CHAPTER: VI

Issues and Challenges to Indian Secularism and Right to Religion

6.1 The Conceptual Issues of Secularism

India’s ‘tryst with destiny’ was to be firmly grounded on secular principles paradoxically; however, even 66 years after independence, secularism has not emerged as a reality for the Indian social and political order. Increasing communalism and communal violence accompanied by obscurantism and revivalism (as against rationalism and scientific temper) have become the norm. Such trends are reinforced through State policies and the politics of vote-banks. In the backdrop of such forces which are both divisive and fissiparous, there is a drift from the declared objective of secularism. The very concepts as well as the validity of its adoption in the Indian context are being questioned. This chapter, accordingly, focuses on the challenges to secularism emanating from the conceptual critique and perceptional distortions as also from communalism, both that of the majority and the minority.

Secularism in the multi-cultural, multi-lingual and plural society of India a significant role to play in reducing religious conflicts and persecution, upholding human rights and on the whole building a ‘strong’ and ‘unified’ nation. Both the ideology and practice of secularism are, however, being questioned today by various streams of thought. First, there are those who desire a re-examination of secularism and emphasize the need for a new philosophy. They regard the crisis in India today to be rooted in secularism rather than secularism being the solution of the crisis. It is further contended that secularism is an alien concept which has been unwisely imposed on India and is incapable of resolving the problems of a plural society. Madan criticizes Indian secularism as an “inadequately defined attitude”… of “goodwill towards all religions”, sarvadharma saddbhavana; in a narrower formulation it has been a negative or defensive policy of religious neutrality (dharma nirpekshta) on the part of the state.”

He goes on to say, “In either formulation, Indian secularism achieves the

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opposite of its stated intention; it trivializes religious differences as well as the notion of unity of religions. And it really fails to provide guidance for viable political action, for it is not a rooted, full-blooded, and well thought out weltanschauung, it is only a stratagem.”

He questions its applicability not only in India but in the entire South Asian region and rejects it as “impossible”, impracticable’ and “impotent” from the point of view of a ‘modernist minority’, he regards it as a “social myth” and from that of the majority, a “vacuous word, a phantom concept”, and believes that”… it fails to recognize the immense importance of religion in the lives of the peoples of South Asia.” He further argues that this marginalization of religious faith permits the perversion of religion.

Secularism, it is also argued, leads to the intensification of communalism. K. Raghavendra Rao observes that two significant consequences flow from the secularization of a community. “First, by weakening primordial commitments among individuals”, he argues, “It generates very strong individualism, releasing individuals to promote self-interest even at the cost of community interest. As a result, they do not hesitate to use community interest and identity opportunistically to promote their self-interest. Second, even if no significant level of individualism arises, the very nature of a community self-concept would lead to a secular exploitation of a secularized community interest. This also results in communalism…! Only a secular society which is modern can give rise to communalism.”

The critics of secularism, it may be submitted, do not clearly define the political and social order of a non-secular India, which at the same time is not theocratic. They also ignore the fact that, notwithstanding its lapses, secularism has had a positive impact in certain areas. The abolition of UN touch ability, and various other laws relating to religious and social reform, and expansion of secular institutions such as universities and hospitals, may be seen in this context. Moreover, the emphasis of some critics on the need for a new philosophy drawing sustenance from religion fails to recognize the fact that Indian society has yet to liberate itself from the

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3 Ibid.
4 Ibid., p.748.
5 Ibid. p.749.
6 Ibid.
oppressive aspects of religion and build a social order where freedom and equality will prevail.

Pitted against these critics are scholars who emphasize the indispensability of secularism. Charles Taylors remarks, “In the absence of inclusionary definitions of the people, of modes of coexistence around commonly accessible identities—which secularism among other contemporary forms tries to facilitate—the logic of democracy can become that of ethnic cleansing … either the civilized coexistence of diverse groups, or new forms of savagery. It is in this sense that secularism is not optional in the modern age.” They further build a strong case for an alternative conception of secularism.

Apart from this research, there are a number of articles on secularism, published in various journals; Reference to some of these may be made here. Both T.N. Madan and Ashis Nandy are highly critical of secularism. Regarding secularism as a western idea, they believe it to be unsuitable in the Indian context and therefore seek an alternative to it. Nandy even asserts that religious tolerance may come not from the “fashionable secular theories of statecraft” but from various religions. Religious tolerance is located in tradition not in modernity.

Apart from the conceptual critique, the working of secularism in India over the past 66 years is also subject to vehement criticism. Although Nehruvian secularism worked well during Nehru’s Prime-Minister ship, there were certain limitations which, it is argued, came to there for in later years. As stated earlier, secularism in India was individuals but also to religious denominations. Consequently, various religious organizations were able to establish educational institutions, hospitals, etc. and avail of State funding for the purpose. This, it is contended, provided space to the State to patronize religion. Moreover, important activities such as education and health passed into the hands of communal organizations. the latter, firstly resulted in communalizing the minds of children, through the imparting of biased education. Secondly, through their control over such activities and institutions, prestigious posts such as Vice-Chancellors of Universities, Professors, etc. were cornered by the

9 Rajeev Bhargava (ed.), op. cit. Rajeev Bhargava argues for ‘principled distance’ between State and religion and Akeel Bilgrami wants secularism to emerge from ‘negotiation’.
10 Ibid
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Communalists, “thus lending the power of the State to their communal venom.”

Communal organizations were also able to corner enormous funds while masquerading as charitable organizations. the upshot of this entire process was the rise of covert communalism. The impact was not immediately felt. But because the freedom was not realized in the right direction, today the problem is coming to the fore as a challenge to secularism in India.

Almost all of the secular leaders and advocate interviewed by the researcher admitted that secularism was being tarnished in practice. Incidentally even R.N Shing High Court, Advocate admitted that the challenges to secularism arise from the way it is being practiced. Devang Bhat (Activists) even distinguished between the secularism of the State and the society. The State, he insisted, bound as it is by the Constitutional and legal framework is secular, but the secularism of the society is a different matter. Problems, he maintained, arise because various kinds of communalism are trying to mobilize and erode the foundations of our secular Constitutional framework. R.N.Sing Advocate too, pointed out that there is a big gap between precepts and practice. “Prejudices based on caste and religion”, he emphasized, “are so deeply embedded that they cannot be banished by merely printing in the Constitution.” The State is also accused of having neglected to promote tolerance and respect for other religions in the common man which are essential concomitants of secularism "Rameshbhai advocate, for instance, affirmed this to be a primary duty of the State, but alleged that no positive steps in this direction were taken by it. He pointed out, “While in the Constitution, the right of religious minorities to have their own religious and educational institutions has been safeguarded, no positive prescription has been given to make such protection conditional upon their tolerance to other religions. In other words, when in a specifically religious educational institution, the children are being given instruction in their own religion; it should also have been incumbent on such institutions to

12 Ibid., p.4ff.
13 Personal interview R.N.Shing Advocate. Gujart. Hight Court
14 Personal interview: Devang Bhatt, Registrar of Changa Institute.
15 Personal interview. R.N. Shing.advocate.
16 Personal interview. Rameshbhai advocate
include instruction through which the children would be able to honor and hold in esteem other religions.”

