
SECULARISM: A RELATIONSHIP BETWEEN MAN AND MAN, NOT MAN AND GOD

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ABSTRACT

The paper explores the complex idea of secularism, looking at its philosophical underpinnings, historical development, and current applicability in a number of different countries and areas, with an emphasis on Malaysia and India. It looks at the history of secularism, from its use in early Christian times to its current definition as the disentanglement of religion and politics. The study examines the various forms of secularism that exist in nations including Malaysia, France, India, and the US, emphasising how each country has managed to preserve its neutrality as a state while allowing for religious plurality. It also looks at the criticisms and obstacles that secularism faces, such as casteism, communalism, and party politics in India, and how the judiciary has influenced public perceptions of secularism through significant rulings.

In the framework of secular governance, this study offers insights into the intricate interactions of religion, state, and society through an extensive analysis of scholarly viewpoints and judicial precedents.

Keywords: secularism, separation of religion and state, religious diversity, multiculturalism, India, Malaysia, France, United States, judiciary, challenges.

INTRODUCTION

Secularism as an idea emerged from modernity. Academics are having a lot of conversations about this. Numerous academics critically analyse secularism from an Islamic and other ideological standpoint. Naqib Al-Attas, Talal Asad, Saba Mahmood, Charles Tyler, and others have made significant contributions to the secularism debate. We need to study their works and sharpen our critical perspective because in many countries today, Muslims live under the secular system. As a result, this concept now plays a role in Muslims' lives.

The separation of church and state is a straightforward definition of secularism. In different nations, it takes on different shapes. It is regarded as inclusive secularism in nations like America, Britain, and India. Whereas the secularism of France, called 'Laïcité', is characterised by the complete separation of religion from the state. Turkey's secularism is called 'Laiklik'. Compared to France, it makes more direct interventions in religion.

As a result, there are variations in the application of secularism. However, we must not overlook the fundamental feature of secularism, the marginalisation of religion and religious symbols that is present in all secular nations.

Secularism, which promotes keeping religion out of politics and the state, is frequently seen as a way to guarantee equality and fairness in government. The essence of secularism lies in its focus on the relationship between individuals, rather than between individuals and a divine entity. This essay examines the philosophical foundations, historical development, and current applicability of secularism, highlighting its contribution to the development of a society founded on interpersonal connections and logical government.

SECULARISM IN INDIAN TRADITION AND CULTURE

India's secular traditions have deep historical roots, reflecting a composite culture that blends various spiritual traditions and social movements. Ancient Indian society, through Sanatana Dharma (Hinduism), fostered a holistic religious environment by embracing and integrating diverse spiritual traditions into the mainstream. The creation of the four Vedas and the diverse interpretations within the Upanishads and the Puranas highlight Hinduism's inherent religious plurality. As early as the third century B.C., Emperor Ashoka was a trailblazer who declared that no religious sect would be persecuted by the state. Ashoka called for both tolerance and a

deep respect for all religious faiths in his 12th Rock Edict. He urged people to comprehend the writings of other religions and argued for the moderation of criticism of other faiths. Ashoka's stance on religious tolerance, expressed over 2,300 years ago, remains a cherished Indian social value and is considered a landmark in both Indian and human civilization¹. Even after Jainism, Buddhism, Islam, and Christianity emerged, this spirit of religious tolerance and harmony remained.

During medieval India, the Sufi and Bhakti movements played a significant role in uniting people from various communities through love and peace. Key figures in these movements included Khwaja Moinuddin Chisti, Baba Farid, Sant Kabir Das, Guru Nanak Dev, Saint Tukaram, and Mira Bai, all of whom contributed to the development of a composite culture that remained unchallenged. Secularism is based on Guru Nanak's claim that "There is no Hindu and no Musalman², as there is no distinction between man and man".

