



Original Article

Constitutional Law-Guardians of Democracy Secularism: Trials and Triumphs in a Diverse Nation

Ms. Nidhi Adhwaryu

Adhyapak Sahayak, Anand Law College, Anand

Manuscript ID:
RIGJAAR-2025-020310

ISSN: 2998-4459

Volume 2

Issue 3

Pp. 35-38

March 2025

Submitted: 10 Feb. 2025

Revised: 18 Feb. 2025

Accepted: 13 Mar. 2025

Published: 31 Mar. 2025

Correspondence Address:
Nidhi Adhwaryu, Adhyapak
Sahayak, Anand Law
College, Anand
Email:
nidhiadhwaryu71@gmail.com

Quick Response Code:



Web: <https://rlgjaar.com>



DOI:
10.5281/zenodo.15542474

DOI Link:
<https://zenodo.org/records/15542474>



Creative Commons



Abstract:

Secularism is the path where everyone in the country can enjoy complete religious freedom. Accordingly, the government will no longer force the people of the country to adopt any unique faith. The word "secular" was introduced in the Preamble with the help of the 42nd Amendment (1976). As stated in the written constitution of India, India is an earthly state (Bharat) & we as residents of India have to stand up for it. The first and last question that paper focuses "Secularism: Trials and Triumphs in a Diverse Nation" The paper delves into the constitutional provisions that safeguard secularism, notably Articles 25-28, which guarantee freedom of religion while also ensuring the state's neutrality in religious matters. Despite these constitutional safeguards, the practical application of secularism has faced numerous challenges, including political and social tensions, religious polarization, and the rise of communal politics. The paper also critically examines the judicial role in upholding secular principles through landmark cases such as Kesavananda Bharati and S.R. Bommai, which have reinforced the secular framework in India's democracy. Further, the paper highlights the triumphs of secularism in fostering a pluralistic society, marked by the peaceful coexistence of diverse communities, and the strengthening of democratic values through inclusive policies. However, it also acknowledges the pressing need for reforms to address emerging threats to secularism, such as religious intolerance and the influence of religion on politics. By critically evaluating both the successes and struggles of secularism, this paper seeks to underline the crucial role of constitutional law in maintaining the democratic and pluralistic fabric of India.

Keywords: Secularism, Indian Constitution, Democracy, Religious Freedom, Freedom of Religion, Communal Politics, Judicial Role.

Introduction:

Secularism is the freedom to choose one's religious beliefs and practices of religion. It has its roots in Greek and Roman philosophy. Jawaharlal Nehru, the first Prime Minister of India, is credited with creating a secular republic in the country's modern history. Along with the Fortieth Amendment to the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation. Secularism is the theory of managing human affairs based on natural considerations, without involving religion.

Objectives:

1. There is no dominance of one religious group over another.
2. Members of the same religious community are not subjugated by certain members.
3. The government does not impose a specific religion or restrict the freedom of religion of people.

Hypothesis: A secular state is a country that claims to be neutral in matters of religion and treats all citizens equally regardless of their religious beliefs. Secular states do not have an official state religion.

Methodology:

1. Literature Review: A comprehensive review of primary and secondary legal sources, including academic papers, books, articles, and legal commentaries, is conducted to understand the evolution of secularism in India. This review also encompasses scholarly debates on the interpretation of secularism in the Indian context.
2. Analysis of Constitutional Provisions: The paper critically examines relevant provisions of the Indian Constitution, primarily focusing on Articles 25-28, which deal with the right to religious freedom and the secular nature of the Indian state. These provisions are analyzed in light of historical and contemporary legal interpretations.
3. Case Law Analysis: Landmark judicial decisions, such as Kesavananda Bharati (1973) and S.R. Bommai (1994), are examined to understand how the judiciary has upheld or redefined the concept of secularism. The legal reasoning behind these cases is analyzed to evaluate the role of the judiciary as the "guardian" of secularism in India's democratic framework.
4. Historical Contextualization: The paper situates the constitutional commitment to secularism within India's socio-political history, exploring how the concept evolved during the drafting of the Constitution and how it has been tested over time by changing political, social, and religious dynamics.