Furthermore, there are visible distortions which as much constitute a serious challenge to secularism. The concept ‘sarva dharma sambhava’ is misinterpreted to mean equal proximity to all religions. Its requirements are therefore regarded as fulfilled by merely paying obeisance at a mandir as well as a masjid, gurudwara ro church. Such perceptual distortion is also obvious in the hosting of ‘Iftar’ dinners officially during ‘Ramzan’ and having an official committee to coordinate ‘Haj’ pilgrimages. This becomes all the more significant when a scholar person, (and more other than the previous President of India, Shankar Dayal Sharma) regards such instances as indicators of the secular nature of Indian polity. They fact that members of minority communities have been in positions of power and responsibility is often cited as an indication of secularism.

The ideology and practice of secularism has been most severely criticized by the Hindu fundamentalists. They attack secularism as the principle behind the appeasement of minorities, particularly Muslims. Secularism in India, they argue, is merely pseudo-secularism and it was the pseudo-secularists who failed to educate Muslims in order to bring them into the national Mainstream. Secularism, insists Balraj Madhok, “have become a handle for most communal and anti-national elements to push through their nefarious, separatist and anti-national designs”. As a result, he continues, “secularism in practice has been encouraging minorities and undermining nationalism. It has thus, become a potent factor for disintegration of the already truncated country.”

The main underpinning of the majority fundamentalist critique is that while the State has used its powers of regulation and reform in relation to the Hindu community, it has not done so in regard to Muslims. This, in their opinion, constitutes appeasement of Muslims. Such an approach, they assert, leads to abuse of secularism.

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19 Personal interviewRameshbhai and Mahamd Advocate
18 S.D. Sharma, “Secularism in the India Ethos-3”, Bhavan’s Journal, Vol. 37, No.9, December 15, 1990, p.29. He was the Vice-President at the time.
19 Ibid
20 Kanayalal M. Talreja opines that India did not need secularism. a Hindu Rajya “Kanayalal M. Talreja, op. cit., p.7.
22 Balraj Madhok. “Secularism: Genesis and Development” in M.M. Sankhdher (ed.), op. cit., p.120.
India was not declared a Hindu State at the time of independence is decried as a “sheer betrayal, treachery, and heinous crime committed by the pseudo-secularists who cheated and betrayed the Hindu State as a logical corollary of the partition.”

‘Positive secularism’, they hold, “envisages the coming together of all the religious communities bound by a uniform code of conduct, rights and responsibilities.” The thesis of positive secularism is coupled with the assertion that only a Hindu State can and would be secular and India cannot become a functionally secular State unless it is also declared a Hindu Rashtra. Only the preservation of the Hindu character of India would preserve the basic values of secularism in India. In support of their contention the Hindutva ideologues cite the example of Great Britain as a Christian Stat which is secular per se.

The Hindu fundamentalists further want that the Constitution, which they allege is anti-Hindu, should be redrafted. The ‘Sant Samiti’ in its October 1, 1992 meeting set up a committee to redraft the Constitution. Their critique of the Constitution was published in a 63 page booklet, which argues that the present Constitution is based on British laws and is unrepresentative of the Indian ethos. Objecting to reservations and the special rights of minorities, it is also critical of various Constitutional provisions pertaining to the Preamble, the definition of citizens, the continuing use of the English language, minority rights and the policy of reservations. Accordingly, it advocates changing the Constitution. Although it does not specify details of the new Constitution, it specifically emphasizes the bestowal of rights being made conditional to loyalty and patriotism. Underlying the majoritarian critique of secularism, a thinly veiled assault on minority rights is clearly noticeable. Thus the attempts of the majority communalists are directed towards redefining the concept of secularism to suit their objectives, i.e., to prove that Hinduism is a secular

23 Saifudin. Choudhry: The concept of positive secularism is based on formal equal treatment of all religious groups. Any law providing special treatment to minorities comes under ‘pseudo-Secularism’. Saifuddin Choudhury too expressed the opinion that “if you are not secular, you cannot be positive” and declared positive secularism to be merely a camouflage to cover non-secularism.
24 Kanayalal M. Talreja, op. cit., p.5.
27 Ibid
28 Ibid
religion and that a Hindu State can and would be secular. This clearly undermines the spirit of secularism, for as Kapur and Crossman aptly remark, “secularism collapses into antithesis-a theocratic state”.  

The foregoing analysis reveals a multifaceted critique of secularism in India. At the conceptual level it is rejected as alien and incompatible with the Indian social ethos. Furthermore, its misinterpretation and distortions in practice have led to vehement criticism from various quarters. But the most potent assault on secularism emanates from Hindu fundamentalists who reject it as pseudo-secularism and propound the thesis of positive secularism and a Hindu State as the only truly secular State. As such, the validity of secularism is increasingly being questioned. The entire process has reinforced communalism which constitutes the most potent threat to secularism in India today. Accordingly, any study on secularism would be incomplete without an analysis of the phenomenon of communalism. The question of majority and minority fundamentalism and the related issues raised by their protagonists equally importance in this context.


Today the scenario is very complex. The communal forces in the form of various organizations doing politics in the name of religion have become dominant. Threat of attack to secularisms not only from the communal political party but it is deeper. It operates through communalization of social space, by spreading myths and stereotypes against minorities, and by practicing a divisive ideological propaganda and politics. It also operates through different culture mechanisms, through attack on rational values and culture, through increase of blind religiosity. The section of media and the continuation of many textbooks based on communal historiography and sociology is also a big threat to secular values.

If we wish to strength the secular ethos, it has to be an all round effort, through all platforms of society with, a multilayered approach. The issues which undermine the secular values, like Articale370, Uniform civil code ,allegation of appeasement of minorities, all these need to be handled at humane level by putting across the honest

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attitude to all sections of society. It has to be firmly aligned with the values of freedom movement and the values old Indian constitution. The attack on secular values is the determined attempts by section of the society to do away with the right of weaker section of society, delist, women, workers and advises. We have to ensure that their self assertions their right is preserved and strengthened.

A major threat to secularism is from the mingling of religion and politics. Religious groups, both of majority and minority, organize themselves into political parties with a view to grabbing political power as a means of economic power. It is politics, which proved to be divisive and not religion. It is politicians who seek to mobilize votes on grounds of primordial identities like religion, caste and ethnicity. Thus we can say that India is secular in as much as it is religiously plural and tolerant but there were politically divisive forces quite active which create communal pressure and widen the gap between religious communities thus bringing Indian secularism under threat.

Communal divisions and dissensions formed the raison d’être of India’s partition.

[Year 1947, 1948 Battle deaths 200000 the partition of India was the …..]

[As colonial rule in the Indian subcontinent was ending, there was large scale religious violence, Corpses with vutues in Kolkata after the 1946 Riots [Left], a Jains neighborhood and Hindu temple after arson attack in Ahmedabad in 1946 and Sikhs escaping violence across the in Pakistan Punjab Border in 1947] 31

The adoption of secularism too did not resolve the vexed issue. Communalism today constitutes a formidable challenge to secularism in India. Before going into the question of how communalism both of the majority as well as the minority amounts to a threat to the secular fabric, it may not be out of context to examine the meaning and nature of communalism in general.