The Mughal emperor Akbar also promoted religious tolerance to a significant extent. His initiatives, such as Din-e-Ilahi (Divine Faith) and Sulh-e-Kul (Peace with All), were deeply inspired by secular principles. The majority of Mughal emperors took a liberal and tolerant stance. For instance, Mansingh, a Hindu, commanded Akbar's army, which included forty thousand Rajput soldiers and over five hundred Hindu Sardars. During Shah Jahan's reign, 22.4 percent of his officials were Hindu Sardars, and in Aurangzeb's regime, this figure rose to 31.6 percent. Aurangzeb appointed Raja Jaswant Singh, a Rajput, as the head of Afghanistan. Raghunathdas served as his prime minister until his passing. Contrary to some chauvinist Hindu leaders' portrayals, the Muslim rulers were not as anti-Hindu (Yerankar, 2006). Similarly, Hakim Singh Suri, a Muslim, commanded Rana Pratap Singh's army, and in the regime of Chhatrapati Shivaji, Muslim Sardars like Siddhi Halal and Nur Khan held prominent positions (Tara, 1991). The spirit of secularism was further strengthened during the Indian freedom movement.

Early leaders of the Indian freedom movement, such as Sir Feroz Shah Mehta, Govind Ranade, and Gopal Krishna Gokhale, largely adopted a secular approach to politics. Reform movements like the Brahmo Samaj, founded by Raja Ram Mohan Roy, and the Arya Samaj, led by Swami Dayanand Saraswati, did not exhibit antipathy towards other religions. Instead, they sought to

¹ S. Yerankar, *Secularism in India: Theory and Practice* (Adhyayan Publishers & Distributors 2006).

² Rizvi, S. *The Roots of Secularism in Indian Tradition*. 2005.

purify detrimental traditions within Hinduism.

As a member of the Nehru Committee, Pandit Motilal Nehru prepared the 1928 constitution, which had a clause about secularism: "There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state, either directly or indirectly, endow any religion with preference or impose any disability on account of religious beliefs or religious status."

Key advocates of secular ideology in modern India included Mahatma Gandhi and Pandit Jawaharlal Nehru. Nehru's secularism was based on scientific humanism and a progressive understanding of historical change, whereas Gandhi's secularism was founded on the brotherhood of religious communities based on respect for one another and the quest of truth. Nehru is credited for playing a major part in turning India from a caste-based society under communal threat into a secular republic that welcomes people of all faiths and beliefs.

Secularism is essential to the idea of keeping religion and the state apart in modern India. In Indian politics, the word "secular" has historical relevance and is essential when discussing contemporary political issues. No person or group receives special treatment or is subjected to discrimination on the basis of religion in a secular state. Rather, everyone has the right to fully engage in national life.

D.E. Smith's definition of the secular state, quoted by Das (1991), states that the secular state guarantees individual and collective freedom of religion, treats individuals as citizens regardless of their religion, and neither promotes nor interferes with any religion. According to Rizvi (2005), the secular state in India involves three interrelated relationships: between religion and the individual, the state and the individual, and the state and religion. In a secular state, each citizen is free to choose or reject any religion without state interference. The state's relationship with individuals is governed by constitutional guidelines, independent of religious considerations. Although the state and religion operate independently, the state can arbitrate and regulate religious activities if conflicts arise.

GLOBAL EVOLUTION OF WORD 'SECULAR'

The concept of "secularism" has evolved significantly over time, adapting to various historical, cultural, and political contexts. This paper traces the evolution of the word "secular," examining

its origins, development, and diverse interpretations across different regions and eras.

The term "secular" originates from the Latin word **saeculum**, meaning "world" or "age." In early Christian usage, it referred to the temporal, worldly realm as opposed to the eternal, spiritual realm. This dichotomy between the sacred and the profane laid the foundation for the modern understanding of secularism as the separation of religion from civic affairs.

During the medieval period, the term "secular" primarily described clergy who were not monastic but lived and worked in the world. The distinction emphasised their involvement in worldly affairs while maintaining religious duties.

The Renaissance and the Reformation periods marked a significant shift in the meaning of "secular." Humanist thinkers like Erasmus and Machiavelli began to advocate for the application of reason and empirical observation in governance and moral philosophy, separate from ecclesiastical authority. The rise of nation-states further propelled the idea of secular governance, as monarchs sought to consolidate power independent of the Church.