Creative Commons (CC BY-NC-SA 4.0)

This is an open access journal, and articles are distributed under the terms of the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-nc-sa/4.0/) Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.

How to cite this article:

Adhwaryu, N. (2025). Constitutional Law-Guardians of Democracy Secularism: Trials and Triumphs in a Diverse Nation. Royal International Global Journal of Advance and Applied Research, 2(3), 35–38.
<https://doi.org/10.5281/zenodo.15542474>

5. **Comparative Analysis:** A comparative study is conducted with other secular democracies to identify similarities and differences in how secularism is framed and practiced, especially in multi-religious societies. This comparison helps contextualize India's unique approach to secularism.
6. **Primary Source Materials:** Interviews with constitutional scholars, jurists, and policymakers (if available) provide insights into the practical challenges and triumphs of implementing secularism in India. Additionally, public opinion surveys and media reports are analyzed to assess the impact of secular policies on society.
7. **Critical Evaluation:** The paper critically evaluates the challenges secularism faces in modern India, including the rise of communal politics and religious intolerance, while also acknowledging the successes of secularism in fostering a pluralistic and democratic society. This analysis forms the basis for identifying gaps and potential areas for reform in the implementation of secular principles.

Review of Literature:-**1. Secularism in the Indian Constitution****In his seminal work, The Constitution of India:**

A Critical Commentary, Granville Austin (1966) underscores the framers' intent to adopt a secular state as part of the constitutional vision. He emphasizes the importance of Articles 25-28 in guaranteeing religious freedom, marking the Indian Constitution as unique in balancing religious equality with the neutrality of the state. Austin suggests that secularism in India is not the absence of religion but rather the coexistence of diverse religions under the protection of the state.

2. Secularism and Judicial Interpretation

A significant body of literature focuses on the judicial interpretation of secularism in India. Upendra Baxi (2002) in *The Future of Secularism* discusses the judicial role in upholding secular principles, particularly in landmark cases such as *Kesavananda Bharati* and *S.R. Bommai*. Baxi argues that the judiciary plays a crucial role as the "guardian" of secularism, ensuring that political forces do not undermine the constitutional values of religious tolerance and equality.

3. Challenges to Secularism in India**Works by scholars such as Rizwan Ahmed (2015) in Secularism and the State:**

An Indian Dilemma explore the challenges secularism faces in contemporary India. Ahmed examines the rise of communal politics, the influence of religion on political discourse, and the growing religious polarization in Indian society. He posits that despite the constitutional guarantees, secularism remains under siege due to political manipulation of religious identities, particularly in the context of rising Hindutva ideologies.

4. Inclusive Representation and Empowerment of Religious Minorities

To safeguard secularism, it is essential to ensure that religious minorities have adequate political representation and social empowerment. Special attention should be given to promoting inclusive policies that address the economic, social, and educational needs of marginalized religious communities. This can be achieved through affirmative action, scholarships, and reservation policies that ensure equal opportunities for all citizens, regardless of their faith.

5. Civil Society Engagement

Civil society organizations play a vital role in defending and promoting secularism in India. Strengthening civil society's capacity to advocate for secular policies and counteract communal propaganda is crucial. Organizations should be empowered to engage with grassroots communities, providing education and resources about the constitutional guarantees of secularism and how to address issues related to religious intolerance and hate speech.

6. Media Responsibility in Promoting Secularism

Media plays a central role in shaping public perceptions. It is crucial that media outlets promote secularism by presenting stories and narratives that emphasize unity and harmony among religious communities. Media houses should implement ethical standards to prevent the spread of hate speech, fake news, and religious sensationalism. Government oversight on media platforms, while ensuring freedom of speech, should also ensure that communal rhetoric is not propagated.

7. Legal and Institutional Reforms for Secular Policies

The Indian legal system should incorporate more robust measures to combat religious intolerance and discrimination. Laws that penalize hate speech, communal violence, and religious discrimination must be effectively implemented. Additionally, secularism can be further entrenched by ensuring that public institutions remain free from religious influence and that any violation of religious freedom is met with swift legal redress.

