

EXPLORES INDIA'S RELIGIOUS FREEDOM AND HUMAN RIGHTS

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Abstract

A tight division of state and religion is one definition of secularism, which in accordance with the western conception of what secularism is. The situation in India, on the otherhand, in which religion plays a large part in the private lives of people, is really quite differently from that in the West. In India, people of different faiths are treated equally and there is no bias against any of them. In India, the ability to freely practice one's religion is regarded as one of the nation's basic rights, and it is illegal to show bias based on one's religious beliefs. In this study, an attempt is made to investigate a number of different views of secular in India, coupled with both the religious freedom that is guaranteed by the Indian constitution. In addition to this, it provides a general overview while simultaneously emphasizing the significance of religious tolerance and democracy in India.

Keywords: "Secularism, religious freedom, fundamental right, state"

In 1648, after the conclusion of 30 years of conflict in Europe, the word "secularization" was initially used for the first time. It describes the process through which the princes gained exclusive authority over the estates once held by the Church. Just after events of the French Revolution, in the latter part of the year 1789, Tallierand made the announcement to "the French National Assembly" that almost all church assets were now the property of the country. In addition, George Jack Holyoaked came up with the word "secularism" in 1851 and went on to lead a popular uprising that spread throughout the country. The concept of secularization was embedded into the larger framework of the notion of progress. Despite the fact that secularization is nothing more than a piecemeal and insufficient process, it has, from its inception, maintained a strong consolation.

"According to Peter Berger, the process by which portions of society and culture are removed from the control of religious institutions and symbols" is what modern people usually mean when they talk about "secularization." According to "George Ostler's definition of secular in the Oxford Dictionary of Current English, secular refers to pertaining to this world or the present life, not ecclesiastical, not found by the monastic views. As a result, secular can be explained as worldly, or related to things that are only connected with the present life". In a pejorative connotation, it connotes a separation from spirituality or the teachings of religions. According to the opinion of D.E. Smith, a secular country is a nation that protects the religious freedom for both individuals and corporations, treats each person as a civilian regardless of their religious affiliation, is not constitutionally attached to any specific religion, but does not seek to either advertise or intrude with that religious practice. To paraphrase what V.P. Luthara had to say about it, it is a nation that is distinct from religion, has no ties to it, and does not prioritize it. The secular government regards each person inside it not as a membership of a specific religious organization but rather as a citizen of the country. When establishing the parameters of citizenship, religion is rendered inconsequential; citizenship's roles and obligations are unaffected by an individual's personal religious views of any kind.

Freedom of religion indicates that an adult is unrestricted in his or her ability to think about and converse with others about the relative merits of other faiths, as well as arrive at a conclusion on one's own religious affiliation, even without state interfering in any way. The state is not involved in this connection in any way. The person is not subject to the state's imposition of religious views on him or to any requirement that he adhere to a certain faith. It is not within its power to compel him to make a monetary contribution to the maintenance of a faith by the imposition of additional taxes. Therefore, there are very few areas in which a secular nation may lawfully control the outward manifestations of religion in the sake of protecting, safety, or morals. In a state that adheres to secularism, the individual right to freedom of religion is protected in the same manner as the association and the right for religious reasons. Every religious organization has the freedom to establish and run its own religious affairs, and this right must be respected. Additionally, it is able to buy properties. In addition to this, it has the ability to establish and manage philanthropic and academic organizations. In a secular nation, a person is just recognized as a citizen; they are not regarded to be a member of any specific religious organization at that time. Citizenship When it comes to establishing the parameters of citizenship, religion is rendered completely meaningless. We must recognize that the responsibilities of religious and the government are fundamentally distinct domains of human activity in order to maintain the freedom from religion. A secular government should not be responsible for advancing, regulating, directing, or interfering with religious practices in any other way. In a state that adheres to secularism, all forms of religious practice are, in a certain sense, subservient to the state and distinct from it, existing instead as voluntary associations of private persons. The fundamental laws apply to religious organizations, and these organizations are tasked with ensuring that their civil obligations are met in an appropriate manner. In this regard, the state views religious organizations in the same light as other charitable organizations founded on shared interests, whether they be social, intellectual, or economical. A secular state is one that does not discriminate against people of religion, sexual orientation, social caste, or any other factor in addition to guaranteeing basic fundamental rights to its citizens. This is in addition to granting such rights. Additionally, it allows for the free expression of one's conscience as well as the free professions, practice, and spread of any religion, so long as it does not violate public order, decency, or wellness. Concurrently, a secular nation may also reserve the

