

The Paradox of Indian Secularism



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Abstract

Indian Secularism, having evolved since 1976, encompasses various philosophical underpinnings concerning the right to religion and its dissemination. In contrast to Western paradigms that advocate for a stringent separation of church and state, Indian secularism, though constitutionally enshrined with the term “secular” in 1976, has been interpreted through the principle of ‘Sarva Dharma Sambhav’ (equal respect for all religions). This interpretation necessitates a delicate equilibrium between state non-interference and intervention. The article examines the historical context, including the insertion of the term ‘secularism’ and its engagement with Constitutional Assembly Debates. Furthermore, it reflects how judicial pronouncements have affirmed secularism as a fundamental constitutional tenet while navigating complex debates surrounding religious conversion and associated anti-conversion legislation, which seeks to prevent coerced or fraudulent conversions. However, an exhaustive consideration of anti-conversion laws has not been provided. The paradox asserted herein arises from the current trend of state practices adopted to appease various religious groups. In common parlance, when the state is obligated to omit, it frequently assumes a facilitative role, and vice-versa. This inconsistency in the state’s approach substantiates the designation of ‘secularism’ as a paradox. Even though development towards such religious practices/

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beliefs may not be totally possible, this type of positive secularism may tilt towards biased secularism.

Ultimately, this paper concludes that the legal operationalization of secularism within India's heterogeneous religious landscape persistently presents a paradox, necessitating ongoing re-evaluation to uphold both individual tenets of faith and national cohesion.

Key Words: *Indian Constitution, Paradox, Secularism, Religion, Equal Respect.*

I. Indian Secularism – An Introduction

Secularism is a perspective, not a religion, characterised by the absence of mysteries, rituals, clerical figures, ceremonies, deceptions, miracles, and persecutions.

—Robert Green Ingersolls

Secularism in the Indian context, as enshrined in the Constitution, is a principle that advocates for the equal treatment of all religions by the state. It aims to maintain a neutral stance and ensure that religion does not play a divisive role in the government's affairs. The concept of Indian Secularism recognises that the State shall have no religion of its own; i.e., to say the State shall neither promote any religion nor give unequal recognition, protection and emancipation to every religion.³ The original constitution didn't have the concept of secularism; however, it evolved after the 42nd Amendment Act, 1976. India's Constitution declares it a sovereign, socialist, secular, democratic republic. Indian secularism ensures religious freedom, allowing individuals to choose and change their religion. This freedom is subject to restrictions for public order, health, morality, and other Fundamental Rights. Secularism, as practised in India, mandates the state to remain equidistant from all religions and equally respect them. Furthermore, in the context of conversion and

³In the case of *SR Bommai v. Union of India*, (1994 2 SCR 644), the court established that secularism signifies the equal treatment of all religions. This approach is sometimes characterized as religious neutrality or benevolent neutrality. While religious freedom is guaranteed to all individuals in India, the State views a person's religion, faith, or belief as inconsequential. For the State, everyone is equal and deserves to be treated as such.



reconversion issues, maintaining this neutrality becomes challenging when political or societal forces exploit religious sentiments for electoral gains or social mobilisation. While the right to convert is protected, certain states in India have enacted laws regulating religious conversions to prevent forced or fraudulent conversions. These laws, however, have been a source of controversy because they may infringe upon the right to freedom of religion and are not always implemented impartially. The secular ideal in India promotes interfaith understanding and harmony. Conversion and reconversion issues, if not handled sensitively, can lead to social tensions. The state's role is crucial in fostering an environment where different religious communities coexist peacefully. The judiciary plays a significant role in interpreting and upholding India's judiciary is crucial for upholding secularism, protecting religious freedom while preventing societal discord.

The Constitution guarantees religious freedom, but this right is subject to public order, morality, health, and other fundamental rights. Courts interpret these principles, especially in religious conversion cases. The aim is to balance individual freedom to convert without coercion or fraud, and preventing forced conversions that disrupt social harmony. Judicial interventions ensure conversions are genuine, scrutinizing circumstances to confirm they reflect an unpressured decision, safeguarding individual autonomy, and reinforcing India's secular fabric.

