

IMPLICATIONS OF A SECULAR POLITY

Adi H. Doctor

THE TERM SECULARISM was for the first time inserted in the preamble of the Constitution by the 42nd amendment without defining its meaning. That is why it is all the more necessary for us to try and spell out its exact implications for the Indian polity.

Separation of Religion from Politics

The first implication of great import to us today is keeping religion and politics separate. A multi-religious society like ours can only survive if the state is perceived as neutral, indifferent and non-interfering in matters of personal belief and faith. The emphasis on separating religion from politics developed in the West. It was arrived at after much bloody religious strife and conflict. The Western experience of identifying the state with religion proved disastrous from the very beginning of its history. Thus, so long as christianity stayed a religion of the masses and simple peasants, it also remained humanistic and tolerant. But once it became the religion of the Roman empire, it degenerated into a cruel and authoritarian creed with infidels made to face gladiators and fight ferocious beasts. Much later, medieval Europe was to witness much bloody conflict and carnage in the name of religion. Students of English history know how a protestant monarch would persecute the Roman catholics and how a Roman catholic ruler would seek to ruthlessly exterminate the protestants. Mary, Queen of England, earned the name of "Bloody Mary" because of her policy of religious persecution.

Our own experience and history, in a sense, also bears out the truth of the statement that it is disastrous for the government to identify with one religion. Thus, when emperor Ashoka abandoned the age-old practice of letting citizens pursue any creed or philosophical belief of their choice and, instead, began propagating Buddhism, after having embraced it himself, and made it the state religion, he so estranged the hindus that it led to the fall of Buddhism and its virtual banishment from India.

History and experience apart, even at the theoretical level a case can be made against the state identifying itself with any one particular religion. A state, committed to protecting and promoting one particular faith, would at best be indifferent to other faiths and at worst become intolerant of them and persecute them. A theocratic state would, sooner or later, find it difficult to be impartial between citizens practicing the "official" faith and those of other faiths and beliefs. Such a state cannot help but create feeling of second class citizenship in religious minorities. The policy of benign neglect (at best) and persecution (at worst) can hurt the nation practicing it in many ways. In the first place, it can drive out the potentially creative and capable among the minorities. This happened in France in the case of the Huguenots. Likewise, Spain suffered by driving out the Moors. Today Fiji is the loser by persecuting Indians. Secondly, such a policy degenerates the majority faith by breeding within its followers

dogmatism and fanaticism. Thirdly, such a policy may invite or encourage foreign power intervention. Germany invited intervention by persecuting the Jews. Israel runs the risk of doing so today.

Coming to the specific case of India, suppose the Indian government were to identify itself with hinduism, apart from generating a feeling of second class citizen in members of other faiths, a real practical difficulty would arise in deciding which sect of hinduism should become the official religion. This is why Pandit Nehru, India's first prime-minister, had once observed that India would have needed secularism even if it had sheltered the hindus alone. Rammanohar Lohia had correctly warned that the establishment of a hindu state would inevitably lead to India's fragmentation into a sikh state, a jat state, a brahmin state and so on.

However, keeping India secular implies not only a refusal on the part of the state to identify with the majority religion, it also means resisting unreasonable minority demands. When Mr Ismail Khan and Mr Sadulla pleaded for separate electorates in the Constituent Assembly of India, members had to tell them not to obstruct the setting up of a secular state. Again, when Mr Khaliq-uz-Zaman forcefully urged separate muslim electorates, Pandit Pant (in the Constituent Assembly) had to retort, "If you want a theocratic state, it can only be a hindu state."

Finally, the Constituent Assembly rejected all attempts at mixing religion with politics and made Indian citizenship a purely secular affair. Thus in deciding the question whether a person is an Indian or not, it expressly stated that his or her religious background is totally irrelevant. How sincere and deep was the commitment of the Constituent Assembly members to the secular ideal can be gathered from the following episode. Shortly after the Constituent Assembly adopted clauses 13, 14 and 15 of the unrevised draft, dealing with the relation between state and religion and guaranteeing freedom of religion the plan to partition the country was announced. All hell broke loose with riots and violence spreading like wildfire. The rioting and arson continued much after 14th August 1947 when the country was finally divided into two sovereign states. It is a tribute to the Constituent Assembly that it did not allow either the fact of partition or the misery and suffering that came in its trail, to deflect it from the path of secularism already adopted.

