

Indian Secularism

What is the issue?

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- In the recent judgment in *Abhiram Singh v. C.D. Commachen* Supreme Court rejected the identification of a secular state with any one particular religion or non-religious philosophy.

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- But it injudiciously concluded that neither religion nor state can play any role in each other's affairs.

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What is secularism?

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- Secularism is the principle of the separation of government institutions and persons mandated to represent the state from religious institutions and religious dignitaries.

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- A secular state must not identify with any one religion or be controlled by it.

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- It is because such identification accords privileged recognition to one religion, which violates the principle of equality

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What are the types of Secularism?

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Different states across the world achieve secularism in different ways as follows.

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- By annihilation of religion. e.g practised in several communist countries.

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- By distancing itself from religion by not recognising any religion at all. e.g practised in U.S
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- By considering religion a strictly private matter but also punishing the practise of religion in the state institutions. e.g practised in France.
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- By not allowing religion to influence legislations or goverment, but being affiliated to one religion by providing annual grants. e.g practised in Britain
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How is Indian Secularism different from the rest?

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- A distinctive feature of Indian secularism is that it rejects the 'wall of separation' between state and religion but demands that the state keep a 'principled distance' from all religions.
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- The Indian Constitution allows the state to play a legitimate role in the affairs of religion. e.g Article 25 permits the state to regulate/restrict the secular activities of the religion
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- Likewise, it permits religious considerations to sometimes enter governance.
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- Unlike the ideology of the American wall of separation, in India legitimate principled intervention of the state in religion and vice versa is constitutional.
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- The two are distanced but not completely separated.
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Why the religion should be engaged in governance?

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- State intervention does not always prohibit but rather facilitates the free exercise of religion.
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- The recognition of a religious community is a positive act on the part of the

state.

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- e.g Granting rights to religious minorities is a form of state intervention so that they can build and maintain their own educational institutions, something large religious communities routinely do without the need for special rights.

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- All religious groups have equal opportunity to avail of subsidies by the state.

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- The Indian state decides which special days associated with religion are to be declared national holidays.

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- All such decisions are based on religious considerations and are integral to governance.

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- If hierarchical caste structure and patriarchy are intrinsic to the doctrine and practice of religions, then the state can legitimately interfere into religious matters through constitutional ban on untouchability, the opening of temples to all Hindus, judicial reform of Personal Laws etc.

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- The values like freedom, equality and social harmony that prohibit the state from encroaching upon religion also allow permit the entry of religious considerations into the state.

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- It requires that the state has a value-based engagement/disengagement with religion.

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- Therefore Indian courts must endorse and adopt principled distance and drop the theory of strict separation.

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Source: The Hindu

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