II. Conceptual Framework of Secularism

There is no fixed philosophy of secularism. The concept of secularism involves various interpretations. George Jacob Holyoake coined "secularism" in 1846 to describe a form of opinion testable by life's experience. George Holyoake, a prominent figure in the English secularist and freethought movements, gained public recognition due to his conviction under and subsequent struggle against England's blasphemy laws. Thus, secularism as a term is believed to be a benevolent discourse derived from the European Renaissance. But it is a belief that is the manifestation of mixed and complex philosophies or ideals.⁴

A. Different concepts of Secularism

The primary conceptual analysis of Secularism deals with the *Equidistance Principle*, which enunciates that the State has to maintain equal distance

⁴Rajeev Bhargava, Political Secularism: Why It Is Needed And What Can Be Learnt From Its Indian Version, <https://iow.eui.eu/wp-content/uploads/sites/18/2014/05/Bhargava-03-Bhargava.pdf>, last accessed on 04.08.2025.



from all religions/ beliefs or faith as propagated within the state. Under, Indian Constitution, it is the duty of the State to remain equally non-aligned towards any religion/ faith or basic right to religion. Another famous interpretation lies with the *Wall of Separation Theory*. This model enforces a strict separation between church and state, ensuring that the government neither supports nor interferes with religious institutions. It treats religion as a private matter, which is prevalent in the United States, where the First Amendment prohibits the establishment of religion by the state. It is also considered a Western concept of secularism. Another philosophy being- *Laïcité*,⁵ originating in France, *laïcité* emphasises state supremacy over religion and restricts religious expression in public life. Established by the 1905 law on the separation of church and state, it aims to maintain a secular public sphere devoid of religious symbols or influence. This model is characterised by a proactive stance against the involvement of religion in governmental affairs. However, due to certain developments in the philosophies of faith and propagation, two major concepts were derived in affirmative and negative senses.

Positive Secularism equally acknowledges and respects all religions, without favoritism towards any particular one.⁶ It allows state intervention in religious matters to promote harmony and protect individual rights. *Negative Secularism*, while contrasting with positive secularism, advocates for minimal state involvement in religious affairs. The government remains neutral and does not recognise or support any religious group, focusing solely on individual rights and freedoms. This approach seeks to prevent any form of state endorsement of religion. Another current practice is *pseudo-secularism*, which is not the actual construction of secularism, but the misnomer wherein one religious group is favoured against the other one. Under this, the State actively participates in the protection and promotion of such religious groups. In India, there have been various instances where one minority group has been favoured over another or vice versa. E.g. in the State of West Bengal, Muslims are actively favoured against the Hindus. We can see various instances wherein the cultural practices of Muslims dominated the regions of Hindus, especially Jains. Furthermore, in the States of UP and MP, cultural emancipation

⁵Jasper Doomen, *Laïcité: Ousting Some Religious Elements while Introducing Others*(04.08.2025, 11 AM), <https://www.tandfonline.com/doi/full/10.1080/17419166.2022.2111303>.

⁶The Hindu Special Correspondent, (04.08.2025, 12 PM), <https://www.thehindu.com/news/national/karnataka/india-has-positive-secularism-unlike-turkey-which-has-banned-hijabs-in-public-places-petitioners-tell-karnataka-high-court/article65053262.ece>.



of Hindus is seen against the other groups- instances of Maha Kumbh wherein the State used the crores from the exchequer in the promotion of such practices.

B. The Indian Conception of Secularism

Indian concept of secularism is concurred in the very interpretation of secularism as ‘**sarva dharma sambhav**’. It states that equal respect is to be maintained in India’s demography. In other words, it can be said that Indian consideration of secularism is a mix of harmonious and diverse interpretations. It cultivates every facet thereof, which, as belief, is the true manifestation of the articulation of the individual’s belief. India’s Constitution, though later explicitly adding “secularism” to its Preamble, inherently embraced secular principles from the outset. The original Preamble’s guarantee of “freedom of thought, expression, belief, faith, and worship” exemplifies this, ensuring intellectual and spiritual autonomy, and the right to practice faith free from state interference. This “collection of freedoms” establishes the Indian state as a neutral arbiter in religious affairs, fostering coexistence and individual spiritual pursuit. This proactive safeguarding, along with broader freedoms, defines “Indian secularism”—a model unique from Western interpretations, emphasising equal respect for all religions rather than strict separation, and showcasing the farmers’ foresight in establishing India’s distinctive secular identity. Thus, the concept of Secularism as practised in India is very dynamic and has practical applications.

