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Religion and Secularism through the Lens of the Law

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ABSTRACT

According to the Western understanding of secularism, secularism is characterized by a clear and strict demarcation between the state and religious institutions. However, India's situation presents a distinct contrast, as religion plays a crucial role in the personal lives of its citizens and hence such a clear line of separation cannot be drawn. In India, secularism means that all religions ought to be treated equally, and there that there ought to be no bias against any particular faith. The right to religious freedom is enshrined as a fundamental right in the Indian Constitution, prohibiting any form of discrimination based on religion. This research paper first acquaints the readers with the fundamental meaning of religion. It then provides a deeper understanding of the concept of religion by explaining the various theories of religion, including functional theories, psychological theories propounded by the best-known psychologists, and the various sociological theories propounded by renowned sociologists. Following this, the implications of religion on the constitution and society of India are extensively analysed. This analysis is complemented with an understanding of the broader implications of religion on the conduct of the citizens of the country. Finally, the clash between secularism and the personal laws of India is examined, with a view of attempt to understand how a balance can be struck between the two.

Keywords: Religion, Secularism, Personal Laws.

I. INTRODUCTION

An examination of human history will reveal the critical role that religion plays. From the oldest to the most advanced societies, religion has always been a part of them.[2] Not only does religion exist everywhere, it is also essential. Furthermore, it is the very feature that distinguishes humans from animals. The study of man cannot be completed unless it includes an examination of his religion, which is a very important and noteworthy aspect of his existence. Furthermore, his religious confidence is a fundamental aspect of who he is and how he lives. Religion may be defined in a multitude of ways due to its diversity and the range of its activities and beliefs.

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[2] Joseph Gaer: What the Great Religions Believe, Dodd, Mead & Co, New York, 1963, pg.16

For some people, religion is a well-organized system of beliefs, roles, rituals, and worship that centres on a God or on a Divine Reality beyond their complete comprehension. Others believe that religion encompasses a variety of gods or divine entities. Some people practice a religion that excludes God. There are other people that follow their personal religious beliefs in their own unique manner. In any event, most people who practice a particular religion believe in a supernatural force that created the planet and humanity. Delegates at the 1981 World Conference on Religion in Kochi, Kerala were unable to agree on a specific way to define religion, with the exception that it is primarily what genuinely religious individuals are, say and do.[3]

According to its etymology, religion comes from a word of the Latin language, namely "religion," which itself comes from the root-word leg-, meaning "to congregate, count, or witness," and the other root-word lig-, which means "to unite or bind." The implication in the first meaning is faith in and awareness of signs of heavenly communications. In the final sense, the recommendation is to carry out significant acts that could unite human and divine forces. Since religion is a protean, ever-evolving, individualized, and wide-ranging phenomenon, it is exceedingly challenging to put into words or characterize.

It is commonly acknowledged that an overwhelming majority of Indian philosophers define religion in accordance with the concept provided by Western philosophers. The following are a few well-known and significant definitions for the term "religion":

1) According to Emile Durkheim, "religion is a unified system of beliefs and practices relative to sacred things, that is, things set apart and forbidden -- beliefs and practices which unite all those who adhere to them into one single moral community called a Church."[4]

2) Religion is defined as a "Belief in spiritual things" by E.B. Tylor.[5]

3) James Livingston put it this way: "Religion is that system of activities and beliefs directed toward that which is perceived to be of sacred value and transforming power."[6]

4) Robert Bellah defines it as "a set of symbolic forms and acts that relate man to the ultimate conditions of his existence."

5) Certain intellectuals have a pejorative definition of religion. For instance, in the opinion

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[3] Albert Nambiaparampil (Ed.): *Religions and Man- World Conference of Religions,*
[4] The Elementary Forms of the Religious Life, 1912
[5] Primitive Culture, 1871
[6] Anatomy of the Sacred

of Karl Marx "Religion is the sigh of the oppressed creature, a protest against real suffering. It is the opium of the people, the illusory sun which revolves around man for as long as he does not evolve around himself."

6) According to Sigmund Freud, "Religion is comparable to childhood neurosis."

None of the above-given definitions of religion could be considered to be fully satisfying due to the intricacy of the subject matter at hand. A broad definition of religion, nonetheless, may be the proper and peaceful interaction with ourself, other people, the cosmos, and the divine force.

