UNIT II: SECULAR VALUES

Understanding Secular values – Interpretation of secularism in Indian context – Disassociation of state from religion – Acceptance of all faiths – Encouraging non-discriminatory practices.

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- Understanding Secular values
- Interpretation of secularism in Indian context
- Disassociation of state from religion
- Acceptance of all faiths
- Encouraging non-discriminatory practices

2.1. SECULARISM

Secularism is the principle of the separation of the government institutions and persons mandated to represent the state from religious institutions and religious dignitaries.

One manifestation of secularism is asserting the right to be free from religious rule and teachings or in a state declared, to be neutral on matters of belief, from the imposition by government of religion or religious practices upon its people.

Another manifestation of secularism is the view that public activities and decisions, especially political ones, should be uninfluenced by religious beliefs and / or practices.

Secularism means setting up democratically elected governments and laws passed by parliament and legislatures uninfluenced by religious dictates and scriptures.

The rule of law is supreme and all citizens are equal in the eye of law.

The actions are judged by courts manned by skilled judges and proceedings are conducted with help of trained and skilled lawyers.

The government collects taxes direct and indirect from citizens and manufactures and sellers of goods and provider of services under due process of legislated laws.

No person can be punished, censured without due process of law and can be done only after following the principles of natural justice.

The state is governed by its constitution wherein is enshrined the fundamental rights to its citizens.

2.1.1. HISTORICAL BACKGROUND

India on gaining independence adopted secular socialistic democracy with three wings - legislature, Judiciary and Executive.

The constitution of India enshrined basic fundamental rights to its citizens and all citizens to be treated equally and guarantying equal protection with reservation for socially and economically backward classes including schedule caste and schedule tribes for their upliftment and betterment.

People are granted liberty and freedom to practice their faith and religion. Liberty and freedom are the foundation stones of the Indian constitution.

2.1.2. SECULAR SOCIETY

In studies of religion, modern democracies are generally recognized as secular. This is due to the near complete freedom of religion, and the lack of authority of religious leaders over political decisions.

Nevertheless, religious beliefs are widely considered by most to be relevant part of the political discourse in many of the secular countries. This contrasts with other western countries as Britain and France where religious references are generally considered out-of-place in main stream politics.

The aspirations of a secular society could characterize a secular society as one which:

1. Refuses to commit itself as a whole to any one view of the nature of the universe and the role of man in it.
2. Is not homogenous, but is pluralistic.
3. Is tolerant. It widens the sphere of private decision-making.
4. While every society must have some common aims, which implies there must be agreed on methods of problem-solving, and a common frame work of law; in a secular society these are as limited as possible.
5. Problem solving is approached rationally, through examination of the facts. While the secular society does not set any overall aim, it helps members realize their aims.
6. Is a society without any official images. Nor is there a common ideal type of behavior with universal application.

Positive ideals behind the secular society

1. Deep respect for individuals and small groups of which they are a part.
2. Equality of all people.
3. Each person should be helped to realize their particular excellence.
4. Breaking down of the barriers of class and caste.

Some societies become increasingly secular as the result of social processes, rather than through the actions of a dedicated secular movement; this process is known as secularization.

2.1.3. SECULARISM IN INDIA

Secularism in India means equal treatment of all religions by the state. The laws implicitly require the state and its institutions to recognize and accept all religions, enforce parliamentary laws instead of religious laws, and accept pluralism.

India does not have an official state religion. The people of India have freedom of religion, and the state treats all individuals as equal citizens regardless of their religion.

In matters of law in modern India, however, the applicable code of law is unequal and India's personal laws-on matters such as marriage, divorce, inheritance, alimony-varies with an individual religion.

Secularism as practiced in India, with its marked differences with western practice of secularism, is a controversial topic in India.

Supporters of the Indian concept of secularism claim it respects Muslim men's religious rights and recognizes that they are culturally different from the Indians of other religions.

Secularism is a divisive, politically charged topic in India.

Secularism in India, thus, does not mean separation of religion from state. Instead, secularism in India means that a state is neutral to all religious groups.

Religious laws in personal domains, particularly for Muslim Indians, supersede parliamentary laws in India; and currently, in some situations, the state partially finances certain religious schools.

2.1.4. PRINCIPLES OF SECULARISM

Secularism is founded on three primary principles.

- Firstly, the government must be separated from influence by religion and religious institutions.
- Secondly, everyone has the right to freedom of religion.
- Lastly, all religions are to be treated equal under the law.

2.1.5. FEATURES OF INDIAN SECULARISM

- Equal respect and recognition for all religions by the state.
- No discrimination by the state on the basis of religion.
- Non-interference in the functioning of any religion by the state.
- No official religion in India.

2.1.6. OBJECTIVES OF SECULARISM

- One religious group does not dominate another.
- Some members don't dominate other members of the same religious community.
- The state does not enforce any specific religion nor take away the religious freedom of individuals.

2.1.7. IMPORTANCE OF SECULARISM

Secularism in India is important not only to provide peace and harmony within the country but also to provide a better and safer society for all.

Secularism is very important for India because if India becomes religious state, it will stop us from sharing new thoughts and reading about different religions

So, it can be said that secularism in India is perfectly performed and the Indian government tries to keep religion separate from government.

2.1.8. PURPOSE OF SECULARISM

The idea here in its weaker publicly reiterated form was that the government would not interfere in 'personal' religious matters and would create circumstances in which people of all religions could live in harmony.

2.1.9. TYPES OF SECULARISM

(a) Political secularism:

Political secularism has three essential principles politics, religion, and their separation.

Accordingly, different conceptions of secularism will give different and rival versions of the core concept, political secularism, depending on how they define politics, religion, and separation.

Political secularism must also satisfy important normative principles.

The most important of these are freedom of conscience and the principle of state neutrality.

(b) Philosophical secularism:

As a philosophy, secularism seeks to interpret life based on principles derived solely from the material world, without recourse to religion.

It shifts the focus from religion towards" temporal "and material concerns.

(c) Socio-cultural secularism:

Secularization is a cultural transition in which religious values are gradually replaced with nonreligious values.

In the process, religious figureheads similar as church leaders lose their authority and influence over.

2.1.10. ADVANTAGES OF SECULARISM

Secularism also has numerous practical advantages.

The happiest countries are secular liberal democracies, including Scandinavian countries and northern European states.

In general, secular countries have lower rates of homicide, juvenile and early adult mortality, STD infection rates, teen gestation and abortion.

2.1.11. DISADVANTAGES OF SECULARISM

- It corrupts the people minds.

- It promotes division and confusion. Too many religions, too much contradiction, cause too many killings.
- Not everyone believes that some spirit exists.

2.2. UNDERSTANDING SECULAR VALUES

2.2.1. SECULAR VALUES

The secular mind is better equipped than religion to reach reasoned and compassionate judgments.

Religious minds tend to become irrational and fanatical leading to inter religious differences, violence and bloodshed.

The more potent form of faith seeks to justify doctrines and practices that defy rationality and compassion.

Religious minded refuse abortion, even in a case of rape, incest or severe foetal abnormality.

Secular mind on the other hand value human rights and makes the society tolerant.

2.2.2. DEFINITION OF SECULAR VALUES

Secular values are simply those values derived not from any religious source. Separate from any religious concerns.

All stemming from "Secular" meaning not connected to any dogma or doctrines. Anything said to be secular including values, is that which has been reached through purely 'human' means.

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Secular values are those values which people come up with that focus on the effects certain actions actually have on people-other organisms, the planet etc) instead on ignoring /overriding such concerns to focus on the commands of some religious text/traditions or whatever.

Secular values are derived from rationality and based scientific findings than superstitious believes or religious dogmas.

Secular humanism is a comprehensive life stance or world view embraces human reason, metaphysical naturalism, altruistic morality and distributive justice, and consciously rejects super natural claims, theistic faith and religiosity, pseudo-science, and superstitions.

It is sometimes referred to as Humanism.

Humanism is a democratic and ethical life stance, which affirms that human beings have right and responsibility to give meaning and shape to their own lives.

It stands for the building of a more humane society through an ethic based on human and other natural values in the spirit of reason and free inquiry through human capabilities.

It is not theistic, and doesn't accept supernatural views of reality

2.2.3. WHAT ARE THE THREE SECULAR VALUES?

- Similarly, freedom of thought is supported by secularism.
- Order is supported by secularists, specifically in that one's beliefs should not be permitted to disturb the civil peace.
- Religious tolerance is supported both for people of other religions and a lack of piety demonstrated by members of one's own religion.

2.2.4. UNDERSTANDING SECULARISM IN INDIA

Secularism is perhaps the most misunderstood word in India. The reasons are obvious.

A distorted understanding of Secularism has been deliberately planted and propagated for decades and it is not politicians alone who are at fault.

Unfortunately, this distorted version appeals to many among the youth today. They go by what they hear since it is fashionable to support this distorted understanding.

The secular model being followed in India since independence has the dubious distinction of suffering from many anomalies including minority appeasement.

Encyclopedia Britannica defines secularism as 'any movement in society directed away from other worldliness to life on earth'. This should be seen as the fundamental definition of Secularism in its purest form. Life here means the world as a whole.

However, given the division of the world in countries and societies, it will be prudent to limit it to nations and the societies therein. Secularism is the concept of governing life in nations and societies based on life in the real world, without linking it with any celestial, supernatural or mythical connects.

When applied to politics and governance, secularism means following a public policy based on facts, science and reason as opposed to any religious, spiritual or non-worldly idea or concept.

Buddhism, Jainism and Sikhism took birth in India, while Islam, Christianity, Zoroastrianism and Jewish religions are imports in the country. After being a predominantly Hindu nation in character for thousands of years, today it is home to all these religions.

Secularism becomes increasingly important for nations with multiple societies with different religions. It ensures that all citizens are governed equally without any religious bias.

Most Christianity dominated nations in the developed Western world follow secularism in governance, while remaining Christian nations in principle. They promote and support the Church financially and otherwise.