III. Historical Perspective of Secularism in India

A. Ancient

Professor J.J. Anjaria’s analysis shows ancient India had diverse governance, with monarchy becoming dominant, similar to Europe.⁷ The State integrated religion and politics, promoting tolerance. While lacking formal separation, the State was religious, founded on Dharma, yet religion didn’t dominate as in the West due to no established Church. King and priest roles were distinct but based on religious assumptions. Conflicts between religion and State were less pronounced than in the West, though scriptures show tension regarding the king’s authority over Brahmins and priestly power. This tension was eased by the absence of a strong ecclesiastical body. During the Mauryan period, religion served political goals, with Kautilya subordinating it to political aims,

⁷J.JANJARIA, NATURE AND GROUND OF POLITICAL OBLIGATION IN THE HINDU STATE 231 (Calcutta, Longman, Green and Company 1925).



advocating a secular state based on power. Gupta rulers practiced religious tolerance, asserted royal authority over religion, and supported Brahmanism, Buddhism, and other sects. Contemporary religious texts also promoted tolerance. The Rig Veda and Bhagavad Gita emphasize the unity of truth, treating others as oneself, and universal kinship.⁸

Overall, the ancient Indian State was neither sacerdotal nor theocratic, nor entirely secular. Religion did not dominate the state as in Western nations, likely due to the absence of a formal religious institution like the Church. The King and priest roles were distinct, though based on religious beliefs such as the divinely ordained caste system. Religious freedom was prevalent, with no specific creed imposed, and various faiths allowed to disseminate their teachings and receive support. Asoka's Rock Edict XII states, "One who honors their own religion and seeks to elevate it above all others, indeed harms their own faith."

B. Medieval

Throughout the medieval era, a strong connection between religion and the State, coupled with a comprehensive policy of toleration, was maintained. The Delhi Sultanate, for instance, operated under Islamic principles, forbidding overt violations of Islamic law. While Muslim scholars held high-ranking positions, they were not permitted to dictate State policies. As Alauddin Khilji famously declared, "policy and governance are distinct from the rules and decrees of Islamic law. The Sultan's commands are sovereign, while Islamic legal rulings depend on the interpretations of the Qazis and Muftis." Medieval Indian State religious policies spanned a spectrum from tolerance to extremism, exemplified by Akbar and Aurangzeb, respectively. The concept of an institutional separation between State and religion was entirely foreign, even to the most progressive faiths of the time. Nevertheless, even the most extreme regimes demonstrated some level of general toleration.

Under Akbar, religious toleration and freedom of worship were paramount. He appointed numerous Hindus to ministerial roles, forbade forced conversions, and abolished the Jiziya tax. A key aspect of his tolerant policy was the introduction of 'Din-i-Ilahi' or the Divine Faith, which blended elements of both Hinduism and Islam.⁹ Furthermore, he championed the principle of 'sul-

⁸A.S. ALTEKAR, STATE AND GOVERNMENT IN ANCIENT INDIA 48-49 (Motilal Banarsidass, Benaras, 1955).

