VISIONS OF SECULARISM IN INDIA

Swaha Das, Assistant Professor, Department of Political Science, Indraprastha College for Women, University of Delhi.

Hari Nair, Assistant Professor, Department of Humanities and Languages, Birla Institute of Technology and Science, Pilani.

INTRODUCTION

Secularism in contemporary India invariably alludes to almost any issue and/or problem emerging from an interface between politics and religion in public life. Secularism is important because it is central to the very idea of India, both as a multi-cultural nation-state and as a heterogeneous civilization. Its meanings vary in accordance with one's vision of India. Such visions are influenced not only by history and politics but have profound epistemological and ethical moorings. This makes secularism extremely complex, irrespective of whether one attempts to understand it as a variegated concept or observe it as a phenomenon in constant flux.

WORLDS OF A WORD

The word "secularism" in India offers many complex shades of meaning. It may be understood as the State's expression of goodwill (or equal respect) towards all religions (*sarva dharm samabháva*), and/or the State's policy of religious neutrality (*dharm nirpekshtá*). Jawaharlal Nehru, India's first prime-minister, noted that it was not easy to find a good equivalent for the world "secular" in Hindi, one of India's many languages (Madan, 1998, p. 311). Notwithstanding, Indian visions of secularism seem prior to the word itself.

The conventional opinions in the debates on secularism in India are that it is derived from the West. Consequently, Indian secularism is all too often contrasted with Christian, American, and French ideas about the relationship between religion and politics. Therefore, one is obliged to allude to these, however briefly, in a discussion on Indian secularism. The word "secularism" is derived from *saeculum*, *saeculi* meaning century/the times/a generation/spirit of the age, and so on. It appears to have evolved from within a Christian context and denotes a certain distance, or separation between the mundane (government and politics) and the domain of the Church (sacred or spiritual) (Taylor & Bhargava, 1998). This idea is traditionally traced back to pope Gelasius I († *ca.* 496 CE).

In English, one of the earliest appearances of the word "secularism" may be found in George Holyoake's *Principles of Secularism* (1851), where secularism is understood as a "series of principles intended for guidance of those who find theology indefinite, or inadequate, or deem it unreliable. […] A secularist guides himself by maxims of positivism, seeking to discern what is in nature – what ought to be in morals – selecting the affirmative in exposition, concerning himself with the real, the right, and the constructive" (Holyoake, 1871).

In the case of the United States of America, the First Amendment of its constitution prohibits the establishment of a national religion and a preference for one religion over another, or even, irreligion. Religious liberty is conjoined with a "wall of separation between the State and religion" in America (Chandoke 2011). In France, the equivalent of this idea of the secular is reflected in the principle of *laïcité*, which was variously enshrined in the civil code of 1805, the laws of education that emphasized moral and civic instruction rather than a religious one in schools (during the 1880s), and also, in the law of separation of Church and State (1905) (Bauberot, in Bhargava, 1998).

The modern Indian State has incorporated these and other experiences, and in doing so, Indian secularism may have morphed into a distinct variant (Bhargava, 2007). It is loaded with multiple values emanating from divergent sources, and hence the Indian visions of secularism appear to be paradoxical. If we are to understand these without ironing out the creases for the sake of easy clarity, we must necessarily retrace the paths of history.

SINEWS OF HISTORY

Since the first decade of the 20th century, the question that worried many Indian national leaders was how could followers of Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Sikhism, as well as those of numerous other lesser known religions, coexist peacefully in India. The question of conviviality became increasingly relevant as the relations between assertive groups within majority and minority religions frequently clashed, and often, violently. However, there is a history to these communal clashes dating back to the mid 19th century.

The first major challenge to British colonial rule in India was the Revolt of 1857, whereby peoples and leaders, Hindus and Muslims, combined forces against their common foe. Once the revolt was quelled, the British government consciously enacted a policy of playing-off the

Hindus against the Muslims. Consequently, communal identities were strengthened and sectarian conflict became widespread. By the early 20th century, communal riots and separate electorates for different communities became a recurring feature of Indian socio-political life.

