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## **Foundations of Secularism in the Indian State and Society**

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### **1. Introduction**

For many people, religion, more than any other cultural trait, defines who they are and how they understand the world around them. Like language, ethnicity and nationality, religion confers identity. Religion dominates the lives and behavior of billions of people worldwide. Because religion is tied to all aspects of human culture and social systems, studying the geography of religion can help us to understand everything from population growth, to international politics, to the design and structure of cities.

For a great number of people, religion is intrinsically interwoven with their identity. More than any other aspect, for them, it defines who they are and how they understand the world around them.

### **2. Religious Secularism**

The Chief Minister of Maharashtra makes an annual visit on behalf of his government to the Vithoba Temple in Pandharpur<sup>1</sup>. The Mumbai Police makes an official visit to the Mahim Dargah every year<sup>2</sup>. The State also makes various minority specific schemes. The Haj subsidies given to the Muslims making the major pilgrimage to Mecca was held to be constitutional<sup>3</sup>, although the government later took a decision to discontinue it<sup>4</sup>. Article 290A of the Constitution puts a binding obligation upon the states of Kerala and Tamil Nadu to pay a certain sum to the Travancore Devaswom Board to manage the Hindu temples of the erstwhile state of Travancore-Cochin. Various states of India including Delhi<sup>5</sup> and Madhya

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<sup>1</sup> Akshay Chavan (July 4, 2017), available at- <<https://www.livehistoryindia.com/amazing-india/2017/07/04/the-great-pandharpur-pilgrimage>> (visited on March 20, 2020)

<sup>2</sup> Mahammed Wajihuddin, "Mumbai: Mahim redies to host annual mela to honour its secular saint", Times of India, Dec, 8, 2019 available at- <<https://timesofindia.indiatimes.com/city/mumbai/mumbai-mahim-readies-to-host-annual-mela-to-honour-its-secular-saint/articleshow/72421875.cms>> (visited on March 20, 2020)

<sup>3</sup>Prafull Goradia v. Union Of India (2011) 2 SCC 586

<sup>4</sup> "Government ends Haj subsidy from this year", The Hindu, Jan 16, 2018, available at- <[www.thehindu.com/news/national/government-ends-haj-subsidy-from-this-year/article22450240.ece](http://www.thehindu.com/news/national/government-ends-haj-subsidy-from-this-year/article22450240.ece)> (visited on March 20, 2020)

<sup>5</sup>[https://edistrict.delhigovt.nic.in/Downloads/ApplicationForm/Guideline\\_9095.pdf](https://edistrict.delhigovt.nic.in/Downloads/ApplicationForm/Guideline_9095.pdf) (visited on March 20, 2020)



Pradesh<sup>6</sup> have laid down a scheme for funding the residents to visit religious places. The Central government also is assertive in relations with China regarding the pilgrimage to Mansarovar. The Central and the state governments spend monetary and other resources in various religious festivals and Kumbhs. The development of routes to Amarnath and similar religious places also finds a place in the State's policies. The states also funds Madrasas<sup>7</sup> and churches<sup>8</sup>, along with giving a monthly stipends to maulvis<sup>9</sup> and priests<sup>10</sup>. This conundrum of religious practices being a part of the state machinery creates the image of a secularism which is on the very verge of being un-secular. And all this is when secularism is a part of the basic structure of the Constitution.<sup>11</sup> Independent India was partly a preserver, partly reactionary and partly a visionary from the colonial experiences between the state and religion. The roots of this secularism can be primarily traced to the colonial era when certain circumstances led to a strong assertion of religious identities.

### 3. The Colonial Factor

England during the colonial times was not a 'secular' state. Denouncing Christianity and God was punishable as blasphemy and the state had an established Church<sup>12</sup>. But when the British had to govern the India they took a different approach than their home country. Hinduism was not declared as the state religion in India because it was considered as heathen and would undermine the notion of supremacy of Christian values in the home country. Imposing Christianity in India would have made the country ungovernable for the British. This led the British to separate the state from religion in India. The state organized by the British in India was more secular than the one organized by them back home. This characteristic is further strengthened by three reasons.