⁹MOHAMMAD GHOUSE, SECULAR, SOCIETY AND LAW IN INDIA 22 (Vikash, Delhi, 1973).



h-kul,' or peace and harmony among different religions. He also hosted a series of religious discussions in the 'Ibadat Khana' or Hall of Worship, inviting theologians from Brahmin, Jain, and Zoroastrian traditions. Jahangir and Shahjahan continued this tradition of liberalism. Notably, Dara Shikoh delved into Hindu philosophy, seeking to identify commonalities between Hindus and Muslims.¹⁰

C. Modern

The concept of secularism, as a distinct idea from earlier notions of toleration, was introduced to India by the British. However, their arrival simultaneously exacerbated Hindu-Muslim tensions. To some extent, British policies laid a historical foundation for secularism in India, attempting to reconcile three distinct roles: the commercial imperial objectives of the British Government necessitated a policy of religious neutrality; their position as Indian rulers obligated them to uphold the traditional role of patron and protector of Indian religions; and pressure from Christian missionaries compelled them to adopt the role of a Christian Government. The policy of religious neutral bias revolved around forced conversions and absolutes from social customs and traditions.¹¹ Wood's Education Despatch of 1854 introduced secular education, seen as a safeguard against Christian missions and a vehicle for Western ideas, fostering secularism within the national movement. Despite Queen Victoria's commitment to religious neutrality post-1857, British policies exacerbated religious divisions. The "divide and rule" strategy, including the 1905 Bengal partition, separate electorates (1909, 1919), and the Communal Award of 1932 (modified by the Poona Pact), fueled communalism and separatism. This policy, by recognizing communal leaders and conceding demands, actively discouraged Muslim participation in the national movement, ultimately contributing to India's partition. Thus, while laying some groundwork for secularism, the British simultaneously deepened religious divides to consolidate power.

i. Evolution of Secularism in the Indian Constitution and its Adoption in the Indian Constitution-era of 1947-1976

Following India's independence on August 15, 1947, the Constituent Assembly constituted the Drafting Committee on August 29, 1947. It was tasked with

¹⁰RATNASEKHARA, K.M. PANIKAR, *INDIA THROUGH THE AGES* 157- 22 (Tilak, Wasan, Delhi, 1985).

¹¹Satish Chandra, *The Indian National Movement and Concept of Secularism*, in *NATIONALISM IN INDIA: MULTIPLE DIMENSIONS AND IDEOLOGIES* 71 (Bidyut Chakrabarty ed., 2017).



the responsibility of drafting a Constitution in alignment with the resolutions of the Constituent Assembly. The Government of India Act of 1935 provided a significant portion of the foundational structure for the formulation of the new Constitution. Nonetheless, significant principles and constitutional provisions were mostly derived from the constitutional frameworks of Great Britain and the United States.¹²

During the discussion of the Indian Constitution's preamble in the Constituent Assembly on October 17, 1949, considerable disagreement and contentious debate on the inclusion of the idea of secularism consumed the majority of the Assembly's time. The viewpoints articulated on secularism that day distinctly highlight the divergences that had been emerging during the three years of debate in the Constitutional Assembly. During the drafting of the Indian Constitution, the proposal wasn't to construct the term 'Secularism', particularly in Western countries. Nehru did not mention the terms 'secularism/secular state' during his lengthy address when presenting the Objective Resolution in the Constituent Assembly. Dr. B. R. Ambedkar, the Chairman of the Drafting Committee, did not mention them in his statement during the introduction of the Draft Constitution, when he emphasised its important aspects. Furthermore, the terms were not included into any section of the Constitution. The exclusion of 'secularism' was intentional, and not incidental. It was the deliberate course of action.

The initial perspective, referred to as the non-concern theory of secularism, established a clear demarcation between religion and the state. In accordance with the ideals of freedom of expression and religious liberty, the decision to believe or to follow a particular religion rested with the individual. Consequently, the preamble must exclude all references to deity, and the constitution should not establish connections between the state and any religion. The assertion that religion is a personal matter was expanded during the primary sessions of the Constituent Assembly to encompass the more extreme proposition that religion should be confined to the private domain. The second stance on secularism, in stark contrast to the first, posits that no connections between the state and religion should be allowed, not due to concerns about state integrity, but because it would diminish the sanctity of religion: As a system of absolute truth, religion should not be subjected to the caprices of fluctuating majorities by permitting the democratic state to influence religious matters.¹³

¹²Supra note 10.

