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## **PSEUDO SECULARISM AND TOLERANCE IN INDIAN POLITICAL, RELIGIOUS AND SOCIAL LIFE – A CRITICAL STUDY**

Dr. D. Kanan<sup>1</sup>

### **ABSTRACT**

*Indian history is basically traced from the religious fundamental theological insight background. Under ruler dynasty the sovereign has believed religious faith and disseminated such faith to their subjects. The Ancient Indian political, religious and social life of the society utterly under the control of theological ideology an its perspective. The word Secularism might be a forerunner of a welfare state which protect the pioneering concept of social justice. When philosophers were founded the phenomenal social justice approach of secularism shall be a root cause for evolution of democratic welfare state. Unity and Diversity makes India as secular state and the Nobel text of Constitution of India assent such secular views through govt. and the people of India. Right and Left thought in world influenced Indian socio – political life too. The majority socio – religious society is dominating others by way of political power. The political thought in India is recently following or adopting pseudo secularism thought. The Indian society has experienced much bitter tolerance in their social life like lynching etc., some section of people rights might be under unruling and their human values are under question. The judiciary is safeguarding only pseudo secularism in the name of secularism. Indians are belonging several religious practice but political colours are unchanged in their respective religious faith. Social justice and human rights are to be vision and mission of younger generation and such ideology to be inculcated in every corner of social life in India.*

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**KEYWORDS**

*Secularism, Pseudo Secularism, Welfare State, Socio Religious life, Constitution of India*

**I. INTRODUCTION**

In a Society religion has been influenced with every corner of socio economic and political activities. Basically, people believed in certain faith and belief based on their clan and social groups which created as religious colour and its own rituals values. Such religious faith and belief more fully followed through customary practice under the supervision of their own godman called priest in which these godman has dominated the entire social group by the tool of superstitious thought such unbelievable thought was against human values. In the ancient times, the world was ruled by monarchy or king under the guidance of priest. He advised in every act of country's ruling. The divine or theological perspective form of kingdom was there till the democratic secular thought evolved under human rights values in socio political life of the people.

Normally literature is the only way to change the next generation vision and mission. The philosophers have contributed the social transformation through their innovative thoughts by revolutionary valuable literature. After the literature disseminated human values to the people, they raised voice against the sovereign and agitated for their basic and fundamental human rights. The people agitation leads to revolution so the world has experienced the Revolution like French Revolution (1794), American Revolution (1775) and United States of Soviet Russian Revolution (1917) these have stopped the religious oppression in the world. In the Indian perspective religion was part and parcel of their social life. The so-called Manu text described social sect under caste system every caste may have their own religious sub sect

practice. When the Mohammedan came to India religious conversion happen the converted people were following the religion of Islam. So, two major religions were in India then English period of incursion in India they spread their own religion called Christianity only few people of who were gone for conversion of Christianity. Not only these three major religions were following in India moreover certain religious philosophers disseminated their own thoughts namely Buddhism, Jainism and Sikhs were established.

Certain religious leaders participated in the Indian freedom movement called Bakti Movement contributed their thoughts for independence India. In India people are following various forms of religion like inter religion and intra religion within their groups or sect. Every state shall adopt non-religious policies towards their functions of the state such state is called as secular state. According to Pandit Jawaher Lal Nehru secularism is a process of Indian nationhood which develops integrity of the people of India. Where in the Indian society have different religious sect and various linguistic groups and caste system. Unity and Diversity is a part of our democratic country. The social justice is one of the bedrock our constitution and secularism is also an important pillar of our nation. In this paper firstly it describes religious background of Indian society secondly it significantly considers constitutional and legal aspects of non religious or secular form of safeguards provided to the Indian society thirdly it focuses on judicial perspective on adaptation of secular form of practice in India in the concluding part it critically analyses religious freedom and pseudo secularism in the Indian socio religious political life.

## **II. INDIAN SOCIETY AND ITS RELIGIOUS BASIS: SOCIO - RELIGIOUS LIFE**

The ancient Indian society is traced from the Vedic period such period people has followed Vedas and Upanidas. India is the oldest religious

cultural country in the world. Shastras and sutras were taught in gurukul education the religious practices were in the hands of a specific sect in the society. The religious education was the only education on that time and it was taught to them only others in the society are in a caste base system.

The Epic Ramayana and Mahabharata were the leading literature in the Indian socio religious life. These Epic were disseminated its stories through stage dramas and some other form of puppet shows. Incarnation was believed in the Hinduism and holy festivals were celebrated in the socio religious life of the Indian society. The varna system is the major setback for conversion into another religion. The varna or caste system is a part and parcel of socio religious life in the Indian society. People were treated unequally in the social life and their caste wise social structure made the people to engage their work under birth that is where the father who engaged the work the same to be done by his son such caste sin makes the poor as always poorer.