The Enlightenment era was pivotal in the development of secularism. Philosophers such as John Locke, Voltaire, and Immanuel Kant argued for the separation of church and state, religious tolerance, and the application of reason in public life. Locke's "A Letter Concerning Toleration" (1689) and Voltaire's advocacy for religious freedom exemplified the growing emphasis on individual rights and rational governance.

The American and French Revolutions institutionalised secular principles in governance. The First Amendment of the United States³ Constitution prohibited the establishment of religion, while the French Revolution's Declaration of the Rights of Man and of the Citizen enshrined freedom of religion and the separation of church and state. These developments marked the formal adoption of secularism as a guiding principle in modern democracies.

The 19th century saw the spread of secularism alongside industrialization and modernization. In Europe, the concept evolved to emphasise the reduction of religious influence in public education, law, and politics. The works of Charles Darwin and the rise of scientific rationalism challenged traditional religious explanations of the natural world, further solidifying secular

³ Mrs. Janhavi Madhukar Zanje, Secularism as Defined by the Indian Constitution, 11 Int'l J. Creative Res. Thoughts (IJCRT) f739 (Dec. 2023), <https://www.ijcrt.org/papers/IJCRT2312642.pdf>

perspectives.

In the 20th century, secularism became a defining characteristic of many Western democracies. The Soviet Union, under Lenin and Stalin, pursued an aggressive form of state atheism, seeking to eliminate religious influence entirely. Meanwhile, in Turkey, Mustafa Kemal Atatürk implemented a secularist agenda that reformed religious institutions and laws to align with modern, secular values.

SECULARISM AS THE ESSENTIAL ASPECT OF CONSTITUTION

As the Indian Constitutional idea of social and economic democracy emerged, secularism came to be seen as one of the fundamental components of the document. It follows that the fundamental framework of secularism cannot be removed⁴ from constitutional law by the parliament using its amendment authority granted by Article 368 of the Constitution. It is believed that beliefs are the subject matter of religion. It is a truth that India and its people have entered the globalised era, yet they still firmly believe in deeply held religious beliefs, regardless of the opinions of those who disagree. It's true that there are concerns about how "secularism" is currently portrayed in India.

In 1947, India achieved its freedom from British colonial domination. They now planned to start a fresh, difficult project to create an economically independent democracy that would treat each and every one of its citizens equally. In its place, India was committed to the concept of secularism. Secularism has been more and more important since Pakistan separated from India for religious reasons. During the split, India maintained the claim that it wished to establish a nation in which its citizens would not have a religious identity.

Although the Constituent Assembly was initially reluctant to include the adjective "secular" when writing the Indian Constitution, it was eventually done so by the 42nd Constitutional Amendment (1976) in the Preamble of the Indian Constitution. It demonstrates how India, a union of states, is apart from religion⁵ and would defend the freedom of all people to practise their religion as they see fit, regardless of their affiliation. The Indian Constitution's Fundamental Rights section, specifically Articles 25 through 28 of Part III, ensures that

⁴ Sara Elias, Concept of Secularism under Indian Constitution, 6 J. Emerging Tech. & Innovative Res. 565 (Mar. 2019), <https://www.jetir.org/papers/JETIREW06075.pdf>

⁵ Supra Note 4

everyone has the freedom to practise their religion, both personally and collectively. The Indian Constitution's Articles 15 and 16 also provide an additional right against religious discrimination. Therefore, it may be said that India, through its Preamble, Fundamental Rights, and DPSPs, has evolved into a secular state based on the ideals of impartiality, fairness, and justice.

PHILOSOPHICAL FOUNDATION OF SECULARISM

A secular society is one that has shied⁶ away from religion, whereas secularism embraces religious freedom. This is how secularism and a secular society vary from one another.

→ Distinct State and Religion

Secularism is predicated on the division of religion and state. It guarantees that neither the state nor religious organisations meddle in matters of religion.