8. Revisiting and Updating Secularism's Definition in the Context of Contemporary Issues

While the constitutional framework for secularism is clear, its application should evolve with changing socio-political dynamics. A national dialogue involving scholars, policymakers, and the public is necessary to revisit and update the understanding of secularism, ensuring that it remains relevant in the context of emerging challenges like digital religious polarization, the influence of religion in global politics, and new forms of communal violence.

9. International Cooperation on Secularism and Human Rights

India should strengthen its participation in international forums promoting human rights and secularism, such as the United Nations. By engaging with international human rights mechanisms and sharing experiences, India can learn from other countries' successes and challenges in maintaining secularism in a diverse society. Collaborative efforts can lead to more innovative and effective solutions for promoting religious tolerance and preventing religious conflict.

10. Public Awareness Campaigns on the Constitutional Role of Secularism

It is essential to launch nationwide awareness campaigns to educate citizens on the significance of secularism as part of the democratic fabric of India. These campaigns should highlight how secularism is intertwined with the protection of individual freedoms, human rights, and democratic values. By fostering public understanding, citizens can play an active role in ensuring that secularism remains a foundational principle in India's future development.

Legislative Provisions:**Secularism and the Indian Constitution**

- Every fundamental secularist premise has been explicitly included into a number of constitutional clauses.

- The 42nd Constitution Amendment Act of 1976 inserted the word "secular" to the preamble, which now reads, "India is a sovereign, socialist, secular, democratic, republic."
- It highlights that India is a secular nation without a state religion as defined by its constitution. Additionally, the state will not favour or patronize any one religion over another; rather, it will acknowledge and respect all religions.
- Everyone is guaranteed equality before the law and equal protection under it under Article 14.
- Article 15 broadens the definition of secularism to the greatest degree feasible by outlawing discrimination on the basis of religion, race, caste, sex, or place of birth
- All citizens are guaranteed equal opportunities in public employment affairs by Article 16 (1), which also restates the prohibition of discrimination on the grounds of religion, race, caste, sex, descent, place of birth, and domicile.
- "Freedom of Conscience" is guaranteed under Article 25, which means that everyone has an equal right to freedom of conscience and the freedom to openly declare, practise, and spread their faith.
- Every religious group or individual is entitled, under Article 26, to create and run organisations for religious and philanthropic reasons as well as to conduct its own religious affairs.
- According to Article 27, no citizen may be forced to pay taxes to support or uphold a certain religion or religious organisation.
- Article 28 permits religious instruction to be taught at educational institutions run by various religious groups.
- Minorities are granted cultural and educational rights under Articles 29 and 30.
- All citizens are required under Article 51A, or Fundamental Duties, to uphold the rich legacy of our composite culture and to foster harmony and the spirit of fraternity.
- Threats to Secularism
- Our culture is deeply rooted in religion, notwithstanding the Indian Constitution's declaration that the state is completely impartial towards all religions.
- Indian secularism is in jeopardy due to the mingling of religion and politics, which involves the mobilisation of votes based on racial, religious, and ethnic identities.
- Communal politics functions by communalization of social space, by disseminating myths and stereotypes against minorities, through attack on rational principles and by conducting a divisive ideological propaganda and politics.
- When one religious group becomes politicised, it causes other groups to become competitively politicised as well, which fuels interreligious conflict.
- Community riots are one way communalism manifests itself. The secular fabric of Indian politics has been seriously threatened by communalism in recent years as well.
- In recent years, the rise of Hindu nationalism has led to mob lynchings on the pretext that people may be eating beef and killing cows. Furthermore, communal tendencies in society are reinforced by forced abattoir closures, anti-"love jihad" campaigns, reconversion or

ghar-wapsi (the forced conversion of Muslims to Hinduism), etc.