Yet, these nations are seen as epitomes of Secularism. But in India, a mere mention of the word Hinduism attracts the charges of being non-secular and subjugation of minorities in the same breath. It is time to call out this hypocrisy, pretence and bigotry.

The Islamic majority nations are more forthright as they openly decry other religions, shun secularism and subscribe to the idea of a Muslim brotherhood across the world.

The concept of secularism is neither new to India nor to Hinduism. It was practised by ancient Hindu rulers for thousands of years. Most rulers had highly learned saints and religious wisemen as advisers.

They always advised the rulers to be impartial in governance and to treat all subjects alike, irrespective of their faiths or positions in the society.

Yet, and this is important to understand, their commitment and responsibility to protect Hinduism remained steadfast.

The warped concept of secularism in our country advocates that religion is a personal matter and best restricted to an individual. This bizarre argument precludes any mutual religious interaction between individuals, family, group or society by default.

This is against the very fundamentals of any religion which aims to bring people together. Societies thrive when like-minded people bond with each other.

Religion is personal only to the extent that it should not overflow into common public spaces and avoid an in-your-face approach to prevent interfaith conflicts.

Religions are often connected with and draw inspiration from worldliness that transcends beyond the realms of the real world because of their connect with the spiritual and the supernatural.

Any religion is a personal set or institutionalised system of beliefs, attitudes and practices that are regarded as holy, sacred, divine, spiritual and worthy of reverence either individually or collectively.

In turn such a system guides and regulates, in varying degrees, an individual's or a society's approach to life. The level of tolerance and cooperation displayed for other religions depends on the extent of freedom and free thought allowed within a religion.

Hinduism, which is part of an individual's way of life, tops the list in offering maximum freedom and encouraging free thought.

Therefore, unlike most other religions, secularism comes naturally to Hindus.

When India attained independence in 1947, it was partitioned into India and Pakistan with the latter deciding to be an Islamic country.

India could have easily followed suit and declared itself a Hindu nation. But given the proven secular credentials of Hinduism, it chose not to do so.

It adopted Secularism and willingly accepted the decision of millions of Muslims to stay back in India.

Has secularism succeeded in India from 1947 till date? It may be more prudent to answer this question with some hard truths and facts.

Some of these are:

- All minorities have complete freedom to propagate, teach and run their religions. Similar freedom is not available to Hinduism.
- Minorities with genuinely small numbers like Sikhs, Buddhists, Jains, Parsis/ Zoroastrians and Jews have prospered, contributed to nation building much beyond their numbers and have no issues with Hindus or Hinduism.
- Muslim population growth rate of 24.3% is 50% more than that of Hindus which stands at 16.7%. The national growth rate is 17.7%.
- While the national population has nearly tripled in six decades after independence, the Muslim population has grown nearly five times and the Christian population about three and half times.

  In 1951 Hindus formed 84.1% of the national population while Muslims were at 9.8%. The corresponding figures for 2011 are 79.8% and 14.2%. These figures do not take into consideration the huge illegal migration of Muslims from Bangladesh, Myanmar and Pakistan.
- Since independence, the country has had three Presidents and three Vice Presidents from the Muslim community, one President and one Prime Minister from the Sikh community.
- There is no discrimination in government jobs against any religious community. Nation's armed forces are an epitome of secularism at its best.
- There have been no Hindu centric government initiatives but there have been many for minorities and their religions.
- The history and rich heritage of Hinduism has been deliberately suppressed and distorted in favour of the more contemporary Muslim and British rules in India. Efforts of Hindus to reclaim parts of their heritage are invariably opposed by minorities.

It is obvious that the fundamentals of secularism have been distorted in India to favour the minorities.

Political compulsions, dictated by vote bank politics, have forced political parties to adopt this approach at the cost of the majority.

Secular democratic governments practise social equality by keeping religion out of governance.

However, by no stretch of the imagination does it imply that such governments have no responsibilities towards the religion of the land followed by the majority.

The distorted form of secularism followed by governments in India borders on being anti Hinduism.

In doing so, they have consigned the more pristine form of Secularism, as advocated by Hinduism, to the dustbin. Slowly but steadily, Bharat is losing its national identity.

2.2.5. COUNTERING FASCISM AND FANATICISM TO STRENGTHEN SECULARISM AND SECULAR VALUES

In a parliamentary democracy, the majority party holds the reigns of the government. Where a party having strong religious learning with religious ideals as their agenda then their functioning and rule is bound to effect the ideals and values of secularism.

This has been demonstrated in India with umpteen communal riots and suppression of rights of minorities, schedule caste, tribes and backward classes.

Recent excesses shown in enforcement of ban on cow slaughter is one pointer. Ram temple issue also brought in series of communal clashes and affected the harmony and peace of the country.

The question facing the country is as to how to strengthen secularism and secular values by facing the challenges posed by fascism and fanaticism?

The old Indian spiritual life and custom have been replaced by western modes and western way of life.

The two great world wars had a little impact on our country; instead, it stirred political consciousness among the masses, which played a great part in bringing the change in the life style of Indian people.

The traditional caste system and the hold of upper castes have been broken and a more cohesive society has been created.

The social revival of the masses with the ushering in of right of self-determination, rule of law and concept of social welfare has indeed shaken the traditional faction ridden caste society.

The improvement of social lives of poor masses, schedule caste and tribes, by enforcement of democracy into the hitherto highly religious society has brought in tremendous changes in the social life style of Indian people.

The economic changes and the changes of the village life-pattern to a more sophisticated urban life have equally not been free from malaise.

The emergence of evils of western civilizations like poverty, crime, prostitution, alcoholism, juvenile delinquency, gambling beggary, materialism, consumerism, dissolution of joint family, divorce and break down of traditional social life has helped in the growth of religious fanaticism.

At one hand the concept of state and involvement of people in their state affairs has become total, but on the other hand the waning of spiritual life also has become apparent.

The growth of materialistic life style, high cost of living and the inability of political parties to solve these issues and help in development of socialistic philosophy and democratic life style has there by created a water shed in the Indian polity. This has been a major cause of the revival of religious fanaticism.

Even before the concept of free thought and expression and democratic living could become a way of life of the last Indian, the religious forces have revived there by effecting secular values and secularism.

These religious forces are more from persons who are pseudo-spiritualists and God men.

The true spiritual guides and philosophers of India, who have mass influence, have become scarce and rare. This has given room for fascist force to grow in the leaps and bounds endangering secularism and secular values among the Indian people.

The greatest harm the fascist, fundamentalist and religious politicians have done is to run down the supremacy of the rule of law and to weaken the functioning of the democratic institutions, besides causing the destruction to the growth of true spiritualism.

The answer lays in the search to bring in cohesion between philosophies of ancient spiritual sages with those of present concept of rule of law.

The way to counter fascism and strengthen secularism and secular values is to meet its challenges posed by materialism and consumerism.

It is by reviving true spiritualism in the Indian religious context rather than use of ritualistic symbols, religious rites in all secular democratic institutions.

Use of religion in politics should be prohibited. Political parties should not be allowed to use any religious rites or symbols.

All religious processions in public places should be discouraged. Democratic living and only true spiritualists should be encouraged, who give the message of brother hood, humanism, compassion and mercy.

The sacred spaces in India where people practicing their respective religions gather to celebrate common festivals are required to be strengthened to help secularism and secular values.

So also, secular values have to be strengthened in all public schools, public institutions and public places.

2.2.6. BENEFITS OF SECULAR VALUES

- Religious Freedom. Living in a secular state has several benefits.
- Fair Decision Making. The independence of the state from religious groups make the sure fair decision making.
- Freedom of Speech.

2.2.7. NATURE OF SECULAR VALUES

- Secular values are simply those values derived not from any religious source.
- Separate from any religious concerns.
- All stemming from "Secular" meaning not connected to any dogma or doctrines.

- Anything said to be secular including values, is that which has been reached through purely 'human' means.

2.3. INTERPRETATION OF SECULARISM IN INDIAN CONTEXT

2.3.1. MEANING OF 'SECULARISM

It is being separate from religion or having no religious basis.

- It also means that all religions are given equal status, recognition, and support from the state.
- It can also be defined as the doctrine that promotes the separation of state from religion.
- No discrimination or partiality should be given on the basis of religion.
- The 42nd Amendment of the Indian Constitution (1976) states that India is a 'Secular' nation.
- India is a secular country which means it gives equal status to all religions.

2.3.2. CONCEPT OF SECULARISM

Secularism in India means the separation of religion from state. Religious laws in personal domain, for Muslim Indians; and currently, in some situations such as religious indoctrination schools the state partially finances certain religious schools.

India since its independence in 1947 has been a secular state. The secular values were enshrined in the constitution of India.

India's first prime minister Jawaharlal Nehru and Law Minister B.R Ambedkar is credited with the formation of secular values in the modern history of the country.

With the Forty-second Amendment of the Constitution of India enacted in 1976, the Preamble to the Constitution asserted that India is a secular nation.

However, the Supreme Court of India in the 1994 case S. R. Bommai v. Union of India established the fact that India was secular since the formation of the republic.

The judgement established that there is separation of state and religion. It stated "In matters of State, religion has no place.

Any State government which pursues nonsecular on policies or nonsecular course of action acts contrary to the constitutional mandate and renders itself amenable to action under Article 356".

Furthermore, constitutionally, state-owned educational institutions are prohibited from imparting religious instructions, and Article 27 of the constitution prohibits using tax-payers money for the promotion of any religion.

Officially, secularism has always inspired modern India.

However, India's secularism does not completely separate religion and state.

The Indian Constitution has allowed extensive interference of the state in religious affairs, such as constitutional abolition of untouchability, opening up of all Hindu temples to people of 'lower caste' etc.

The degree of separation between the state and religion has varied with several court and executive orders in place since the birth of the Republic.

In matters of law in modern India, personal laws – on matters such as marriage, divorce, inheritance, alimony – varies if one is a Muslim or not (Muslims have an option to marry under secular law if they wish).

The Indian Constitution permits partial financial support for religious schools as well as the financing of religious buildings and infrastructure by the state.