II. TRACING THE SOCIOLOGY AND ORIGIN OF RELIGION

Since the 1960s, the study of religion has since ages been the focus of a distinct area of sociology. There are several theories as to where the concept of religion originated. There are aspects of truth in each of them. It is impossible to say with certainty, nevertheless, how and at what point of time did religious ideas first appear in human minds. It is also impossible to pinpoint with precision, the exact origin of religious ideas. This is due to the fact that the experts in this subject cannot agree on the genesis of religion. In any event, some people firmly believe that religious ideas are innate in human nature. This is an instinctive trait shared by no living things other than us humans. Reason and religion allow humans to be distinguished from other animals. Men are referred to as "prudent beasts" because they possess reason, whereas other living things do not. Men are therefore religious, but other animals are unquestionably not. We can comprehend the significance of religious beliefs in human existence if the various theories on religion can assist us in tracking its roots and evolution from its most nascent stages to its current manifestations. Some of the most renowned of these theories are as follows:

1. **Animism:**

Believing in spirits is known as animism. It alludes to a certain kind of religion where people believe that everything around them contains spirit. Given the study of early man's psychology and behaviour, this is regarded as the main theory on the genesis of religions. Edward Burnett Tylor is considered the father of the man-made science of religion since he created it in his book "Primitive Culture." Tylor claims that religion emerged as people tried to understand situations and events that were outside the scope of everyday life. Primitive man experienced a variety of experiences, particularly in relation to death, drowsiness, and dreams. In his nightmares, he pictured his self, wandering around and doing various things while his body remained in one spot. Similarly, he saw individuals in his dreams who shouldn't have been there. He was unable to separate his person from his soul when he was conscious and awake since he could see his

own image in the water.

The primordial man may have most likely concluded that humans had a set of two souls: a bodily soul, which upon its departure from the body, would cause death, and the commonly known "free soul" that might leave him and indulge in experiencing things. They have a close relationship with one another. A person dies when their spirit departs from their body for good. 'Animism' is the notion derived from the Latin term for soul, "anima".

Primitive man believed that subsequent to death, the soul transforms into spirits that either benefit or hurt people and other animals. To appease these spirits, man began to give offerings, sacrifices and chant prayers. He thought that everything must have a soul and life since he was unable to tell the difference between things that were alive and those that were inanimate. He so expanded the concepts of the spirit and the soul to all things that he was surrounded by, including streams, rocks and trees among other things. Tylor thus maintained that animism developed to quench man's curiosity about the causes of death, dreams, and vision. It is a straightforward religion, and they clearly believed that the spirit was an ethereal soul that was capable of continuing to exist after the body has ceased to exist. This is undeniably essential to any modern religion, and in this regard, animism may be regarded as a form of religious belief.

2. <u>Manaism & Animaticism</u>:

Regarding the origins of religion, there is another theory. It mostly consists of the conviction that everything is alive and animate. The supernatural was seen by the primitives under the purview of impersonal force or power. Under some circumstances, it affected them, and they thought they had control over it. Animatism is the term for this perspective on the paranormal.[7]

Marett recently created a unique kind of animatism called manaism. He assumed that the primordial human being had faith in an all-pervading power that permeates all of the world's things, both living and inanimate. This invisible, supernatural force showed itself in everything, whether it was individuals, creatures, vegetation, or objects, and it worked in ways that are incomprehensible to us. Marett termed this "mana." It's similar to how we define luck or good fortune. People believed that monarchs and nobles possessed more mana than ordinary people, and they attributed success to their possession of mana, which could be obtained in unique ways. Given that mana might serve as an electric shock, this theory suggested that interaction between the rulering class and common people was dangerous. The necessity for rituals to purify the exposed people out of their need arose, since common people were unable to handle the same

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[7] Conrad Phillip Kottak, *op.*cit., p.414

amount of holy mana as the sacred and magnificent living-beings.

3. Naturism:

It refers to the conviction that natural forces possess supernatural abilities. Max Muller, a distinguished Sanskrit scholar, was a staunch supporter of it. According to him, the adoration of natural things must have been the first religion. People were utterly ignorant of the different natural processes occurring all around them before the dawn of the human race. However, they put in their own efforts because they were interested in learning about the events. They had to cope with a variety of natural calamities, including starvation, hazardous animals, lightning, floods, and storms. And they were unable to overcome these circumstances.

They were thus forced to visualize an unseen force that they relied upon for support, courage, and solace. They started to think that the thunder, the rain, the sun etc. all had intrinsic power. Therefore, the primary causes of the creation of religious inclinations among ancient humans are curiosity and fear. Additionally, they thought that this invisible and unseen force would support them at their birth, grief, old age, and ultimately in the achieving of redemption. Sometimes, they thought of God as the object of their affection. They attempted to establish a relationship with God via a variety of roles, including that of a father, companion, romantic partner, loved one, and of a master. Thus, mankind repeatedly relied on an imagined existence—the outcome of which is known in religion as "God"—to confront their lack of knowledge and to gather the fortitude and bravery to fight natural disasters.

III. THEORIES ON RELIGION PROPOUNDED BY VARIOUS SOCIOLOGISTS

Sociological theories of religion provide us with insights into the functions that are played by religion in the lives of individuals and aid in the analysis of the link between religion and society. Three sociological theorists—Marx, Durkheim, and Weber—have a major effect on the sociological method.

1. Emile Durkheim:

Durkheim's goals were to demonstrate that religion was not ethereally or profoundly brought to life and was instead a mere product of society. He also sought to identify the commonplace items that religion placed emphasis on and the effects that those religious convictions (the product of public activities) had on the everyday lives of the masses.