In the family life marriage is an endogamy structure during the marriage spiritual ceremonies performed by the priest and within the caste group marriage is solemnized where in inter caste marriage has been categorized under anuloma and prathiloma marriages. Anuloma means higher caste male marries lower caste female; prathiloma is a marriage between higher caste female and lower caste male though the inter caste marriage is not recognized under hindu religious system the former might be acceptable but the later never been accepted the child born from prathiloma called shandala they are lower than sutras. They have to do funeral cremation and other works. Where a hindu parent who does not have child they are allowed to take adoption through hindu religious procedure after performing dotta homa. So, the religion has played major role in every walk of the life in the ancient Indian society.

In the Medieval period of India the socio religious life of the people of India has influenced by the king dynasty like Gupta period for Hindus and Mughals period tracing religious practices in the Indian society. The religious conversion took place in the socio religious life of the Indian society. In spite of the caste system prevails in India yet another inequality appears in the society called class system that suppressed economic class lost their rights. The economically weaker section was targeted for religious conversion in the English colonial period. The literature was slowly transformed from fundamental conservative thought into English Western thought such literature disseminated knowledge to the people. Moreover, Buddhism, Jainism also influenced more on the socio-religious life of the Indian society.

### **III. CONSTITUTIONAL AND LEGAL SAFEGUARDS ON THE SOCIO-POLITICAL AND RELIGIOUS LIFE OF INDIAN SOCIETY**

In the post-modern era, India becomes the democratic socialist and republic country. Even though India has been declared as democratic country the word secular was not seen in the Indian constitution 1950 at its inception. The principles of secularism are being inserted in the Indian constitution in 1976 by 42<sup>nd</sup> constitutional amendment. A welfare state shall not follow any religion of its own and should be non-religious country towards their citizen. Everyone shall have freedom of religion, freedom of faith and belief and consciences.

The preamble of the Indian constitution is the basic structure of the constitution such basic structure cannot be amended so the principles of secularism are included in this part of the constitution. To promote the unity and integrity of people of India this amendment also made a change from unity of India into unity and integrity of India. The state shall strive to protect religious harmony among its citizens and maintain fraternity and brotherhood among every section of the Indian society.

According to Art.25 of the constitution of India, 1950 guarantees that all persons are equally entitled to freedom of religious consciences and right to profess, practice and propagate their own religion. The above-mentioned freedoms are subject to public order, health, and morality.

This article also gives a provision that the State can make laws: That regulates and restricts any financial, economic, political, or other secular activity associated with any religious practice.<sup>2</sup> That provides for the social welfare and reform or opening up of Hindu religious institutions of a public character to all sections and classes of Hindus. Under this provision, Hindus are construed as including the people professing the Sikh, Jain, or Buddhist religions, and Hindu institutions shall also be construed accordingly. People of the Sikh faith wearing & carrying the *kirpan* shall be considered as included in the profession of the Sikh religion.<sup>3</sup>

So, the oppressive religious group shall not over ride or dominate other minority group of religious people. Every one shall have equal freedom of religion and practice subject to certain conditions provided under this article.

According to Art.26 to 28 guarantees certain rights towards the administration of religious institution. Every religious denomination has the following rights, subject to morality, health, and public order. i) The right to form and maintain institutions for religious and charitable intents. ii) The right to manage its own affairs in the matter of religion. iii) The right to acquire the immovable and movable property. iv) The right to administer such property according to the law.<sup>4</sup> Art.27 guarantees that Freedom as to payment of taxes for the promotion of

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<sup>2</sup> Constitution of India, 1950

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

particular religion. Art.28 guarantees that educational institutions that are maintained by religious groups to disseminate religious instruction.<sup>5</sup>

Every state is maintaining its religious and charitable institution through its own law like in Tamil Nadu is having Hindu Religious and Charitable Endowments Act and Wakf Board. Yet another legal fence was created for the religious faith and belief the law relating to religion which is enacted in the Indian Penal Code, 1860 even before our independence. Chapter XV of the code provides penal provision for infliction of harm to religious faith or feeling.<sup>6</sup>

In the view of religious life of the Indian society the law is protecting the religious faith and belief either before the independence in India or in the present situation in India but the religious oppression would have been in persistence of the Indian society.

#### **IV. JUDICIAL TRENDS ON SECULARISM IN INDIA**

Indian Judiciary is the guardian of social justice in order to protect the constitutional values and its principles. From the inception of the judicial activism the Supreme Court of India has delivered several landmark judgements for the people of India with regard to their basic human values. In 1975, the Hon'ble Supreme Court has held the meaning of secularism in *Indira Nehru Gandhi v. Raj Narayan* case that State shall have no religion of its own and all persons of the country shall be equally entitled to the freedom of their conscience. The principle of religious tolerance was accepted by the Indian judiciary and interpreted the provision of Art. 25 and 26 in a view that the religious tolerance is not new to the Indian civilization so the secular form of govt. shall be in the nature of Indian Constitution.<sup>7</sup> According to the concept of freedom of religious practice without any favour to any

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<sup>5</sup> Ibid.