¹³D.PARAS, INDIAN CONSTITUTIONAL AMENDMENT FROM FIRST TO FORTY – FOURTH 219 (Oxford University, press/I.B.HPublishing Company,1980).



Similar to the initial position, the third stance—termed the equal-respect theory of secularism—originated from the principle of religious liberty. However, it posited that in a society such as India, where religion significantly influences the lives of the majority, this principle necessitates that the state not only refrain from favouring any religion but also accord equal respect to all religions. In this perspective, rather than separating itself from all religions or treating them equally as mere superstitions to be privately indulged, a secular state engages with religion via a framework of equal respect for all faiths. K.M. Munshi, a prominent proponent of a unique Indian secularism, contended that the U.S. Constitution’s “non-establishment clause” is inappropriate for India. He contended that India’s profoundly religious population precluded the adoption of a state religion or the maintenance of a rigorous separation between state and religion, in contrast to the United States. Likewise, Lakshmi Kant Maitra and H.V. Kamath contended that the Indian state had not to forsake India’s “elevated religions and spiritual principles and ideals.”

They argued that the West, facing a dilemma stemming from materialism, pursued India for the restoration of “spiritual values.” In their opposition to sectarianism, they also contended that the Indian state ought to actively offer “spiritual training or instruction” to its populace. This viewpoint on secularism shaped the interpretation of the right to religion as the right to practise, rather than simply to worship. While constraints on this right were acknowledged, it was imperative that the right itself authentically represented the importance of religion, rather than suggesting a lack of respect for it. Despite varying original methodologies, the Indian Constitution ultimately included both, prompting the Constituent Assembly to exclude specific, restricted terminology.¹⁴

ii. Inclusion of Secularism and Era Post 1976

The term “secular” was incorporated into the Preamble of the Indian Constitution by the Constitution (Forty-Second Amendment) Act of 1976, which took effect on January 3, 1977. The first Constitution, enacted in 1950, notably lacked the terms “secular” and “God,” with the latter appearing solely in the Third Schedule. The 42nd Amendment altered the Preamble’s opening to:

“We, the people of India, have solemnly resolved to constitute India into a sovereign socialist secular democratic republic.”

¹⁴Shefali Jha, Secularism in the Constitution Assembly Debates (20.07.2025, 10 AM), <https://www.rgics.org/democracy/secularism-in-the-constituent-assembly-debates-1946-1950/>.



The inclusion of “socialist” sought to strengthen the current constitutional dedication to socio-economic justice, rather than to create a welfare state. Before this amendment, the Constitution did not officially incorporate the term “secularism,” instead emphasising the freedom of religious belief and the State’s separation from religion. This inclusion emphasises that India, as a nation, possesses no official religion, and all persons maintain the right to profess, practise, and propagate their respective religions, a right further assured by Fundamental Rights in Articles 25-28. The term also denotes that the Constitution prohibits the amalgamation of religion and state authority, ensuring a distinct separation. Although the term “secular” was not originally included in Articles 25 or 26, or in any other Article or the Preamble, the 42nd Amendment of 1976 replaced “Sovereign Democratic Republic” with “Sovereign, Socialist, Secular, Democratic Republic.”

This amendment, the most extensive and controversial in the history of the Constitution, sought to clearly delineate the lofty principles of Socialism and Secularism, as outlined in its objectives. In parliamentary discussions, although the Parliament’s authority to modify the Preamble was contested, there was no dissent about the inclusion of “Secular.” Since that time, “secularism” has been an integral component of the Preamble, seen as a fundamental concept of the Indian Constitution.¹⁵

IV. Secularism and Right to Religion in the Indian Constitution

The Constitution of India acknowledges the nation’s extensive linguistic, religious, and cultural diversity, ensuring religious freedom in Articles 25 to 28. These articles guarantee each individual’s right to select and exercise their religion. Furthermore, Articles 29 and 30 stipulate Cultural and Educational Rights.