In the field of religious sociology, he was a pioneer. He tried to pinpoint the origin and fundamental elements of all faiths in his work "The Elementary Forms of the Religious Life," published in the year 1912. According to Durkheim, religion originated in the totemic group's

social events. The tribe's members traditionally lived apart from one another. Every time they came together, their physical touch created an extraordinary sense of strength and vigour. They experienced a fantastic, uplifted, and implanted feeling. When they realized they didn't have this on their own, they attributed it to something outside of themselves. They adopted it as the object of devotion and attributed it to the totemic sign.

The true foundation of religion was their own collective self-perception, since the supernatural force they attributed to the totemic seal was actually their own whole strength. Finding aspects of beliefs associated with religion that are universal across cultural boundaries was Durkheim's second goal. The division of many facets of life, material objects, and specific behaviours into two categories—the sacred and the profane—is widespread among religions, yet believing in a supernatural dimension is not required nor prevalent. Rituals, revered items, or just actions that were considered unique by religious belief were all examples of objects and behaviours that were considered sacred. All worldly things that failed to serve a religious purpose or have religious significance was considered profane. Additionally, he discovered that every religion builds a community around its rituals and doctrines.

Therefore, a religion, in Durkheim's view, is a cohesive collection of practices and beliefs about sacred things—that is, things that are set aside and forbidden—that bring together all members of a single moral community known as a church. The differentiation between the holy and the profane has been fundamental to all faiths throughout human history. Religion is, in short, a set of activities and ideas that recognize the Sacred. Emile Durkheim therefore believed that the public, not an individual, is the one who distinguishes between sacred and profane objects. An object is not inherently sacred because of anything in it. Additionally, society accepts something sacrosanct since it is attributed to or transmitted through rituals. By doing thus, religion serves as a useful form of social cohesiveness by helping to reinforce shared beliefs and values in the thoughts and actions of all societal members. While "society" refers to the standards and values that a group of people share, religion upholds the societal influences.

2. **Karl Marx:**

Karl Marx, who lived over fifty years before Durkheim, also portrayed religion as a social perception. Marx concentrated on the dysfunctions of religion at the same time as Durkheim highlighted its good aspects. He said that every religion reflects the way that people's lives are governed by forces outside of their control. The outside factors that govern their day-to-day existence have an impact on them; these influences might be earthly or otherworldly.[8] Marx

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[8] Karl Max, *On Religion*

distinguished between contemporary religions and primal faiths. According to him, in prehistoric societies, man was subdued by the force of nature, but in the modern world, social structures are what exercise this external power. According to him, religion is a symbol of people's detachment from themselves. Marx claims that man is estranged because he labels the sum of these attributes "God" and reflects his own perfection onto the paranormal.

Marx's denunciation and dissertation of religion is based on the fundamental idea that religion does not create man; rather, man creates religion.[9] Religion is defined by him as the "universal ground for consolation and justification," the "moral sanction," and the "solemn completion" for this world.[10] Therefore, religion has grown into an essential component of this warped universe, according to Marx. In fact, religion has become essential to people's comfort in our environment. So, he said, religion is the opium of the masses.[11] Here, religion is characterized as the "sigh of the oppressed creature," a manifestation of the world's misery. However, religion also serves as an opposition to this anguish. Marx, however, contends that because it shifts focus away from the present circumstances and toward hope, this protest is still pointless and ineffectual. It teaches the surrendered embrace of current circumstances in this life, deferring enjoyment and rewards until the afterlife. Religion diverts people's attention from their current miseries by focusing on pleasure and contentment in the hereafter, which reduces the possibility that they would rebel against their rulers.[12]

Marx believed that belief in God promotes the objectives of the governing class at the expense of the masses, but Durkheim believed that religion benefits all facets of society by promoting social obligation. Marx therefore believed that conventional religion ought to vanish.

3. **Max Weber:**

Max Weber's passion for religion was somewhat rekindled by Karl Marx. Similar to Marx, Weber dedicated a significant portion of his academic career to studying the background of capitalism and free business. He gave Marx credit for emphasizing the historical significance of economics. However, Weber argued that financial reasons were only one of many elements influencing the path of history, whereas Marx believed that the entirety of history could be explained as class conflict based on economics. Although Weber argued in his book "The Protestant Ethic and the Spirit of Capitalism" that religion could also be a facilitator of social transformation, Max Weber maintains that the Protestant faith was one of the many factors that

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[9] Karl Marx: 'Contribution to the Critique of Hegel's Philosophy of Right: Introduction', *On Religion*
[10] Ibid
[11] Ibid
[12] Foundations of Sociology, 2012, Jagdish Chandra

contributed to the rise of capitalism.[13] Marx maintained that religion is a deterrent to social change. He was unable to avoid opposing Marx's monetary determinism, but he never denied the importance of economics. This book aimed to show that religion might be a catalyst for social change and that history could not be reduced to one-factor explanations.