The Islamic Central Wakf Council and many Hindu temples of great religious significance are administered and managed (through funding) by the federal and the state governments in accordance with the Places of Worship (Special Provisions) Act, 1991, and the Ancient Monuments and Archaeological Sites and Remains Act, 1958, which mandates state maintenance of religious buildings that were created before August 15, 1947 (the date of Indian independence), while also retaining their religious character.

The attempt to respect religious law has created a number of issues in India, such as acceptability of polygamy, unequal inheritance rights, extra judicial unilateral divorce rights favorable to some males, and conflicting interpretations of religious books.

Secularism as practiced in India, with its marked differences with Western practice of secularism, is a controversial topic in India.

Supporters of the Indian concept of secularism claim it respects "minorities and pluralism". Critics claim the Indian form of secularism as "pseudo-secularism".

Supporters state that any attempt to introduce a uniform civil code, that is equal laws for every citizen irrespective of his or her religion, would impose majoritarian Hindu sensibilities and ideals.

Critics state that India's acceptance of some religious laws violates the principle of Equality before the law.

2.3.3. SECULARISM IN ANCIENT INDIA

India has various religions, and they have co-existed and evolved together for centuries.

- The development of the four Vedas and interpretations of the Upanishads and Puranas highlight the concept of Secularism in Hinduism.
- In ancient India, Hinduism was allowed to develop as a holistic religion by welcoming various spiritual traditions.
- There are many temples built in ancient times that show the coexistence of different religions and faiths.
- Emperor Ashoka was the first emperor to announce that the state would not prosecute any religious sect.

- Secularism in India is not a new concept at all, and it is as old as the Indus Valley Civilization.
- The quest for the coexistence of different religions continued even after the appearance of Buddhism, Jainism, Christianity, and Islam on Indian soil.
- In ancient India, people had freedom of religion, and the state granted citizenship regardless of religion.

2.3.4. HISTORYOF SECULARISM IN INDIAN CONTEXT

The term 'Secularism' is first reflected in the Preamble of India.

- The government is separate from religion.
- The philosophy of Indian Secularism is related to 'Sarva Dharma Sambhava', and this concept is promoted by personalities like Mahatma Gandhi and Swami Vivekananda.
- India doesn't have an official state religion. However different personal laws on matters like divorce, marriage, inheritance, and alimony vary with one's religion.
- Indian Secularism is all about achieving the peaceful coexistence of various religions.
- India respects all religions on par with one another.

Ellora Caves, a world heritage site, are in the Indian state of Maharashtra. The 35 caves were carved into the vertical face of the Charanandri hills between the 5th and 10th centuries.

The 12 Buddhist caves, 17 Hindu caves and 5 Jain caves, built in proximity, suggest religious co-existence and secular sentiments for diversity prevalent during pre-Islamic period of Indian history.

Ashoka about 2200 years ago, Harsha about 1400 years ago accepted and patronized different religions.

The people in ancient India had freedom of religion, and the state granted citizenship to each individual regardless of whether someone's religion was Hinduism, Buddhism, Jainism or any other.

Ellora cave temples built next to each other between 5th and 10th centuries, for example, shows a coexistence of religions and a spirit of acceptance of different faiths.

There should not be honour of one's own (religious) sect and condemnation of others without any grounds.

This approach to interfaith relations changed with the arrival of Islam and establishment of Delhi Sultanate in North India by the 12th century, but it was not the only cause the enmity in minds of Hindu lower caste had risen to the top because of the discrimination by Brahmins followed by Deccan Sultanate in Central India.

The political doctrines of Islam, as well as its religious views were at odds with doctrines of Hinduism, Christianity and other Indian religions.

New temples and monasteries were not allowed. As with Levant, Southeast Europe and Spain, Islamic rulers in India treated Hindus as dhimmis in exchange of annual payment of jizya taxes, in a sharia-based state jurisprudence. With the arrival of Mughal era,

Sharia was imposed with continued zeal, with Akbar – the Mughal Emperor – as the first significant exception.

Akbar sought to fuse ideas, professed equality between Islam and other religions of India, forbade forced conversions to Islam, abolished religion-based discriminatory jizya taxes, and welcomed building of Hindu temples.

However, the descendants of Akbar, particularly Aurangzeb, reverted to treating Islam as the primary state religion, destruction of temples, and reimposed religion-based discriminatory jizya taxes.

Akbar's tomb at Sikandra, near Agra India. Akbar's instruction for his mausoleum was that it incorporate elements from different religions including Islam and Hinduism.

After Aurangzeb, India came into control of East India Company and the British Raj. The colonial administrators did not separate religion from state, but marked the end of equal hierarchy between Islam and Hinduism, and reintroduced the notion of equality before the law for Hindus, Christians and Muslims.

The British Empire sought commerce and trade, with a policy of neutrality to all of India's diverse religions.

Before 1858, the Britishers followed the policy of patronizing and supporting the native religions as the earlier rulers had done.

By the mid-19th century, the British Raj administered India, in matters related to marriage, inheritance of property and divorces, according to personal laws based on each Indian subject's religion, according to interpretations of respective religious documents by Islamic jurists,

In 1864, the Raj eliminated all religious jurists, pandits and scholars because the interpretations of the same verse or religious document varied, the scholars and jurists disagreed with each other, and the process of justice had become inconsistent and suspiciously corrupt.

The late 19th century marked the arrival of Anglo-Hindu and Anglo-Muslim personal laws to divide adjacent communities by British, where the governance did not separate the state and religion, but continued to differentiate and administer people based on their personal religion.

The British Raj provided the Indian Christians, Indian Zoroastrians and others with their own personal laws, such as the Indian Succession Act of 1850, Special Marriage Act of 1872 and other laws that were similar to Common

2.3.5. FEATURES OF SECULARISM

The features of Indian Secularism are as follows:

- Equal respect and recognition of all religions by the state
- No interference in the functions of any religion by the state
- No discrimination by the state based on religion
- There is no official religion in India
- As per Article 25 of the Indian Constitution, an individual has the right to practice, profess and propagate any religion in India

2.3.6. IMPORTANCE OF SECULARISM IN INDIA

- As people in India are of different religions, secularism is highly important here to maintain peace and harmony
- To maintain the power of the majority in India, secularism safeguards democracy for all citizens
- Secularism provides equal fundamental rights to every citizen of India without discriminating based on religion
- Secularism explains that every region should be respected equally and no people should be harmed based on religion
- Secularism is also important to take fair decisions by the country's head in a democratic country so that any religion is not hurt by the act or decision

2.3.7. ROLE OF SECULARISM IN INDIA

Secularism in India is not only to provide peace and harmony within the country but also to provide a better and safer society for all.

So, it can be said that secularism in India is perfectly performed and the Indian government tries to keep religion separate from government.

2.3.8. CHALLENGES FACED BY SECULARISM IN INDIA [POST INDEPENDENCE]

- India consists of various cultures i.e. India is a culturally heterogeneous country.
- The separation or enmity between Muslims and Hindus was created by the British, they used the policy of divide and rule.
- Making this situation normal and abolishing riots among Hindus and Muslims was the main challenge faced by secularism in India during post-independence.
- Sometimes the political party leans toward a particular religion, they want to earn a vote from that community which is shameful and against the law because the government that will be formed by the majority should be neutral and not based on a particular religion, then only the nation will be called as a secular nation; sometimes it is seen that a party is based on a particular caste, this is as shameful as a party leaning towards religion.

- The heading of a political party toward a particular religion and a particular caste is another challenge for India to keep its secular identity.

2.3.9. CURRENT STATUS OF SECULARISM IN INDIAN CONTEXT

The 7th schedule of Indian constitution places religious institutions, charities and trusts into so-called Concurrent List, which means that both the central government of India, and various state governments in India can make their own laws about religious institutions, charities and trusts.

If there is a conflict between central government enacted law and state government law, then the central government law prevails.

This principle of overlap, rather than separation of religion and state in India was further recognised in a series of constitutional amendments starting with Article 290 in 1956, to the addition of word 'secular' to the Preamble of Indian Constitution in 1975.

The central and state governments of India finance and manage religious buildings and infrastructure. Above, the inauguration of National Waqf Development Corporation Limited in 2014 for Waqf properties.

The overlap of religion and state, through Concurrent List structure, has given various religions in India, state support to religious schools and personal laws.

This state intervention while resonant with the dictates of each religion, are unequal and conflicting.

For example, a 1951 Religious and Charitable Endowment Indian law allows state governments to forcibly take over, own and operate Hindu temples, and collect revenue from offerings and redistribute that revenue to any non-temple purposes including maintenance of religious institutions opposed to the temple.

Indian law also allows Islamic and other minority religious schools to receive partial financial support from state and central government of India, to offer religious indoctrination, if the school agrees that the student has an option to opt out from religious indoctrination if he or she so asks, and that the school will not discriminate any student based on religion, race or any other grounds.

Educational institutions wholly owned and operated by government are prohibited from imparting religious indoctrination, but religious sects and endowments may open their own school, impart religious indoctrination and have a right to partial state financial assistance. https://en.wikipedia.org/wiki/Secularism_in_India - cite _ note - FOOTNOTE Rajagopalan 2003-5

In terms of religions of India with significant populations, only Islam has religious laws in form of sharia which India allows as Muslim Personal Law.

Secularism in India means the separation of religion from state. Religious laws in personal domain, for Muslim Indians; and currently, in some situations such as religious indoctrination schools the state partially finances certain religious schools.

The attempt to have a Uniform Civil Code has long been discussed as a means to realize a secular Indian state.

The overlap between religion and state has created tension between supporters of Indian form of secularism and the supporters of Hindu nationalism.

Hindu nationalists use the Uniform Civil Code platform to agitate their base, even though there has been no actual implementation.

They characterize secularism as practiced in India as "pseudo-secularism", a camouflaged hypocrisy for the political "appeasement of minorities".

As of 28 July 2020, there were pleas going on Supreme court of India to remove the words secular and socialist from the Preamble to the Constitution of India.