31 Content upload/2014/01/partition., http//yuverevolution.org/w.p/36355224-300Jpg. date15-062014
Communalism, in its positive aspect, stands for the affinity which an individual may have towards his own community, which involves efforts for the social and economic upliftment of his community. In its negative aspect, communalism stands for the exploitation of religion for non-religious purposes and is more or less a product of the educated middle classes rather than the illiterate masses. It is this aspect of communalism which is today coming to the fore. Vitally important in any analysis of communalism is recognition of the fact that, contrary to common belief, communalism has nothing to do with religion as such. It may even be regarded as the anti-thesis of religion for it reduces the religion doctrine of ‘universal love’ to ‘fragmented love’ and ‘hatred’. Asghar Ali Engineer categorically asserts, “Communalism is born out of secular issues and communal parties are led by, or communalism is promoted, by secular leaders.”

A bird’s eye view of the phenomena of communalism and communal violence in the country sufficiently proves the above stated hypothesis. While blame for the genesis of communalism is generally laid at the door of the British vis-à-vis their ‘divide and rule’ policy, it is in itself not a sufficient explanation. A number of other causative factors may be traced, not least among which are the competitive nature of democracy and various political, social as well as economic factors. Harbans Mukhia traces it to “communal categories of social analysis”, which in effect implies treating Hindus and Muslims only as unified communities.

Communalism is manifested through fanatical religious mass movements, such as the Ram Janambhoomi/Babri Masjid movement, which again have more to do with politics rather than with religion.

Furthermore, communalism may also be exhibited through communal violence. Prior to independence, the occurrence of communal conflicts as a regular phenomenon starting in the twenties, achieving its climax in the partition holocaust. Following this, there was a lull. The first major post-independence riot occurred in

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34 For instance, political parties play upon religious sentiments for garnering votes. Pramod Kumar, Polluting Sacred Faith, (Ajanta, Delhi, 1992), pp.40-41.
35 Mukhia observes, “That is, once Indian society is analyzed in terms of communities, in terms of Hinds as Hindus and Muslims as Muslims and so forth, the two strategies of Political behavior follow. Vol. XXIV, No.29, March 22, 1986, p.23.
Jabalpur in 1961, after which the number of communal incidents increased annually, with previously peaceful areas also being engulfed in the floods of communal poison.

The cause of any particular communal riot may be as minor as a religious procession of a conflict between a shopkeeper and a customer.\(^{36}\) In general; the causes of communal violence have been traced to socio-economic development and the consequent urbanization, accompanied by vote bank politics.\(^{37}\) Besides attempting to divert attention from genuine socio-economic problems by instigating communal disturbances, a subjective and distorted interpretation of history and using of the historical past for arousing communal passions are other major factors in provoking communal riots. These outbreaks are thus rarely, if ever, caused by religious dissensions.\(^{38}\) their antecedents can more often than not be traced to political and economic factors.

Most outbreaks of communal violence are characterized by a few common features. It has been seen that, more often than not, the administration as well as the police are not free from communal tendencies. A hate campaign is organized by political activists rather than by religious leaders. Criminals and lumped elements are conspicuous and the targets of attack are rival business premises, disputed property or religious places. The riots have become commercialized, leading to large scale destruction of property. Ashis Nandy remarks that “… the planners, instigators and legitimizes of religious and ethnic violence can now be identified as secular users of non-secular forces in the society.”\(^{39}\)

Although communal violence has assumed a lot of significance in the last few years, the subject is nothing new to post-independence India. We have been experiencing major communal riots since the first major riot in Jamshedpur in 1961. (Pre-independence India also saw a lot of communal violence, but my own investigations started with 1961.) In the 1960s we used to see around one communal riot a day, so more than 300 riots every year. The rioting increased in intensity in the

\(^{36}\) In Hojai, a communal riot began over a tiff between a customer and the owner of a photo shop. The Hindu, March 16, 1992, and in Rampur, murder of a youth led to riots, The Times of India, March 11, 1992.


\(^{38}\) Riots erupted in Hyderabad on June 5, 1998. On june 2, 1998, reports Indian Express, pamphlets appeared which hurt the sentiments of one community, resulting in tension, followed by riots. See Indian Express, june 10, 1998

\(^{39}\) Nandy, Ahis, op. cit., p.190.
1980s; major communal riots occurred in Moradabad (1980), Biharcharif (1981), Baroda and Meerut (1982), Nelli, Assam, where 4,000 people were killed (1983), Bombay and Bhiwandi (1984), anti-Sikh riots in Delhi and other places (1984), Ahmedabad (1985), Meerut again (1987), Bhagalpur (1989). In 1990 there were 300 riots when L. K. Advani, then home minister and currently the deputy prime minister, rode his rath yatra (his travel chariot) across the country inciting Hindu activism. Riots occurred in Bombay in 1992 and 1993. Then came Gujarat 2002— not a communal riot but communal carnage, in which more than 2,000 people were most brutally killed.\textsuperscript{40}

\begin{itemize}
  \item Riot1-Communal riots in Bengal [5000-10000]\textsuperscript{41}
  \item Riots: 1946 Communal riot-Rourkela\textsuperscript{42}
  \item Riot: August 1967 Communal riot in Ranchi 200 Killed\textsuperscript{43}
  \item Riot: 1969 Communal riot in Ahmedabad\textsuperscript{44}
  \item Riot: 1970, 7, May |Bhiwandi\textsuperscript{45}
  \item Riot April 1979 |Communal riots in Jamshedpur & West Bengal\textsuperscript{46}
\end{itemize}

\textsuperscript{40} Indian journal of Secularism vol.18 no.2, April-June-14, p.no.101 to 114
\textsuperscript{41} Riot1-Communal riots in Bengal
\textsuperscript{42} Riots: 1946 Communal riot-Rourkela
\textsuperscript{43} Riot: August 1967 Communal riot in Ranchi
\textsuperscript{44} Riot 4: 1969 Communal riots in Ahmedabad / More than 512 Killed in the city. 3000 to 15000 range in the entire state / Riot for 6 month.
\textsuperscript{45} Riot: 1970, 7, May |Bhiwandi
\textsuperscript{46} Riot April 1979 |Communal riots in Jamshedpur & West Bengal
Riot: July 1986 | Communal violence in Ahmadabad, Gujarat | 59 Killed | Ruling

Riot: Apr-May 1987 | Communal violence in Meerut, UP | 81 killed | Ruling party Congress. The Bhagalpur riots of October 1989, took place in Bihar

Riot: October 1989 | Bhagalpur, Bihar riots | 800 to 2000 killed | Ruling party Congress

Riot: Dec 1992 | Aligarh, UP | At least 176 killed | Ruling party Congress (President’s)

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47 Riot 14: July 1986
48 Riot 15: Apr-May 1987
49 Riot 16: October 1989
50 Riot 18: Dec 1992 | Aligarh, UP
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Riot: December 1992 | Surat, Gujarat | at least 175 killed | Ruling party Congress\textsuperscript{51}