According to the aforementioned perspective, religion may be understood and interpreted as a tool for identifying human problems and, from a sociological perspective, for identifying solutions. Sociologists believe that religion plays an important role in every society, and they study how religious beliefs and practices shape human social structures. Religion is a significant social institution that has to be understood in the context of society, according to sociologists. According to them, religion fosters social bonding by bringing people together via common ideals, traits, and norms.

IV. FUNCTIONAL THEORIES ON RELIGION

Sociologists today have been making rational attempts to understand and elucidate the non-logical social wonder that is made up of beliefs and behaviours. They have created the frameworks for various social theories of religion in their attempts to do so. A.R. Radcliffe-Brown, B. Malinowski, Max Weber, Talcott Parsons, Emile Durkheim, William Robertson Smith, and their supporters have all developed the practical hypothesis of religion, which is really a sociological theory.

The core premise of the functionalist approach to religion is that religious faith is ubiquitous because it has the intrinsic ability to maintain the social structure overall. The requirement for "ideological and nostalgic union, or solidarity" has been the primary societal requirement due to which religion is regarded as having satisfied. The ceremonies performed on religious festivals further strengthen the community's bonds and oneness. Additionally, these rituals have the power to unite individuals and reinforce the group's ideals and beliefs. From the present generation to the next, they also aid in the transmission of cultural legacy. The customs uphold taboos and restrictions, and those who break them face consequences. It may even be necessary for those who disobey or violate rules to go through ritual punishment or cleansing. The rites have another purpose as well. The rituals offer consolation and support at times of personal or collective disaster. Durkheim argues that a large portion of the social dysfunction in the contemporary era is caused by people's lack of a strong religious belief and their inability to find a fulfilling alternative. People who are not devoted to a common set of beliefs may act

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[13] Max *Weber, The Protestant Ethnic and The* Spirit *of Capitalism*

selfishly and disregard others in order to further their own goals.

The structural-functional approach to religion is criticized for ignoring its dysfunctions. Religion, for instance, may be used to justify terrorism, brutality, and psychological tyranny. War has often been justified on the basis of religion. Since it fosters social bonding among members of one of the parties in a conflict, this nevertheless, in a way, aligns with the fundamental utilitarian philosophy. For instance, a terrorist group's members have a high degree of social cohesiveness, but on a larger scale, religion is obviously causing conflict without critically examining its actions against various members of society.

V. PSYCHOLOGICAL THEORIES ON RELIGION

Religion has not been a significant topic of study in psychology. Religious concerns receive scant emphasis in many psychology textbooks. This attitude can occasionally be distrustful and even antagonistic. Nonetheless, it is impossible to overlook the numerous psychologists who have contributed to religion and its significance in human existence. Some are highly significant and deserving of further research. The emotional components of religion are emphasized in the majority of psychological theories.

1. **James William**:

In addition to being one of the first studies on religious experience by a psychologist, the book he wrote, titled: "The Varieties of Religious Experience: A Study in Human Instinct (1902)" is regarded by many as the best work in the field because of his methodology. An early impetus for the psychological study of religion was provided by this work. Both a wholesome and a sick religion are conceivable, as he has suggested. He believes that certain experiences are not the only thing that exist in human awareness. He made a distinction between personal and institutional religion.

The term "institutional religion" refers to a religious assembly or group that is essential to the way of life of the broad public. It is possible for people of any society to experience individual religion, in which they go through a mystical experience. In essence, he was interested in comprehending personal religious experiences. Through an unearthly experience, the human develops religious consciousness. Worship, prayer, meditation, and similar practices may be used to build and spread it with the support of institutional religion.

2. **Sigmund Freud:**

The academic world is widely aware of Freud's criticism of religion. He tries to illustrate in his works how things that transcend our conscious minds and prior experiences affect us. People

have clashes between their wants (which is portrayed by the id) and the societal control over those desires (which is portrayed by the superego), according to Freud. To varying degrees, the Ego resolves these conflicts. People who are unable to accept their wants and hatred are driven to hypothesize and dread a deity by a sense of shame. Freud believed that religion and believing in God did not necessarily have to be incorrect.

All illusions do not always have to be untrue if they are illusory at all. Since there is no evidence to support religious teachings and they appear to go against what science has discovered, he believes that they may be illusions. Furthermore, it is believed that there is no way to verify their legitimacy. Because he thought they were the result of human desires rather than logical investigation, he referred to them as illusions. Religion provides the camaraderie and stability that people want. He thought religious rituals were crazy. He compared religious ritual to people who were obsessive neurotic (doing things for no apparent reason). Freud frequently characterized religious activities and beliefs as manifestations of neurosis and delusions.

It appears that Freud's ideas about religion have had a significant impact on our culture. Man is inherently religious, according to all of these ideas. This religious character aspires to be fulfilled in harmonious and appropriate relationships. It gets even more accurate if we consider religion to be a connection with the supernatural or the divine, other people, and one another.

