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### INDIAN SECULARISM: A STUDY

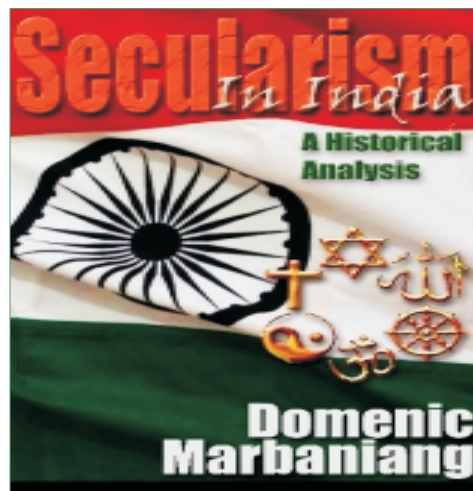
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#### ABSTRACT

**A**n important dimension of the democratic State in India is its secular nature. The important relationship between the State and the nation in India is constitutionally defined in 'seculars', or better 'multicultural', terms. To some observers, the secular ideology of the Indian State appears as a



paradox in view of the deeply religious orientation of the Indian society. This phenomenon must be understood in terms of the nature of Indian nationalism. The imagined Indian national community came to be conceived in a way that both the nation and state were closely intertwined. The civic-territorial conception of the

nation in India was conceptualized in terms of aggregation of the various cultures and communities that had co-existed within the same territorial and social space. There was no lag between the projected national community and the projected State that the Indian nationalists in the latter half of the nineteenth century and early decades of the twentieth century envisioned, notwithstanding the cancerous growth of communalism between Muslims and Hindus between 1930 to 1940 largely due to colonial "divide-and-rule" policy that both the nation and the State remained in the making in British India and were born together in 1947. Indian secularism/ multiculturalism was a product of this imagined national community.<sup>1</sup>

**KEYWORDS** : Indian Secularism , democratic State , important relationship .

#### INTRODUCTION:

The modernizing elite of India evolved, during the freedom movement against the British Raj, a concept of secularism that was premised on the crystallization of : (i) a common focus of national

allegiance to the nation in the making, and (ii) the development of law and a common Indian citizenship. They did not visualize a State that would maintain a wall of separation between the State and religion. This was not only because Indian religions lacked the institution of an autonomous corporate church.<sup>2</sup> This was also because of the felt-need for reforms in Indian religious traditions, especially the rituals, behavior patterns and family laws offensive to modern/rational sensibilities. But the nationalists were also sensitive to religious cleavages in Indian society. The Indian National Congress, therefore, either abdicated the field of social reforms in favour of reform organizations and movements within various religious communities, or else it took up an issue of communal import only when it perceived a substantial concurrent consensus for it in society, including within the minority communities.

However, the nationalist leadership in colonial India encountered two formidable hurdles to national integration. Soon after the establishment of the British Raj on the ruins of tottering Mughal State, the British rulers adopted the policy of "divide and rule" that led to the politicization of communal and caste consciousness on an unprecedented scale. For, the communal segregation and splendid isolation of communities in the traditional society came to an end with the onset of the process of modernization. And the colonial rulers manipulated the emerging ethnic cleavages by playing one group against the other to their own advantage. Besides, a section of Indian Muslims perceived political change in India in an essentially historically rulers' mindset and reverse "majoritarian" mode of thought. To them, Hindu majority in the society automatically meant a Hindu majority in the polity. Intermediation by liberal political institutions between society and the polity whereby the Hindu majority-more categorical than real in any case-would be broken into cross-cutting political allegiances and alliances did not make much sense to them. From Sir Syed Ahmed Khan's exhortations to Muslims to keep away from the Congress to Mohammed Ali Jinnah's demand for a separate homeland for Muslims was a logical culmination of this counter-majoritarian but sectarian mode of thought. The more initiate familiarity of Indians with the majoritarian Westminster model of parliamentary Government rather other political systems based on consensus or concurrent was not very helpful in this context. And safeguards and revolutionary and in India did not have much positive impact either. These measures only fanned the fires of paranoia of separatism among the Hindus and fuelled the embers of insecurity and communalism and secession among the Muslims. In the normal course of national evolution in India without a colonial intervention, these measures might have had more positive results in terms of classical Indian syncretic and coexistential culture construction. And in India today, despite the bitter memories and paranoia about fissiparous tendencies, some institutional reforms towards federalizing India's predominantly parliamentary system appear to be necessary. In the process, we must combine a responsible parliamentary Government with responsible federalism.