Riot: Dec 1992 – Jan 1993 | Mumbai, Maharashtra riots | 800 to 2000 killed | Ruling party Congress\textsuperscript{52}

Riots: Godhara and Ahmadabad 2002\textsuperscript{53}

Aswini K. Ray in a perceptive analysis remarks upon the fact that “most communal violence, even when between two distinctly identifiable inscriptive identities, has involved equally distinct interest-groups, often predominantly so. Under such circumstances, violence is communal only in an extremely limited

\textsuperscript{51} Riot 19: December 1992 | Surat, Gujarat
\textsuperscript{52} Riot: Dec 1992 – Jan 1993 | Mumbai, Maharashtra riots
\textsuperscript{53} Riots: Godhara and Ahmadabad 2002
This is underlined by the fact that various communalists are themselves the best of friends. In 1978, a few days before the eruption of the Jamshedpur riots, deoras was feasted by the Jamaat-e-Islami and even presented with a golden pen from Saudi Arabia. Earlier Deoras had received the Shahi Imam at the residence of Nanaji Deshmukh after the ban on the RSS was lifted in 1977.\textsuperscript{55} Bhakti mentions BJP MP, J.K.Jain, maker of the grossly inflammatory film on Ayodhya, ‘Pran Jahun Par Vachan Nang together stalwarts like Nanaji Deshmukh with the Naib Imam of Delhi’s Jama masjid at a party thrown in honor of infamous Saudi Arms peddler, Adnan Khashoggi.\textsuperscript{56}

Communal violence is a manifestation of communal ideology, but not be equated, although one may and often does lead to the other. This fact is emphasized by Bipin Chandra. “Communal violence”, he says, “is a consequence of the spread of communal ideology. But it is not the crux of the communal situation at all. Communal ideology can not only exist, but can grow for decades before it takes the form of violence.”\textsuperscript{57} Quite obviously, communalism and communal ideology have found a particularly favorable climate on the national as well as the global scene and the communal tendencies of both the majority as well as the minority communities are seen to be on the ascendant putting secularism in India in grave peril.

While communalism of any variety may be regarded as a potent threat to a vibrant secular democracy, the greatest challenge emanates from majority communalism for it alone can drastically change Indian polity subverting thereby its basic ideals and leading to the establishment of a theocratic State.\textsuperscript{58}

\textbf{6.2.1 Issues of Majority Communalism}

In the first few years after independence, majority communalism was inactive and quiescent. However, in the recent past, particularly during the 1980s, India is witnessing the militant rise of majority communalism.\textsuperscript{59} An analysis of their strategies


\textsuperscript{56} S. Bhatkal, op. cit., p.9.


\textsuperscript{58} Achin Vanaik aptly sums up the danger from Hindu fundamentalism, “India cannot become an Islamic state; it can certainly become a Hindu state.” Achin Vanaik, Communalism Contested: Religion, Modernity and Secularization, (Vistaar Pub., New Delhi, 1997), p.5.

\textsuperscript{59} Ibid
and approaches reveals a distinct anti-secular thrust. This is noticeable not only in their struggle for hegemony which stretches over the entire gamut of history, politics and culture, but also in their attempts to consolidate the Hindutva fold. Emphasis on Hindu State and Hindutva, the anti-Muslim bias in their rhetoric, which is discernible in their emphatic reference to appeasement of Muslims, the yet unfinished agenda of undoing of perceived historical wrongs, etc. and the pronounced gender bias, clearly reflect an assault on the basic tenets of secularism.\footnote{60}

As mentioned earlier, the BJP/VHP/RSS combine, rejects Indian secularism as mere pseudo-secularism. In its place they advocate a Hindu Rashtra, which according to them is the only answer to the crisis gripping Indian society and the only means to achieve true secularism. Hinduism is projected as a secular and tolerant philosophy at it embraces varied sects within its fold. What, however, emerges from their rhetoric is a clear anti-minority bias Defining a Hindu nation as one where “all those not belonging to the nation, i.e. Hindu race, religion, culture and language, naturally fall out of the pale of real national life”. Golwalkar declares that, “the foreign races in Hindustan must either adopt Hindu culture and language, must learn to respect and hold in reverence the Hindu religion, must entertain no idea except the glorification of the Hindu religion and culture, i.e. the Hindu nation and must lose their separate existence to merge in the Hindu race, or they may stay in the country wholly subordinate to the Hindu nation, claiming nothing deserving no privileges, far less any preferential treatment, not even citizen’s rights.\footnote{61} The attempts is to create an artificially permanent majority through assimilation of minorities within the Hindu fold. Thus they maintain that in a Hindu Rashtra all modes of worship will be respected. “But all of us will be Hindus or Issa Hindus. Two more devtas, Allah and Jesus make no difference to the country’s long line-up”.\footnote{62} The Hindu right’s discourse, however, drastically limits the scope of religious freedom.\footnote{63}

\footnote{60} It becomes easy to agree with Ashutosh Varshney’s remark” “Try Some Generosity”, Indian Express, February, 26, 1998
The ‘contours of a Hindu Rashtra’ are defined by a group of sadhus. Their statements reflect contempt for the Constitution, hatred towards aliens and a desire to “re-establish caste system and Brahminical supremacy”. The attempt is to construct an “Indian nationalist consciousness in terms of a monolithic Hinduism and a majoritarian Indian state in the image of a modern Western state.”

This Hindu State is to be based on the ideology of Hindutva. Hindutva is based upon the idea that society”… is a pre-ordained structure of differential status and privileges; that each one of us is placed in a certain location in that structure; and that dharma consists in living by the rules that govern that location”. Cossman and Kapur emphasizing the oppositional nature and political character of Hindutva, observe, “Hindutva continues to mean the assimilation of all minorities into the culture, the way of life, ultimately the religion of the majority. The concept of Hindutva thus retains its oppositional meaning, that is, to be constituted largely in religion to that which they oppose Muslim and Christians. The attack on the legitimacy of minority religious communities continues to go to the very core of the concept of Hindu rasthra and Hindutva. From Savarkar to Golwalkar to the contemporary ideologues, it is this attack on religious minorities, on the effort to assimilate these minorities back into the folds of Hinduism that has given Hindutva its political character.”