Articles 25 to 30 of the Indian Constitution strive to achieve a healthy balance between the principle of separation of religion and politics on the one hand and the free exercise of religious rights on the other. Collectively, these rights bestow on citizens and minorities the right to profess, practice and propagate religion; the right to establish and maintain religious institutions which, in turn, are free to acquire and own property and the right to establish and administer educational institutions of their choice. At the same time, they (Articles 25-30) forbid the state from compelling an individual to pay taxes for the maintenance of a particular religion; forbid the state from imparting religious education in any institution wholly maintained out of state funds and stipulate that the state shall not discriminate against any educational institution managed by a minority whether religious or linguistic.

The desire of the Indian state to separate religion from politics is further clear from the fact that the Constitution, while it guarantees religious freedom, at the same time empowers the state to restrict these freedoms in the interest of public order, morality, health and fundamental rights. In short, the Constitution unambiguously empowers the state to regulate the secular activities associated with religion.

However, one point needs to be emphasized. In actual practice, how the principle of separation of religion and state works will depend on the attitude adopted by the courts. In other words, having laid down the constitutional provisions, the founding fathers left the striking of the actual balance between the principle of separation of religion and politics and the free exercise of religious rights to the judiciary.

To illustrate, in *Ankaish Vs government of Andhra Pradesh* (1969), the director of town planning began proceedings against certain private property owners to acquire their lands in order to provide better amenities to the pilgrims visiting the Sri Venkateshwara temple. On behalf of the private land owners it was pleaded in the court that the purpose of the proposed acquisition was extension of part of the temple and that since the compensation would be paid from public funds, the act amounted "to establishment of religion" and this would cut across the basic principle of the secular state. The court, however, rejected the plea on the ground that it is the duty of the state, whenever and wherever people congregate in large numbers, to provide for basic amenities, to prevent disease and epidemics and to promote orderliness and, therefore, "the state cannot refuse to perform its ordinary duty..."

In brief, the first basic assumption of a secular polity is that the secular state will have nothing to do with religious affairs and that any departure from this principle must be justified on reasonable secular grounds.

However, one important question can be raised: Can a complete separation of religion and politics be possible? The answer is, it should always be our endeavour to keep the two separate, even if it is not always possible, and, that intelligent exceptions, in this case, only prove the rule. For example, our Constitution had to make an exception to "the wall of separation" principle in the case of Article 290(A) which provides that, under peculiar circumstances enumerated in the Article, the state government as successor to the princely state of Travancore and Cochin, shall continue to make the annual payment to certain Dewaswon Funds. In case the state government had refused to continue the grants the numerous priests, gardeners and others maintained by the temples would not have received salaries and be out of job. Of course, there will always be differences of opinion on whether a particular activity is religious or secular. Such differences can only be resolved (like, in case of all other political values, whether liberty or equality) by free and frank debate and in the final resort by reference to the judiciary.

If a secular polity implies keeping religion and politics separate, it behoves those in position of authority to learn to distinguish between personal and official roles and avoid confusing official role with personal predilections. In this regard the Maharashtra government took the correct step when in 1973 it advised ministers to desist from going to the Vithoba temple for offering worship in their official capacity. Likewise, politicians should not encourage obscurantism and fundamentalism for electoral gains. However, in this regard, it may be conceded that the principle of secularism is not necessarily violated when a person comes to power on the basis of caste or community support. (A government which chooses to be democratic and representative cannot avoid this.) The principle, nevertheless, is certainly violated when such a person, after being elected, operates institutions to favour one caste or community.

The Issue of Equal Respect for All Religions

It is always said that a significant implication of a secular polity is that the state must show equal respect for all religions. This, I shall endeavour to show, is true only in a limited sense since administratively it is not easy for the state to show equal respect to all religions and nor is it necessary. What is necessary is that the state separates the religious from the political and not interfere in the religious.