→ Both believers and non-believers are shielded by secularism

Ensuring and safeguarding the liberty of religious belief and practice for every individual is the aim of secularism. Secularists advocate for universal freedoms of conscience and thought, which should apply to both believers and non-believers. They want to keep religious freedoms unrestricted.

→ Freedom of religion

Secularism aims to uphold the unassailable liberty of religious and nonreligious beliefs, as well as the freedom to express one's beliefs, provided that doing so does not interfere with the liberties and rights of others. Secularism guarantees that the freedom from religion and the right to practise one's own religion always maintain a balanced relationship.

→ Fairness and democracy are vital to secularism.

Every person is equal before the law and the parliament in a secular democracy. Religious adherents are citizens with the same rights and responsibilities as everyone else, and neither

⁶ Peter, What Is Secularism?, *Philosophical Investigations* (Sept. 20, 2017), <https://peped.org/philosophicalinvestigations/what-is-secularism/>

political nor religious affiliation confers benefits or drawbacks.

Universal human rights are prioritised by secularism over religious precepts. It defends equality laws that shield minorities, women, and other individuals from prejudice based on their religion. The equal rights of non-believers and people who identify as religious or philosophical adherents are guaranteed by these equality laws.

→ Equitable availability of public services

We all have access to the same hospitals, schools, police, and local government services. It is imperative that these public services be secular at the moment of usage in order to prevent discrimination or denial of access based on someone's religious belief (or lack thereof). Without regard to the religious beliefs of their parents, all students attending state-funded schools should get an education in a nonreligious environment. A public body that awards a contract to an organisation that represents a certain religion or belief must ensure that the services are provided impartially, without any attempt to further the beliefs of the connected faith group.

→ Secularism differs from atheism.

Being an atheist is not believing in gods. All that secularism does is provide a democratic society a framework. It is clear that atheists want to defend secularism; nonetheless, secularism does not aim to impose atheism on anyone or contest the core principles of any one religion or ideology.

Secularism is merely a framework for guaranteeing equality for believers and non-believers in politics, education, the legal system, and other areas of society.

INDIA'S POSITION ON SECULARISM AND MALAYSIA'S APPROACH TO SEPARATION AND MULTICULTURALISM

Many academics contend that India, a nation rich in religious and cultural variety, represents a unique and distinctive kind of secularism predicated on the classic western notion of church and state. Secularism is explicitly introduced into the Indian Constitution even though it is recognised within its fundamental structural theory (as established in the Kesavananda Bharati case) by the 42nd Amendment.

By adopting a universalised approach to religious diversity, neutrality, liberty, equality, and inclusivity, the Indian Constitution (Articles 14, 15, 16, 25, 26, 27, 28, 29, 30, 44, 325) promotes secularism and modernism that is primarily influenced by western ideas and seeks to advance social progress and sentiments. First and foremost, however, it is distinctive because it gives the recognised multireligious community religious autonomy through personal status laws, constitutional liberties (Articles 25, 26, 27, 28), and the freedom (Articles 29, 30) for minorities to make their own decisions and practise them.

However, because the protection is restricted to basic religious practices, the state is still able to intervene as needed to uphold public order, safeguard the welfare of its residents, and defend society as a whole. To put it another way, there are restrictions on the freedom to declare, exercise, and spread religion and awareness. The several articles of the constitution, such as Articles 17, 25(2), 26, and 30, also include strong references to this idea.

The Indian Constitution's fundamental secularism is unquestionably supported by the Supreme Court's well-established precedent, which has been upheld in cases like *Shah Bano*, *Sarla Moudgil*, *Bijoe Emmanuel*, and others. However, as further demonstrated by its recent verdicts in the *Sabrimala* verdict and the *Ayodhya* judgement, among other instances, there has also been a noticeable rise in the radical Hindu ideology of secularism that promotes the oppressive attitudes of the dominant religion. But do these aspects of the Indian model depart from the core tenets of secularism? This is a contentious issue.