The proponents of Hindutva maintain that it is the basic ethos of the country; the way of life, customs, manners, a social code of behavior. Hindutva’s appeal is ideological and is based on tradition. This tradition is, however, incorporated in a truncated manner to suit them. They stress, as Sumanta Banerjee states, “… the inimical traits of Hindu religious myth and imagery while completely ignoring both the Lokayat beliefs in Indian philosophical heritage and other religious streams like Buddhism, Islam and Christianity in the Indian tradition.” Further, the majority communalists are using “medieval symbolism” as well as a “shrewd
modernism” to push it through. Its proponents laud its ability to guide every aspect of a nation’s policy, whether economic, foreign, defense or even population control.\textsuperscript{70} Approach Hindutva, it is aptly remarked that at its centre lies the “myth of a continuous thousand-year old struggle of Hindus against Muslims as the structuring principle of Indian history. Both communities are assumed to have been homogenous blocks-of Hindu patriots, heroically resisting invariably tyrannical, ‘foreign’ Muslim rules.”\textsuperscript{71}

The doctrine, it is alleged, is sustained through hate, prejudice, bigotry and a refusal to recognize pluralism as the basis of Hindu tradition and is essentially fascist in character.\textsuperscript{72} A comparison with Nazi Germany, it is argued, would show certain basic similarities. The Nazis talked about Germany’s humiliation during the First World War, picked on the Jews as scapegoats for all ills, emphasized the superiority of the Germany’s humiliation during the first world war, picked on the Jews as scapegoats for all ills, emphasized the superiority of the German race, attacked art and literature as liberal decadence and set up goon squads for terrorizing opposition. Likewise fascist tendencies are noticeable in the propaganda of the leaders of the Hindutva juggernaut. They talk of Hindu humiliation under Muslim rule, use the Muslims as scapegoats all ills, emphasize India’s glory before the advent of Muslims and want to treat the Muslims, as Jews were treated in Nazi Germany.\textsuperscript{73} In this context Bal Thackeray’s comment to Time Magazine that Indian Muslims, if they behaved like Jews in Nazi Germany would meet a similar fate deserves mention.\textsuperscript{74} In a similar vein, Sadhvi Rithambara too declared, “We could not teach those (Muslims) with words, now let us them with kicks… Let there be bloodshed once and for all.”\textsuperscript{75}

Two distinctive thrusts clearly emerge from the foregoing discussion. One is an anti-minority\textsuperscript{76} Bias which can be understood as anti-Muslim bias, since much of their ire is directed against Muslims. As seen earlier, their idea of rights to minorities is conditional upon the ‘loyalty and patriotism’ of the minorities and it is the Hindutva brigade which will decide on what constitutes such ‘loyalty and

\textsuperscript{72} Achin Vanaik, however, refutes this contention. Achin Vanaik, Communalism Contested: Religion, Modernity and Secularization, (Vistaar Pub., New Delhi, 1997), p.269.
\textsuperscript{74} Time Magazine, Vol. 141, No.4, January 25, 1993, p.31.
\textsuperscript{75} Madhi Kishwar, “BJP’s Ram has no use for Sita”, The Times of India, January 28, 1993
\textsuperscript{76} Ibid
patriotism’. In fact, minority rights are considered an “unnecessary appendage”. “Article 29 and 30”, maintains Ram Gopal, “intended to be a shield for the minorities, have become sword to keep the majority community at bay. These are unnecessary appendage to the Constitution, a legacy of the “divide-and-rule” policy of the British, repugnant to the cherished ideals of the great freedom fighters, and fraught with dangerous consequences.” Such anti-minority bias is also clearly reflected in the Delhi BJP Government’s plan to remove churches from the list of places of worship because sacramental wine is distributed there.

The second is an anti-reform and anti-progress disposition which aims to return to the ancient Indian ethos. Significantly revivalist movements of the 19th century were primarily reform-oriented, while the present day revivalism stresses ritualism and symbolism and the need to go back to the laws of Manu, emphasizing that “… Manusmriti was for all times and ages and for all mankind.”

The whole approach seeks to undermine the very spirit of secularism. It is aimed at perpetuation of anti-minority sentiments and subordination of minorities to Hindus. The strategy adopted seeks to present Muslims as the ‘aggressors’ through a communalized interpretation of history, emphasis on undoing of historical wrongs and on Muslims as the appeased community.

In keeping with such an approach, the Hinndutva ideologues resort to distortion and mystification of history. Achin Vanaik aptly remarks that “This is a powerful technique because the construction of contemporary social identities everywhere invariably involves a fight over history.” One of the techniques employed consists of communalizing text-books in schools such as Saraswati Shishu Mandirs. That India’s freedom struggle began 2500 years ago and that the founder of

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78 Indian Express, July 3, 1998. It would be pertinent to note that the serving of sacramental wine in churches is an old Christian tradition and owes its origin to Christ serving it to his disciples as a symbol of his blood. See A.J. Philip, “This wine is not heady”, Indian Express, July 6, 1998.
the RSS was one of the greatest leaders of the national movement are examples of doctored history being drilled into young minds.

The BJP, when it was in power in Uttar Pradesh, introduced two controversial histories books—High School Itihas, Vols. I and II, which made some curious additions and changes in history.²² These changes are, however ‘pale saffron’ when compared to what is taught in the Sangh Parivar are being used to teach and prepare more inflammatory material. Two books, Gaurav Gatha and Itihas Ga Raha Hai, it is alleged, are meant totally for indoctrination. The first, among other things, claims that Qutab Minar was built by Emperor Samundragupta and its real name was Vishnu Stambha and the second is full of praise for RSS.²³ The text books also reflect a prominent gender bias.²⁴ The Indian Council of Historical Research too has been reconstituted to include a number of Hindutva votaries.²⁵

The demolition of the Babri Masjid is an illustrative instance of the attempts to undo historical wrongs and create anti-Muslim sentiments. It is maintained that the Babri Masjid was constructed at the exact spot where Lord Rama was born

A BABBRI MASJID BEFOR DEMOLITION 1992

The temple erected there was destroyed by Babar and a mosque erected in its place.²⁶ Mass hysterical was generated by the issue, culminating in the destruction of the mosque on December 6, 1992, followed by carnage on an unprecedented scale.²⁷

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²⁴ Ibid., p.62.
²⁶ The Babri Masjid was constructed by Mir Baqi in 1528. There is however, it is asserted, no evidence that the Mosque was constructed after destroying a temple. See K.N. Panikkar.
²⁷ Sikander Bakht informed the researcher that at the time of construction of the Somnath Temple a Muslim
B Babari Masjid Demolition 1992

In this photograph taken on December 6, 1992, Hindu fundamentalists attack the wall of the Babri Masjid with iron rods at the disputed site in the city of Ayodhya.

Past destructions or conversions of temples were invariably political acts. This is conceded even by the votaries of the demolition. For instance, Malkani writes, “It must be clearly understood that when invaders destroyed temples and/or converted them into mosques, they were not being religious; they were only being political wanting to impress that they could do anything to India and Indians.”88 Yet, he maintains, “Revolving such reminders of aggression is essential for the old wounds to heal properly.”89

If this kind of vendetta can be established at the community level, what is to prevent it from becoming the norm at the personal level? As R N sing High Court Advocate pertinently remarked that in following such an approach of demolishing “symbols of oppression, where do we stop?”90 The question is whether the whole approach of undoing historical wrongs is healthy and constructive? It is beyond the purview of the present study to examine whether the dispute involved a historical wrong or not. The real question, however, is one of approach and whether attempts to undo historical wrong are to be avenged then are same logic would apply to the other periods of Indian history.

This would imply that the Buddhists and Janis too have the right to destroy temples erected in place of their religious structures. Besides this, the process of taking revenge for ‘historical wrongs’ would lead to such a full national agenda on account of the invariable riots which will follow any demolition that all programmes of socio-economic development will come to a standstill. Pramod Mahajan (also of

88 K.R. Malkani, “Significance of Ayodhya”, Indian Express, August 3, 1992
89 Ibid
90 R N Shing Advocate Gujarat High Court.
the BJP) aptly writes that “You cannot rewrite history, whether you agree or disagree with it is inconsequential.”