2.3.10. SECULARISM IN MEDIEVAL INDIA

After Aurangzeb, India came under the control of the East India Company and the British Raj, and in this period, Secularism was strengthened through the freedom movement of India.

Bhakti and Sufi Movements sustained secularism in India in the Medieval period.

They spread the positives of Secularism such as brotherhood, tolerance, peace, universalism, and harmony in society.

- Some of the leaders of these movements were Kabir Das, Khwaja Moinuddin Chisti, Guru Nanak Dev, Baba Farid, Mira Bai, and Saint Tukaram.
- Religious toleration and freedom of worship marked the state under Akbar. The evidence of his tolerance policy was this promulgation of the Divine Faith or Din-i-Ilahi, which had elements of both Hindu and Muslim faiths.
- Another example was the construction of Ibadat Khana where different religious leaders were allowed to express their opinions.
- Akbar had several Hindus as his ministers as well.
- The 'Divide and Rule' policy contributed to communal discord between various communities. Separate electorates were provided for the Muslims during the British Raj, through the Indian Councils Act of 1909.
- The separate electorates further extended the principle of communal representation.
- However, the formation of the Indian National Congress in 1885 with secular values helped to unite the people from all sects.

2.3.11. SECULARISM IN THE INDIAN CONSTITUTION

The term 'Secular' was added to the preamble by the 42nd Constitution Amendment Act of 1976. It states that constitutionally, India is a secular country without any state religion.

And it also says India shall accept all religions and not favour any particular religion.

- **Article 14 and 15** – Article 14 grants equality before the law, and protection of all laws to all religions, and Article 15 prohibits discrimination on the grounds of race, religion, sex, caste, or place of birth.
- **Article 16 (1)**- guarantees equal opportunities to all citizens in case of public employment and states there won't be any discrimination based on sex, religion, caste, descent, birthplace, and residence.
- **Article 25**- provides 'Freedom of Conscience'
- **Article 26**- every religious group has the right to maintain and establish institutions for religious purposes.
- **Article 27**- the state won't compel any citizen to pay extra taxes for the maintenance or promotion of any religious institution or religion.
- **Article 28**- allows educational institutions maintained by different religious groups to impart religious instruction
- **Articles 29 and 30** provide educational and cultural rights to the minorities.
- **Article 51 A**- obliges that all citizens of India promote harmony and the spirit of common brotherhood to value and preserve the rich heritage of the composite culture.

Secularism and Article 25 of the Constitution of India

The Constitution of India guarantees six fundamental rights to its all citizens, and one of these rights is the freedom of religion.

Article 25 provides:

- Freedom of Conscience
- Right to Practice any Religion
- Right to Propagate any Religion
- Right to Profess any Religion

Article 25 covers religious beliefs, and religious practices as well. And these rights are available for citizens and non-citizens as well.

2.3.12. THREATS TO SECULARISM

While, the Indian Constitution declares the state being absolutely neutral to all religion, our society has steeped in religion.

Mingling of Religion and Politics that is mobilisation of votes on grounds of primordial identities like religion, caste and ethnicity, have put Indian secularism in danger.

Communal politics operates through communalization of social space, by spreading myths and stereotypes against minorities, through attack on rational values and by practicing a divisive ideological propaganda and politics.

Politicisation of any one religious group leads to the competitive politicisation of other groups, thereby resulting in inter-religious conflict. One of the manifestations of communalism is communal riots.

In recent past also, communalism has proved to be a great threat to the secular fabric of Indian polity. Rise of Hindu Nationalism in recent years have resulted into mob lynching on mere suspicion of slaughtering cows and consuming beef.

In addition, with this, forced closure of slaughterhouses, campaigns against 'love jihad', reconversion or ghar- wapsi (Muslims being forced to convert to Hinduism), etc. reinforces communal tendencies in society.

Islamic fundamentalism or revivalism pushes for establishing Islamic State based on sharia law which directly comes into conflict with conceptions of the secular and democratic state. In recent years there have been stray incidences of Muslim youth being inspired and radicalized by groups like ISIS which is very unfortunate for both India and world.

2.3.13. DEMAND FOR HINDU RASHTRA

Most Right Wing Hindu organisations like RSS, Bajrang Dal, Vishwa Hindu Parishad have demanded that India should be declared a "Hindu nation" by constitution to safeguard the rights and life of Hindus in this largest democracy.

As far citizens concerned, only 7/20th Indian Hindus are in the favour of making India as Hindu Rashtra.

Nearly two-thirds of Indian Hindus (64% of the population) say that it is very important to be Hindu to be truly Indian or citizen of India.

As of 28 July 2020, there were pleas going on Supreme Court of India to remove the words secular and socialist from the Preamble to the Constitution of India.

Recently ex-Rajya Sabha MP Subramanian Swamy appealed to the Supreme Court of India for deletion of "Socialist" & "Secular" words from Preamble to the Constitution of India.

2.3.14. COMPARISON WITH WESTERN SECULARISM

In the West, the word secular implies three things: freedom of religion, equal citizenship to each citizen regardless of their religion, and the separation of religion and state policy.

One of the core principles in the constitution of Western democracies has been this separation, with the state asserting its political authority in matters of law, while accepting every individual's right to pursue his or her own religion and the right of religion to shape its own concepts of spirituality.

Everyone is equal under law, and subject to the same laws irrespective of his or her religion, in the West.

In contrast, in India, the word secular means thorough-going separation of religion and state.

According to the Constitution of India, states Smith, there is no official state religion in India, schools that are wholly owned by the state cannot mandate religious instruction (Article 28), and tax-payers money cannot be used to support any religion (Article 27).

Overlap is permitted, whereby institutions that are not entirely financed by the state can mandate religious instruction, and state can provide financial aid to maintain religious buildings or infrastructure in accordance with law.

Furthermore, India's constitutional framework allows "extensive state interference in religious affairs".

According to R.A. Jahagirdar, in the Indian context, secularism has been interpreted as the equality before law, including of all religions, while the state is neutral.

Article 44 of the Directive Principles of State Policy adds, "the state shall endeavor to secure for the citizens a uniform civil code throughout the territory of India."

This intent for secular personal laws has been unsettling especially to Indian Muslims, states Smith, in part because they view the alteration of Muslim personal law to be a "grave violation of their freedom of religion".

The term secularism in India also differs from the French concept for secularity, namely laïcité.

While the French concept demands absence of governmental institutions in religion, as well as absence of religion in governmental institutions and schools;, the Indian concept, in contrast, provides financial support to religious schools.

The Indian structure has created incentives for various religious denominations to start and maintain schools, impart religious education (optionally), and receive partial but significant financial support from the Indian government.

Similarly, the Indian government has established statutory institutions to regulate and financially administer the historic Islamic Central Wakf Council, historic Hindu temples, Buddhist monasteries, and certain Christian religious institutions.

2.3.15. INDIAN SECULARISM VS. SECULARISM IN THE WEST

Over the years India has created its own concept of Secularism which is different from the Western concept of Secularism.

Indian Secularism	Secularism in the West
All religions get equal protection from the state	The state is separate from the religious groups or institutions' functioning,
There no clear demarcation between religion and state in India	Here Secularism refers to the complete separation between religion and state
Provides partial financial support for religious schools	Western model doesn't give financial support to any religious institution

Rights of religious communities and individuals are protected	Focus given to individual rights
The role of religious bodies is big and contributes to Indian politics	The role of religious bodies is small in national politics.
No one religion dominates Indian society	Christianity is the most reformed and single-dominant religion in the state.

2.3.16. LAW OF SECULARISM IN INDIA

Indian concept of secularism, where religious laws are applicable to certain minorities and the state is expected to even-handedly involve itself in religion, is a controversial subject.

Any attempts and demand by the Indian populace to a uniform civil code is considered a threat to right to religious personal laws by Indian Muslims.

Shah Bano Case

In 1978, the Shah Bano case brought the secularism debate along with a demand for uniform civil code in India to the forefront.

Shah Bano was a 62-year-old Muslim Indian who was divorced from her husband of 44 years in 1978.

Indian Muslim Personal Law required her husband to pay no alimony. Shah Bano sued for regular maintenance payments under Section 125 of the Criminal Procedure Code, 1978.

Shah Bano won her case, as well as appeals to the highest court. Along with alimony, the Chief Justice of the Supreme Court of India wrote in his opinion just how unfairly Islamic personal laws treated women and thus how necessary it was for the nation to adopt a Uniform Civil Code.

The Chief Justice further ruled that no authoritative text of Islam forbade the payment of regular maintenance to ex-wives.

The Shah Bano ruling immediately triggered controversy and mass demonstrations by Muslim men. The Islamic Clergy and the Muslim Personal Law Board of India argued against the ruling.

Shortly after the Supreme Court's ruling, the Indian government with Rajiv Gandhi as Prime Minister, enacted a new law which deprived all Muslim women, and only Muslim women, of the right of maintenance guaranteed to women of Hindu, Christian, Parsees, Jews and other religions.

Indian Muslims consider the new 1986 law, which selectively exempts them from maintenance payment to ex-wife because of their religion, as secular because it respects Muslim men's religious rights and recognises that they are culturally different from Indian men and women of other religions.

Muslim opponents argue that any attempt to introduce Uniform Civil Code, that is equal laws for every human being independent of his or her religion, would reflect majoritarian Hindu sensibilities and ideals.[20][67]

2.3.17. WOMEN'S RIGHTS IN INDIA

Some religious rights granted by Indian concept of secularism, which are claimed as abusive against Indian women, include child marriage, polygamy, unequal inheritance rights of women and men, extrajudicial unilateral divorce rights of Muslim man that are not allowed to a Muslim woman, and subjective nature of shariat courts, jamaats, dar-ul quzat and religious qazis who preside over Islamic family law matters.

Triple Talaq was banned in India, following a historic bill being passed on 30 July 2019.

2.3.18. STATE SUBSIDY FOR RELIGIOUS PILGRIMAGE

India continued offering liberal subsidies for religious pilgrimage after 1950, under its polymorphous interpretation of secularism.