Article 25 guarantees the essential right to religious freedom, including the rights to proclaim, practise, and disseminate one’s beliefs. This freedom is contingent upon reasonable limitations aimed at preserving public order, morality, and health, so guaranteeing that religious practices do not disturb societal harmony. Article 25 differentiates between religious practices and secular activities linked to religious institutions. Religious denominations possess the authority to govern their own matters, including the establishment and maintenance of religious institutions, as long as they adhere to applicable laws and public order.¹⁶

¹⁵Ibid.

¹⁶In *TMA Pai Foundation v. The State of Karnataka*, AIR 2003 SC, the Supreme Court affirmed that Article 26 grants all religious denominations the right to manage their own religious affairs, provided they comply with public order, morality, and health regulations.



Article 26 confers upon religious organisations the authority to possess and acquire both movable and immovable assets, however the government retains the power to regulate these properties by suitable legislation. Article 26(a) explicitly affirms the entitlement of religious organisations to create and sustain institutions for religious and philanthropic purposes, relevant to both majority and minority religions. Article 26(d) asserts the legal authority to administer religious properties, with the government guaranteeing compliance with legal norms while honouring religious autonomy. Article 27 forbids mandatory tax contributions for the support or maintenance of any specific religion or religious organisation. Article 28 pertains to the freedom of religion inside educational institutions, safeguarding the rights of people, religious communities, and educational entities concerning religious education and worship. Article 26(b) reaffirms the entitlement of religious organisations to self-govern in spiritual issues, permitting governmental action alone when public order or participation in religious events is adversely affected. The principal aim of Article 28 is to preserve the secular nature of state-funded educational institutions while honouring people's rights to engage in their beliefs or refrain from religious practices. Furthermore, Articles 29 and 30 safeguard minority rights, including their scripts, culture, and language, thus incorporating the protection of religious rights within cultural rights.¹⁷

V. Judicial Response

The original principles of the Preamble—equality in status and opportunity, and fraternity that upholds individual dignity—are articulated alongside justice (social, economic, political) and liberty (thinking, expression, religion, faith, worship), reflecting India's secular culture. Article 25 ensures that all individuals possess the freedom of conscience and the right to proclaim, practise, and disseminate their religion, contingent upon public order, morality, health, other fundamental rights, and the State's authority to control secular activities associated with religious practices.

The Supreme Court has repeatedly upheld secularism as a basic constitutional tenet. The concept of secularism in *Kesavananda Bharati v. State of Kerala*¹⁸ was primarily interpreted in relation to the basic structure

¹⁷Aruna Roy v. Union of India, AIR 2002 SC upheld the National Curriculum Framework for School Education (NCFSE) against secular challenges, allowing religious philosophy study for value-oriented living.

¹⁸(1973) 4 SCC 225.



doctrine. In *S.R. Bommai v. Union of India*¹⁹ the Supreme Court specifically affirmed that secularism constitutes a fundamental component of the Constitution. In *R.C. Poudyal v. Union of India*²⁰, the Court directed that before its 1976 incorporation into the Preamble by the Constitution (Forty-second Amendment) Act, ‘secular’ intrinsically denoted the nation’s dedication to impartial and equitable treatment of all religions. The case of *M Ismail Faruqui (Dr) v. Union of India*²¹ elucidated that secularism in India encompasses the widest conceivable interpretation.

The contention to nullify the Constitution (42nd Amendment) Act, 1976, on the grounds of its promulgation during the Emergency and the prolonged Lok Sabha term, was previously discussed in Parliament during the talks on the Constitution (Forty-fifth Amendment) Bill, 1978. The terms ‘secular’ and ‘socialist’ were examined throughout these discussions. This Bill was subsequently renumbered as the Constitution Forty-Fourth Amendment Act of 1978. ‘Secular’ was characterised as a form of governance that maintains equal regard for all religions, whereas ‘socialist’ denoted a republic committed to eradicating all forms of exploitation (social, political, economic). The Council of States rejected the proposed change to Article 366.