Would separating politics from religion be a feasible *modus vivendi*? Mohandas Gandhi, considered by many to be the father of the Indian nation, thought that religion could not be separated from politics (Ghandi, 1921). Instead, he believed that by immersing oneself in one's own religion, one could discover traditions of tolerance and peaceful coexistence (Brown, 2008). However, certain other leaders felt that there was an urgent need to protect vulnerable sections of Indian society and envisioned a different path based on a regime of rights that evolved out of the trajectories of the American and European Enlightenment.

These leaders reckoned that the followers of minority religions and the depressed classes required the protection of the State through a discourse of rights. Thus, the *Swaraj Constitution* of 1928, which was one of the earliest attempts at redacting a constitution for a free India, contained a section titled "Fundamental Rights," which guaranteed, amongst other rights, those of freedom of conscience and the free practice of religion. The philosophy and scope behind the freedom of religion as mentioned in the *Swaraj Constitution* was expanded during the debates of the Constituent Assembly (1946-49) that drafted the Constitution of the Republic of India, which came into force on January 26th, 1950. To understand this constitutional vision of secularism, we must revisit the circumstances of Indian independence. The British policy of playing-off Hindus and Muslims through a divisive politics of identity and communal electorates eventually strengthened the belief that Hindus and Muslims constituted two different nations. As freedom from British imperial rule became imminent in the decade of the 1940s, the call for a separate state for Indian Muslims, the largest religious minority in British India, became more strident. Consequently, independence in August 1947 was preceded by a partition of the country into two states: Islamic Pakistan and India.

The creation of Pakistan on the basis of religion raised a number of problems. If Pakistan was created for Muslims, should all Muslims of undivided India be transferred to the new Islamic state? Would this convert India into the natural home of its majority religious population, the Hindus, and Hindus alone? What, then, would be the fate of other religious minorities in India like the Sikhs and Christians? What was at stake in those years surrounding independence was nothing less than the idea of India. From all the possible paths, the leaders envisioned that India will be secular, and this particular vision is reflected in the constitution of independent India.

THE CONSTITUTIONAL VISION OF SECULARISM

In the Indian Constitution, freedom of religion includes the freedom to propagate one's own religion (art. 25.1), to establish and maintain institutions for religious and charitable purposes (art. 26), and the rights of minorities to establish and administer educational institutions of their choice (art. 30.1). The articles 15, 16 and 19 of the Constitution also prohibit discrimination on the grounds of religion. As these rights are enforceable by a court of law, and because no law could violate these rights, this part (Fundamental Rights/Part III) is often alluded to as the "conscience" of the Indian Constitution.

The complexity of the secular character of the Indian Constitution is reflected in certain other provisions as well. Religious instruction is prohibited in State educational institutions (art. 28); separate electorates for different religious communities that were introduced by the British are non-existent (art. 325); the proceeds of taxation can not pay the expenses of any religious denomination (art. 27), while the State may financially support certain religious shrines (art. 290 A). In certain cases, the State is compelled to intervene in religious matters against the oppressive caste system, which is a salient socio-religious practice based on notions of purity and hierarchy. The State is also obliged by its constitution to protect dissenting citizens from the binding orthodoxy/orthopraxy of their corresponding religions.

In sum, the religious liberties along with other provisions in the Indian Constitution requiring the State to intervene in religious matters demonstrate that the State engages with religious communities in a highly calibrated manner. This constitutional vision of secularism appears to be indeed singular. And yet, perhaps ironically, the word "secular" was absent from the Indian Constitution until 1976, when it was inserted into the preamble by the forty-second amendment. This does not however imply that the original un-amended Constitution was not secular. Rather, the constitutional vision of secularism is so fundamental that it cannot even be amended by the parliament of India (legislature) as it forms part of the "basic-structure" of the Constitution. From a reading of the text of the Indian Constitution, we could conclude that the Indian State is (or claims to be) secular because of a series of positive liberties:

1. All citizens (both as individuals and as groups) have the freedom of religion, to embrace a different religion than the one into which an individual was born, and also to reject all religions.
2. No individual or community would be discriminated against on the grounds of religion.
3. The freedom of religion is expressly granted to religious minorities by the Indian Constitution (articles 29 and 30).