The largest and most controversial has been the Haj subsidy program for the Islamic pilgrimage to Mecca, which was criticized as benefitting affluent Muslims and discriminatory against Hindus and Christians who did not get similar subsidy for trips to their own holy places.

The central government spent about $120 million in Haj subsidies in 2011.

In 2012, the Supreme Court of India ordered an end to the religious subsidies program within 10 years.

According to a Wall Street Journal article, Indian Muslim leaders supported an end to the Hajj subsidies, because "hajj must be performed with money righteously earned by a Muslim, and not on money from charity or borrowings.

2.4. DISASSOCIATION OF STATE FROM RELIGION

Separation of religion from political, economic, social and cultural aspects of life, religion being treated as a purely personal matter. It emphasized dissociation of the state from religion and full freedom to all religions and tolerance of all religions.

2.4.1. STATE RELIGION SYSTEM

A state religion (also called official religion) is a religion or creed officially endorsed by a sovereign state. A state with an official religion (also known as confessional state), while not a secular state, is not necessarily a theocracy.

State religions are official or government-sanctioned establishments of a religion, but the state does not need to be under the control of the clergy (as in a theocracy), nor is the state-sanctioned religion necessarily under the control of the state.

Official religions have been known throughout human history in almost all types of cultures, reaching into the Ancient Near East and prehistory.

2.4.2. RELATIONSHIP BETWEEN RELIGION AND STATE

The state is neutral with regard to religion, in that it has no defining values of its own; instead, the state is a 'ring' within which different religious interests and opinions may freely coexist and participate in social and civic life on an equal basis.

2.4.3. IMPORTANCE OF SEPARATING RELIGION FROM STATE

It is important to separate state from religion to prevent domination of the majority religious group and violation of Fundamental Rights. Every individual has the freedom to embrace other religions and has the freedom to interpret other religions differently.

2.4.4. FIVE MODELS FOR STATE AND RELIGION

- Atheism
- Theocracy
- State Church
- Multiculturalismand
- Secularism

1. 'Atheist' State

First, the atheist state. Atheism, in its most elemental form, is a-theism, i. e., the denial of the claims of theism.

Theism is the belief in the existence of a specific God: a personal, transcendent, perfectly benevolent, omnipotent creator of heaven, and Earth. This God is called *God*.

Atheism has a long history, but because in the past atheists were almost always persecuted and punished, it is difficult to ascertain *how many* atheists actually existed.

Usually, *atheism* is a label that philosophers hesitate to adopt to describe their own position in religious matters .

Because the label *atheist* was considered a stigma and could have serious consequences in some countries, many tried to avoid it, which means that we do not know how many atheists actually exist in the world.

So, for the same reason that we do not know how many *liberals* there are in North Korea or how many *critics of Islam* there are in Saudi

Not until the 19th century, when religious persecution became less severe, did atheists become more outspoken. Only then did a large-scale atheist 'coming out' occur.

The claim that atheism as a private doctrine inevitably leads to state atheism is clearly false.

It can be compared to smoking. People can decide that smoking is unhealthy and therefore not smoke, or quit smoking.

People can also *advise others* not to smoke. But it would be unjust to accuse the doctor who gives a person health advice of the ambition to 'force' that person to adopt a healthy lifestyle.

2. Theocratic State

Having discussed the first model of the relationship between state and religion, the atheist state, now move to the *prima facie* opposite model the religious fundamentalist or theocratic state, as see it in, for instance,

In the case of a theocracy, the representatives are not ordinary politicians but clerics with a powerful political ambition.

In a theocracy, religion is unavoidably political.

It is possible to distinguish two types of religion:

(*a*) Religion as a framework of meaning for individual life.

(*b*) Religion as a shared point of departure for the political community as a whole.

It sounds a bit strange, and that is why this terminology is not common, but it would be clarifying to distinguish between:

(*a*) Religious religion.

(*b*) Political religion.

The first certainly does not need to lead to the second. When Spinoza (1632–1677) identifies nature with God in his *Ethics*, it could be viewed as a religious position.

In the upcoming paragraphs, provide an extensive analysis of the theocratic state.

This model of the relationship between state and religion deserves more time than the first model, because the theocratic state is a kind of ideal for modern-day theoterrorists.

A global report on the rights, legal status and discrimination against humanists, atheists and the non-religious (2019), and all its predecessors, there is no freedom of religion or belief or freedom of speech in Saudi Arabia.

There is also no separation of Church and state, or anything that might be called *political secularism.*

The royal family, in cooperation with the religious establishment, forces all citizens to abide by the official Wahhabi interpretation of Islam.

Blasphemy and apostasy are punishable by death, although this ultimate punishment is not often carried out. Lesser-known crimes are 'witchcraft' and 'sorcery.'

These are punishable by beheading or crucifixion. Not much is known about most of these cases because, as Amnesty International has said, wrongdoers are convicted by special courts to which the general public does not have access.

3. Political Islam and Terrorism

Since the terrorist attacks of 9/11, Saudi Arabia has been closely monitored by the United States and other countries. Domestic terrorist violence forced the Kingdom to reconsider its approach to religion and civil liberties.

In 2004, there was a terrorist attack in Khobar that killed 22 people. After that, the regime was forced to take the terrorist threat seriously.

The fact that religion is not just an instrument used *by* the government but also *against* the Saudi ruling family becomes clear in 2001.

Both models, the atheist state and the theocratic state do not seem very attractive.

At least, they are not in harmony with what one could call *individual human rights*, such as the right to freely choose one's religion or the right to *reject* a religion that no longer appeals.

Contrary to all expectations, theocracy is back in force nowadays. The atheist state has more or less disappeared from the world, while the theocratic state, against all expectations, is enjoying a considerable revival.

'Religion and faith in God have made a big comeback. In the past decades, principles of theocratic governance have accrued significant support from the public all over the world,' Ran Hirschl writes.

This seems to be true. But the quotation does not say what this means, exactly. It also means that, at the time thousands of young people from Europe are waging a 'Jihad' to establish a caliphate in Syria and Iraq. They do not fight for *demo*cracy, but for *theo*cracy.

Exactly what constitutes a theocratic state is, of course, open to debate. From a certain perspective, there are no 'true' theocratic states, because God does not involve himself in worldly affairs.

However, we can further specify our definition: a theocratic state is a state in which a large part of the population *thinks* that God runs the state, or where the ruling classes *claim* that they run the state on the basis of divine commands.

Many people who live in Western democracies will consider that last statement to be rather brash. They believe that things are 'much more complex.' But the question is: *what* is so complicated then?

What makes it complicated for many people is that they believe there is no such thing as universal values.

Many people believe that democracy may be right for 'us,' but not for 'them,' for people in other parts of the world, with other mores and attitudes.

Many people believe that although freedom of religion is important to 'us,' it is not to 'them,' the people in other countries and cultures.

This attitude runs counter to the perspective the Universal Declaration of

Human Rights hoped to establish in 1948. Article 18 of the Universal Declaration of Human Rights, passed by the United Nations in 1948, says the following:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

So, the freedom to change religions is not some sort of vague moral demand, but a basic human right.

However, what worries many commentators when, for instance, Saudi Arabia or Iran is criticized in the Western world, is that they believe that *the West* does not have the right to judge. They believe this to be 'arrogant,' 'judgmental,' and 'intolerant.'

4. State Religions

The distinction that is usually made between a theocracy (model 2) and a country that has a state religion (model 3) is that a system with a state religion *allows other religions to exist alongside it.*

Proponents of state religions usually claim that their system is a good idea, because members of minority religions are not *persecuted.* And it is true that in a state-religion system, dissenters are not necessarily persecuted.

For instance, in 21st century England, no one is persecuted for not adhering to the Anglican Church (as was the case under Henry VIII). But does that make a state religion an appealing idea? Not quite, because the position of minorities, both religious and non-religious, in a country that has a state religion is not ideal. Because they *are* discriminated against.

After all, the state chooses a single religious position and grants it privileges. In other words, although model 3 of the relationship between Church and state is better than models 1 and 2, it still does not fully satisfy.

Especially in countries with a high level of secularization and religious pluralism, state religions create inequality in the form of religious privileges for a specific part of the population, and this undermines the legitimacy of the state.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

As Brian Grim concludes in a country comparison on the freedom of religion, the First Amendment protects minority religions (and the state) against the tyranny of a dominant religion, and the Second Amendment protects religion against the tyranny of the state.

The waning of state religions has been a gradual process in the Western world. In countless matters, the privileges of a single religion (often Christianity) granted by the state have been challenged.

Another subject that has created a big stir is that of religiously neutral education. The American lawyer and human rights activist Clarence Darrow (1857–1938) made a big contribution on this point.

Darrow was born in a family that was once religious but had gradually lost its faith. Although Darrow's parents no longer believed, however, they still did not want to expose their children to the social stigma of non-belief. So, they feigned adherence to the faith, and the children were sent to Sunday school.

Darrow later became one of the most iconic jurist in the United States. He specialized in labor law, but he also defended many freethinkers and anarchists.

In the modern world, a system with a state religion is increasingly viewed as an anomaly, for the reasons mentioned.

According to the fifth model (the secular or agnostic state), which we will discuss after this, this is still wrong. But first we will further analyze the fourth model of the relationship between religion and state, because that is really what Norway has now become.

5. Multiculturalist State

The fourth state tries to avoid the problem of unequal treatment by trying to support *all religions* equally. The state does not have an obligation to a single religion, but to all of them: the obligation to treat them all the same.

This, apparently, is also the ambition of the Norwegian state, as we saw in the previous paragraph. This model is often inspired by a type of discourse that can be qualified as *multiculturalist*.

Multiculturalism was developed by theorists like Bhikhu Parekh and Charles Taylor who wanted to give religious and ethnic communities special rights in relation to the state, for instance to resolve their own legal disputes.

Multiculturalists advocate, for instance, for special Jewish and Islamic courts to settle the disputes of members of those religious communities. And the state, or the national community, is expected not to interfere in intercommunal affairs.

