



## Secularism and Human Rights in India—A Study

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### Abstract

*Indian countries discussed above are in a way or another deeply religious. The issue is not so much to prevent religion from entering the state, but rather to ensure that the role of religion is contained. In this context, the central issue is about how and to what extent religion can be reformed. The essential value of the secular state is that it offers a framework in which identity is a disputed and democratically contested concept. Symbolic religiosity can be used to justify a secular order, religion is secularised, becoming part of the democratic debate. Religion as culture.*

**Keywords:** Religion, secular, disputed, democratically, culture.

### Introduction

Secularism plays a major role for the protection of the state order. In the name of secularism the emerging forms state order over the period in the world history showing greater turbulence. Starting from ancient period, there are number of scholar try to emulate the secular mode of life but religious fundamentalism is an omnipresent in different form which has a major threat to secular way of life, and it is also endangering to human rights and the world peace. However, over the last three decades, many ideas that form the basis of modern democratic societies, such as civil society, citizenship, human rights and freedoms, secularism and tolerance have come under severe scrutiny. In many societies, deep conflicts arise around religious matters, and around equality. Often, religious collectives demand the right to self-determination of issues considered – by them – to be their own, and these demands collide with individual rights to, again, religious freedom. These are thus conflicts of religion v. religion. Today, there is an abundance of conflicts surrounding religious freedom throughout the world. To many societies, states, courts, and scholars, these are not entirely new.

**Scope of the Proposed Study:** There is an inseparable linkage between democracy and secularism in India. In this Multi-religious and multi-cultural society democracy cannot function if it propagates any one religion. The people in general will not tolerate discrimination on the part of state on religious matter. Hence, secularism is a compulsion for Indian Democracy. In India secularism has emerged in our struggle for freedom, as a complimentary value of democracy and nationalism<sup>1</sup>.

Secular constitutionalism is a system not an ideological monolith. Secularism unadorned is the relegation of the eschatological ideology of religions to the private sphere, divorced from political power. The secular state bases the regulation of society on political decision-making made in accordance with prevailing norms of the times. In democracies,

this decision-making is made by the elected representatives of the majority. It is a system which allows pluralism of thought and conscience to thrive. It is a system which allows individuals and groups to express themselves freely, not coerced by a prevailing creed. Under secular democracies, this may be achieved either by guaranteeing non-interventionist neutralism or of permitting promotion of religion in accordance with constitutional principles. Where the State adopts a policy of non-interventionist neutralism toward all the various forms of ethical ideology, religious or ethical belief remains a private matter and there is theoretically no problem in ensuring equal treatment. In such a situation the State needs only to ensure absolute non-intervention in the realm of private conscience and equal treatment for members of society; different beliefs or non-beliefs naturally follow. The solution of separation of State and religion has been intended to achieve this kind of egalitarianism on a conceptual level. However, where religious or other forms of ethical expression are perceived as requiring public expression, and where the State adopts a promotionalist and not a non-interventionist stance, the problem of securing equal treatment for the various forms of religious belief, for non-belief and for secular conviction becomes crucial and problematic<sup>2</sup>.

The value content of secular regimes is not in secularism as such but in secular human rights. Although human rights are not a sine qua non of secularism they are the child of secularism. Human rights doctrine is a product of the shift from a religious to a secular state at the time of the Enlightenment in 18<sup>th</sup> century Europe. The religious paradigm was replaced by secularism, communitarianism by individualism and status by contract. Human rights developed as legal rights in the 20<sup>th</sup> century in international and in constitutional law. They represented a breakthrough from the religious past. In secular human rights regimes, individuals within a community were entitled to autonomous moral judgment; this entailed freedom of religion, conscience and expression<sup>3</sup>.

The concept of human rights is currently challenged by traditionalist religious ideologies. These ideologies threaten the paradigm which lies at the heart of human rights. There is a confrontational stance opposing human rights on the part of orthodox religious institutions in most regions of the world, manifested in attacks on the political and civil rights of women, homosexuals, Dalits, heretics or non-believers. These orthodox religious institutions reject the norms of equality, freedom of conscience and freedom of expression where these infringe on religious sensibilities<sup>4</sup>. Deference to religious values in negation of human rights in constitutional democracies has, in some cases, secured the exclusion of rights to equality, freedom of conscience and expression and freedom of religion from full constitutional recognition; in others, it has resulted in legal policies which violate these rights. Constitutional deference to religious norms or sensitivities is on a spectrum, which ranges from religious pluralism to the democracy. Secularism is under attack not only by religious observers but also by academic and liberal commentators<sup>5</sup>.