4. There is no State religion but the State is neither irreligious nor anti-religious, and it will honour all religions equally without discrimination.
5. Indian secularism does not erect a strict wall of separation between the State and religions. Instead, the State has a calibrated response to religious matters.
6. The constitutional visions and practices of secularism are based on the principle of equality and are exercised through a regime of rights.

This constitutional vision of secularism often comes under duress. There are at least two kinds of stress: first, when the constitutional values come into conflict with the practice or rules of a religion, and second, when one constitutional value comes into conflict with another constitutional value. Some possible aporias are listed below.

If a certain religious tradition permits the voluntary annihilation of one's life (like *Santhara* or *Sallekhana* of Jainism), would that be permissible as it contravenes the right to life as given in the Indian Constitution? If the personal laws of certain religions arguably discriminate against women, would these outweigh the Constitutional provisions of equality (as in the Shah Bano case of the 1980s)? In such instances, should the values of the Indian Constitution take precedence over religious values? Here, the conflict is between constitutional and religious values. This is the aporia of the first kind but the second is far more complex.

The Indian Constitution goads the State towards a uniform civil code for all its citizens while it provides minorities with rights to practice their own religion. A uniform civil code might be a path towards ensuring equal treatment of all its citizens, but it might conflict with the personal laws of many communities. Thus, the constitutional value of equality comes into conflict with the constitutional value of the freedom of religion. In such instances, what would be the most appropriate response, and would that response be inherently consistent? If there any answers to such questions, these are certainly neither easy nor can these be predetermined theoretically without reference to the particular context.

The Indian visions of secularism have also undergone another set of crises different from the constitutional duress referred to above. These crises were more real, extremely divisive, and very dangerous to both State and society. During the decade of the 1980s, India was turning into a conflictive society. Some of those events include the brutal violence against the Sikhs, a minority religious community, in November 1984; the revival of the extremist politics of the Hindu right-wing in the mid-1980s, which eventually led to the destruction of a 16th century mosque in December 1992; the increased frequency of planned violent clashes (or targeted rioting) between the majority and minority communities, including terror attacks; negligence or indifference by the State apparatus in quelling violence and/or compensating victims; certain controversial judgments by the Supreme Court of India, for example the 1996 "Hindutva judgement" of Justice Verma; and the cunning inculcation of fear in the hearts of both the majority and the minority communities by different political parties through their pernicious propaganda with the sole purpose of garnering electoral benefits.

It is precisely in such conjunctions that the Indian intellectual engagements have been most vigorous, resulting in a variety of responses. These encompassed complex theoretical studies, critical works of art, the recognition that academic curricula, teaching, and learning at all levels ought to be socially sensitive, the enrichment of public debates in various forums, and finally, a more direct engagement with the institutions of the State. The vast range of these responses highlighted the ethical necessity of Indian secularism while underlining as well its epistemological limits.

BETWEEN ETHICAL AND EPISTEMOLOGICAL CATEGORIES

The vision of secularism as written into the Indian Constitution speaks largely in the language of rights, which is an outcome of the American and European traditions of Enlightenment. However, if we move from the text of the Constitution toward those debates of the Constituent Assembly (1946-49) which produced this document, one notices that the members of the Assembly frequently alluded to traditions of conviviality, empathy and tolerance that were, and still are, present in the ethos of the Indian civilization. The constitutional vision of secularism if expressed solely in the language of rights and duties of citizens and the State might be sufficient to secularize the Indian State. But would it suffice to secularize Indian society?

To genuinely secularize both the Indian State and its plural society, it is perhaps essential that we continue our rediscovery of how various communities have coexisted over such a long duration on the subcontinent. It is a historical fact that many people in India have professed and practiced more than one religion simultaneously, and continue to do so. There are shrines of common worship, where followers of different religions pay their respects.

A reinvention of these traditions, and especially that of *ahimsa* (non-violence), would prevent any culture, community, discourse, or tradition from appropriating or hegemonising the ideas and practices of conviviality. India thus is a witness to many visions of secularism,

some of which are indigenous to her civilization while certain others originated from other parts of the world, and these have coalesced to create diverse visions of Indian secularism.