Nehru and Gandhi represented two major models of secularism in modern Indian political thought. Both stood for Indian national unity and a common legal basis for Indian citizenship. But, whereas Nehru emphasized the liberal-individualist foundation for Indian citizenship and national identity, Gandhi patronized an approach that sought to aggregate the primordial pluralities and communitarian-ethnic identities into a larger composite national communitarian consciousness. Thus, the Nehruvian stance came closer to the Western liberal-individualist view of secularism drawing substance from rationalism and scientific temper. The Gandhian approach, on the other hand, adhered to the traditional Indian ideal of sarvodharma samabhava (equal empathy for all religions). Nehru was quintessentially liberal while Gandhi was primarily communitarian.

The concept of secularism adopted in the Indian Constitution combines the Nehruvian and the

Gandhian approaches to Indian citizenship. The Constitution first guarantees a series of Fundamental Rights-right to equality before law; right to political, civil, and religious freedoms and protections of life and personal liberty; right against exploitation, and right to constitutional remedies-to all Indian citizens irrespective of religion, race, caste, creed, sex, place of birth or any of them. It then extends some cultural and educational rights to religious and linguistic minorities to conserve their language, script or culture and establish and administer educational and religious institutions of their choice. However, no educational institutions maintained by the State or receiving aid out of State funds shall deny admission to any citizen on grounds only of religion, race, caste, language or any of them. Moreover, the constitutional granting of freedom of conscience and free profession and practice of religion under Article 25 (1) does prevent the State from legislating or restriction of (a) economic, financial, political or other secular activities which be associated with religious practice and (b) provision for social welfare and reform or the throwing open of Hindu (Sikh, Jain or Buddhist) religious institutions of a public character to all classes and sections of these religions (Article 25, Clause 2(a) and (b) and Explanation<sup>11</sup>). Furthermore, the freedom of a religious denomination or any sect thereof to manage its own affairs in matters of religion, including the establishment and maintenance of institutions for religious and charitable purposes is “subject to public order, morality and health” (Article 26). In addition, State-aided educational institutions shall not provide any religious instruction (Article 28, Clause 1). Thus, the secular State in India is essentially a “rule-of-law secular State”, though it does not abjure an absolute jurisdiction over matters of religion. Indeed, it considers the securing of a uniform civil code for all its citizens so desirable as to incorporate it as one of the Directive Principles of State Policy (Article 44). Similarly, the overriding importance of promoting national integration is underlined by inclusion in the Constitution of Fundamental Duties of citizens, among “to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem” (Article 51a).

In addition to economic and religious factors exacerbating communal conflict and silent discrimination against Muslims by Hindus and against Hindus by Muslims, another major factor fomenting communalism in India is political variable. And here it is not only the communal parties like the Bharatiya Janata Party, Shiromani Akali Dal, and Muslim League that are villains of piece but also the secular parties. If the former indulge in over communalism, the latter take recourse to convert communalism, with an electoral axe to grind. All parties, including the communal once, loudly profess their commitment to secularism or travel some distance on the secularist path when it electorally suits them. If this is largely true of the secular parties like the Congress, Janata, CPI, this has also been true in some measure of communal parties like the BJP and Akali Dal, both of which underwent a perceptible de-communalization in the 1960s and 1970s<sup>3</sup> before being overtaken by a new phase of Hindu revivalism and Sikh fundamentalism. Nonetheless, even secular parties enter into electoral alliances with communal parties or hobnob with Rashtriya Swayamsevak Sangh chief or go to the Imam of the Jama Masjid for appeal for Muslim votes. From one point of view, a greater degree of commensality among secular and communal parties should be welcome. For, it must have at least some secularizing and integrating impact on the party system in general<sup>4</sup>.