right to change provisions for the progress of any socially regressive society or make any law seeking to impose constraints on religious practices in the purpose of keeping communal harmony and moral behaviour. Both of these possibilities are possible in the context of a secular state. Therefore, the purpose of a secular state is often to protect the well-being of its citizens and also provide them with equitable possibilities for the advancement of their individual selves. It does not acknowledge the existence of any other worlds outside of this one. In light of this, the following components of a secular nation might be stated as the most important ones to look for.

The Indian constitution protects the right of its citizens to freely practice their religion under Articles 25 through 28. Together with freedom of religious expression and thought, it allows people to openly acknowledge, practice, and spread their religious beliefs. In India, one does not automatically possess such a right. It is possible to use it, however there are certain limitations. In India, freedom of conscience must be exercised in a manner that does not compromise public order, cleanliness, morals, or any of the other aspects of the country's basic rights. This has also been argued that the government has the power to change any provision that it considers to be appropriate for welfare programs. The Indian nation's commitment to secularism is given more depth by these rules. The principles of religious freedom in India's constitution were the subject of much discussion and debate by those who wrote the constitution. After then, each and every one of the provisions was put into effect. The Constituent Assembly debated, on the basis of Hinduism, whether the state should attempt to secularize the Hindu family laws or whether they should be allowed to remain as they are, despite the fact that they are often unfair. Despite the fact that Nehru believed that revising Hindu traditional family rules was essential to India's progress and modernity, opposition to the idea came from conservative reactionaries inside the Congress Party as well as Hindu fundamentalists.

The drafters of the constitution decided to adopt an evolving rather than a transformational perspective to the constitution, thus they were able to redirect any potential authority that the document may have to rule on the secular nature of the state over to the political world. This meant that it would be up to subsequent legislators to decide whether or not and how to put the suggestions of the constitution into effect. In point of fact, legislative discussion on the Hindu Code started in the 1950s, and the command was eventually broken up into four distinct parts of the bill that were passed between 1955 and 1961. These laws brought about legislative changes to wedding and judicial separation, as well as inheritance regulations and adoption policies. But at the other hand, the "Uniform Civil Code" was never implemented, but it was kept as a Scenario Based in the policy of the government. As a direct consequence of this, each religious group in India has its own set of personal regulations, with traditional Muslim and Christian legal codes having only very minor adaptations when applicable. 9 India is one of those nations where the connection among the state and religious practice is a contentious topic. The secularism of India is neither the same as that of France, where there has been a clear separation between the government and church, nor is it the same as the secularism of other European nations, in which one religious doctrine is given greater importance than others. The secularism practiced in the United States most closely resembles the Indian approach. 10 Various philosophers have articulated their perspectives on the secularism of India. It is hard to comprehend the concept of religious liberty apart from the more comprehensive study of the political administration of many aspects of social life. B.R. Ambedkar, who'd been instrumental in guiding several versions of the "Indian Constitution through the Constituent Assembly" many decades ago, was the one who made the declaration that the individual, and not the community, was the foundation upon which the Indian Constitution was built.

"Widely held to have settled on the notions of Sarva Dharma Sambhava (good will toward all faiths) and Dharma Nirpekshata (religious neutrality) was the Constituent Assembly's vacillation between strict separation, Hindu majoritarianism, and various intermediate alternatives. To this duo, a third concept, the Gandhian Vasudeva Kudumbakam (universal brotherhood), is frequently added. Nevertheless, statements of this kind grossly underestimate and, to a certain degree, even lie about the significance that the Constitution attaches to religious practice. At the time of India's independence, the country's minority communities need reassurance that they would be treated as equal partners in the democratic process of the new nation. They would be able to practice their religious beliefs and adhere to their cultural norms without interference".