The misuse of religion and secular values towards humans of particulars state is arisen the human rights norms. Human rights are validated as the rudimentary and fundamental rights. It is also proclaimed into the civil and religious rights. They are applicable to all over the world a universal without any discrimination. Therefore the human rights envisage that all human beings are born free and equal in dignity and rights<sup>6</sup>.

The human rights violations are happened in India where religious fundamentalist and communalist are using for their self-defence and vote banking purposes<sup>7</sup>. Religious minorities suffered in the name of secularism, especially communal violence, genocide and terror attack happened in the name of pseudo-secularism. Nowadays in India the democratic activities and political rights are being deteriorated by pseudo-secularism<sup>8</sup>.

Human rights watch reports indicating that in many parts of India has witnessed that religious violence are erupted. The communal organizations is strongly believe and propagating illusionary idea that the tenacity of secularism is relied upon the fundamentalism. The justification provided by political parties related to secularism generates more debate and illusionary ideas. However, the secularism correlating towards the human rights activities through international covenant on civil and political rights, and economic social and cultural rights explicitly argues the need of religious equality in world level<sup>9</sup>. Nowadays the value of secular aspects is much connected with human rights through the fear of religious fundamentalism. The pseudo-secularist is misusing the core value of secularism and human rights in India. This terend of politics in India shows that the religious political parties are keen evidence for religious violence and communal disharmony in India. It indicates that India is under severe strain to combat the pseudo- secularism, that's why this study concentrates the deeper impact of pseudo-secular activities and its implications in India. Therefore, this

study falls under the entitlement of secularism and human rights in India- a study<sup>10</sup>.

**Review of Work already done On the Subject:** There are a number of scholarly works on secularism and human rights. A few relevant material closely related to title are reviewed as a literature. Chiranjivi J. Nirmal works' on Human rights in India emphasized that human rights are today's' buzz-words. In any democratic nation the rights of the individual are respected, and abroad that nation seeks to expand and strengthen human rights. There is however some pseudo-democracies that are content with human rights at home ignore their violation abroad provided the government of the country is friendly to them.

The book Human rights and Responsibilities of World Religions was edited by Joseph Runzo and Nancy M.Martin. This book outlines approaches to human rights and responsibilities within the different world religions.

The work of Human Rights for survival of Civilization, by Agarwal Amita narrated the evolution of human rights and origin about how for human rights as early as civilizations. Furthermore the author focused that the need of survival of human rights in the modern era.

There are few scholarly articles are available on pseudo secularism and human rights. They are reviewed here. The article entitled "Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression, and Women's Equality under International Law" written by Karima Bennoune. This article emphasized the international bans in public school on modest garments claimed to be required by religious belief for Muslim women. The author reinstates the importance of equality and the need of secularism is vital to implementation of women rights along with human rights.

Historian Nikki Keddie's comparison, in a special issue of *Daedalus* (2003) on "Secularism and Its Discontents," of the rise and fall of secular and religious politics in various parts of the world discusses contextual factors that influence these trends. For example, Muslim countries have negative views of secularism because they associate it with autocratic rule and Western influence. She notes that contemporary India, by contrast, has produced what is probably the largest body of writing in the modern world debating the merits of secularism. With the controversial efforts of the present Indian government and the ruling party to promote Hindu nationalism to the detriment of religious minorities, numerous observers have advocated the need to move beyond current understandings of secularism in order to protect minority interests effectively.

The article entitled "Toward a Multicultural Conception of Human Rights" written by Boaventura de Sousa Santos, in his article puts forth an analytical framework aimed at highlighting and furthering the potential for emancipation of human rights politics in the current context of globalization and fragmentation

of cultures and identities. Finally, the author considers a set of conditions under which dialogical hermeneutics is likely to lead to a cosmopolitan discourse and practice of human rights.

In Ratna Kapur article entitled “Human Rights in the 21<sup>st</sup> Century: Take a walk on the Dark side” this articles claim that human rights project is under severe strain especially in dark side revealed. The author elucidate the larger context within which human rights has take part of modernity’s narrative progress, interrogates the assumption that human rights are universal, challenging its unpacks insular liberal subject or undermines this subject. The author makes some tentative proposals as how to engage with human rights once it’s dark side is exposed.