Whether the steep rise of Hindu and Muslim and Sikh fundamentalism in the 1980s and 1990s was the driving wedges of fascism in India? Or does it mean that India has come of age as a secular State and hence can withstand the beginning of a more natural political expression of religious identities? Will the tumble of mighty disharmonies now rocking the ship of the Indian multicultural State subside to the normal levels of electoral politics typical of multi-religious Western democracies or will it lead to the excavation of its foundations? When the Hindu communal backlash gave the Congress in 1984 its



unprecedented electoral landside victory before it finally shifted to effect the mighty revival of BJP in 1989 and later in the decade, it was well within the bounds of parliamentary politics. In a perceptive interpretation of the Hindu vote in 1984, Kothari had remarked.<sup>5</sup>

“While everyone seems to sense this in one way or another, it is necessary to see how this happened and how it represents a basic reversal of India’s political culture (as also of the core of Hindu identity). A long period of plural segmented existence was leading to a slow sense of uneasiness with mainstream politics to a sense of being cheated, a feeling that the very spirit of accommodation and tolerance on which the Hindus pride themselves was being misused, that the ‘minorities’-from Muslims and Sikhs to dalits and adivasis-were being pampered. They had the reservations, they owned the arms, they got the benefits of State patronage, and here were we, the so-called majority, left high and dry.”

This electoral realignment was preceded by long periods of Congress predominance based on an electoral winning coalition of Brahmins, Muslims, Sikhs, Harijans and Adivasis. The Hindus, then, were more an artifact of categorization than a homogeneously conscious religious community. This made possible the cross-cutting electoral coalition of minorities and dalits. The radically changed over the years to prepare the ground for the tremendous upsurge of BJP in 1989 in the Hindu heartland in general and in 1991 in Uttar Pradesh in particular. The Rudolphs<sup>6</sup> attempt to explain the phenomenon in the following terms.

“Religious performance, celebrations, and demonstrations began to transcend localities and to acquire national dimensions. As they did so, they became more strident and militant. The agitations and yatras (pilgrimages) of the Hindu solidarity and unity movements, such as the Vishwa Hindu Parishad, were no longer the local phenomenon they had been in the 1880s when Bal Gangadhar Tilak aroused Hindu political solidarity around the Ganesh festival at Poona. Aided by the proliferation of religious symbolism in the print and electronic media, Hindu themes and organizations crossed State boundaries and helped diverse sects, castes and classes to acquire the consciousness of a popular and more homogeneous Hindum<sup>7</sup>”

The Hindutva ideology of the RSS-BJP combine has been dubbed by some as an Indian variant of fascism. This characterization is made on the supposed similarity of the Hindutva political forces with inter-war fascist parties and movements in terms of religious-ethnocentrism, stigmatization of minorities, authoritarian monolithic nationalism, and simultaneous emphasis on Hindu Sanghatana as well as plebiscitary mass appeal with religious nationalist motives and charismatic leadership. Yet Indian variants of fascism are also supposed to have some specific indigenous features. For example, Ahmad<sup>7</sup> opines:

“The striking feature of Hindutva fascism is that unlike the German of Italian or even the Irani variants, it speaks relatively rarely of the economic instance and fascism its ideological discourse along categories, of ‘nation’ and ‘community’-through the methodical use of violence as a political instrumentality. That communal violence draws upon many other kinds of routine violence in our society is a central part of many argument; at the same time, however, it is this single-minded politicization of violence-even a certain rationalization of violence as a means for capturing State power-that distinguishes Hindutva fascism from other kinds of violence as well as from other forms of authoritarian populism.”

Ahmed goes on to point out that Hindu fascism decries secular Indian nationalism as a failed nationalism and employs an upper-caste Hindu revivalism in a distinctly non-class mobilization strategy.

However, some degree of caution and circumspection is called for in blanket characterization of

Indian religious communalisms in India do not outrightly reject the Indian Constitution and the liberal-democratic regime. The BJP, for example, formally subscribes to what it calls “positive secularism”, distinguishing it from what it decries as “pseudo-secularism”, or “minorityism”. Its “internal humanism” privileges the claims of the collectivity over those of the individual, but it is society-centric rather than statist, and the protagonists of Hindu Rashtra have been at pains to clarify that this conception is co-terminus with Indian territoriality inclusive of all communities residing here rather than with Hindu religious group in its narrow sense. It must, however, be pointed out that the term Hindu Rashtra does alarm and frighten the minorities. However, compulsions of electoral politics in India’s diverse society and polity have led to a palpable degree of moderation of Hindu militancy. The BJP leadership apparently realizes that to win power at the national level and to promote secular nationalism in Pakistan, it has to become a more liberal and pluralist political formation. Its departure from the ideology of revocation of the 1947 Partition of India (Akhand Bharat) is underlined by the visit of Prime Minister Vajpayee in 1999 to Minar-e-Pakistan in Lahore built to commemorate the passing of the Muslim League’s Pakistan Resolution in 1940, and reference by former BJP president and leader of the opposition L.K. Advani to Jinnah’s secular vision in his inaugural speech in the Pakistan Constituent Assembly during the 2005 visit to Pakistan.