Moreover, the contention that Rama’s birthplace was a matter of faith that was outside the purview of the Courts, leaves no valid ground for criticism of the separate personal laws, “Talaq-ul-biddah’, ‘sati’, untouchability, etc. for they may equally be considered as matters of faith’.

The die-hards of the BJP, however, do not consider the destruction of the Babri Masjid as an assault on secularism. They want December 6 to be declared a national holiday “as is a day of achievement for Hindus.” According to Advani it was merely a “lack of a firm commitment in the general masses to the rule of law” and to Shri. M.M. Joshi, another die-hard of the BJP, it is not merely a question of building an entire nation, the reconstruction of India on the philosophy of Swami Vivekananda.” Jaswant Singh regards the Ayodhya tragedy as a “milestone, a catalyst of the transformation of our land, in its march for its inevitable date with a glorious destiny.” Intriguingly, in its emphasis on the Ram temple, the Sangh Parivar does not take cognizance of the destruction of the Ram Chabutra along with the Masjid. This would be contrary to its purpose of creating anti-Muslim sentiment and thereby consolidating the Hindutva fold. Interestingly, Bal Thackeray in an interview with Indian Express made a volte face on the issue of the temple or a mosque, then why not build a monument to Mangle Pandey, the body who fired the first shot for azadi, to mark the golden jubilee of India’s independence?

Giving a new twist to the entire affair, the VHP is reported to be on massive organizational build-up to raise a force capable of implementing its plans and is constructing parts of the temple at Ayodhya in Uttar Pradesh and Pindwara in Rajasthan, which would then be assembled at the Janambhoomi site.

6.2.2 Issues of Minority Communalism

Minority communalism stems from the desire of the minorities to preserve their distinct identity, as also from the perceived threat to this identity from the

91 Promo Mahajan, “History cannot be re-written”, Indian Express, August 23, 1993.
94 Indian Express, August 9, 1993.
96 Indian Express, March 12, 1998.
97 Indian Express, May 12, 1998.
majority community.  The fear that their culture and by extension their religion is in danger is one of the major determining factors in the rise of minority communalism. Significantly, the minorities emphasize the necessity of secularism, yet desire the promotion of their separate interests as a religious community. Moreover, it is not the socio-economic interest which is in the forefront of their demands, but religion-communal demands which further perpetuate orthodoxy and hamper modernization.

A closer analysis of the minority communities reveals that communal tendencies are most conspicuous amongst the Muslims. Even before independence an attitude had developed amongst them that Muslim leaders alone could solve their problems. This trend continues. Nevertheless, the Muslim leadership has never articulated the socio-economic demands of their community. This has had the effect of keeping the community backward. This obscurantist leadership, only leads to obstruction of the community’s progress and synthesis, exhorting them to resort to revivalism, instead of modernization and development. One instance of such leadership may be found in the Bohra community. The Bohras are oppressed by their religious head, the Syedna. Those who refuse to submit to this writ have their lives threatened, careers destroyed and are excommunicated. An illustrative incident is the case of a principal of large Government-aided minority schools being forced to resign by official owing allegiance to Syedna Mohammed Burhanuddin for allowing the staging of a play which depicted scenes from a Hindu family.

As a matter of fact, no leader raises the question of poverty, hunger, illiteracy and unemployment of various categories of works (for these in no way differ from the interests of the Hindu workers). Their agenda is limited to the question of personal laws, talaq, not granting maintenance to destitute women, the status of Urdu, Jamia Millia Islamia and AMU, recognition of madrasa education, etc., demands which are

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98 K.P. Unnikrishnan (in the interview) recognized the fact that majority communalism has encouraged separatist tendencies amongst certain sections of the minorities. These, he emphasized are fueled even more amongst the Muslims by the global phenomenon Islamic fundamentalism.

99 One significant factor which emerged from the interviews was the emphasis on minority’s rights, even favoring special rights for them.

100 “Research studies have indicated that minority consciousness has been far more predominant among the Muslims than the others. For this, two factors, namely, Zenab Banu, politics of Communalism, (Sangam, Noida, 1989), p.12.

101 M.J. Akbar unequivocally condemns the Muslim leadership which he says has betrayed the Muslim community. Indian Express, January 17, 1993.

102 Indian Express, March 10, 1994.

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raised with a vengeance.\textsuperscript{104} Misled by ‘myopic Muslim leadership’ of persons like Shahabuddin and Imran Bukhari, they have been raising demands which are in no way germane to Muslim interests. It is contended that the concession of communal demands by the Government is creating an impression of pampering of the Muslim community whereas the reality is that Muslims remain the most backward community, educationally as well as economically.\textsuperscript{105}

The major issue emphasized by the Muslim leadership is the question of maintenance of separate personal laws.\textsuperscript{105} Not only are they opposed to a uniform civil code, but even to any attempts at reform of their personal law. Non-interference by the State in their personal law is regarded by them as the touchstone of Indian secularism. The Muslim Personal Law Board even decided to establish Islamic Courts in all States of the Country and appealed to all Muslims to refer disputes in family matters to these Courts and abide by their decisions.\textsuperscript{106}

The Shah Bano judgment of the Supreme Court,\textsuperscript{107} it may be mentioned had sparked off a debate in the community. The progressives sought protection for Muslim women and a uniform civil code. The fundamentalists, on the other hand, vehemently opposed it. The Government succumbed to the pressure from the fundamentalist and Shariah as demanded by the fundamentalists. The debate took a new turn with the Allahabad High Court judgment pronouncing triple Talaq as void. Once again the judgment was denounced as a sacrilege.\textsuperscript{108}

Besides this, another major demand is related to the status of Urdu. Urdu, it is demanded should be made the second official language in those States where Urdu speakers constitute a significant percentage of the population. Another issue emphasized is the maintenance of the minority status of AMU, which has symbolic importance for Muslims.\textsuperscript{109}

\textsuperscript{104} Moin Shakir, Islam in Indian politics, (Ajanta, Delhi, 1983), pp.91-92.
\textsuperscript{105} Hasan Surror, “A Noble Dream Shattered”, the Hindu, December 9, 1992.
\textsuperscript{106} Times of India, October 11, 1993.
\textsuperscript{107} The Supreme Court held that a divorced Muslim woman so long as she has not remarried is a wife for the purpose of S.125 of the Code of Criminal Procedure. The statutory right available to her under this section is unaffected by the provisions of the personal law applicable to her. AIR 1985 SC 945.
\textsuperscript{108} Abdul Mannan (legal advisor to All-Indian Muslim Personal Law Board and President of U.P. Advocates Forum) regards the judgment to be "a direct infringement of the religious practices of Muslims. Indian Express, April 25, 1994.
\textsuperscript{109} This was done through an Amendment to the AMU Act, 1920, in 1981.
Muslim fundamentalists further, demand reservation of seats for Muslims in the Central Government. Ebrahim Sulaiman Sait had suggested that a Ministry of Minority Affairs should be constituted at the Centre.\textsuperscript{110}

Muslim theologians, too, dabble in politics and Imams, Muftis, Maulvis are found to be issuing fatwas in favor of one party or the other. There is also a plethora of Muslim organizations, which from time to time voice communal demands and use emotive issues such as maintenance of Muslim identity and culture for communal mobilization. The Indian Union Muslim League, Jammat-i-Islami, Jamiat-ul-ulama-i-Hind, al-Umma are just a few which may be mentioned in this context. Most of these organizations are revivalist and fundamentalist in outlook. These organizations, particularly, the Muslim League has played an important role in politics. The Muslim League has shared power in Kerala and been allied with CPI (M) and Congress at various times. The rise of militant Muslim organizations, such as the Islamic Sewak Sangh (ISS), may also be mentioned in this context. The ISS, it may be mentioned, was formed in 1998 in response to the Ayodhya dispute along the lines of the RSS.