David Kennedy, in his article entitled. “The International Human Rights Movement: Part of the Problem?”, points to the fact that the idea of human rights has a particular time and place of origin—post-enlightenment, rationalist, secular, Western, modern, capitalist and has therefore argued that, to the extent the international human rights project is linked to liberal Western ideas about the relationship among law, politics, and economics, it is itself —part of the problem. Further he focused that the main difficulty is the way that human rights positions itself, in accordance with its rationalistic underpinnings, as an —emancipator political project that operates outside politics.

Michael, Freeman, in his article “The Problem of Secularism in Human Rights Theory” which focuses that the theorists and practitioners commonly assume that the concept of human rights is secular and that it normally takes priority over other values. These assumptions are controversial for those who approach human rights from the perspective of religious beliefs. Further the author examines the arguments both of those who claim that religious beliefs must interpret human rights in their own terms and those who claim priority for the international (secular) legal understanding of the concept

Review work already done on the subject shows that after utilizing the literature available in this area of the study, there is a gap on related to research topic that’s why present study fall under to fulfill the gap on “Secularism and Human Rights in India- A Study”.

**Objectives of the Proposed Study:** To observe the constitutional aspect of freedom of religion, secularism and human rights in India. To present the views about international covenants on civil and political rights and international covenants on economic social and cultural rights in India. To examine the interdependence of religion, secularism and human rights in India

## Research Methodology

This study is a historical and descriptive approach, based on documents and published materials are relevant to the present

study. The descriptive method is designed to analyze the interpretation and covenants on international and regarding secularism and human rights in India.

**Sources of Information:** The primary sources include published documents of international covenants, and the cases of Supreme Court in India and other relevant research materials. The secondary sources consist of books and articles which appeared in journals and news paper, reports of committees etc.

**Delimitation:** The study confined to international covenants on human rights with respect to India. . Further, this study covers recent issues which related and relevant to religion and secularism and human rights in India after independence.

## Conclusion

This finding has several practical and also theoretical implications. First, it suggests that efforts to strengthen secularism may not provide an appropriate solution to the problem of religious politics, since secularism is also responsible for the phenomenon of “boundary blurring” or the mixing of the two supposedly separate domains of public politics and private religion. For the most part, the eruption of religious passions in modern political life is considered to have a negative impact on democracy, tolerance, the sanctity of human rights, and international peace and security. At the same time, however, the attempt to defuse the dangers of religious politics by attempting to ban or delimit religious political formations and to deny recognition to expressions of religious identity has its own and equivalent share of problems. The principle of secularism appears to offer a sure route out of this impasse, by granting a wide array of religious rights, freedoms, and recognition even as it channels expressions of religious identity along system-supporting rather than system-destabilizing lines. However, as previously noted, the reality of secularism is considerably more ambivalent than its fiction. The relationship between secularism and religious politics can well be a positive or reinforcing one; the solution a part of the problem. Second, and related, the observation about secularism’s complicity in the rise of religious politics calls for a critical evaluation of the secular package-deal or the assertion of the normative worth of secularism. Present scenario, the Indian State and society has constantly been challenged by forces of fundamentalism, violence, conflict and terror and misuse of religion for their political gain, especially in the name of pseudo-secularism. In recent years, this development has exacerbated and undermined the process of democratization and further strengthened extremist voices within and outside the government, with varying implications for India’s diverse population. Appropriately, India’s religious, linguistic, cultural, social, economic and regional diversity provides the setting for a complex political landscape. Foundational knowledge envisaged the inter-linkages between secularism, gender equality, human rights, peace and democracy in India in order to foster dialogue across conflict faultiness; and hence, to fostering secularism,

humanism and human rights may revitalize and re-validate the values of diversity and peaceful coexistence. The basic aim is to register the role of dialogue, cooperation and coexistence as indispensable instruments in resolving various conflicts and strengthening democracy in India.

In the mundane level, the worst scenario of religious fundamentalism threatening to secularism and human rights, this trend has been emerging in Indian polity also. However, none of us deny that the reasons for deterioration of human rights are happening through religious ramifications. Therefore, alternative to the religious fundamentalism is secularism and its interdependence of secular values to human rights in the world order is the only solution to maintain world peace especially by eradicating pseudo –secularism. In India, there is more religious ethos, cults and fanaticisms are paving the way for religious based hedonistic life to the people. These were severely damaging secular mode of life in India. That's why for safeguarding secularism and human rights values they should go complementary with each other instead of using pseudo secular forces to destabilize national integration and human rights values. Apart from that secularity tendency, humanitarianism may envisage the better and amicable solution to tackle religious fundamentalism and throw away ill-forces against the secularism and human rights in not only in India and elsewhere.

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