India’s secularism was invented for integrating the multi-cultural pluralities of the society into a common nation-state as well as for containing the explosive potentialities of the imperial ‘divide and rule’ policy and the Muslim League’s “two –nation” theory in British India. Indian secularism is different from Western versions of secularism of which two broad models are (a) the de facto British secularism where the State has become secular in spite of the conventional association of the American and French models where the Constitution puts a formal wall of separation between the State and church/religion. What, then, are the basic features of the secular State in India? These may be summed up as follows: (a) freedom of religion to all citizens as a fundamental right, to religious minorities relating to education and culture, (c) no formal State religion and a prohibition on taxation on religion, (d) no separation between State and religion evident in the grant in the of legislative and judicial jurisdictions of the State over religious matters such as reforms of family laws and practices and enabling legislation for management of religious shrines and estates. Besides, the State in India has formally and persistently endeavoured to free education and election from the use of denominational instruction and religious electoral campaigns. Even if there have been attempts on the part of some Governments, e.g. the BJP-led NDA regime, these have been restrained by the political opposition the press and universities, and the judiciary.

What has been India’s successes or failures as secular State? Again, a clear-cut positive or negative is difficult to offer. Perhaps the most significant indicator of the success is that there is no political party in India that has formally rejected the constitutional ideal of secularism. Even the BJP that is considered to be the greatest challenge in divided India to the secular State says that it is not opposed to secularism per se, only to “pseudo-secularism”. It professes what it calls “positive secularism” and clarifies that for it, cultural nationalism or ‘Hindu Rashtra’ and ‘Bhartiyata’ of the Indian Constitution are not contradictory. Yet, the fact remains that the greatest Indian dilemma today is religious communalism and fundamentalism that led in the past to the partition of India. Practitioners of this brand of politics on both majority and minority sides strut the land with injured psyches of historical and imperial victimhood, demanding cultural autonomy, ethnic identity, and right to history and therefore to the future. Hindus, Sikhs and Muslims alike have critiqued the “pseudo-secularism” or “minorityism” (à la BJP) of the Congress regime (though no party can be fully absolved of indulging in covert or overt communalism), the homogenizing and hegemonizing policies

of the Indian aggregate State (s) and the attendant discriminations and disparities. Frequent communal riots, chain-bombings, and other kinds sabotage, often carried out with foreign connivance, seemed to have become the standard machinations of the Government, opposition, and terrorists alike at least until 1993 when the National Human Rights Commission, judicial activism and activities of civil rights groups made their presence felt. Punjab, in the latter half of 1980s, and Jammu and Kashmir, in the early 1990s, remained infested with terrorist violence and religious fundamentalism. Hindu fundamentalists worked up in the latter half of the 1980s a powerful mass movement for the restoration of a Ram temple in Ayodhya on the site of the Babri masjid to rectify a historical wrong by the Mughal invaders, and the medieval structure was demolished by a frenzied mob on 6 December 1992. Narsimha Rao-led Congress minority Government at the Centre, which was having an informal rapprochement with the BJP in the preceding period, finally reacted by dismissing the BJP Governments under Article 356 of the Constitution not only in Uttar Pradesh (where Ayodhya is located) but also in MP, Rajasthan and Himachal Pradesh for the failure of the UP Government to carry out administration according to the provisions of the Constitution and apprehended failure of the Governments in other three States to implement the ban on some Hindu (and Muslim) communal organizations. The Supreme Court made judicial history by reviewing presidential proclamation of emergency in States for the first time in the *S.R. Bommai and others v. Union of India and others*<sup>9</sup> and upheld the dismissal of the BJP Governments in UP, MP Rajasthan, and Himachal Pradesh. In the same judgment, earlier dismissal of State Governments in Karnataka in 1989 and Meghalaya in 1991 were found to be unconstitutional. The Court went so far as to observe that but for the fact new elections had since been held in those States, it would have formally struck down the proclamations and directed the revival and restoration of the respective Governments and legislative assemblies. The Supreme Court in the above judgement also appropriately declared that democratic form of Government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are “basic features” of the constitution and hence beyond by the amending power of the Parliament.