The Ayodhya dispute, as seen earlier, was the major focus of communal resurgence during the later part of the 1980s. while it were the Hindu fundamentalist organizations which for the most part attempted to arouse consciousness of Hindu identity through the use of the Ram Janambhoomi myth, the Muslim political leaders as much contributed to the divisions arising from this dispute. Counter movements such as All India Babri Masjid Action Committee (BMMCC) were launched which adopted no less aggressive postures on this issue. The demolition of the Masjid led to widespread rioting in which Muslims, no doubt, were the worst affected. Yet Muslim leaders too incited Muslims to violence. For instance, Naib Imam, Ahmed Bukhari, in reaction to the Bombay riots declared, “If the system fails to protect the Muslims, they have every right to defend themselves and hoist black flags from house tops on January 26. Muslims will no longer be silent.”\textsuperscript{111} The AIBMAC even gave a call to Muslims to boycott the Republic Day celebrations in the wake of the demolition. Organizations like Babri Masjid Reconstruction Committee; Quami Mushawarat Committee; and Milli Parliament are formed to propagate fundamentalist concerns.

\textsuperscript{110} Indian Express (editorial), April 26, 1994.
\textsuperscript{111} Indian Express, January 17, 1993
The Mushawarat Committee demands reservations for Muslims and recognition of madrasa education in Universities.\(^\text{112}\)

The aggressive assertion of Muslim fundamentalism is best exemplified by the situation prevailing in Kashmir. Kashmir, once hailed as a beacon of communal harmony, as the “mirror of Indian secularism and composite cultural heritage”\(^\text{113}\) has in the past decade witnessed a violent secessionist movement, involving armed confrontation between militant organizations which swear by ‘azaadi’ and ‘Islamic fundamentalism’, and the Indian armed forces. Fundamentalist groups such as Jamaat-i-Islami, Hizbul Mujaheddin, Jammu and Kashmir Liberation Front (JKLF) are prominent. Mosques are used to preach jehad (holy war). “The current violence in Kashmir valley”, opines C.P. Bhambhri, “is taking place at a time when Hindu-Muslim divide in India is at its peak, and the events in the valley are viewed from Hindu versus Muslim perspective.”\(^\text{114}\)

Muslim communalism is equally perpetuated through the communalization of text-books used in Muslim schools, for these, it is alleged, “foster unscientific, irrational and obscurantist and in many ways communal views.”\(^\text{115}\) Their syllabi are in no way compatible with the modern world. In the name of history, theology is being taught. In a text-book for Class VI, the author says that the Muslims should study history with an Islamic mentality. The evaluation of the book says that kings like Asoka and Kanishka attract special attention because they are represented as being religious.\(^\text{116}\)

The challenges to secularism from the increasing communalization of the two main communities of India are no doubt serious, but no less potent is the threat emerging from attempts to promote communalization among the Sikhs and the Christians.

A demand was raised for a separate Sikh State of Khalistan. During the declare long militancy in Punjab serious attempts were made by the militants to create


\(^{113}\) Hari Jaisingh, Between Dream and Reality: The Indian Paradox, (Allied, New Delhi, 1992), p.86.

\(^{114}\) C.P. Bhambhri, Indian Politics since Independence (Shipra, Delhi, 1994), p.407.


\(^{116}\) Kamalini Sengupta, Secular Democracy Vol. XXIV, No.1, Annual 1995, pp.35-37
a communal wedge between the Hindus and Sikhs by instances such as indiscriminately killing people of a single community, desecration of religious places, etc. emphasis is laid upon the separate identity of the Sikhs. The Akali Dal even objected to the Explanation II to Article 25 of the Constitution of India which says that in sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion. It is further emphasized that Sikhs are being discriminated against and the slogan of the ‘Panth’ in danger is raised every now and then.

Further it is categorically asserted that Sikhism does not entertain any distinction between religion and politics. In fact, the Akal Takht has played a significant role in Akali politics. Very recently the Akal Takht Jathedar acted as a catalyst in unifying the various Akali factions into one Shiromani Akali Dal. At the recently conclude First World Sikh Conference the Akal Takht emerged as the supreme authority of the Sikhs when various Akali leaders pledged to submit to its dictates and recognized its pre-eminence in the community’s affairs. The Conference also declared its firm commitment to a “separate Sikh personal law” and said that the Sikhs would not subscribe to the uniform civil code. It was declared that the Sikhs had their own personal law as embodied in the age honored “reht maryada” (the Sikh way).

Rising communalism amongst the Sikhs has had the impact of increasing revivalism and obscurantism. For instance, the militants had imposed a strict dress code, ‘ordered’ that only Punjabi be used in all official communication in Punjab and even ‘decreed’ that the registration numbers of the vehicles be written in Punjabi. The frequent awarding of religious punishment by the Sikh head priests is also indicative of growing revivalism among the Sikhs. An instance of this is the awarding of

\[117\] Ibid. Sub-clause (b) of clause (2) provides for social welfare and reform or the throwing open of Hindureligious institutions of a public character to all classes and sections of Hindus.

\[118\] The Shiromani Akali Dal was divided into various factions in Punjab. The Akali Dal (Amritsar) was earlier formed by unifying five different Akali Dals-also at the instance of the Akal Takht.

\[119\] The First world Sikh Conference was held at Amritsar from 21 to 25 September, 1995 at Amritsar.

\[120\] Indian Express, September 25, 1995.

\[121\] Ibid.
punishment to Dr. Piar Singh for his research on the Adi Granth, as his views were found objectionable.\footnote{Prem Singh, “Akal Takht and Akali Politics”, secular Democracy, Vol. XXIII, No.3, June 1994, p.47.}

Communal consciousness is not missing even in other communities. Christian communal consciousness may be seen in the efforts at proselytisation. The Christian community, it may be noted, had resisted the Janata Party’s attempts to block proselytisation through legislation.

The emphasis by minority communities on communal issues leads the majority community to present communal to present communal demand of its own. This in turn aggravates minority communalism which leads to a vicious circle of cause and effect and consequently strained relations between the various communities, which greatly hampers the process of secularization. For instance, the Hindu tendency to homogenize religions led to the assertion of Muslim identity by the Muslims. The various ‘yatras’ organized by the Sangh Parivar, the ‘yagyas’ such as the Ramjanambhoomi Mukti Yagna, agitations over the Ramjanambhoomi issue, partisan role of police forces, unemployment and illiteracy all acted as conducive factors for rise of fundamentalism amongst the Muslims. On the other hand, Muslim aggressiveness and emphasis on issues such as separate personal laws, status of Urdu, etc. led to the rise of corresponding fundamentalism among the Hindus. Paradoxically, the majority community, too, seems to have developed a minor complex and is becoming no less conscious of its separate identity. It may be pointed out that communalism is reinforced not merely through the issues which are emphasized by communalists of various hues, but also by the language and context of such demands. The entire process gives rise to competitive communalism between the various communities.