Indian secularism also afflicts over the concern wherein it emphasizes over the essential religious practice and thus, any non-essential practice not imbuing the spirit of religion or defeats the essence of secularism can be ruled out.²²

In the case of *A.S. Narayana Deekshitulu v. State of Andhra Pradesh*²³ There was the question of whether the position of a temple priest (archaka) could be regulated by a state law that abolished hereditary appointments. The Supreme Court made a crucial distinction between the ‘religious’ and ‘secular’ aspects of a religious practice. It held that while the performance of religious rites is a religious act, the appointment of a priest is a secular function that the state can regulate to ensure social reform and to eliminate discrimination based on heredity or caste. This affirmed the state’s power to intervene in religious affairs for social welfare without infringing on religious freedom.

¹⁹(1994) 3 SCC 1.

²⁰1994 suppl (1) SCC 324.

²¹(1994) 6 SCC 360.

²²Shayra Bano v. UOI, AIR 2017 SC 4609-If any religious practice which infringes fundamental rights consequent upon non essential practice which tinkers the real essence of religious philosophy, is always open to challenge.

²³1996 SCALE (2)911.



The Supreme Court, in the recent order of *Dr. Balram Singh and others v. UOI and others Writ*

Petition (C) No 1467 Of 2020, declined to challenge the 1976 insertion of the words ‘socialist’ and ‘secular’ into the Preamble to the Constitution of India. The Court acknowledged that the Constitutional Assembly initially did not agree to include these terms, but held that they have since gained constitutional adaptability. Given that the Constitution is a living document, the removal of these words would, in the Court’s view, deteriorate the basic structure. In 1949, the term ‘secular’ was considered unclear and was sometimes interpreted by scholars and jurists as being contrary to religious beliefs. However, India has evolved its own understanding of secularism over time, where the State neither supports nor penalizes the profession and practice of any faith. This principle is constitutionally enshrined in Articles 14, 15, and 16, which forbid discrimination against citizens on religious grounds while guaranteeing equal protection under the law and equal opportunity in public employment.

VII. Conclusion

Secularism lacks a singular definition, with interpretations including state atheism, strict church-state separation, principled distance (Equidistance Theory), and equal respect for all religions. Indian secularism is often criticized for confusing historical tolerance with constitutional doctrine, suggesting an alternative paradigm of religious tolerance independent of formal secularism. The original Indian Constitution inherently had secular characteristics, prohibiting religious discrimination, even without the term “secular.” Indian secularism’s foundations are shaped by ‘*Dharm Nirpekshita*’ (state neutrality) and ‘*Sarva Dharma Sama Bhava*’ (equitable regard). A unique Indian paradigm has emerged, where secularism is conflated with minority identity politics and “minority appeasement.” The classification of Muslims as a “minority” is debatable, given their 15% population share (over 200 million) and numerical majority in certain regions. “Minority appeasement” in a secular state is seen as detrimental to democracy and secular principles, exemplified by state involvement in religious festivals. Caste, creed, communal politics, and electoral manipulation undermine democratic and secular institutions, and some intellectual and political actors show inconsistency in applying secular principles. Secularism is often seen as opposing religious identity, particularly regarding the “dominant minority.” This focus on religious identity politics fuels sectarianism, threatening national cohesion. In a globalized world, external religious expressions like



attire have diminished significance; true identity should be based on personal attributes, profession, character, and societal contributions, not just religious, caste, or creedal affiliations. While inter-religious conflict exists, isolating one group is unfair. The paper questions how a secular state can disregard religion as an intrinsic part of identity for a significant population. Attempts to impose a state identity are seen as infringing on individual autonomy. Religion should be confined to its legitimate domain, allowing other societal spheres to unify and strengthen the nation.

Indian secularism presents a paradox. Confining India, a land of diverse cultures and the philosophy of '*Vasudhaiv Kutumbakam*' (the world is a family), to secularism is a narrow construction. While the Preamble protects state neutrality, practical Indian society prevents the state from entirely disengaging from religious practices. It's infeasible for India to address religious issues without considering its diverse cultural practices. Anti-conversion laws are necessary, but state control over religious practices shouldn't be arbitrary or undermine innate faith. The state should neither emancipate nor derogate unless balancing individual interests. Secularism, though intended to glorify constitutional ideals, remains a distant reality.