As said, the multiculturalist state does not just discriminate against other worldviews, but also against non-believers (agnostics, atheists, and humanists—those who do not belong to a religious denomination).

Moreover, in a world filled with a plethora of religious beliefs, it is nearly impossible to distinguish religious beliefs from non-religious beliefs.

This multiculturalist non-judgmentalism prevented all sorts of unsavory practices taking place among ethnic and religious minorities from being addressed. The most famous of these is female genital mutilation.

Again of course, it would be going much too far to claim that multiculturalists *advocate* such practices. But the problem is: they also do not feel it is their place to *judge* (and reject) these things.

Multiculturalism is a philosophy that turns appeasing what is wrong into a virtue.

In everyday language, the word *multiculturalism* is sometimes also used to simply describe pluralism.

On 15 November 2006, at the height of the Danish cartoon crisis, British journalist and intellectual Christopher Hitchens (1949–2011) gave a lecture in Hart House, at the University of Toronto, Canada.

Canada is a country where multiculturalism is official government policy, and unfortunately, it has frequently had serious and often negative consequences.

One of the biggest problems seems to be that 'tolerance' too often means tolerance for the intolerant, and 'respect' means respect for the disrespectful.

Hitchens addressed this decadence in his lecture at the height of the crisis. He criticized his audience for the sympathy that existed, not for the Danish cartoonists that had decried the radicals, but for the extremists who were trying to suppress free speech. Hitchens said to the room: 'Shame on you, ladies and gentlemen.

And that is the truth of it: freedom that is not defended is destined to disappear, at least if people *let it happen*.

Unfortunately, multiculturalism as a political philosophy is at the root of respect for disrespectful fanaticism. Still, many of Moller Okin's colleagues at the university found it hard to give up their multiculturalist perspectives.

Based on these considerations, conclude that it seems the better course to give up all state aid to religion and adopt a religiously neutral posture in everything involving the state. This is the fifth model of the relationship between state and religion, which we will examine now.

6. Agnostic or Secular State

This last state can be called the *secular state* or the *agnostic state*. It is the fifth model of the possible relationships between state and religion.

Before examine this model more closely, we must make a note on semantics.

An *agnostic* is someone who does not adopt a position on the question if God exists. He suspends his judgment about this.

A great advantage of the agnostic state is that it does not make a distinction between its citizens. The agnostic state treats all citizens equally.

The agnostic or secular state does not *combat* the religious convictions of its citizens, but it does not *defend* any religious position either. The agnostic state allows all citizens worship the gods of their choice.

As such, agnosticism (or secularism) with regard to religion seems a wise path to take when it comes to government policy. A state that has adopted political agnosticism or secularism as its official governing principle is France.

To make this 'living together' possible, it is important that the state does not identify itself with what divides people: their religion.

2.4.5. PROBLEM OF RELIGION OF THE STATE

1. The permanent purpose of the Church in her relations with the state is to maintain her doctrine of juridical and social dualism, under the primacy of the spiritual, against the tendency to juridical and social monism, under the primacy of the political, which is inherent in the state, to a greater or less degree, whether the state be pagan, Christian, or secularized in the modern manner.

Moreover, the traditional effort has been not only to maintain this doctrine as a doctrine but also to give it such institutional embodiment within every particular historical context as will make it operative within that context.

2. More concretely, the Church asserts three principles as permanently controlling in her relations with the state.

These principles are of themselves transtemporal, being rooted in the nature of things; they are therefore necessarily exigent in all temporal situations.

The first is rooted in the nature of the Church; the second, in the nature of man as presently situated in a supernatural order; the third, in the nature of civil society as a naturally necessary sphere of human life and development toward the perfection of human personality.

(*a*) The first principle is that of the freedom of the Church.

The formula has two senses.

There is the freedom of the Church understood as the spiritual power—her freedom to teach, rule, and sanctify, with all that these powers imply as necessary for their free exercise.

And there is the freedom of Church understood as the Christian people—their freedom to hearken to the doctrine of the Church, obey her laws, receive at her hands the sacramental ministry of grace, and live within her universal fold their integral supernatural life.

This principle is rooted in the nature of the Church as a spiritual power and a supernatural society independent of the state in origin, end, and function, the unique means and milieu of man's eternal salvation, which as such claims the primacy over the order of man's terrestrial life and all its social forms.

Therefore, the principle of the freedom of the Church asserts the principle of the primacy of the spiritual.

(*b*) The second principle is that of the necessary harmony between the two laws whereby the life of man is governed, and between the whole complex of social institutions and the exigences of the Christian conscience.

This harmony establishes a unity of order in human social life, based on the distinction of orders (ecclesiastical and civil) in which man must live, and on a recognition of the primacy of the spiritual order and the law which governs it.

This principle derives from the nature of man as called in the present dispensation to be at once citizen and Christian and one human person.

Hence, he has a right to demand that a unity of order should prevail in society, in order to protect the integrity of his personality, his spiritual freedom, and his full possibilities of self-fulfilment.

(c) The third principle is that of the necessary co-operation of the two powers and societies—a co-operation that is ordered and bilateral.

The Church *suo modo* is to co-operate with the state, and the state *suo modo* is to co-operate with the Church.

Each act towards its own distinct end, which is ultimate in its own order; but since these two ends, temporal and spiritual, are ordered ends of man, the operations of Church and state must be ordered into a co-operation, to the end that the ordered good of man may be achieved.

This principal springs from the nature of civil society as an expression of the social nature of man and a sphere of human perfection.

For the run of men the Christian life of faith and grace is morally impossible apart from those conditions of freedom, justice, order, social charity, and a sufficiency of material goods and cultural opportunities, to whose creation society and in its own sphere the state are by nature committed.

On the other hand, the creation of these conditions of social order is impossible without religion and the Church. Hence the ordered bilateral co-operation of both state and Church is necessary towards an end which is under different aspects common to both.

And this co-operation must be ordered. It is not the direct function of the Church to create a social order, any more than it is the direct function of the state to save souls.

The contribution of each to the work of the other is indirect but indispensable; the Church creates a Christian spirit within the temporal order, and the state aids in creating a temporal structure that may be a proper milieu of the Christian spirit.

3. These three principles, in order that they may be summoned from the sphere of abstraction and made effectively regulative of Church-State relationships in the actual world of human life, require concrete application.

4. What necessitates changing applications of principle and this vital process of adaptation is the changing character of "the state."

   The principles of the Church in the matter of her relation to the state do not change; but the reality to which she must relate herself is a variable, not only in its institutional forms and processes but also in the idea that men make of it.

   There are indeed absolute principles of politics, universal in their application; but their application is relative to complex historical factors, and even the theoretical statement of them is subject to revision in the light of enlarged political experience.

5. The legal institution known as the state-church, and the later embodiment in the written constitutional law of territorial states of the concept of Catholicism as "the religion of the state," represent an application of Catholic principles to the complex political, social, religious, and cultural conditions prevailing in the modern state, as it appeared on the dissolution of medieval Christendom, took form in the era of political absolutism, flourished in the era of "confessional absolutism" (to use Eder's phrase)[8] under the royal

governments in the "Catholic nations" of post-Reformation Europe, and sought reinstatement in the monarchic restorations of the nineteenth century.

As a necessary adaptation of principle this legal institution was at first tolerated by the Church; later, in the circumstances of fixed religious divisions, it became the object of more positive acquiescence.

6. Since the institution of the state-church was an adaptation to a particular historical context, it does not represent a permanent and unalterable exigence of Catholic principles, to be realized in any and all historical situations in which there is verified the general hypothesis of a "Catholic population."

   This legal institution need not be defended by Catholics as a sort of transtemporal "ideal," the single and only institutionalized form of Church-State relationships which can claim the support of principles, the unique "thesis" beside which all other solutions to the Church-State problem must be regarded as "hypothesis," provisional concessions to *force majeure*.

   Where the conditions of its origin still more or less prevail, the institution of the state-church is still the object of defence.

7. Such a development is presented by the democratic state. The term does not designate the special type of state which issued from French Revolutionary ideology and Continental Liberalism.

The term refers to the political idea of the state derived from "the liberal tradition" of the West, which has been best preserved, though not guarded in its purity, in the Anglo-Saxon democratic tradition.

Continental Liberalism was a deformation of the liberal tradition; it was in effect simply another form of absolutist state-monism, to which the liberal tradition stands in opposition.

Democracy today presents itself with all the force of an idea whose time has come. And there are two reasons why it is the present task of Catholics to work toward the purification of the liberal traditionand of the democratic form of state in which it finds expression, by restoring both the idea and the institutions of democracy to their proper

Christian foundations. First, this form of state is presently man's best, and possibly last, hope of human freedom.

Secondly, this form of state presently offers to the Church as a spiritual power as good a hope of freedom as she has ever had; it offers to the Church as the Christian people a means, through its free political institutions, of achieving harmony between law and social organization and the demands of their Christian conscience.

Finally, by reason of its aspirations towards an order of personal and associational freedom, political equality, civic friendship, social justice, and cultural advancement, it offers to the Church the kind of co-operation which she presently needs, and it merits in turn her co-operation in the realization of its own aspirations.

8. Consequently, the theological task of the moment is not simply to carry on the polemic against Continental Liberalism.

   It is also to explore, under the guidance of the Church, the possibilities of a vital adaptation of Church-State doctrine to the constitutional structure, the political institutions, and the ethos of freedom characteristic of the democratic state.

To this task the theologian is urged by Pius XII's affirmation of the validity of the democratic development and the new concept of "the people" that it has brought into being.

The concept of "the people" is the crucial one in this present day, as it was in the past age that saw the birth of the institution of the state-church, which was itself based on a particular concept of "the people."

The political teaching of Pius XII (and of Pius XI) represents considerable progress over the political teaching of Leo XIII; and this progress invites to a commensurate development of the theory of Church-State relations.

In order that this development may be organic in the Catholic sense, a work of discernment has to be done on tradition—the rational political tradition of the West, the Church's theological tradition, and her tradition of practical conduct in the face of the changing realities of the political order.