But, before elaborating on this, let me first state what may be called the traditional Indian view of the relation between the state and religion. This has never been one of identifying with one religion, but one of equal treatment and tolerance towards all faiths. The basic hindu philosophic tenet, or, the one

axiom universally accepted by hindu thought is that truth (or god) is one, though wise men may choose to describe it differently. From this, the corollary followed that all religions have in them elements of truth and no religion can claim the monopoly of truth. In the Indian perception religion is considered as essential to man's self-realization and spiritual development. No less a person than India's first Prime Minister Pandit Nehru, reflected this view in an interview he gave to Mr Thomas of *Religion and Society*. Nehru said, "Apart from material development that is imperative, I believe the human mind is hungry for something deeper in terms of moral and spiritual development without which all the material advance may not be worthwhile." In other words, to most Indians, theological questions or spiritual pursuit do not appear unscientific. In fact religion, in its highest and ennobling aspect, had always been considered essential to man's self-realization.

In contrast to the Indian, the Western intellectual tradition is somewhat different. There science developed by proving religion wrong. Science exposed several church-beliefs to be wrong and superstitious. We have no parallel to this development in our country. In the West, Marx denounced religion as false knowledge and opium of the people. Freud, on the other hand, showed how religious beliefs had their roots in man's psychology and sense of insecurity. Whereas in the West, a dominant intellectual tradition viewed religion as unscientific, we in India seem to have always recognized the validity of religion to life.

Indian historians are divided in their opinions as to whether in practice Indian rulers and society practiced tolerance and equal respect to all religious beliefs. Some, like Sardar K. M. Panikkar, cite the king's coronation oath to protect cows and brahmins as identifying with one set of religious beliefs and claim that contrary views like those of Charvakists (materialists) and Buddhists (who denied brahminical superiority and authority) were ruthlessly suppressed. It is true that ancient India showed tolerance in matters of philosophic speculation; but even this statement needs to be qualified by the fact that only brahmins were allowed to speculate and that speculation which questioned the assumptions of hinduism (Charvak, Buddha) was not allowed to flourish. Humayun Kabir, in *The Indian Heritage*, claims that Akbar adopted a policy of treating all religions with equal respect and that Akbar's experiment was "perhaps the first conscious attempt to formulate the conception of a secular state". This claim is not valid to the extent that Akbar sought to evolve a new state-sponsored religion, drawing "truths" contained in all religions, rather than accept existing religions as they were.

Today, when it comes to the Indian state practicing secularism understood as state treating and respecting all religions equally, some quite ticklish questions arise.

Firstly, what if a particular faith declares secularism as incompatible with its beliefs? For instance certain muslim fundamentalists have condemned secularism as incompatible with its basic tenets and as a product of Western atheistic materialism. The founder of the Jamaat-e-Islami, Abu Ala Maudoodi, not only condemned any deviation from the *Koran*, but also advocated that the state patronize Islam and be indifferent to other faiths.

Secondly, how, in actual practice, does a state show equal respect? If the state patronizes the visit of the Pope, head of the Roman Catholic Church and of the Vatican state, as it actually did in 1964 at the time of the Eucharist Congress in Bombay, then, must it also not patronize equally the visits of other religious heads, say, the Shankaracharya or the Aga Khan? If government offices allow the celebrations of Ganesh festival on their premises, would they not be obliged, in the name of equal respect for all religions, also to allow the holding of other religious festivals like Mauhra Tajibs or Easter Mass? Or, to illustrate the same point differently, if a state transport undertaking allows a hindu driver to put up

photographs of his deity, would not the undertaking be obliged to allow every driver (hindu, muslim, sikh, christian) to put up the photograph/symbol of his religious faith? Since allowing this would clutter the driver's cabin with numerous photographs (apart from possibly generating tensions and quarrels among drivers of different faiths), a state undertaking like the Maharashtra State Transport Corporation wisely disallows any religious picture or symbol within the driver's cabin. These illustrations are adequate to drive home the point that the state, understood as government and administration, cannot find it feasible to practice secularism understood as treating all religions equally. The state treats all religions with equal respect only when it separates religion from politics, and remains neutral or indifferent towards the various faiths professed and practiced by citizens.

To give one final example of how practicing secularism understood as state treating all religions with equal respect can, in the Indian context, create new problems: when Zakir Hussain touched the feet of the Shankaracharya, muslim fundamentalists, on the one hand, condemned this act as un-Islamic while the secularists, on the other hand, condemned it as violative of the spirit of keeping religion out of politics.