VI. THE IMPLICATIONS OF RELIGION ON THE CONSTITUTION AND SOCIETY OF INDIA

The major faiths of the world are practiced in India. India is the birthplace of Buddhism, Sikhism, Jainism, and Hinduism. In addition to these, India is home to sacred sites and places of worship for Muslims, Christians, Zoroastrians, Baha'is[14], and Jews. Eighty percent of the population is Hindu, making it the predominant religion. Muslims make up a significant portion of India's population in addition to Hindus. In actuality, India is home to the world's second-largest Muslim population.[15] Citizens' daily lives are governed by religion. The day begins with worship and concludes with God's prayers in the typical Indian home. Morning prayers kick off the school day, followed by midday prayers to start meals and prayers to disperse. One of the nations with the most days off in schools and offices is India, where religious holidays make up the majority of the total. Religion affects a person's eating patterns, social interactions, mannerisms, attire, and other fundamental daily tasks

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[14] The core beliefs of all other religions are combined in the Baha'i faith. The unity of God, the unity of religion, and the unity of humanity are the three fundamental tenets of this religion.
[15] Indian Society and Culture, by XYZ, page 75

Numerous religious customs from different religions are harmoniously blended in India. The peaceful sound of Muslim prayer calls fills the morning, temple bells echo through the nighttime streets, and church candles illuminate the night with a dazzling display. In terms of adhering to the religious practices of the faith it practices, each second household differs from the first. Despite the startling diversity of religions and cultures, people coexist peacefully and are accepting of one another's beliefs and ways of life. Everyone is free to do what their faith requires of them. Those who are unfamiliar with Indian culture are deeply surprised by this odd congruence in variety. The issue at hand is how to keep a population greater than one billion people who follow a wide variety of religions living in harmony and free from conflict.

Given how strongly religion permeates Indian culture and governs even the most basic aspects of peoples' daily lives, it appears contradictory that "secularism" is one of the tenets of the Indian Constitution. However, "secularism" is the response to the query we posed. Enshrining the concept of a "secular state," in which the government safeguards every faith without prejudice and does not itself maintain any particular faith as the "state religion", has been attempted to promote the unity and brotherhood of India's people, who profess a multitude of faiths.

The Indian constitution supports every religion practiced in the nation without designating any one as the official state religion. It is unquestionably wise to embrace secularism in a nation with a diverse range of religious views. The 42nd Constitutional Amendment Act of 1976 explicitly introduced the state's secular goal into the Indian Preamble. Article 25, Part III of the Indian Constitution guarantees religious freedom to all of its residents. According to Article 25, everyone has an equal right to freely follow their own conscience and the freedom to profess, practice, and spread their own religion, while complying with the maintenance of the preservation of public order and safety, morality, health as well as the other requirements of Part III of the constitution. At the same time, the state is not prohibited in any way from enacting and implementing fresh laws to the end of regulating or prohibiting any monetary or political activities that might be connected to certain ostensibly religious practices. The state is also allowed to open public Hindu religious institutions to all Hindu classes and segments.

Similarly, Article 26 reads,

"Freedom to manage religious affairs Subject to public order, morality and health-

Every religious denomination or any section thereof shall have the right

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law"

Therefore, under Article 26(b), an organization or a denomination of a particular religion is granted the privilege of complete autonomy in determining what rites and ceremonies are necessary in accordance with the principles of their faith, and no outside authority has the authority to impede on their decision-making in this regard.

Subject to some restrictions, Article 25 gives everyone the basic right to express their religious views and ideas by overt acts and practices that are allowed by their faith, in addition to having the freedom to have any religious beliefs that may be supported by their conscience or judgment. Therefore, the Indian Constitution grants individuals the freedom to practice what they believe in so long as they do not infringe upon the rights of others under Articles 25 and 26. It is also important to notice Article 325, which states:

No one should be excluded from or assert that they are on a separate electoral roster because to their sex, ethnicity, religion, or caste. Maintaining the secularist ideal facilitates the smooth operation of the nation, especially in light of the unequal distribution of religious affiliations across the nation. Because the state is focused on the relationship between people rather than between people and God, it is considered a secular state. The state respects each religion and religious group equally and does not in any way interfere with their individual freedom to practice their faith. Such clauses in the Indian Constitution serve to conveniently prevent situations in which a dominant religion would oppress members of the minority. In addition to the constitutional requirements, the Indian State has distinct personal laws for each of the major religions, recognizing and refraining from any interference with religious customs and rituals. Muslim personal laws and the Hindu Marriage Act of 1955 are two examples. Religious traditions and conventions eventually become legally binding. For example, morality dictates that the husband has a bounden obligation to provide for his wife and children. Section 125 of the CrPC and the Hindu Marriage Act of 1955 both provide provisions for granting maintenance in order to protect this concept.

"The term 'religion' has reference to one's views of his relation to his Creator and to the obligations they impose of reverence for His Being and character and of obedience to His will," according to a case from the United States (see Davis v. Benson, 133 U.S. 333 at 342). It can be distinguished from the cult of form or worship of a specific sect, although the two are sometimes confused. But our constitution's framers would not have agreed with this definition. Because religion isn't always theistic. Buddhism and Jainism, two of India's major faiths, reject

the existence of God.

