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# Indian Constitution And Secularism

# Secularism And Constitutionality

**Vincent Depaigne**



## **Secularism And Constitutionality:**

Secularism and Constitutionality Amita Sarakāra, 1988      Constitutional Secularism in an Age of Religious Revival Susanna Mancini, Michel Rosenfeld, 2014 Traditional models of constitutional secularism have struggled to accommodate the modern revival of religious politics The concept has been criticised as empty or illegitimate while political and legal struggles have contested its meaning This book gathers leading experts to examine the scope and substance of constitutional secularism today      *Religious Liberty and the Secular State* John M. Swomley, 1987 This book examines the political and religious context in which the Constitution and The Bill of Rights were adopted Swomley reasons that those who wrote and adopted the Constitution and First Amendment intended a strict separation of church and state a government that would neither aid nor impede religion Religious Liberty and the Secular State refutes Chief Justice Rehnquist's position that the framers of the Constitution did not intend to ban all religious aid only preferential aid Swomley also refutes Rehnquist's claim that the Establishment Clause in the First Amendment was intended to prevent the establishment of a single national church Swomley concludes that the Constitution was intended to prevent the federal government from establishing one or more churches and to prevent the tax support of churches on any basis This book exposes the Supreme Court's erosion of the Establishment Clause while emphasizing the Free Exercise Clause Swomley also explores civil religion secular humanism and the current counter revolution against separation of church and state led by some religious and political conservatives who would profit from government aid He also lists the benefits churches would realize under a secular government      *Religion, Secularism, and Constitutional Democracy* Jean L. Cohen, Cécile Laborde, 2015-12-22 Polarization between political religionists and militant secularists on both sides of the Atlantic is on the rise Critically engaging with traditional secularism and religious accommodationism this collection introduces a constitutional secularism that robustly meets contemporary challenges It identifies which connections between religion and the state are compatible with the liberal republican and democratic principles of constitutional democracy and assesses the success of their implementation in the birthplace of political secularism the United States and Western Europe Approaching this issue from philosophical legal historical political and sociological perspectives the contributors wage a thorough defense of their project's theoretical and institutional legitimacy Their work brings fresh insight to debates over the balance of human rights and religious freedom the proper definition of a nonestablishment norm and the relationship between sovereignty and legal pluralism They discuss the genealogy of and tensions involving international legal rights to religious freedom religious symbols in public spaces religious arguments in public debates the jurisdiction of religious authorities in personal law and the dilemmas of religious accommodation in national constitutions and public policy when it violates international human rights agreements or liberal democratic principles If we profoundly rethink the concepts of religion and secularism these thinkers argue a principled adjudication of competing claims becomes possible      *Legitimacy Gap* Vincent Depaigne, 2017-08-25 This book provides an

account and explanation of a fundamental dilemma facing secular states the legitimacy gap left by the withdrawal of religion as a source of legitimacy Legitimacy represents a particular problem for the secular state The secular in all its manifestations is very much linked to the historical rise of the modern state It should not be seen as a category that separates culture and religion from politics but rather as one that links these different dimensions In the first part of the book Depaigne explains how modern constitutional law has moved away from a substantive legitimacy based in particular on natural law towards a procedural legitimacy based on popular sovereignty and human rights Depaigne examines three case studies of constitutional responses to legitimacy challenges which articulate the three main sources of procedural legitimacy people rights and culture in different ways the neutral model constitutions based on the displacement of culture the multicultural model constitutions based on diversity and pluralism and the asymmetric model constitutions based on tradition Even if secularization can be considered European in its origin it is best seen today as a global phenomenon which needs to be approached by taking into account the particular cultural dimension in which it is rooted Depaigne s detailed study shows how secularization has moved either towards nationalization linked to a particular national identity as in France and to some extent in India or towards de secularization whereby secularism is displaced by particular cultural norms as in Malaysia

*Indian Secularism: Constitutional Vision and its Subversion* Dr. Avaneesh maurya, 2024-10-29 This book gives the reader a brief introduction to some of the theories of secular thought that are popular in the West as well as in India It also deals extensively into what the true meaning of secularism in India is It innovatively embeds Indian cases and contexts in the Constitutional Perspective It presents an understating of the manner in which India developed its peculiar variant of secularism Chapter 1 traces the historical and conceptual exposition of secularism both in the western and Indian Contexts Chapter two narrated the political intensions of the constitution framers and constitutional provisions In the following two chapters it deals with judicial pronouncements with regards to secularism and also discussed the threats to Indian Constitutional Secularism and its vision by its rebellions This work is a modified version of the doctoral thesis submitted to the Pondicherry University