However, like India, Malaysia is an Asian country with a rich and varied ethnic, cultural, and religious diversity despite its small size. Islam is supported as the official national religion of Malaysia, where 60% of the population is Muslim (Article 3). But like India, Malaysia was formerly a British colony, and most of its laws are based on Western ideas of equality, liberalism, and multiculturalism (Article 8). As a result, the Malaysian constitution promotes peace and harmony and ensures that everyone has the freedom to practise, profess, and spread their religion (Article 11.1) as well as the autonomy to manage their religious affairs (Article 11.3), subject to certain limitations (Article 11.4). This is true despite the fact that it supports Islam as Malaysia's official religion and identity.

According to Article 121(1A) of the Malaysian Constitution, the legal and judicial system in Malaysia has a dual framework that distinguishes between sharia courts and civil courts. As confirmed in the case of *Che Omar bin Che Soh v. Public Prosecutor*, civil courts, which have

broad authority over most legal problems, including those involving Muslims, are superior to sharia courts, which deal with issues directly pertaining to the practice of Islam. The Federal Court of Malaysia maintains the power to examine rulings from sharia courts, highlighting common law's superiority over other legal systems in Malaysia. Malaysia's political system is essentially secular even though it is a constitutional monarchy, with the King a member of the royal Islamic family appointing the prime minister and other officials (Article 43).

India, on the other hand, guarantees equality and administrative and judicial neutrality as a quasi-federal democratic state. The Indian Constitution takes a two-pronged approach to secularism: it encourages the eventual creation of universal civil laws, as proposed in Article 44, while concurrently granting religious communities sovereignty through personal laws. The distinctive character of Indian secularism, which is firmly anchored in the nation's historical, political, and cultural environment, is reflected in this duality.

SECULARISM & ITS CHALLENGES

There seems to be a crisis in Indian secularism. Because secularism is defined by both its supporters and detractors as fundamentally and solely Western, Christian, and alien to India, its growth has been impeded. The following are some potential limitations on the concept of secularism:

→ CASTEISM

The caste system has very deep origins. The caste system is thought to have its roots in the ancient "varna" plan. One could argue that in the past, caste was linked to a particular profession, village community, and village economics. It is impossible to comprehend Indian policies, particularly those at the state level, without studying the caste system in that state. Certain political parties are set up to represent certain castes. As a result, caste consciousness has become central to Indian politics and the biggest obstacle to the advancement of secularism in our society.

→ COMMUNALISM

There is an inherent conflict between the demands of a secular lifestyle and religious orthodoxy, which makes it problematic in a secular society with Muslim minorities.

According to Dr. Bipin Chandra, there are three prerequisites for the emergence of communalism:

- Religious adherents share a common passion.
- separate religions⁷ have separate and distinct secular interests from those of their adherents.
- when the interests of several religions are perceived as confrontational, hostile, and incompatible.

The following conclusion can be made based on the information above:

- Religious affinity is linked to communalism.
- It employs religion for political ends and unifies adherents of a specific religion for secular goals.
- It stems from a threat that other religious groups perceive or even fabricate.

By fostering unfavourable preconceptions about the outgroup, it fosters in-group cohesion. Violent tensions intended to harm the other person are one way it manifests.

→ PARTY POLITICS

In India, a few political parties are structured along communal lines. The interests of a specific area or group are represented by these parties. A few regional parties even aspire to actively fight for their own independent state. To further and protect their political agendas, they engage in communal politics. It has been noted that the acknowledged secular parties are not particularly secular in terms of their makeup and methods of operation.

GLOBAL VARIATIONS OF SECULARISM

Secularism has taken diverse forms around the world, shaped by local historical and cultural contexts.

⁷ Supra note 3

→ FRANCE

In France, *laïcité* represents a stringent form of secularism that strictly separates religion from public life. Established in the early 20th century, *laïcité* prohibits religious symbols in public schools and government buildings, reflecting a commitment to maintaining a neutral public sphere.