The word "religion" itself is not defined in the Indian Constitution. In India, religious activities are not strictly defined by borders. However, when making decisions in cases, the judiciary may encounter situations where it becomes necessary to define certain behaviours qualify as religious practices and are thus protected by the constitution. In these situations, people typically consult the Bible to determine if the activity in question is legitimate. It frequently occurs that the majority of court rulings are so carefully considered to avoid offending the Hoi Polloi's religious feelings that they nearly override other rights and natural justice considerations. In India, religion has this kind of power.

VII. THE IMPACT OF VARIOUS RELIGIONS ON THE CONDUCT OF THE CITIZENS OF THE COUNTRY

Diverse Indian cultures and faiths have long shaped how people in this region of the world live. The largest minority religion in India is Islam, followed by Hinduism, Sikhism, Christianity, Buddhism, Jainism, Zoroastrianism, Judaism, and the Bahá'í Faith. In India, 79.8% of people are Hindu, 14.2% are Muslim, and the other 6% are religiously unaffiliated, according to the 2011 census.

People from all cultures and religions coexist peacefully in India. The celebration of festivals demonstrates this harmony. All of India's religions convey the same message: love and fraternity. Whether it's the assembly of worshippers bending in prayer in a mosque courtyard, the gathering of candles lighting up homes during Diwali, the joy of Christmas, or the fraternity of Baisakhi, India's faiths are festivals of common passion that unite people. In this intriguing and varied country, people from India's many religions and civilizations come together in a shared sense of fraternity and friendship.

Here are some noteworthy facts regarding Indian religion:

- India is the world's largest multiethnic and religiously diversified democracy.

- In India, Islam is the religion with the quickest rate of growth. Despite the availability of census data from independent India, the growth rate of Muslims has always outpaced that of Hindus. Islam has a significant effect on Indian society, even though Muslims make up just 12% of the country's overall population.

- According to an annual Pew Research Centre report, Indians continue to face "high" levels of governmental constraints on religion, despite the fact that religious minorities and groups have legal safeguards. At least six states have laws against religious

conversions, which have occasionally been used to detain and threaten Christians and Muslims who spread their faith. Religion has had a significant impact on cohabitation, marriage, and partner selection. The research examines India's many religions and how they affect residents' conduct and behaviour.

The impact of Sikhism, Jainism, and Parsi religion on marriage and sexuality is examined. According to Sikh principles, a woman is a man's other half and the one who guides him toward freedom. Along with his other teachings, Guru Nanak also denounced a number of cultural customs that were detrimental to women's standing in society, including the Sati and Dowry systems. In the past, a large number of Sikh women have served in the army and in society at different significant and honourable positions, as well as fulfilling their moral obligations and feeling of responsibility. In addition, Sikhs have a long history of treating women who have been seized in conflict with dignity and as if they were their own sisters.

The Indian religion of Jainism advocates for a non-violent approach to all living things. Its doctrine and practice place a strong emphasis on the need for individual effort in order to guide the soul toward emancipation and divine realization. Three overarching ideas known as the three Ratnas (jewels) form the foundation of Jainism. Specifically, they are right behaviour, right knowledge, and right faith. While monks and nuns must adhere to the five cardinal principles—non-violence, honesty, non-stealing, celibacy, and non-possessiveness—with their existing practical constraints, householders are urged to follow them. Jains view marriage as a contract, in contrast to Hindus who view it as a sacrament.

The Parsi community believes that God told the prophet Zarathustra that marriage is not only a good deed but also a commitment that makes the planet smile. According to Parsis, a person must be born a Parsi in order to be classified as one. Intercaste marriage is really frowned upon by the more traditional members of the society. According to Sikh principles, a woman is a man's other half and the one who guides him toward freedom. Along with his other teachings, Guru Nanak also denounced a number of cultural customs that were detrimental to women's standing in society, including the Sati and Dowry systems. In the past, a large number of Sikh women have served in the army and in society at different significant and honourable positions, as well as fulfilling their moral obligations and feeling of responsibility. In addition, Sikhs have a long history of treating women who have been seized in conflict with dignity and as if they were their own sisters. Christians are supposed to consider the teachings of Jesus Christ, which include unwavering confidence in God and Jesus, virtue, love, forgiveness, mental refinement, good health, and the use of force only as a last option.