The recent challenges to the secular character of the Indian State strike at the very foundations of composite national culture and multi-cultural nature of the Indian nation-state. The nation in India was born with democracy and secularism as its integral constituents. BJP’s advocacy of what it calls “cultural nationalism” implies that secular Indian nationalism is anti-cultural. This is untenable and strikes a deadly blow to multi-cultural State and nationalism born in the those of the ant-colonial nationalist struggle and founded on the eve of Independence. Maybe the BJP itself does not reject what we are calling here multi-cultural Indian nationalism; for it has gone on record that it seeks to remove distortions of Indian secularism by putting in place what it calls “positive secularism”. It augers well for well for the structure of Indian nationalism. There is no doubt that despite the recent stresses and strains, Indian continues to be a secular State Elucidating the nature of Indian secularism, Bhargava aptly observes:

“India was never intended to be either a hyper-substantive or an ultra procedural secular State. It was never meant to exclude every religious practice or institution from the domain of politics. The dominant justification of the politics and practice of the Indian State was done by appealing to contextual secularism of the principled distance variety, exclude religion for some purposes and included it to achieve other objectives, but always out of non-sectarian considerations.”<sup>10</sup>

Some observers have taken a serious alarmist view of the rise of Hindutva forces in the 1990s. To be sure, the destruction of the Babri masjid in 1992 by a frenzied mob mobilized by Hindu communal organizations was most shocking. In its wake, a number of Hindu and Muslim communal organization



were rightly banned, but the BJP was not one of them. It “responded by appearing less militant and dissociating itself from the ebbing of emotions after the demolition of the mosque, with it had previously portrayed as a symbol of Hindu humiliation.”<sup>11</sup> In his study, Jaffrelot analyses the BJP in particular and Hindu nationalist movement in general as oscillating between two partly contradictory and partly complementary strategies of mobilization, namely, the moderate and the militant. The former relied on electoral strategy and co-operation of social notables, while the latter employed the strategy of Hindutva identity formation by simultaneous stigmatization and emulation of the adversarial other. This is an apt characterization. The BJP has indeed swung from militancy to moderation. An earlier phase of moderation had culminated in the merger of the Bhartiya Jana Sangh, BJP’s former namesake, in the Janata Party in 1977. “(T)he real challenge before Janata”, writes Rajni Kothari, “was to bring the Jana Sangh within the democratic framework just as the Communists had been under Nehru.”<sup>12</sup>

As result of religious fundamental, nonetheless, the secular State in India has come under tremendous strain. However, the future of secular State in this country should never be in doubt. This is no not only because of the millennial tradition of “high tolerance and how integration” in the Indian society<sup>13</sup> but also because both secular and religious nationalists have a stake in the multicultural secular state, which is the only viable framework for civilized well-being and rational unity.<sup>14</sup> Again, the immense possibilities of pluralist and federal politics in India are unfolding in electoral politics and coalition /minority governments that tend to promote secular politics. Another point also needs emphasis. Despite their calls for Hindu and Sikh hegemonies (dharama’s supremacy and Khalasa’s bolbala)<sup>15</sup>, of the secular State in India. BJP leaders have ridiculed what they derisively call “minorityism” of the secular parties<sup>16</sup>, but their call for “positive secularism”<sup>17</sup> does not jettison the secular ideal in toto. The increasing levels of conflict in the Indian society and polity, coupled with insufficient integration of regional sub-cultures with the mainstream, mean that the principle of supremacy of the Constitution would move to the centre stage in the years ahead. The principle of parliamentary supremacy was already modified in the Constitution on account of India’s effort to combine it with federalism and judicial review. The process of secularization and political reconciliation would be greatly helped if it becomes a constitutional convention that the Supreme Court verdict in religious matter would not be sought to be overridden by the executive and the parliament (as it was done by the Rajive Gandhi regime in the Shah Bano Case) without an all incorporated into the republic’s Constitution. And Secularism needs to be reoriented as multiculturalism.

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