<sup>6</sup><http://www.tirthdarshan.mp.gov.in/PublicMasters/Public/Introducton.aspx> (visited on March 20, 2020)

<sup>7</sup><https://www.outlookindia.com/newscroll/cm-sanctions-rs-188-crore-for-madrasas-in-rajasthan/1664152> (visited on March 20, 2020)

<sup>8</sup> "Andhra CM announces increase in repair grant for churches", Business Standard, Dec 23, 2017, available at <[https://www.business-standard.com/article/news-ani/andhra-cm-announces-increase-in-repair-grant-for-churches-117122300800\\_1.html](https://www.business-standard.com/article/news-ani/andhra-cm-announces-increase-in-repair-grant-for-churches-117122300800_1.html)> (visited on March 20, 2020)

<sup>9</sup> "Wakf board hikes maulvi and imam salaries", Indian Express, Oct 5, 2010, available at <<http://archive.indianexpress.com/news/wakf-board-hikes-maulvi-and-imam-salaries/692551/>> (visited on March 20, 2020)

<sup>10</sup> S. Prabhu, "Making a case for temple priest", The Hindu, Apr 5, 2018, available at <<https://www.thehindu.com/society/faith/petition-on-temple-priests-salary/article23443980.ece>> (visited on March 20, 2020)

<sup>11</sup> S.R. Bommai v. Union of India, AIR 1994 SC 1918

<sup>12</sup> Abhinav Chandrachud, *Republic of Religion* Ch-2(Penguin, 2020)



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Firstly, the local rulers in India as well as the English Government in England were actively involved in maintaining official religions<sup>13</sup>. They administered religious places, gave religious charities and appointed the priests and clergy. It was suddenly stopped when India fell into the hands of the British. They had no interest in maintain temples and mosques in India. They also abstained from initiating any reform in the religions in India. This feature of colonial secularism was very close to the Establishment clause of the United States. Furthermore any reference to God was removed from the oath administered to the officials in the state<sup>14</sup>. It was the Indian Constitution that left this principle and actively sought to maintain the religious institutions, include ‘God’ in oaths and encourage religious reform.

Secondly, the colonial state gave importance to the protection of the religious freedom and religious values of the minorities. It was partially out of the reason that they themselves were a religious minority. They also allowed the religious groups to retain their personal laws during the times when England itself did not allowed the minorities to have their own personal laws. It was also politically expedient to not force the Hindus and the Muslims to accept the civil laws laid by the British. Even when the Hindus were against it, cow slaughter was not banned as that would have infuriated the Muslims. Separate electorate was also a manifestation of this policy of the British albeit with a possibly different intention than minority protection.

Thirdly, freedom to propagating religion was recognized<sup>15</sup>. While it was the official state policy and rightly so, the main beneficiary was Christianity as it had a great missionary zeal at that time. When the missionaries were converting Indians, the British were able to argue that they have nothing to do with the missionaries and since the state recognizes the right to preach religion they cannot stop the missionaries.

Initially, the British also made efforts to secularize education. But subsequently this policy was not followed strictly and Institutions like the Banaras Hindu University and Aligarh Muslim University were recognized.

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.



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#### **4. Population Census**

The British started to conduct census of the Indians. Details of identities were asked from the individuals and recorded officially. This concretized the caste and religious identities of the Indians. Sections of Indians had an amorphous religious identity. They followed the norms of Hinduism as well as Islam. The census asked them to put themselves into watertight categories. The category that they chose would be the sole source of their personal law. The British themselves did not ask for the religion of the respondent in the British census. But subsequently, this was done stating the purpose of providing religious freedom, personal laws and protection to the minorities.

#### **5. Indigenous reactions to the British rule**

Metaphysics and spiritual philosophy have been a part of Indian life since a very long time. From the Vedic times itself wonderings on the meaning and nature of existence have characterized the experiences of countless Indians. India has been a great number of religious movements and the debate around topics of dharma and religion used to be very robust. Even during the medieval age Bhakti and Sufi movements continued to influence large number of Indians. Undoubtedly it is important to understand the trends in religion and debate around it to understand the course it later took in the 'modern' times but how it took shape during the British times only will be discussed. The coming of the British was a watershed moment in India. It almost uprooted India from where it was and planted it to an entirely new landscape. This change, like all changes of such magnitude, has been hard and has caused huge changes in the Indian society(ies). The British opened the door for European Enlightenment to enter into India. Their new found tools of modern political theories and improved military technology gave them huge advantage over the Indians. They used these political thoughts to facilitate the imperial rule.