The study concludes with a feminist viewpoint on women and sexual attitudes toward women, as well as an examination of the effects Islam has had on marriage and sexuality. Slam has a dress code for all genders. Since a woman's face and hand are the only parts of her body that are exposed, the clothing code serves to safeguard her privacy and modesty. According to Sura 24:31, "And tell the believing women to draw their head covers over their chests and not to display their adornment except to their (maharim) and to lower their gaze and guard their private parts and not to display their adornment except that which ordinarily appears thereof." In the presence of her spouse, son, father, father-in-law, brother, brother's son, sister's son, other women, and young children, these purdah regulations are loosened. It is required of a guy to cover the area between his knee and navel. As long as she works modestly—that is, without going against the rules of purdah—women have been granted the freedom to work outside the house. She must also not overlook her core responsibilities and put her roles as a wife and daughter first. Her income is a personal asset, and she is not required to help with household costs. Islam views marriage as endogamous, meaning that it is null and void if it is to a non-Muslim or non-believer. Additionally, a marriage is null and invalid if a Muslim partner changes to another religion after marriage.

Being a complex and sensitive subject, the connection between religion and morality has long been the subject of intense discussion. Public commentators' certain statements conceal the perplexing theoretical and methodological complexity of the problems. We might not observe a clear connection between morality and religion. First, attempts to make linkages between religion and morality, which are seen as monolithic entities, are doomed to be simple or circular (or both) to the degree that the labels "religion" and "morality" are mainly arbitrary and do not correspond to cohesive natural structure. Second, the interaction between religion and morality grows into a matrix of distinct relationships between fractionated parts under the pluralistic perspective that we support, which separates morality from religion and separates culture from cognition. As a result, although certain facets of "religion" may work to conceal or hinder the same or different facets of "morality," others may help to promote them. For example, several faiths encourage their followers to act in a morally upright, compassionate, and altruistic manner. Religious organizations, on the other hand, could be willing to take any action that is not "nice" in order to endure and grow.

Despite being happier and more engaged with their families, highly religious Indians are less inclined to recycle, work out, or make socially aware purchases. People who are very religious are more likely to volunteer, be more involved in their communities, be more involved with their extended families, and be generally happier with their lives, according to a recent Pew

Research Centre study on how religion affects Indians' daily lives. For instance, a significant percentage of Indians who identify as very religious—those who claim to pray daily and attend weekly religious services—get together with their extended family at least once or twice a month.

However, it has been discovered that people who regularly attend religious services and pray daily seem to be quite comparable to those who don't consider themselves as religious in a number of other areas of daily life, such as social and environmental consciousness, health and fitness, and interpersonal interactions. Regarding food and exercise, Indians who are very religious are no less likely to report routinely exercising and to having overeaten in the previous week. Additionally, those who are very devout are not any more inclined than other Indians to recycle, reuse, or properly dispose of their domestic garbage. Additionally, they are less likely to take into account the environmental histories of manufacturers or whether businesses pay their workers a fair salary when deciding what products and services to purchase.

VIII. THE CLASH BETWEEN PERSONAL LAWS AND SECULARISM

What does secularism mean? Does it encompass more than simply "tolerance" for other religions? Is India a secular country? More than 71 years have passed since India formally became a republic, with 68 years and 10 months having passed since then.

"WE THE PEOPLE OF INDIA SOLEMNLY RESOLVE TO CONSTITUTE OURSELVES INTO SOVEREIGN, SECULAR, SOCIALIST, DEMOCRATIC, REPUBLIC AND TO GIVE OURSELVES THIS CONSTITUTION," reads our preamble.

Therefore, it may be claimed that our constitution at least gives the country a secular character. The true question, however, is whether it was ingrained in all or at least the most fundamental meaning by the individuals who originally drafted the constitution. In order to answer this, we must examine the fundamental nature of Indian society and the different characteristics that shape its viewpoint. India is home to a wide variety of cultures and customs, as well as a vibrant social landscape dotted with a highly intricate blend of various religions and their opposing philosophies that, remarkably, have coexisted "harmoniously" over the ages and continue to do so today. These religions have their own set of rules that regulate how their followers interact with one another. These rules are deeply ingrained in the minds of the followers and have been absorbed as a component of their personalities.

The boards or organizations tasked with upholding personal laws and taking action have been given limited latitude by the laws burdened with preserving India's fundamental identity as a secular state, so long as their rules do not contradict with the law of the nation. However, what

occurs if they do clash with one another? Which is more important, the rules that control the people or the beliefs of the people who give this country its own identity? Normally, we would say that justice should be served and that laws must be obeyed since failure to do so would result in complete chaos. Furthermore, a more informed perspective would hold that as parliamentarians are chosen by the country's citizens, they represent the people and the public awareness, hence the laws they enact are likewise in the best interests of the people. In a country like India, where beliefs, cultures, and traditions are so intricately entwined and overlap, it is nearly difficult for humans to reflect the ideals of all tribes, communities, and faiths while still creating a great environment for habitation. It is inevitable that the personal laws and Lex loci would clash. With the help of many of its ancient and medieval rulers, the nation has had a taste of secularism throughout the ages, but it must be acknowledged that the constituent assembly was able to introduce a constitution with a basic secular character.

