

2016
Criterion III

3.4.2

Secularism in India : Constitutional and Judicial Conceptions¹

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Preamble to the constitution of India signifies that India is a secular state² but in India, the word secular finds no parallel or matching word in Hindi language to convey its meaning in the sense accepted by the western world. Hindi words like 'dharam-nirpekshta', 'pant-nirpekshta' or lokvaad used by various Indian jurists interchangeably with the word 'secular' stands for a particular meaning and does not convey the meaning as understood by the West.

The concept of secularism can be interpreted into multifarious aspects and each will suit the given situation. It is therefore, yet not any universally accepted definition of secularism has been made by any scholar across the world at large. Secularism in India as a concept is different from the concept of secularism practised in the western world.³ Indian constitution by the 42nd Constitutional Amendment Act, 1976 include the term 'Secular' in the official description of the State. In a deeply religious society like ours it is not the 'sacred' which is problematic, but it is the term 'Secular'.⁴ Accepting the ideal of a secular state, Indians retain the right to interpret the word 'secular' in the way they seems fit- from a state that knows no religion to a state that recognises all religions equally, to a state that while predominantly Hindu guarantees the rights of other religious groups⁵.

Secularism As Understood In The West

Let us first examine the concept of secularism as understood by the west. All secular states have one thing in common: they are neither theocratic nor do they establish a religion. However, in most commonly prevalent conceptions, inspired mainly by the American model, separation of religion and state is understood as mutual exclusion: the state will not intervene in the affairs of religion and, in the same manner, religion will not interfere in the affairs of the state⁶.

There is disagreement about what this secular state implies—whether it implies a severe aloofness from religion, a benign impartiality toward religion, a corrective oversight of it, or a fond and equal indulgence of all religions. But there seems to be a general agreement that public life is not to be guided by religious doctrines or institutions⁷.