When the British captured power in India, they identified certain communities from which they perceived a threat to their rule. The Muslims, Marathas and Brahmins of certain regions were the people who were in power when the British came. It was mainly these communities which led the vanguard against the British during the 1857 revolt. So, the British were naturally interested in promoting other communities against them to prevent a broad coalition of all Indian communities uniting against the Imperial rule.



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But since the Brahmins were the erstwhile scholarly class, they were the first to benefit from the modern education that the British rule brought. It has been argued by some quarters that it was this introduction of the Enlightenment Ideals brought by the British Education that generated the reform within Hinduism and led to the process which challenged the caste hierarchy amongst them. But this idea seems misplaced to the extent that various individuals notably Buddha, Kabir and Nanak, among several others, already assaulted the caste hierarchy and orthodoxy in Hinduism at a time when there was no introduction to the Enlightenment Ideas in India.

Among many reformist movements, the ‘Brahmo Samaj’ by Raja Ram Mohan Roy and ‘Arya Samaj’ by Swami Dayanand Saraswati were the most popular. The Arya Samaj was strong Hindu revivalist movement popular in Punjab and western UP. Primarily it was not connected to political life at all and restricted itself with Hindu revivalism but due to the blurred lines between religion and public life in India, the movement had the effect of reiterating the Hindu identity in public life. Arya Samaj aspired to reform Hinduism from the (mis)direction that it took at various points of time. It advocated removal from Hinduism the practices like idolatry, pilgrimages, horoscope, child marriage, restrictions on widow remarriage, etc. It strongly advocated that Hindus should actively aspire for cow protection in the country. He gave economic as well as religious reasons for the same. Cows were revered by most Hindus in the country since a long time. Cow slaughter by the Muslims used to become a reason for riots in many parts of the country. In fact the issue of cow slaughter was one of the issues which furthered the communal divide between the Hindus and the Muslims which later shaped the identity of the sub-continent. Cow protection and reconversion to Hinduism (*shudhi*) came to be more confidently used by the Hindus as the British government did not impinge upon religious freedoms of Hindus as the former Muslim nobility did.

Various other practices started around the country which established the Hindu identity for all to see. In Deccan and primarily in Maharashtra, Chhatrapati Shivaji was a popular and revered figure. In 1869 Jyotirao Phule started celebrating Shivaji Jayanti. Later Bal Gangadhar Tilak made the celebration more popular and prevalent. The celebration since then became a culture of that area and was celebrated by almost all public figures of Maharashtra including Ambedkar. Shivaji carved out his kingdom from the Adishahi kingdom to establish a self-rule by the Marathas. The common thing among most of his



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opponents like Adil Shahi, Nizam Shahi and the Mughals was that they were mostly Muslims. Shivaji revived the ancient rites of Hinduism and got coronated through them. The existence of his Kingdom in the era of despotic Monarchs who happened to be Muslims and the later extension of his Kingdom into a very large area of the Subcontinent led to the creation of the Maratha-Hindu identity. Later on the local struggles of Hindu kings against the established Muslim Kings took a national spin. Rana Pratap and Shivaji who were figures of local reverence in their respective regions, in order to create a pan-India Hindu identity, first became National figures among the Hindus and then Hindu-National figures for some. This gave one of the strong trends in the public life of Hindu identity taking an assertive position to influence policy decisions of the state. This trend of revivalism in Maharashtra becomes more significant as it later gave rise to other political movements which included Savarkar, Rashtriya Swayamsevak Sangh and the Shiv Sena. Due to these movements and the resulting popular narrative of Hindu-Muslim rivalry in history, public and political expression of religion by the Hindus was becoming popular by the day.

At the time when regionalism could have seriously imperiled the struggle against the British, it was presented as a compelling argument that religion could be used to create a pan-India identity. So, many threads of political thought tried to use religion to create nationhood and using such nationhood to present as a framework of post-colonial state(s). It obviously, along with other factors, led to partition. And the partition itself had a huge impact upon the views of the individual, community and the state upon the idea secularism.