It is not a matter of debating the "thesis" versus the "hypothesis"; these categories are related to a particular and predominantly polemic state of the question. The doctrinal problem is to discern in their purity the principles that are at the heart of tradition.

The categories of discussion are "principle" and "application of principle," or (what comes to the same) "ideas" and "institutions."

Certainly, in the conditions of the twentieth century, when a new revolutionary movement has violently altered the nineteenth-century state of the question, it would be an abdication of the theological task, if the theologian were to remain simply the literal exegete of Leo XIII, as if somehow the total doctrine and practice of Church-State relations had reached their definitive and ultimate stage of development in the Leonine *corpus*.

Such an abrupt closure of development would be altogether untraditional. It would be to repeat the mistake of the fourteenth- and fifteenth-century canonists, who supposed that with the "traditional" theory of society expressed in the Bull *Unam Sanctam* and with the "traditional" canonical doctrine of the direct power, Catholic tradition had received in every respect its permanent and unalterable statement.

9. Concretely, the present problem concerns the provision guaranteeing "the free exercise of religion" that has become characteristic of the democratic state constitution.

   At least, this is usually conceived to be the major aspect of the problem. In fuller form the problem may be stated as follows: can the Church accept, as a valid adaptation of principle to the legitimate idea of democratic government and to the historically developed idea of "the people" (to which democratic government appeals for its

legitimacy) a constitutional system of Church-State relations with these three characteristics:

1. the freedom of the Church is guaranteed in a guarantee to the people of the free exercise of religion;
2. the harmony of law and social institutions with the demands of the Christian conscience is to be effected by the people themselves through the medium of free political institutions and freedom of association;
3. the co-operation between Church and state takes these three forms:
   (*a*) constitutional protection of the freedom of the Church and all her institutional activities;
   (*b*) the effort of the state to perform its own function of justice, social welfare, and the favoring within society of those conditions of order and freedom necessary for human development;
   (*c*) the effort of the Church, through the action of a laity conscious of its Christian and civic responsibilities, to effect that christianization of society in all its dimensions which will enable and oblige the state, as the instrument of society, to function in a Christian sense.

With regard to the special problem of religious freedom one remark may be made. There would seem to be a valid analogy between the constitutional provision for religious freedom in the democratic state and the legal institution of the state-church in the post-Reformation monarchic states, in the sense that both represent an analogical adaptation to analogous situations.

The latter institution was an adaptation of principle to two facts:

1. the emergence of the modern state as a "person," as autonomous, with an autonomy that extended to state determination and tutelage of the religion of the people; with this fact is allied the concept of "the people" as purely passive in the face of government, whose purposes are determined apart from consultation of the people;
2. the religious division of universal Christian society into separate and autonomous Catholic and Protestant nations and states. The former institution is an adaptation to two analogous facts:

1. the emergence of "the people" into active self-consciousness, into a spiritual autonomy that extends to a rejection of governmental determination or even tutelage of their religion; with this fact is allied the concept of "the state" as the instrument of the people for limited purposes sanctioned by the people;
2. the religious division within territorial states between persons of different religions. When they are viewed in this historical perspective, it is difficult to see why one institution is any less, or more, an adaptation of principle than the other, why one should be considered more valid and vital than the other, why one has a greater right to claim the support of principle than the other.

Actually, from the standpoint of principle the crucial point is not the fact of religious unity or disunity, with the former basing a "thesis" and the latter an "hypothesis"; for both situations are predicated on a disruption of Catholic unity in the proper sense.

The crucial question is whether the concept of the state and the concept of the people that undergird the legal institution of the state-church are any more rational than the concept of the state and the concept of the people that undergird the legal institution of religious freedom.

The answer would certainly seem to be that the latter concepts are more rational and better founded in Christian thought.

2.5. ACCEPTANCE OF ALL FAITHS

If we truly want to have a society at peace with itself, need to move from merely tolerating each other's mere presence to acceptance and understanding.

Swami Vivekananda said that "must not only tolerate other religions, but positively embrace them, as truth is the basis of all religions".

Omnism is the respect of or belief in all religion. Those who hold this belief are called omnists.

In recent years, the term has been resurfacing due to the interest of modern-day self-described omnists who have rediscovered and begun to redefine the term.

Omnism is similar to syncretism, the belief in a fusion of faiths in harmony.

However, it can also be seen as a way to accept the existence of various religions without believing in all that they profess to teach.

Many omnists say that all religions contain truths, but that no one religion offers all that is truth.

2.5.1. CONCEPT OF ACCEPTANCE OF FAITHS

A pleasure to be here today to address the Interfaith Conference. India has been home to all the great religions of the world.

Society has, for centuries, provided a unique social and intellectual environment in which many distinct religions have not only co-existed peacefully but have also enriched each other.

The spirit of pluralism and accommodation of cultural diversity pervades the Constitution of India as well as the dominant political discourse in the country.

The Constitution lays down that the conduct of state shall be governed by the principle of secularism, that state action must be determined by fairness, non-partisanship and impartiality.

The state shall treat all religions in the country with equal respect, that it shall not privilege one religion or community over others, that it shall provide equal opportunities to the followers of all religions.

The institutions of the state are expected to ensure that the principle of secularism is observed in letter and spirit in public life.

Swami Vivekananda said that we "must not only tolerate other religions, but positively embrace them, as truth is the basis of all religions".

Tolerance is a virtue. It is freedom from bigotry. It is a version of the golden rule in that, insofar as want others to treat us decently, we need to treat them decently as well.

It is also a pragmatic formula for the functioning of society without conflict between different religions, political ideologies, nationalities, ethnic groups, or other us-versus-them divisions.

Acceptance goes a step beyond tolerance. It is a person's assent to the reality of a situation, recognising a process or condition without attempting to change it, protest, or exit.

Moving from tolerance to acceptance is a journey that starts within ourselves; within our own understanding and compassion for people who are different to us.

Dialogue removes misunderstanding and promotes empathy and understanding. Dialogue is essential for developing any understanding. And in this crucial task interfaith dialogue plays an important role.

The purpose of interfaith dialogue is to increase our understanding of and respect for other religious systems and institutions, thereby increasing our appreciation of their values.

To promote real understanding, inter-religious and interfaith dialogue has to be more than mere words or talk.

It must include human interaction and relationships.

It should be about people of different faiths coming to a mutual understanding and respect that allows them to live and cooperate with each other in spite of their differences.

It has to be a cooperative and positive interaction between people of different religious traditions, at both the individual and institutional level.

Each party remains true to their own beliefs while respecting the right of the other to practise their faith freely.

Kerala has had a long tradition of religious pluralism. It is a state that has the oldest traditions of Islam and Christianity in India and is known for the relative harmony that exists between the various religious groups.

Historically, there have been many instances when refuge has been provided to religious groups seeking freedom from religious and political persecution.

In AD 52, when St. Thomas came to Kerala, he was received with open arms. Islam arrived through Malik Ibn Dinar, and a team of believers, who came from Saudi Arabia in the seventh century and set up the Cheraman Mosque.

The Cochin or Malabar Jews, of Mizrahi and Sephardi heritage, are one of the oldest groups of Jews in India. The organisers of this Interfaith Conference are the inheritors of a

great tradition. Their effort to promote understanding and acceptance among various communities is commendable. I wish them all success.

2.5.2. CONTEMPORARY USAGE

Contemporary usage has modified "belief in all religions" to refer more to an acceptance of the legitimacy of all religions.

The Oxford English Dictionary elaborates that an omnist believes "in a single transcendent purpose or cause uniting all things or people".

Omnists interpret this to mean that all religions contain varying elements of a common truth, that omnists are open to potential truths from all religions.

The Oxford dictionary defines an omnist as "a person who believes in all faiths or creeds; a person who believes in a single transcendent purpose or cause uniting all things or people, or the members of a particular group of people".

Unitarian Universalism, which grew out of the Protestant Reformation, practices Omnist beliefs.

Other notable interfaith organizations include the Church for the Fellowship of All Peoples and The Parliament of the World's Religions was the first organization with the goal to unite all religions.

2.6. ENCOURAGING NON-DISCRIMINATORY PRACTICES

2.6.1. CONCEPT OF NON-DISCRIMINATORY PRACTICES

The practice of treating people, companies, countries, etc. in the same way as others in order to be fair: a non-discrimination law/policy/provision/rule.

"The principle of non-discrimination seeks "to guarantee that human rights are exercised without discrimination of any kind based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as disability, age, marital and family status, sexual.

In addition to those grounds, discrimination on certain other grounds may also be prohibited. These grounds include age, nationality, marital status, disability, place of residence within a country and sexual orientation.

Non-discrimination encompasses both positive and negative obligations - the obligation to refrain from discriminating or eroding equality and the obligation to protect and advance the fulfilment and enjoyment of the non-discrimination for all people.

2.6.2. MEANING OF NON-DISCRIMINATION

Non-discrimination is an integral part of the principle of equality.

It ensures that no one is denied their rights because of factors such as race, colour, sex, language, religion, political or other opinion, national or social origin, property or birth.

2.6.3. NEED FOR CONSIDER THE NON-DISCRIMINATION

Non-discrimination whenever working on legislation, a policy or a program that draws distinctions between people or groups based on any of the following grounds:

- race
- sex
- disability, or
- age.

Non-discrimination whenever working on legislation, a policy or a program that draws distinctions between people or groups based on:

- colour
- language
- religion
- political or other opinion
- national or social origin
- property
- birth
- nationality
- marital status
- place of residence within a country, or
- sexual orientation.

This includes direct or indirect distinctions and those that may have unintended consequences.

2.6.4. PRINCIPLES OF NON-DISCRIMINATION

Non-discrimination is part of the foundations of the rule of law. As Member States noted in the Declaration of the High-Level Meeting on the Rule of Law, "all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law"(para. 2).

They also dedicated themselves to respect the equal rights of all without distinction as to race, sex, language or religion (para. 3).