### **A Secular Europe: Law and Religion in the European Constitutional Landscape**

Lorenzo Zucca, 2012-10-11 How to accommodate diverse religious practices and laws within a secular framework is one of the most pressing and controversial problems facing contemporary European public order In this provocative contribution to the subject Lorenzo Zucca argues that traditional models of secularism focusing on the relationship of state and church are out dated and that only by embracing a new picture of what secularism means can Europe move forward in the public reconciliation of its religious diversity The book develops a new model of secularism suitable for Europe as a whole The new model of secularism is concerned with the way in which modern secular states deal with the presence of diversity in the society This new conception of secularism is more suited to the European Union whose overall aim is to promote a stable peaceful and unified economic and political space starting from a wide range of different national experiences and

perspectives The new conception of secularism is also more suited for the Council of Europe at large and in particular the European Court of Human Rights which faces growing demands for the recognition of freedom of religion in European states The new model does not defend secularism as an ideological position but aims to present secularism as our common constitutional tradition as well as the basis for our common constitutional future

**India's Living Constitution** Zoya Hasan, Eswaran Sridharan, R. Sudarshan, 2005 India became independent in 1947 and after nearly three years of debate in the Constituent Assembly adopted a Constitution that came into effect on 26 January 1950 This Constitution has lasted until the present with its basic structure unaltered a remarkable achievement given that the generally accepted prerequisites for democratic stability did not exist and do not exist even today Half a century of constitutional democracy is something that political scientists and legal scholars need to analyze and explain This volume examines the career of constitutional political ideas implicitly of Western origin in the text of the Indian Constitution or implicit within it as well as in actual political practice in the country over the past half century

Constitutional Democracy in Crisis? Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23 Is the world facing a serious threat to the protection of constitutional democracy There is a genuine debate about the meaning of the various political events that have for many scholars and observers generated a feeling of deep foreboding about our collective futures all over the world Do these events represent simply the normal ebb and flow of political possibilities or do they instead portend a more permanent move away from constitutional democracy that had been thought triumphant after the demise of the Soviet Union in 1989 Constitutional Democracy in Crisis addresses these questions head on Are the forces weakening constitutional democracy around the world general or nation specific Why have some major democracies seemingly not experienced these problems How can we as scholars and citizens think clearly about the ideas of constitutional crisis or constitutional degeneration What are the impacts of forces such as globalization immigration income inequality populism nationalism religious sectarianism Bringing together leading scholars to engage critically with the crises facing constitutional democracies in the 21st century these essays diagnose the causes of the present afflictions in regimes regions and across the globe believing at this stage that diagnosis is of central importance as Abraham Lincoln said in his House Divided speech If we could first know where we are and whither we are tending we could then better judge what to do and how to do it

**The Constitutional Law of Bangladesh** M Rafiqul Islam, Muhammad Ekramul Haque, 2023-07-25 This book provides a supportive lending hand to researchers of constitutional law worldwide about the constitutional law of Bangladesh Moreover this book discusses the evolution and development of the constitutional law of Bangladesh over 50 years from its embryonic stage with reference to comparative constitutional law This book is a very useful resource for the comparative constitutional researchers as readers will be able to easily interpret the constitutional law of Bangladesh from national regional and global constitutional law perspectives This book celebrates the fiftieth anniversary of the Constitution the first of its kind to portray the journey of constitutionalism in Bangladesh

comprehensively with intellectual observations and palatable recommendations for improvement This book looks back to the constituent assembly debates intention of the constitution makers and how have those dreams and aspirations have come into realities what goals have been achieved what caused some failures and what should be its future directions At such a momentous point in history it is imperative that its native and foreign constitutional authoritative voices scholarly assess the constitutional design understand the reasons for its successes and occasional failures and ventilate their views towards its progressive development to elevate it to a new height in the 21st century and beyond The book chapters discuss not only the text of the constitution and some judicial precedents rather involve in a much larger task of unveiling the interpretative approach of the Constitution from a comparative constitutional law perspective This book shall project the future roadmap for the journey of constitutionalism in Bangladesh throughout all chapters offering policy recommendations for the revision of the Constitution

The Constitution, Government and Politics in India Patil S.H., Comprehensive text on the Constitution of India with a holistic approach Covers the evolution of the Indian constitution government and politics from Independence to the present day An appendix at the end of every chapter providing the latest information Useful for the students and teachers of political science and law and candidates appearing for the competitive examinations conducted by the Union Public Service Commission and the state public service commissions

**Reconstitution of the Constitution of India** Kanahaiyalal Sharma,2002

Constitutional Law, Religion and Equal Liberty Azin Tadjini,2019-09-19 During the 20th century many countries embarked on a process of constitutional secularization by which the role of religion gradually became limited Yet by the late 20th century and increasingly following the end of the Cold War this development began to be challenged This book examines the return of religion in constitutions through the concept of constitutional de secularization It places this phenomenon in the context of the constitutional memory of the countries in which it has taken place and critically examines it against the development and standards of constitutionalism as the prevailing constitutional legal and political theory Central to this analysis is the impact of constitutional de secularization on the regulation of equality in liberty that is both the regulation of constitutional rights and the scope for equality of those who are granted such rights The book argues that equal liberty forms an essential part of constitutionalism as a theory and that constitutionalism therefore entails a continuous development towards expanding it The first and second part of the book presents a conceptual framework for the study of constitutional de secularization The third part presents and analyses three cases of constitutional de secularization in Afghanistan Iran and Iraq The book will be of interest to researchers and policy makers interested in constitutional history and theory and the role of religion in law and its compatibility with human rights