In the Indian scenario, the term "secularism" refers to giving all faiths an equal position. No one religious doctrine should indeed be conferred special privileges in public culture or international affairs, as this would be a breach of ethical ideals of democracy and run counter to what is in the best financial interest of both state and religion, as stated by "Dr. Radha Krishnan". No religious doctrine should indeed be given a preferable condition or a distinctive difference. If this is the case, then no spirituality should be given special privileges in public culture or foreign diplomacy. "According to Gurpreet Mahajan, the policy of non-separation was not simply a reluctant concession made for the sake of peaceful coexistence or tolerance; rather, it was based on the claim that religion is not simply a private or a personal matter: it has a public dimension and the state needs to take cognizance of that... to facilitate the observance of these practices. In other words, the policy of non-separation was based on the idea that religion is not simply a India took a different path, one that blended not separating people based on their religious beliefs with not formally establishing any one religion. The Indian constitution, Mahajan continued, endorsed a position that was significantly different from that of a dominant liberal framework of that time, the policy of bringing religion to the public arena and state interference to engage with matters of religion as well as the affairs of religious communities. This position was significantly different because the Indian constitution placed religion squarely in the public domain". In point of fact, Robert Baird discovered that the Indian constitution is not just a religious instrument but also contains provisions for the practice of religion inside the contemporary Indian state. Both democratization and secularism were concepts that were important to Nehru. Nehru was an advocate for secularism during his whole life. Donald Eugene Smith makes the observation that there are a great deal of religious and sectarian groupings in India. Consequently, giving a single religion more prominence in society is not something that has shown to be beneficial. The practice of secularism serves as the cornerstone of our national identity. The coexistence of a variety of faiths over the course of the last few thousand years has contributed significantly to the development of our core morals and principles. A unity in variety, secularism is a unifying principle. It is a tangible representation of the reverence with which we hold the world's wondrous differences. Therefore, the concept of secular in India doesn't really signify an antagonism to religion or a rejection of

religion. It involves showing basic consideration to all faiths, regardless of whether or not they are the dominant faith or the religious of the minority. A secular society allows for complete freedom of worship as well as the dissemination of propaganda for each faith. The state does not believe in any religion, but it is against the law to discriminate against individuals or groups of believers on the grounds of their religious beliefs. Smith asserts that "secularism is dependent on two things: religious freedom and equality before the law," and that the constitution of India satisfies both of these requirements. In this sense, India might be seen to be a secular country. In the same manner that it is a functioning democracy, India may also be described as a secular nation." Galanter provided an analysis that challenged Smith's understanding of secularism in India. It was brought to his attention that Smith's model of secular India was based on the premise that the concept of the religious may be easily differentiated from that of the secular or non-religious. He genuinely stated that the Indian state should not be concerned with encouraging religious freedom but instead be concerned with religious reforms. Jacobson, in his article titled *The Wheel of Law: India's Secularism in Comparative Constitutional Context*, describes Indian secularism as an ameliorative model that embraces the social reform impulse of Indian nationalism in the context of the nation's deeply rooted religious diversity and stratification. Jacobson describes Indian secularism as an ameliorative model that embraces the social reform impulse of Indian nationalism".

Many academics, like "Ashish Nandy and T.N. Madan", are of the opinion that the secular government in India was destined to fail from the beginning. Since Madan is of the opinion that, given the current state of affairs, "secularism in South Asia as a generally shared credo of life is impossible, as a basis for state action impracticable, and as a blueprint for the foreseeable future impotent," this statement can be paraphrased as "secularism in South Asia as a generally shared credo of life is impossible." Since the vast majority of the population in South Asia are, with their own estimations, active members of some religious faith, it is difficult for it to serve as a creed or guiding principle for one's life. But whichever "Buddhism and Islam" have indeed been designated as state religious groups or state-protected religious faiths, or the position of religious impartiality or equal distance is hard to maintain due to the fact that religious minorities don't really share the public's view of what this actually involves for the nation. Either way, it is unworkable as a ground for government action and cannot serve as a foundation for governmental action. In addition to this, it is ineffective as a guide for the future since, by the very essence of what it is, it is unable to combat religious extremism and fanaticism. This renders it useless. His next line of reasoning was as follows: "Secularism is the fantasy of a minority that wants to mould the majority in its own image, that wants to force its will onto history but lacks the means to do so inside a democratically organized government." In a free and democratic society,