2.6.5. SCOPE OF THE NON-DISCRIMINATION

Discrimination is impermissible differential treatment among persons or groups that result in a person or a group being treated less favourably than others, based on one of the prohibited grounds for discrimination.

In addition to the grounds specifically enumerated in articles 2 and 26, discrimination is prohibited on 'other status'. The UN Human Rights Committee has not attempted to define this term, but has decided it on a case-by-case basis.

Among others, the following statuses have been held to qualify as prohibited grounds: age, nationality, marital status, disability, place of residence within a country and sexual orientation.

(a) Indirect discrimination

Discrimination may be either direct (as described above) or indirect. Indirect discrimination could occur when a requirement or condition is neutral on its face but has a disproportionate or unintended negative impact on particular groups.

For example, a requirement for all employees to be over six feet tall before being employed in a particular industry, where there is no cogent evidence that a minimum height requirement is justified by the conditions in the industry, is not discriminatory on its face, but it would have a disproportionate impact on women, who are less likely to meet the height requirement than men, and may therefore constitute discrimination on the basis of sex.

(b) Prohibited grounds for discrimination

Under Commonwealth law, the prohibited grounds for discrimination are set out in the *Racial Discrimination Act 1975, Sex Discrimination Act 1984, Disability Discrimination Act 1992* and the *Age Discrimination Act 2004*.

Each Act contains provisions setting out what constitutes prohibited discrimination.

For example, the Racial Discrimination Act provides that it is unlawful to do any act 'involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life'. This formulation is drawn from the definition of 'racial discrimination' in the CERD.

The other Acts contain different tests for what constitutes discrimination, and also prohibit other conduct.

For example, the Disability Discrimination Act enables the making of Disability Standards in relation to areas in which it is unlawful to discriminate, and provides that contravention of a Disability Standard is unlawful.

(c) Legal recognition

Article 16 of the ICCPR protects the right to be recognised everywhere as a person before the law.

The UN Human Rights Committee has stated that the right in article 16 is particularly pertinent for women.

It protects their capacity to own property, to enter into a contract and to exercise other civil rights without discrimination.

While article 16 entitles a person to legal recognition, it does not extend to legal capacity to act in all circumstances. Limitations on the legal capacities to act of children or mentally ill persons would not violate article 16.

(*d*) Complaints

Complaints made under these laws may be investigated and conciliated by the Australian Human Rights Commission. If the complaint is not resolved before the Commission, the complainant may apply to a federal court.

In addition to these powers, the Commission also has the power under the *Australian Human Rights Commission Act 1986* to investigate complaints about certain other matters. Unlike complaints made under the Racial Discrimination Act, Sex Discrimination Act, Disability Discrimination Act and Age Discrimination Act, complainants about these matters are not able to apply to federal courts.

These matters are:

- Breaches of the rights under the ICCPR, CRC, CRPD and a number of other Declarations and international instruments declared by the Attorney-General
- Discrimination in employment on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, sexual orientation, age, criminal record, trade union activity, medical record, marital status, disability or impairment.

The *Fair Work Act 2009* contains numerous provisions protecting employees against discrimination in the workplace.

The Act prohibits the inclusion in a modern award or an enterprise agreement of terms that discriminate against an employee because of, or for reasons including, the employee's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin, unless the discriminatory term:

- Is due to the inherent requirements of a particular position
- Is due to the employment of an employee as a member of the staff of an institution conducted in accordance with a particular religion or creed and is taken in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed, or
- Relates to minimum wages for junior employees, employees with a disability or employees to whom training arrangements apply.

The Act provides for review of a modern award or an enterprise agreement referred to Fair Work Australia by the Australian Human Rights Commission.

The General Protection provisions in the Act prohibit an employer from taking adverse action, which includes discriminatory action, against an employee or prospective employee based on the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin, unless the action is:

- Not unlawful under any anti-discrimination law in force in the place where the action is taken
- Taken because of the inherent requirements of the particular position concerned, or
- Taken against a staff member of a religion or creed institution in good faith and to avoid injury to the religious susceptibilities of adherents of that religion or creed.

(e) Other conduct

Some Commonwealth anti-discrimination legislation also prohibits other types of conduct.

For example, the Racial Discrimination Act prohibits acts that are likely to offend, insult, humiliate or intimidate another person where the act is done because of the race, colour or national or ethnic origin of the other person.

(f) Exemptions

Some Commonwealth laws specifically exempt some measures from the prohibition on discrimination.

For example, the Age Discrimination Act exempts direct compliance with Commonwealth laws regarding taxation, social security, superannuation and migration, some health programs and youth wages.

The Disability Discrimination Act contains an exemption from the prohibition of discrimination in employment and in the other areas prohibited under Division 2 of Part 2 of the Act, if avoiding the discrimination would impose unjustifiable hardship on the person doing the discriminating.

There is also an exemption in relation to discrimination in employment if a person would be unable to carry out the inherent requirements of the work because of the person's disability.

(g) Special measures

In some circumstances it is legitimate to take measures that assist or recognise the interests of particular groups in the community who may be disadvantaged.

These measures may seek to eliminate or diminish conditions which serve to perpetuate discrimination prohibited in the ICCPR and other human rights treaties.

Such measures, sometimes called 'special measures', are specifically recognised in CERD (to secure the advancement of certain racial or ethnic groups or individuals) and CEDAW (to accelerate equality between men and women).

Generally, such measures must be ended after the objectives for which they were taken have been achieved.

For example, numerous Indigenous-specific programs, which are aimed at addressing the underlying disadvantage confronting many Indigenous Australians, would qualify as special measures.

2.6.6. LIMITATIONS OF NON-DISCRIMINATION

The right to recognition as a person before the law in article 16 of the ICCPR is an absolute right.

This means that it cannot be limited or qualified under any circumstances.

As indicated above in the section on the scope of the non-discrimination, some Commonwealth laws specifically exempt some measures from the prohibition on discrimination.

Not all treatment that differs among individuals or groups will amount to prohibited discrimination.

Measures that are necessary to assist or recognise the interests of particular disadvantaged groups in the community ('special measures') will not be regarded as prohibited discrimination provided that they do not lead to the maintenance of separate rights for different racial groups and that they are not continued after the objectives for which they were taken have been achieved.

Under article 4 of the ICCPR, countries may take measures derogating from certain of their obligations under the Covenant in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed'.

Such measures may only be taken 'to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.'

Although articles 2 and 26 are not listed among the obligations from which derogation is prohibited, it is clear from the terms of article 4 that measures of derogation must not discriminate on the basis of any of the grounds listed in it.

2.6.7. ARTICLES FROM RELEVANT CONVENTIONS

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

PART- A

TWO MARKS QUESTIONS AND ANSWERS

1. ***What is secularism?***

Secularism is the principle of the separation of the government institutions and persons mandated to represent the state from religious institutions and religious dignitaries.

2. ***What is mean by secularism.***

Secularism means setting up democratically elected governments and laws passed by parliament and legislatures uninfluenced by religious dictates and scriptures.

3. ***What is secular society?***

In studies of religion, modern democracies are generally recognized as secular. This is due to the near complete freedom of religion, and the lack of authority of religious

4. ***What is secular values?***

The secular mind is better equipped than religion to reach reasoned and compassionate judgments. Religious minds tend to become irrational and fanatical leading to inter religious differences, violence and bloodshed.

5. ***Define secular values.***

Secular values are simply those values derived not from any religious source. Separate from any religious concerns. All stemming from "Secular" meaning not connected to any dogma or doctrines. Anything said to be secular including values, is that which has been reached through purely 'human' means.

6. ***What are the three secular values?***

- Similarly, freedom of thought is supported by secularism.
- Order is supported by secularists, specifically in that one's beliefs should not be permitted to disturb the civil peace.
- Religious tolerance is supported both for people of other religions and a lack of piety demonstrated by members of one's own religion.

7. ***What is mean by secularism?***

- It also means that all religions are given equal status, recognition, and support from the state.
- It can also be defined as the doctrine that promotes the separation of state from religion.
- No discrimination or partiality should be given on the basis of religion.

8. ***What is disassociation of state from religion?***

Separation of religion from political, economic, social and cultural aspects of life, religion being treated as a purely personal matter. It emphasized dissociation of the state from religion and full freedom to all religions and tolerance of all religions.

9. ***What is state religion system?***

A state religion (also called official religion) is a religion or creed officially endorsed by a sovereign state. A state with an official religion (also known as confessional state), while not a secular state, is not necessarily a theocracy.

10. ***Explain relationship between religion and state.***

The state is neutral with regard to religion, in that it has no defining values of its own; instead, the state is a 'ring' within which different religious interests and opinions may freely coexist and participate in social and civic life on an equal basis.

11. ***What is acceptance of all faiths?***

Truly want to have a society at peace with itself, need to move from merely tolerating each other's mere presence to acceptance and understanding. Swami Vivekananda said that "must not only tolerate other religions, but positively embrace them, as truth is the basis of all religions".

PART- B [13 MARKS QUESTIONS]

1. Explain Secularism in India and its principles.
2. What are the features, objectives and purpose of Indian secularism?
3. What are the types of Secularism?
4. What are the advantages and dis advantages of secularism?
5. Explain briefly understanding of secularism in India.
6. Describe countering fascism and fanaticism to strengthen secularism and secular values in India.
7. What are benefits and nature of Secular values?
8. Explain the concept of secularism.
9. Describe briefly about history of secularism in Indian context.

10. What are the features and importance of secularism in India.
11. Explain the role and challenges of secularism in India,
12. Explain the current status of secularism in Indian context.
13. Secularism in the Indian Constitution. Explain.
14. What are the threats to Secularism? Explain.
15. Differentiate Indian Secularism vs. Secularism in the West.
16. What are the five models for State and Religion?
17. What are the problem of Religion of the State?
18. Explain the concept of acceptance of faiths.
19. Concept of non-discriminatory practices. Explain.
20. What are the needs and principles for consider the non-discrimination?
21. What are the scope of the non-discrimination?
22. What are the limitations of non-discrimination?

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