*Constitutional Law* Mr. Rohit Manglik,2024-03-26 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various

streams and levels      A History of the Constitution of Bangladesh Ridwanul Hoque,Rokeya Chowdhury,2023-09-01 Marking the 50th anniversary of Bangladesh s Constitution this book gauges its development from 1972 to 2022 focusing on its foundational goals performances and current challenges The collection presenting diverse but issue specific chapters shows how the people political parties and leaders and constitutional and legal institutions interact with each other in advancing breaking and remaking their Constitution It examines the local context parliamentary history and interpretive tools adopted by the Supreme Court in understanding the Constitution as well as the future prospect of constitutional politics and practices The work brings together legal professionals and constitutional law scholars to encapsulate the panorama of the country s constitutional evolution The authors look back to the history of constitution making to reflect critically on the present in light of the founding goals spirits and aspirations and with a view to offering a forward looking and resilient vision of constitutionalism in Bangladesh The book will be of interest to researchers academics and policy makers working in the areas of comparative constitutional law and politics and South Asian Studies      **Christians in Secular India** Abraham Vazhayil Thomas,1974 Seeks to explore the role of the Christian community in the Indian secular state Although the Indian Christian community forms only 2 4 percent of the population it has played an important part in the social educational political and religious spheres of the recent life of India      *The Working of the Indian Constitution* Arghya Sengupta,Goyal Omita,2024-09-04 The Indian Constitution has held the country together for 75 years now This volume demonstrates the Constitution is not a static document and has seen several amendments and interpretations over the years It delves into how the document has worked for the people since its adoption its strengths and weaknesses its many interpretations how it has influenced and shaped our collectives over time and in turn been shaped by the people The Indian Constitution clearly vests power in the hands of its people This volume critically examines how the longest written national Constitution is made successful by people who take its spirit to heart and let it inform their activities and how like anywhere in the world it is a work in progress It covers a range of debates on issues such as individual freedom of expression of association freedom to lead lives of dignity etc liberty freedom from oppression the right to life right to equality justice among several others The book contains essays by judges lawyers and academics who describe the journey of the Constitution through doctrine case law and comparative analyses with other countries At the same time it also contains essays by doctors politicians activists bureaucrats and a number of methodologically diverse essays by a host of demographically diverse writers The volume will be an indispensable read for scholars and researchers of legal studies political scientists governance public policy modern history and South Asia studies It will also be of immense interest to political scientists political theorists legal scholars historians lawyers and general readers interested in the history of the Indian Constitution      Religion and the Constitution, Volume 2 Kent Greenawalt,2008-05-19 Balancing respect for religious conviction and the values of liberal democracy is a daunting challenge for judges and lawmakers particularly when religious groups seek exemption from laws that govern

others Should students in public schools be allowed to organize devotional Bible readings and prayers on school property Does reciting under God in the Pledge of Allegiance establish a preferred religion What does the Constitution have to say about displays of religious symbols and messages on public property Religion and the Constitution presents a new framework for addressing these and other controversial questions that involve competing demands of fairness liberty and constitutional validity In this second of two major volumes on the intersection of constitutional and religious issues in the United States Kent Greenawalt focuses on the Constitution s Establishment Clause which forbids government from favoring one religion over another or religion over secularism The author begins with a history of the clause its underlying principles and the Supreme Court s main decisions on establishment and proceeds to consider specific controversies Taking a contextual approach Greenawalt argues that the state s treatment of religion cannot be reduced to a single formula Calling throughout for acknowledgment of the way religion gives meaning to people s lives Religion and the Constitution aims to accommodate the maximum expression of religious conviction that is consistent with a commitment to fairness and the public welfare

**The Oxford Handbook of the Indian Constitution** Sujit Choudhry, Madhav Khosla, Pratap Bhanu Mehta, 2016-05-03 The Indian Constitution is one of the world s longest and most important political texts Its birth over six decades ago signalled the arrival of the first major post colonial constitution and the world s largest and arguably most daring democratic experiment Apart from greater domestic focus on the Constitution and the institutional role of the Supreme Court within India s democratic framework recent years have also witnessed enormous comparative interest in India s constitutional experiment The Oxford Handbook of the Indian Constitution is a wide ranging analytical reflection on the major themes and debates that surround India s Constitution The Handbook provides a comprehensive account of the developments and doctrinal features of India s Constitution as well as articulating frameworks and methodological approaches through which studies of Indian constitutionalism and constitutionalism more generally might proceed Its contributions range from rigorous legal studies of provisions within the text to reflections upon historical trends and social practices As such the Handbook is an essential reference point not merely for Indian and comparative constitutional scholars but for students of Indian democracy more generally

**The Asian Yearbook of Human Rights and Humanitarian Law**, 2020-07-27 The Asian Yearbook of Human Rights and Humanitarian Law aims to publish peer reviewed scholarly articles and reviews as well as significant developments in human rights and humanitarian law It examines international human rights and humanitarian law with a global reach though its particular focus is on the Asian region The focused theme of Volume 4 is India and Human Rights



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