Secularism as a Modernizing Force

Finally, there is a third--and this is perhaps the most important--implication of a secular polity viz, a secular polity bases its laws on ethics and on rationality rather than on scriptural revelation and/or knowledge. Morality has to be based solely in regard to the well-being of mankind in this life, to the exclusion of all considerations drawn from belief in God or belief in a future state of existence. Such a secular approach to legislations is best illustrated by the 19th century social reformer, Raja Ram Mohan Roy. Raja Ram Mohan Roy deliberately opted for legislation based on utilitarian ethic and rejected the *Sanatani* argument for laws based on scriptures. The *Sanatanis* sought to justify 'sati' in terms of the spiritual rewards its performance brought to the practitioner and her kith and kin, viz, it ensured the widow a place in 'vaikunth' (heaven); it expiated the sins of her maternal and paternal ancestors upto three generations; its observance meant enjoyment with husband for eternity. To these claims the Raja's reply was that he was not concerned with uncertain future rewards after death, but with the happiness of women here and now; and to him it was clear that most women were forcibly made to suffer performing 'sati'. In his petition to the governor general, Roy graphically described how women were induced to perform sati by the persuasion of their next heirs; how some women who rashly expressed the desire to perform sati in the first moments of grief, would later hesitate or develop fright, but were nevertheless carried back by their relations to the pyre and bound down with ropes and pressed with green bamboos until consumed with the flames.

As a modernist, Roy believed in secular ethics which requires us to believe in a morality derived from reason rather than divine revelation; in a morality concerned with the well-being of mankind in this present life, and not some future life. Roy opposed sati since it, both militated against reason and promised a reward to the widow in future life.

The modernizing aspect of secularism urges the individual to focus attention on promoting social welfare and moral idealism rather than on pursuing narrow and sectarian interests. In a sense secularism requires us to replace the lesser religious, regional and caste loyalties by a broadbased national identity. In this sense we may speak of secularism implying putting reason, science and the country above religion. It is in keeping with this aspect of secularism that we have outlawed untouchability; sought to remove other inhuman caste disabilities and given a specific directive to the state to enact a common civil code.

Of course such social, religious reform can come from private endeavour and need not necessarily be state sponsored, but, since hinduism did not possess any ecclesiastical organization which could set its house in order, the hindu elite naturally turned to the state for effective social and religious reform.

Education for Secularism

If secularism is to be the guiding principle of our polity, education has to be tailored to foster secular attitudes. Numerous studies conducted like the one by Bennur on communal stereotypes of high school children in Bijapur (published in G. S. Halappa's book *Studies in Education and Culture*) have brought home the disturbing revelation of widespread prevalence of prejudice among our young.

What can be done to correct such prejudices? One obvious suggestion is to take great care in the writing and preparing of text books, particularly history text books. Authors of school text books must not only pay attention to the contents and interpretation of events, but must also weigh the impact of the language they use, on the young minds.

Along with right text-books, teachers must be encouraged to experiment along the various innovative lines as suggested by contemporary educationists like Kothurkar and Venkatasubrahmanyam. Two experiments which could be universally tried in all schools are Role Playing and Instrumental Conditioning. In Role Playing a hindu student can be asked to imagine he is a muslim and defend as well as present the merits of the muslim community. In instrumental conditioning experiment, children could be shown a photograph of the Indian cricket team comprising of hindus, muslims, sikhs, christians etc, or, of share-brokers at work, and made to repeat, "There is no religious ill-feeling among us".

Conclusion

There are three approaches to nation building or national integration. One is the secular-liberal; second is the communist and third is the communalist. The communist approach requires that the economy be built on socialist principles and believes in the abolition of all religions as superstitions and in the dictatorship of the proletariat or working class. The communalist approach has two variants: one is 'hinduization'; the other is permissive communalism for the minorities. Secular liberal approach is the one we have outlined above and seeks to create one nation of all Indians regardless of race, caste and creed, by adopting the healthy principle of separation of state and religion and opting for state legislation based on rational and/ or utilitarian ethic in preference to legislation in accordance with holy books and scriptures.