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Q5

What can France learn from the Indian Constitution's approach to secularism?

UPSC Civil Services Mains 2019 · GS II · 10 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- State the Indian Constitution's approach to secularism
- Show what France can learn from that approach

Revision summary

Articles 25 to 28, 15, 16, 27 and 30 frame Indian secularism as liberty plus non-discrimination plus minority schools.

Article 25(2) lets the State reform secular aspects of religion.

S.R. Bommai made secularism a basic feature of the Constitution.

France can learn accommodation, minority education and reform for equality, not hostility to visible faith.

India's communal violence is a caution, not a model to export.

Introduction

French *laïcité* grew from a republican fight to keep the Catholic Church out of the public school and the State. Indian secularism grew from a multi-religious society that needed both freedom of faith and a State able to reform and to protect. France can learn from that positive, equal-distance model without copying India's communal failures.

Body

Indian constitutional secularism

- Articles 25 to 28 guarantee freedom of conscience and religion, including the right to manage religious affairs, subject to public order, morality, health, and other fundamental rights.
- Article 15 and Article 16 bar religion-based discrimination by the State in public life and public employment; Article 27 bars a tax solely to promote a particular religion.
- Article 30 protects minority educational institutions, which is an accommodation France's strict school-neutrality model often refuses.
- The State may regulate economic, financial, and secular activity associated with religion (Article 25(2)), which allowed Hindu-law reform and later debates on a Uniform Civil Code under Article 44.
- S.R. Bommai v. Union of India (1994) held that secularism is part of the basic structure; religion cannot be the official basis of State power.

- **Indian practice is often called principled distance:** the State can help a pilgrimage, run a waqf or a temple board, and still claim not to establish a church.

What France can learn

- France can learn that public peace in a diverse society may need visible religious liberty in schools and streets, not only a ban on signs, as in the 2004 and 2010 French laws on conspicuous symbols and face covering.
- It can learn minority-institution space of the **Article 30** type, so religious and linguistic groups educate without being treated as enemies of the Republic.
- It can learn that a secular State may still reform religious personal law in the name of equality, as India did in Hindu law, instead of leaving inequality untouched in the name of non-interference.
- It can learn Bommai's rule that parties and governments must not make religion the test of citizenship, which is a lesson against both communal majoritarianism and against treating one immigrant faith as a security class.
- It can learn festival accommodation and optional religious instruction in the Indian public culture, which reduces the feeling that the Republic is at war with believers.

What France need not copy

- India has communal riots, politicised personal-law fights, and uneven reform of non-Hindu codes; those are warnings, not exports.
- Kesavananda protects secularism as basic structure; the lesson is constitutional lock-in of equal citizenship, not a licence for vote-bank bargains.
- The way forward for a French reader is principled distance plus gender equality, not either hostile laïcité or uncritical Indian practice.

Flow diagram

Indian secularism Arts 25-28 -> Principled distance
 Principled distance -> Freedom and reform Art 25-2
 Principled distance -> Minority institutions Art 30
 Principled distance -> Bommai basic structure
 Freedom and reform Art 25-2 -> Lessons for French laïcité
 Minority institutions Art 30 -> Lessons for French laïcité

Conclusion

The Indian Constitution treats secularism as equal religious liberty, non-discrimination, and a State that may both reform and accommodate. France can learn that model of principled distance and minority education, while keeping its own republican equality and avoiding India's communal wounds.

Facts & figures

Articles 25-28

Freedom of religion, including management of religious affairs, subject to public order, morality, health and other rights.

Article 30

Right of religious and linguistic minorities to establish and administer educational institutions.

Article 25(2)

Lets the State regulate secular activity linked to religion and provide for social welfare and reform.

S.R. Bommai v. Union of India (1994)

Held secularism to be part of the basic structure and a limit on State power and party practice.

French laïcité (1905 law)

Separation of churches and the State in France; later school and public-space laws on religious symbols sharpened a strict public neutrality.

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