the nation will mirror the values held by the people living there. Consequently, secular is a societal myth that throws a cover over the inability of this minority to divide government and religion in the community in which its residents live. This cover is provided by the myth of secular. Individuals who adhere to the vast bulk do not understand whether or not something is attractive to centralise religious practice, and if it is, what this could be done, unless these individuals are Protestant Christians; however, folks who are Buddhist monks, Hindus, Muslims, or Sikhs do understand how this could be done. Therefore, "secularism" is an useless term and a phantom notion from the perspective of the large percentage. "To stigmatize the population as being primordialistically orientated and to teach secular to the latter because the rule of human experience is moral hubris and worse — I say worse because in our times economics takes priority over ethics — political foolishness on the part of the secularist minority. That's both of these—moral hubris and political ignorance it fails to acknowledge the great significance of religion in the lives of the people of South Asia. This is because faith plays a significant role in the development of the people in Southern Asia". I would not bring up the problem of the understanding of the term here; sufficient it to state that every one of these citizens, their faith is the primary cultural and economic influence that determines their position in society and gives their lives purpose. 26 But at the other side, Ashish Nandy takes things a step beyond; he views secularism as a component of a bigger strategy that the state employs in order to quiet its people who do not comply to social norms. 27 Thus according to him, the foundation of secularism is that of secular itself as a concept. In India, the concept of secular has been completely discredited due to the regular remembering of the principle of tolerance espoused by Ashoka, Kabir, and Gandhi. This is done in place of going through into the idea of secular. Consequently, he advocates for religious tolerance beyond the confines of secularism rather than the alternative.

Regarding the topic of secularism in India, several academics have various points of view to share. Some defended the practice of secularism that has become widespread in India. A few really people are arguing that it will be a disaster according to the extremely religious culture of India. As a result, it is possible to draw the conclusion that for a civilization as diverse culturally and religiously as India. In order to find a solution to the issues that are plaguing society today, it is necessary to devise and settle on a criteria. It is imperative that we find a solution to the issue of allowing religious freedom to be used as an excuse to violate civil dignity. Nevertheless, in the particular instance of Shah Bano in 1986, the correct of divorced women was damaged in the title of domestic laws. This is something that needs to be reformed from inside society, and it also requires looking at how some many procedures in Hinduism have indeed been aggregated and have been forbidden. These are the requires a two that need to be looked at. A need exists to investigate various activities from the perspective of a fair and secular state, one in which the existence of the person must take precedence over all other considerations, and the individual liberty must be protected in the highest priority. Ultimately, what Rajeev Bhargava referred to as "political secularism" or "contextual secularism" is equivalent to what might be described as a series of unclear and equivocal clauses in the Indian constitution about the relationship between religion and the government. As per this conception, the separation of church and state does not exist. Instead, it maintains a "principled distance" from all religious faiths by affording equal legal support and assistance to adherents of all faiths and by preferentially interrupting in religious practices that are in direct opposition to the objectives of the nation, which are to advance equality, freedom, and socioeconomic development.

"Critics of this approach have pointed out that it has a tendency to perpetuate rather than mitigate conflicts over issues of religion and secularism, which ultimately resulted in overburdening India's political and judicial institutions. Supporters of this approach have emphasized the advantage of such ambiguous arrangements to maintain stability and democracy at the foundational stage of the state. However, critics of this approach have pointed out that such arrangements have a tendency to

perpetuate rather than mitigate conflicts over issues of religion and secularism".

The people who drafted the Indian Constitution included a provision recognizing the religious liberty as one of the essential rights protected by the document. Authorities have adequately supplied the Indian constitution with a representation of secularism character since there will be no discriminating based on religious beliefs. This was done without imbuing the term "secular" in the document at the time it was adopted. In contrast, the ideas of "Dharm Nirpekshita and Sarva Dharma Sambhava", which were proposed by Nehru and Gandhi, correspondingly, were a step in the right direction toward realizing and comprehending the goals of India's secular movement. Several distinct schools of thought have been put up in an effort to explain what kind of secularism is most appropriate for the setting of India. As a result, the topic of democracy and religious freedom in Indian context is emphasized throughout this article, and an outline of the topic is provided.

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