At the same time the Muslim community was also evolving itself in the public life. Muslims of the subcontinent had the sense of a common identity since a long time. As sections of Hindus used the narrative of *the loss of sovereignty since 1000 years* to come to a consensus, sections of Muslims also used the sense of loss of what they perceived as their rulership. The British sensed a threat from the Muslim narrative and tried to alienate them from positions of powers after the 1857 revolt. Sir Syed Ahmed Khan then began to argue for the modernization of the Muslim mind. Although he was a modernist in approach and supported British education for the Muslims, it did not translate into a *modern* approach to the sense of nationhood among the Muslims. The Muslim Identity, as was the Hindu identity, was beginning to get more and more compartmentalized and concretized.



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In 1985, the Indian National Congress was created which latter went on to become a ‘tent-party’ for various sections of Indians. The INC was a response of the western educated Indians to the British rule. Initially the members were mostly Hindus, which later made it possible to the creation of a separate political platform for the Muslims. The INC in the coming years started to emerge as the platform for diverse political opinion common in their opposition towards the British. It had a good success in doing that but could not stop the British from using the fact of its Hindu majority to scare away many Muslims from joining it.

In 1892, elections were conducted for the first time in the provincial councils. Most of the elected representatives were Hindus, and an overwhelming majority of them were barristers. The British government concerned by the growing solidarity of large sections of the society against their rule made an excuse out of the fact that the elected representatives did not represent most sections of the society and saw it pertinent to make some measures that the elected representatives are more representative of the society. It was reasoned that the Indian society was so much community conscious that it was not possible for member of one community to represent the interests of another community. And consequently, the separate electorate for Muslims was introduced in the Morley-Minto reforms of 1909. This ‘reform’ by the British furthered the religious identity into the modern political life of the citizens.

When the Ottoman Empire was defeated in the First World War, rumors started to spread in India that very harsh peace treaty was to be followed and the position of the Khalifa would come to peril. Led by Mohamed Ali and Shaukat Ali, Muslims started to come together as a community to pressurize Britain to go soft on the Khalifa. Mahatma Gandhi saw it as an apt opportunity to bring Muslims into the struggle against the British rule. A political movement was built in 1919-1922 where both Hindus and Muslims were brought into a common struggle against a common adversary, albeit for different reasons. At that time it was a harmonious camaraderie between the two communities but little did the leaders knew that it had the seeds of increasing the religious consciousness among them. When the two communities started to drift away in their quest for self-determination, it was pointed out that the Khilafat movement brought the Muslims into the national struggle as Muslims and not as Indians. Although both were agitating against a common adversary and in the time being it appeared to yield positive results, their reasons for doing so were very different and that made a negative impact in the long run upon the idea of a common non-religious nationhood.



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In 1906 Muslim League was formed in Dhaka. Initially it had amicable relations with the Congress and both the parties used to have their annuals conventions in the same place for many years<sup>16</sup>. But the very fact that a party was created to oversee that the interests of the Muslims were well represented was an indication that the community consciousness among some sections of Muslims was deep enough for them to suspect the non-communal credentials of the congress. When the Government of India Act of 1935 gave more powers and representation to Indians, the political competition between the parties became stiffer. In the election of 1938, the Muslim League suffered an abject defeat from the congress even on the Muslim seats. Jinnah, who led the Muslim League at that time, saw that he cannot do well in the elections against the congress if Muslims continued voting for the Congress. To give Muslims a reason shrill enough to vote for him, he raised the demand for partition of the sub-continent on communal lines and succeeded.

The reason for partition cannot be traced to a single event or reason. The Hindus saw an opportunity for revival of their identity after a long streak of foreign subjugation, the fear of the Muslims of Hindu domination in an independent India and the efforts of the British to increase the ever-present communal fault-lines, gave rise to number of trends which later led to the partition of India.

As has been stated above, the colonial experience, the freedom national movement and the partition were bound to have a deep impact upon the relationship of the state with the religions of its citizens.

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<sup>16</sup>[https://www.constitutionofindia.net/historical\\_constitutions/the\\_congress\\_league\\_scheme\\_1916\\_inc\\_aiml\\_1st%20January%201916](https://www.constitutionofindia.net/historical_constitutions/the_congress_league_scheme_1916_inc_aiml_1st%20January%201916) (visited on March 20, 2020)