→ INDIA

India's approach to secularism accommodates religious diversity while ensuring that the state does not favor any particular religion. The Indian Constitution⁸ guarantees freedom of religion and prohibits discrimination based on religion. This pluralistic form of secularism reflects India's complex tapestry of religious traditions.

→ UNITED STATES

In the United States, secularism is characterized by the separation of church and state, as outlined in the Constitution. This model allows for the free exercise of religion while ensuring that the government remains neutral in religious matters. American secularism aims to protect individual freedoms and prevent the establishment of a state religion.

→ MALAYSIA

Malaysia offers a contrasting example where secularism and multiculturalism coexist in a predominantly Muslim country. The Malaysian constitution provides for freedom of religion, yet Islam is recognized as the official religion. The state's approach balances the interests of different religious communities while maintaining a secular legal framework.

COURTESY PRONOUNCEMENTS

The Supreme Court of India has developed the concept of secularism on occasion. In *Sardar Taheruddin Syedna Saheb v. State of Bombay*, for example, the Hon'ble Supreme Court addresses secularism for the first time. In examining the secular part of the Indian Constitution, Ld. J. Ayyangar of the Hon. The Supreme Court clarified that Articles 25 and 26 of the Indian

⁸ Supra note 4

Constitution incorporate the conventional sense of secularism, which includes the value of religious tolerance.

The Supreme Court reinforced that secularism is a fundamental tenet of the Constitution in the *Kesavananda Bharati v. The State of Kerala* case⁹. Justice Sikri emphasized the Constitution's secular nature in his decision. However, the *Ahmedabad St. Xavier's College Society v. The State of Gujarat*¹⁰. The case left the court uncertain about the Constitution's nature, resulting in contradictory interpretations regarding its secular character.

In the landmark case of *S.R. Bommai v. Union of India*¹¹, the court provided a contemporary definition of secularism, affirming it as a core component of the Constitution. Nonetheless, the exact meaning of secularism sparked debate. For instance, Justice Ahmadi described secularism as an ideology of tolerance, while different judges offered varying definitions. The court further clarified that there should be no mingling of religious faith with worldly practices. Religious equality and tolerance are upheld only insofar as they support the pursuit of a spiritual life distinct from secular life. The state must ensure tolerance for all religions and any interference with religious matters would violate secular principles and is thus strictly prohibited.

Justice Ramaswamy, in his notable decision, asserted that the state must uphold secular principles through legislation or executive orders. He explained that the Constitution explicitly prohibits political parties from organising policies, agendas, or curricula based on religion. He emphasised the court's duty to prevent political parties from engaging in actions that compromise the state's secular integrity, such as promoting casteism and religious intolerance. According to him, combating casteism is an essential aspect of maintaining secularism.

CONCLUSION

In conclusion, secularism remains a crucial and multifaceted principle within global and Indian contexts, embodying the separation of religion from state affairs to promote equality, impartiality, and rational governance. India's approach to secularism is uniquely characterized by its historical embrace of religious plurality and tolerance, as evidenced by ancient traditions

⁹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225 (India).

¹⁰ *The Ahmedabad St. Xavier's College Soc'y v. State of Gujarat*, A.I.R. 1974 S.C. 1389 (India).

¹¹ *S. R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India)

and modern constitutional provisions. Despite challenges such as casteism, communalism, and political opportunism, India's secular framework continues to evolve, reflecting both Western influences and indigenous philosophies.

The Supreme Court of India has played a pivotal role in interpreting and reinforcing secularism as an essential component of the Constitution. Key rulings, including *Kesavananda Bharati v. State of Kerala* and *S.R. Bommai v. Union of India*, have underscored the necessity of maintaining a secular state that accommodates diverse religious practices while preventing political exploitation of religious sentiments. As global variations of secularism illustrate, the principle adapts to local contexts, balancing religious freedoms with the need for a neutral public sphere.

Ultimately, the ongoing discourse and judicial interpretations underscore the dynamic nature of secularism, highlighting its relevance in fostering a society based on mutual respect, equality, and justice. The commitment to secularism, despite its challenges, remains integral to the vision of a harmonious and inclusive India.

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