REFERENCES

Bhargava, Rajeev [2010] *The Promise of India's Secular Democracy*. Oxford: *Oxford University Press*.

Bhargava, Rajeev [2008] "Secularism." In Rajeev Bhargava and Ashok Acharya (Eds.) *Political Theory: An Introduction*: 274-297. New Delhi: Pearson Longman.

Bhargava, Rajeev [2007] "The distinctiveness of Indian Secularism." In T.N. Srinivasan. (Ed.) *The future of Secularism*: 20-53. 3rd reprint 2011. New Delhi: *Oxford University Press*.

Bhargava, Rajeev. (Ed.) [1998] *Secularism and its critics*. New Delhi: *Oxford University Press*.

Brown, Judith M. (Ed.) [2008] *Mahatma Gandhi: The Essential Writings*. New Delhi: *Oxford University Press*: 51-2.

Chandoke, Neera [2011] Secularism. In Pratap Bhanu Mehta and Neeraj Gopal Jayal. (Eds.) *The Oxford Companion to Politics in India*: 333-346. New Delhi: *Oxford University Press*.

Constituent Assembly Debates [Proceedings December 9th, 1946 to January 24th, 1950] (Retrieved from http://parliamentofindia.nic.in/ls/debates/debates.htm on October 10th 2012).

Taylor, Charles "Modes of Secularism" in Bhargava [1998]: 31-53.

Holyoake, George [1871] *The Principles of Secularism* (3rd revised edition of the original published in 1851). London: Austin and Co.: 11.

Bauberot, Jean "The two thresholds of laïcization" in Bhargava [1998]: 94-136

Gandhi, M.K. [1921] *An Autobiography: My experiments with truth*. Retrived in http://www.mkgandhi.org/autobio/chap168.htm.

LES VISIONS DE LA LAÏCITÉ EN INDE

Le concept de laïcité (« *secularism* » en anglais) en Inde est associé à presque tous les problèmes résultant de l'interaction entre la politique et la religion dans l'espace public. C'est une notion importante qui est au cœur même de la nation et de la civilisation indienne. Mais son sens varie selon la vision que chacun a de l'Inde. Le terme anglais « secularism » vient du latin *saeculum, saeculi* qui signifie le *siècle/l'époque/une génération/l'esprit du temps* etc. Il semble avoir évolué au sein de la théologie chrétienne et implique une coupure entre le monde ordinaire et l'Église.

Le terme « secularism » apparaît en anglais dans *Principles of Secularism* (1851), de George Holyoake qui le définit comme un ensemble de principes servant à guider ceux qui jugent que la théologie est vague, inadéquate ou qu'elle n'est pas digne de confiance.

Son équivalent en français est la notion de laïcité, plusieurs fois mentionnée dans le code civil de 1805. Cette notion apparaît aussi dans les lois sur l'instruction (dans les années 1880), qui mettent l'accent sur l'instruction morale et civique dans les écoles plutôt que sur l'éducation religieuse. La notion de laïcité apparaît dans les lois exigeant la séparation de l'État et de l'Église.

En Inde, la définition du terme « secularism » prend différentes nuances. Ainsi, il est tantôt défini comme de la bonne volonté ou le respect égalitaire de chaque religion (*sarva dharma samabháva/sadbháva*), tantôt comme une politique de neutralité religieuse (*dharma nirpekshtá*). Nehru, le premier premier ministre de l'Inde indépendante, fit d'ailleurs remarquer qu'il était difficile de trouver un équivalent pour *séculier* en Hindi, l'une des langues nationales de l'Inde.

Depuis le début du XXe siècle, la principale préoccupation des chefs politiques indiens est la coexistence pacifique entre les Bouddhistes, les Chrétiens, les Hindous, les Musulmans, les Jaïns, les Juifs et les Sikhs (et les membres des autres minorités religieuses moins connues). D'ailleurs, cette question de cohabitation religieuse a pris plus d'importance puisque certains groupes religieux majoritaires et minoritaires entrent fréquemment en conflit, et souvent violemment.