For a very long time, the Indian National Congress-formed administration operated on secularist ideals, notwithstanding disagreements among constituent assembly members over the notion of a country without a state religion. However, the 1980s were a very different time. Then-prime minister Smt. Indira Gandhi started Operation Blue Star to drive out religious leader and leader of the pro-Khalistan movement Jarnail Singh Bhinderwale and desecrate the sacred site of the Akal Taqt, which is sacred to the Sikh community. This violent attack left a lasting scar on the Sikh community's memory, and it ultimately led to Indira Gandhi's death at the hands of her own bodyguards, both of whom were Sikh. This sparked the worst genocide in history, tearing the Sikh and Hindu communities apart. The Hon'ble Supreme Court of India later overturned a Muslim personal law that required a husband to pay alimony to his estranged ex-wife. This infuriated the Islamic community and was seen as a betrayal of its principles. Rajiv Gandhi reversed the ruling to appease the Hindu community, who felt that the government was abandoning the dominant group. Fascinating incidents like these have effectively encouraged young people to destroy the country's cultural heritage. On December 6, 1992, the Babri Mosque, which bears the name of the first Mughal emperor Babur, was destroyed. It was constructed in the 16th century on the orders of Aurangzeb. The measure was taken in response to unverified historical information that a Hindu temple devoted to Lord Ram was being demolished during a violent political demonstration. The rift between the Hindu and Islamic populations widened as a result of this occurrence, which had an international impact. Following the incident, which claimed the lives of almost 2000 people on both sides, the Pakistani Muslim community retaliated by demolishing several Hindu temples, further strained the two countries' political relations.

The Bhartiya Janta Party attempted to counter the Indian National Congress' anti-secular beliefs after the latter failed to defend secular values. Since then, the country has continued to linger on these anti-secular notions, with the legal system making a concerted effort to provide each religion the respect it deserves and to grant "ample" freedom to adhere to their own laws, which are essential to their morals and beliefs in accordance with the rules of justice. Despite their apparent effectiveness, these attempts to preserve the state's secular nature are hampered by internal issues like social stigma, which politically encourages the government to discriminate against certain communities.

Hinduism, the most common religion in India, is not an exception to the general rule that most faiths are patriarchal and practice exclusion. Other types of inequality still remain, such as gender-based discrimination under religious doctrine, the presence of personal rules that differ depending on the faith, and the substitution of religious instruction for school-based education. For example, the Hindu Marriage Act and the Hindu Succession Act regulate Hindus, Sikhs, and Buddhists; the Muslim Personal Law governs Muslims; and the Christian Personal Law governs Christians. Members of various religious groups therefore follow varied rules on dicorce, marriage, adoption and many other facets of life. The defence of individual liberties has been overlooked in the pursuit of religious equality.

The designation of Muslims as a "minority" in an effort to safeguard all religions equally fuels religious division in Indian culture. The Muslim community felt threatened by the more politically strong Hindu majority when the notion of the "Hindu majority" and "Muslim minority" was realized in the context of providing representation for local self-governance. In fact, the idea of minorities is expressly recognized by the Indian Constitution: Minority rights to create and get education, as well as to preserve their language and culture, are outlined in Articles 29 and 30. The distinction made between "minority rights" and "human rights" is particularly noteworthy. An essential component of a state that is secular, is the acknowledgment and defence of minority communities. However, the caste system, which governed almost every aspect of a Hindu's life, is proof that India has historically been a nation that values distinctions. Furthermore, the Muslim community is scarcely a minority; in certain places, they make up about 50% of the overall population, making India the country with the second-largest Muslim population in the world, behind Indonesia. However, this distinction between "majority" and "minority" is creating a religious divide in India. The fact that the two groups are subject to different laws only makes matters worse. For example, minority schools are excluded from the requirement that majority schools set aside 25% of their seats for students from low-income families. As a result, Hindus came up with the idea of "minority-privilege",

which further exacerbates religious conflict.

India's brand of secularism creates a catch-22 situation because, although the Government of India is required by the constitution to protect religious freedom and anti-discrimination laws, religions are essentially egalitarian.

IX. CONCLUDING REMARKS

At one point in Indian history, the nation's legal and judicial system was entirely governed, regulated, and provided by religion. In the present day, the reverse is true. The law of the land establishes the extent of religion in 21st-century secular India, and the court decides what the laws pertaining to the extent of religion will say, imply, and need. Nonetheless, religious beliefs and customs still have influence on Indian culture today. The Constitution and the rapidly expanding corpus of national legislation continue to adequately depict this religious aspect. Additionally, it has continued to fall within the overall category of judicial activism in India. In India, secularism has always been practiced and interpreted in a way that is attentive to and in harmony with local reality. India's religion-state interactions are both unique and intriguing because of this sensitivity and reconciliation. There is a noticeable balance between religious and secular interests when looking at India's particular versions of secularism and religious liberty.

The higher courts' judicial rulings in religious disputes of all types often exhibit an unbiased and objective mindset. Rarely, there have been a few anomalies that occasionally indicate the persistence of devoted judges or those who are swayed by certain religious and political beliefs. Naturally, conscientious objectors and legal critics can and frequently have freely denounced such deviations.

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