religious tensions. The active involvement of civil society, scholars, and grassroots movements is essential to creating a collective consciousness that values diversity and upholds constitutional morality. True secularism in India should empower every citizen, irrespective of their beliefs, to participate fully in the democratic process without fear of prejudice or exclusion. By reasserting these core principles, India can continue to thrive as a vibrant, pluralistic democracy where unity in diversity remains its defining strength.

¹⁷ Kumar, Sanjeev. "The Reform of Political Secularism in India." *Political Science Quarterly*, 2017.