<sup>6</sup> Under Section 295, 295A, 296 to 298 of Indian Penal Code, 1860

<sup>7</sup> *Sardar Teheruddin v. State of Bombay* AIR 1962 SC 853



religion and non religious socio political aspects of matters the Supreme Court of India has viewed that the secularism might be part and parcel of the constitution and also the basic structure of that Nobel text held in *Keshvananda Bharati's Case*<sup>8</sup>.

In the *Ziyauddin Bukhari case*<sup>9</sup> where the Apex Court went on to providing an enunciation of the Secularism, under the context of philosophy, the court said that the role of a welfare state should be neutral in providing the benefit to its citizens and that it shall be the duty of the State to safeguard the interest of the citizens and that any kind of further disability is not imposed by the State which may hamper the life of any other citizen. In the *S. R. Bommai Case* the Supreme Court held that secularism is an integral part of basic structure and it is based on the principle accommodation and tolerance.<sup>10</sup>

In the international community the concept of tolerance is viewed under human responsibility to uphold human rights, pluralism (including cultural pluralism), democracy and the rule of law. It involves the rejection of dogmatism and absolutism. In the human rights perspective, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs. It affirms that the tolerance naturally diverse in their appearance, situation, speech, behaviour and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others.<sup>11</sup>

No act of a citizen is to be adjudged by any kind of community under

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<sup>8</sup> *Keshvananda Bharati v. State of Kerala* (1973) 4 SCC 225

<sup>9</sup> *Ziyauddin Bukhari v. Brijmohan Ram Das Mehra* (1976) 2 SCC 17

<sup>10</sup> Anmol Singh Khanuja (2020), *Judicial Interpretation of the Concept of Secularism in India*, *Lex Forti Legal Journal*, Vol. II Issue I, Pp12.

<sup>11</sup> Art.1 of Declaration of Principles of Tolerance, United Nations Educational, Scientific and Cultural Organizations (UNESCO), adopted on 16<sup>th</sup> November, 1995; [www.unesco.org](http://www.unesco.org)

the guise of protectors of law. It is the seminal requirement of law that an accused is booked under law and is dealt with in accordance with the procedure without any obstruction so that substantive justice is done.<sup>12</sup> Secularism under the Indian Constitution doesn't mean the Constitution of an atheist society but it merely means that all religions enjoy equal status without any kind of discrimination or any kind of preference.<sup>13</sup> Right to religion guaranteed by Articles 25 and 26 is not absolute or unfettered right to propagate religion which is subject to legislation by the State limiting or regulating every nonreligious activity. The right to observe and practise rituals and right to manage in matters of religion are protected under these articles. But right to manage the temple or endowment is not integral to religion or religious practice or religion as such which is amenable to statutory control. These secular activities are subject to State regulation but the religion and religious practices which are an integral part of religion are protected. It is a well settled law that administration, management and governance of the religious institution or endowment are secular activities and the State could regulate them by appropriate legislation.<sup>14</sup>

## V. CONCLUSION

Indian civilization was traced by the oppression class or the people those who have affordability to mould the pot in their own shape. When the faith and belief turned into superstitious the almighty was portrait with full of fear and against human values. According to secularism in Indian society is only a pseudo concept of secularism because the lesson taught to school children particularly in the NCERT focuses only oppression religion. Moreover, 79.8 percent of one religion has fully influenced in socio, religious and political life of Indian society.

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<sup>12</sup> *Thaseen S Poonawala v. Union of India*, (2018) 9 SCC 501.

<sup>13</sup> *M.P. Gopalakrishnan Nair v. State of Kerala* (2005) 11 SCC 45.

<sup>14</sup> *Indira Dattaram Patil and other v. Executive Officer, Shree Siddi Vinayak Ganapathy Temple Trust, Prabhadevi, Mumbai* 2005 (3) Bom.CR 1.

The Constitution guarantees that freedom of religion in the text only because in the caste-based society the inferior caste or lower caste is unable to enter the temple till now. If they wish to come out from such system, the conversion too not favour to such people because even other religion also is having differences in the religious and social life only name may change the social status never been changed. In the other side of nonreligious life, the state shall not provide sufficient safeguard to the atheist because the state is giving more importance to the oppression class for the benefit of vote bank. Where in a harmonies state might pass an order for entry in temples that was challenged before the court and the court also held that Article 26(b) of the Constitution gave the right to temple authorities to exclude persons from worshipping clashed with the power of the State under Art. 25(2)(b) of the Indian Constitution.

1. It is well known fact that the political life of the Indian society is gradually influenced by the oppression religion so the caste system that is father work to be done by the child and religious oppression has come again. It is gradually changing into pseudo secularism and the people faith and conscience might be unto position. Though the international community insist to adopt various human rights and dignity and equality nature of practice, the people in India may influence under fundamental thought and conservative opinion. Every person in Indian civil society should have basic education on human interpersonal relations and democratic secular philosophical ideology.