



India, as we know, was under British rule for almost 200 years. Under British rule, we were compelled to obey laws that favoured our rules and not us. So a group of some of the wisest thinkers of India was elected to form a constituent Assembly, whose main purpose was to frame a constitution for independent India, keeping in mind the needs and aspiration of the various ethnic, religious, linguistic and cultural groups that made up India. There was also the strange hold of caste and centuries of gender discrimination to be considered.

What is secularism: The Indian constitution contains fundamental rights that protect us against state power as well as against the tyranny of the majority. The Indian constitution allows individuals the freedom to live by their religious beliefs and practices as they interpret these. In keeping with this idea of religious freedom for all, India also adopted a strategy of separating the power of religious and the power of the state. Secularism refers to this separation of religious from the state.

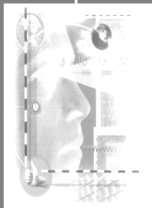
Key features of the constitution

THE PREAMBLE: It highlights the goals and aspirations of the Indian people.

- **Sovereign:** It means that India is now independent—It is no longer governed by any external authority and is its own master.
- **Socialist:** Everyone is given equal opportunities to make use of the resources of the country. It was hoped that this would narrow the divide between the rich and the poor.
- **Secular:** There is no discrimination on the basis of religion. All religions are treated equally.
- **Democratic:** The people of India govern themselves through their elected representatives. Elections are conducted at regular intervals and the people can change the government, if they so desire.
- **Republic:** The Indian Constitution proclaims that the head of state will be elected, and not be a hereditary ruler.
- **Justice:** The Indian Constitution strives to ensure an equitable and just society by reducing economic and social inequalities.
- **Liberty:** The constitution gives the citizens the freedom to express their opinion, follow their own path and also choose the occupation of their choice.
- **Equality:** All citizens are considered equal before law. All kinds of discrimination are deemed illegal and therefore punishable by law.
- **Fraternity:** India is a land of contrasts and diversities and home to a myriad faiths, culture, traditions and language. To preserve the unity and oneness of India, it is necessary to develop a sense of fraternity or brotherhood among the people of India.

The Directive Principles of State Policy.

The writers of the constitution were well aware of the ruined state of the economy and the fragile nature of India's unity at the time of independence. So they thought they wanted to legislate or make laws on subjects like reservation of seats for the scheduled casts, tribes and women, compulsory education for the children, etc., They know India did not have the resources for it. So they created a set of guidelines which incorporated these ideas. These guidelines were called the directive principles of state policy. Every government which comes to power is expected to be guided by these principles when making policies and laws.





Why is it important to separate religion from the state: The most important aspect of secularism is its separation of religious from state power. This is important for a country to function democratically. Almost all countries of the world will have more than one religious group living in them. Within these religious groups, there will most likely be one group that is in a majority. If this majority religious group has access to state power, then it could quite easily use this power and financial resources to discriminate against and persecute persons of other religions. This tyranny of the majority could result in the discrimination, coercion and at times even the killing of religious minorities. The majority could quite easily prevent minorities from practicing their religions. Any form of domination based on religion is in violation of the rights that a democratic society guarantees to each and every citizen irrespective of their religion. Therefore, the tyranny of the majority and the violation of fundamental rights that can result is one reason why it is important to separate the state and religion in democratic societies. Another reason that it is important to separate religion from the state in democratic societies is because we also need to protect the freedom of individuals to exit from their religion, embrace another religion or have the freedom to interpret religious teachings differently.

Fundamental Rights

The fundamental rights are basic rights guaranteed by the constitution for the citizens of India. They are legally sanctioned and they can be enforced in a court of law. They include political, social, cultural and economic rights.

- Right to equality: All citizens are entitled to equal treatment before law. All enjoy equal rights and opportunities.
- Right to freedom: It includes freedom of speech and expression, freedom to assemble peacefully without arms, freedom to form associations. Freedom to move freely throughout the country.
- Right to freedom of religion: India is a secular country; every citizen has the freedom to profess, practice and propagate the religion of his or her liking.
- Right to cultural and educational rights: People belonging to all cultural groups have the right to practice their language and culture.
- Right against exploitation: Poverty or ignorance exposes a person to all kinds of humiliation and exploitation. Often it drives adult and children to work for long hours, for a pittance, and that too under unhealthy conditions. The right against exploitation protects people from being exploited.
- Right to education: The right of children to free and compulsory Education (RTE) was introduced by the government. By this act, all the children between the age of 6 and 14 have the right to free and compulsory elementary education in a neighborhood school.

What is Indian secularism: The Indian constitution mandates that the Indian state be secular.

1. That one religious community does not dominate another
2. That some members do not dominate other members of the same religious community





3. That the state does not enforce any particular religion nor take away the religious freedom of individuals.

First, it uses a strategy of distancing itself from religion. The Indian state is not ruled by a religious group and nor does it support any one religion. The second way in which Indian secularism works to prevent the above domination is through a strategy of non-interference. This means that in order to respect the sentiments of all religious and not interfere with religious practices, the state makes certain exceptions for particular religious communities.

The third way in which Indian secularism works to prevent the domination listed earlier is through a strategy of intervention. In order to prevent religious-based exclusion and discrimination of 'lower castes', the Indian constitution bans untouchability. In this instance, the state is intervening in religious in order to end a social practice that it believes discriminates and excludes, and that violates the fundamental rights of 'lower castes' who are citizens of this country.

The intervention of the state can also be in the form of support. The Indian constitution grants the right to religious communities to set up their own schools and colleges. It also gives them financial aid on a non-preferential basis.

Laws by themselves cannot make the fundamental rights more effective. Many laws have been enacted to protect the right and interest of women, the schedule casts and tribes and other exploited groups. But they continue to be exploited and their fundamental rights are taken away. Atrocities and human rights violation take place at regular intervals. That is because most of the poor are not even aware of these laws. To make these laws more effective, the people have to be educated and made aware of their rights and the many laws present in the constitution for their protection.

In what way is Indian secularism different from that of other democratic countries: There is one significant way in which Indian secularism differs from the dominant understanding of secularism practiced in the United States of America. This is because unlike the strict separation between religion and the state in America secularism. In Indian secularism the state can intervene in religious affairs. In Indian secularism, though the state is not strictly separate from religion it does maintain a principled distance vis-à-vis religion.

This means that any interference in religion by the state has to be based on the ideals laid out in the constitution. The Indian state is secular and works in various ways to prevent religious domination. The Indian constitution guarantees the fundamentals rights that are based on these secular principles.