Dans un tel contexte, la séparation du politique et du religieux constitue-t-elle un *modus vivendi* possible ? Pour Mohandas Ghandi, cette séparation n'était pas possible. Il croyait plutôt qu'en se plongeant dans sa propre religion, il était possible de trouver des traditions de tolérance et de coexistence pacifique. Mais pour certains leaders, il était urgent de protéger les membres vulnérables de la société indienne.

Certains d'entre eux, animés par un esprit juridique et inspirés par le siècle des lumières européen et américain, envisagèrent une voie différente, sans toutefois désapprouver Gandhi. Ces leaders pensaient que les membres des minorités religieuses devaient être protégés par l'État dans un discours sur les droits qui fut incorporé dans la Constitution de la République indienne, qui entra en vigueur le 26 janvier 1950.

Dans la Constitution indienne, la liberté religieuse inclut la liberté de diffuser sa propre religion (art. 25.1), d'établir et de maintenir des institutions à des fins religieuses ou caritatives (art. 26), et le droit pour les minorités d'établir et de gérer les établissements d'enseignement de leur choix (art. 30.1). Les articles 15, 16, et 19 de la Constitution interdisent aussi la discrimination basée sur la religion. La complexité du caractère laïque de la Constitution indienne se reflète aussi dans certaines de ses dispositions. L'instruction religieuse dans les établissements d'enseignement publics est interdite (art. 28). Le système d'électorats séparés pour les différentes communautés religieuses, mis en place par les Britanniques en Inde, n'existe plus (art. 325). Les revenus d'impôt ne doivent pas servir à financer les différentes confessions religieuses (art. 27), bien que l'État ait le droit de financer certains sanctuaires religieux (art. 290 A). Bref, la liberté de religion et d'autres dispositions de la Constitution indienne indiquent clairement que les relations entre l'État et les communautés religieuses sont régies par des procédés égalitaires.

Donc, nous pouvons en déduire que l'État indien est (ou prétend être) un état laïque car:

1. Tous les citoyens (comme groupes ou individus) ont le droit à la liberté de religion, ont le droit de se convertir à une autre religion que leur religion de naissance, ou de rejeter toute religion.
2. Aucune personne ou communauté ne sera victime de discrimination à cause de sa religion.
3. La liberté de religion est accordée aux minorités religieuses par la Constitution indienne (articles 29 et 30).
4. Il n'existe pas de religion d'état, et l'État ne favorise pas l'une ou l'autre des religions. L'État n'est pas antireligieux ou non-religieux, et traite chaque religion de la même manière, sans discrimination.
5. En matière religieuse, l'État propose une optique neutre, au lieu de séparer la religion de la politique.

Cette vision de la laïcité s'exprime en termes de droits humains; elle est influencée par le siècle des lumières du monde occidental. Cependant, en nous déplaçant du texte de la Constitution pour nous attarder sur les débats de l'Assemblée constituante (1946-1949) à l'origine de ce document, nous remarquons que les membres de l'Assemblée mentionnent souvent la tradition d'empathie et de tolérance qui se trouvait et se trouve encore dans la civilisation indienne. Bien que cela soit suffisant pour assurer la sécularisation de l'État indien, est-ce assez pour laïciser la société indienne ?

Afin de s'assurer de la laïcisation de l'État indien et de sa société, il faut peut-être redécouvrir comment plusieurs communautés ont pu coexister aussi longtemps dans le sous-continent. C'est un fait historique reconnu: plusieurs personnes en Inde suivaient et pratiquaient simultanément plusieurs religions, et ce phénomène se poursuit même aujourd'hui. Il existe des sanctuaires religieux communs, où des membres de différentes communautés se rendent pour prier.

La redécouverte de ces traditions, et particulièrement celle de non-violence (*ahimsa*), pourrait empêcher qu'une communauté, discours ou tradition ne s'approprie ou ne s'accapare des idées et des pratiques de tolérance et de convivialité. L'Inde a donc non seulement généré plusieurs points de vue sur la laïcité, certains provenant de sa civilisation et certains provenant d'ailleurs mais elle a également favorisé leur coexistence. C'est ce qui rend les différentes visions de la laïcité en Inde aussi intrigantes que charmantes.