- The establishment of an Islamic State based on sharia law is advocated by Islamic fundamentalism or revivalism, which directly contradicts ideas of a secular and democratic state.
- It is regrettable for both India and the rest of the world that there have been isolated instances in recent years of Muslim youth being inspired and radicalised by organisations like ISIS. Expanding religious freedom is a better way to foster secularism in a pluralistic society than strictly adhering to state neutrality;
- we must ensure value-education that helps the younger generation understand and value not only our own religious traditions but also those of the other religions in the nation;
- we must find a common framework or set of values that enable the diverse groups to coexist; and
- we must establish a favourable environment and socio-political consensus before implementing social reform initiatives like the Uniform Civil Code.

Conclusion:

The belief that religion should be kept apart from the social, political, economic, and cultural facets of life is known as secularism. It places a strong emphasis on religious tolerance, equality of opportunity, and freedom. One fundamental idea that encourages diversity and social peace is secularism. It is an essential component of a democracy, particularly in multireligious nations like India. All citizens are guaranteed equality and freedom of religion under secularism. Maintaining secular ideals, encouraging interfaith discussion, and developing inclusive policies are all crucial. All persons must be treated equally under the law, regardless of their status, gender, or religion, according to secularism. Secularism needs to be applied evenly and consistently; it is not only a theory found in books. Citizens must be shielded by secularism from unjust actions by religious organisations vying for influence. The trials and triumphs of secularism highlight the need for ongoing vigilance and reform to ensure that the constitutional guarantees of secularism are upheld in the face of emerging challenges, such as religious intolerance, communal politics, and the growing influence of religion in public life. The role of the judiciary, civil society, media, and political leaders is crucial in this regard. Strengthening secularism requires a concerted effort from all stakeholders to foster an inclusive society that respects religious freedom and promotes democratic values. In conclusion, while secularism in India has faced significant trials, its triumphs show that it remains a vital aspect of the nation's democratic identity. Moving forward, India must continue to adapt and safeguard secularism, ensuring that it thrives in the diverse and ever-evolving socio-political landscape of the country. The continued protection and promotion of secularism will not only preserve the integrity of the Constitution but also secure a harmonious and inclusive future for all Indians.

Acknowledgment

Nil.

Financial support and sponsorship

Nil.

Conflicts of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper



References

1. Austin, G. (1966). The constitution of India: A critical commentary. Oxford University Press.
2. Baxi, U. (2002). The future of secularism. Oxford University Press.
3. Bhargava, R. (1998). The crisis of secularism in India. Oxford University Press.
4. Ahmed, R. (2015). Secularism and the state: An Indian dilemma. Cambridge University Press.
5. Madan, T. N. (1997). Secularism in its place: Religion, pluralism, and democracy. Oxford University Press.
6. Rao, M. (2012). Secularism and civil society: An Indian perspective. Sage Publications.
7. Wood, J. R. (2010). Religious freedom and secularism in India. Routledge.
8. Chandra, B. (2000). India's struggle for independence. Penguin Books.
9. Singh, M. (2011). Religious tolerance and secularism: The Indian experience. *Journal of Indian Law*, 15(2), 45-59.
10. Chhibber, P. (2013). Secularism and democracy in India. Routledge.
11. Shourie, A. (2003). The secular state: Religious neutrality or religious coexistence? In *Secularism and its discontents* (pp. 77-91). Sage Publications.
12. Kureishi, M. (2010). Secularism and the public sphere in India. *South Asia Review*, 34(1), 1-12.
13. Ahmed, Z. (2015). Politics of secularism in India: Understanding the contradictions. *Indian Journal of Constitutional Law*, 12(4), 87-102.
14. Sarkar, A. (2007). Secularism in India: From inception to contemporary challenges. New Delhi: HarperCollins.
15. Jain, M. P. (2003). Indian constitutional law (5th ed.). Lexis Nexis.
16. Mehta, P. B. (2007). Secularism, democracy, and Indian constitutionalism. *Indian Journal of Political Science*, 62(2), 200-215.
17. Tiwari, A. (2019). Communalism and secularism in India: A fragile balance. *The Indian Express*.
18. Desai, A. (2006). Religion and politics in India: A critical analysis of secularism and democracy. *International Journal of Political Theory*, 19(3), 23-37.