While the majority’s efforts are directed towards achieving political parity with the majority, the latter wants to assert its superiority over the former. What is destructive of the secular fabric is that both are socially and politically reactionary, with the leaders of each community adopting belligerent postures as was evinced in the Shah Bano as well as Ram Janamabhoomi agitations. An overall analysis of both majority and minority communalism, however, reveals certain basic similarities in
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approach, which may be noticeable in the gender bias, in communalization of textbooks, in the anti-reform and anti-progress disposition of each.

Conflict, it may be pointed out, arises not only between the various religious communities, but also within each community, as between Shia and Sunnis, Shaivites and Vaishnavites, Catholics and Protestants, etc. Most prominent in this context, however, is the issue of caste conflict. Asghar Ali Engineer remarks upon the fact that our social structure often gives priority to the caste and community consciousness rather than individual consciousness. The political stricter, on the than individual consciousness. The political structure, on the other hand, makes the individual supreme. This, he says, has the effect of making the political processes caste and community-oriented rather than based on individual rights alone and so “the political processes cannot steer clear of the inherited social structure.”123 The caste system, thus, continues to pose a challenge to secularism in India. Combined with the phenomenon of religion-communal control, the problem gets further enhanced, for here the discrimination is not against members of another religious community, but within the same community and it is the same religion which enjoins the discrimination as well as the submission.148 This also, raises the question whether a uni-religious state would be free of communal conflicts, for the phenomenon of intra-community conflict is as prevalent as inter-community conflict. The phenomenon of intra-community conflict lends credibility to the proposition than even a uni-religious State would not be free from antagonisms and fissiparous tendencies. (The emergence of Bangladesh is an instance of this.)

The present scenario thus is one of communal polarization and conflict. One of the major factors in the strained relations between the various communities, as seen earlier, is the emphasis on separate personal laws. While this has been-referred to earlier, in view of the accentuated debate on this issue in the wake of the Sarla Mudgal verdict and its significance for secularism, it may be valid to discuss the issue separately.

Nowadays, secularism in state laws and politics confronts important challenges difficult to solve. In almost all cases, these challenges deal with the full


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observance of freedom of religion and with the full respect of the role and functions of religious groups.

6.3 Secularism, State and the Political Process

In the context of the increasing challenges to secularism, the State and the political parties have a significant role to play. But the question arises, have that policies contributed towards strengthening of the secular edifice? Or have they in fact reinforced the trends of fundamentalism, fanaticism and revivalism, leading thereby to the enhancement or the compound challenges to the Constitutional ideal? The impact of policies of the State and the political parties on secularism are analyzed in this chapter in order to assess whether these contribute to or detract from secularism.

State Policies

The Constitution ideal of secularism can be actualized only if the State policies are in consonance with it. This implies that those at the helm of State affairs maintain scrupulous neutrality as between different religions or in other words no religious considerations weigh in the formulation of State policies. Such an ideal trend was not fully visible even during Nehru’s Prime Minister Ship, but in the post-Nehru era it is found to be almost completely absent.

The role of the state in increasingly being perceived as leading to the perpetuation of communal tensions and communalization of the political process. State policies, it is argued, are to a great extent responsible for the diabolic trend of increasing fissiparous tendencies, leading, thereby, to an enhancement of multifarious challenges to the Indian constitutional goal of secularism.

The policies adopted by the Indian State reveal a dual nature. On the one hand, lie the secular protestations and proclamations and occasional attempts to counter communalism and, on the other hand, is present a running thread of accommodation, compromise and legitimating of communal forces-from the non-enactment of a uniform civil code to the enactment of the Muslim Women (Protection of Rights on Divorce) Act, 1986, and opening of the locks on the Babri Masjid, to the banning of ‘Satanic Verses’. State policies oscillate between the various communities, now favoring one, now another. Such policies which ostensibly favor one community or the other constitute a serious challenge to secularism. Significantly, this favoritism
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does not help in progress, but rather has the retrogressive effect of keeping such a favored community backward from the viewpoint of modernization and secularism.\textsuperscript{124}

The Constitution of India, as seen earlier, is secular in its aims and aspirations. Some of the actions of the State which may be regarded as conducive to Secularism may be seen in the enactment of the Untouchability Offences Act, 1955,\textsuperscript{125} Atrocities Act,\textsuperscript{126} permitting the entry of untouchables into temples, the insertion of the term secular in the Constitution by the 42\textsuperscript{nd} Amendment. The Places of Worship (Special Provisions) Act was enacted in 1991, which prohibited the change of a place of worship from one religion to that of another with August 15, 1947 as the cut-off date. The Babri Masjid was an exception. An attempt was made through the 80\textsuperscript{th} Amendment Bill to the Constitution and the Representation of People (Amendment) Bill, 1993, to separate religion and politics statutorily.\textsuperscript{127} This raised a strong controversy, for the Bills were vehemently criticized\textsuperscript{128} even by the Communists and the Amendment had to be shelved. The Rapid Action Force was also constituted to be an effective instrument to quell communal riots.

An overall analysis of the policies of the Indian State, however, reveals that these varied according to the political situation, leading the ruling party to compromise at times with communal forces and to play the Hindu or the Muslim card as the circumstances demand.

**Political Parties and the Electoral Process**

The various political parties choose to operate within communal categories, failing thus to give adequate ideological grounds for gaining voter support. This trend is not limited to religion and community-based organizations like the BJP and the Muslim League. Even supposedly ‘secular’ parties follow a communal approach under the veneer of secularism and make covert use of religion for political purposes. The electoral process has clearly seen a shift from the primacy of socio-economic forces to the primacy of communal and chauvinistic ones and the last two elections (1996 and 1998) in particular, witnessed the predominance of religious appeal over

\textsuperscript{124} Dr. G.P Tripati Constitutional Law New challenges. First edition.2013
\textsuperscript{125} It is now called the Protection of Civil Rights Act, 1955, after its amendment in 1976.
\textsuperscript{126} The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
\textsuperscript{127} The bills provided for banning of a party, if it sought to promote hatred, enmity or ill will on grounds of religion, caste and the like. It covered sitting MP’s and MLA’s as well. The Representation of People (Amendment) Bill sought to stop registration of a party bearing a religious name.
\textsuperscript{128} M.N. Buch, “A Threat to Democracy”, Indian Express, September 17, 1993.
secular appeal. The continuance of traditional loyalties of caste and community on the part of the voters plays an important role in communalization of the electoral process and enabling the use of religion for political purposes.

Significantly, the religion of the majority in a constituency has an important impact on the choice of a candidate for a particular constituency. It is not merely the rightist parties which follow this trend, but even the centrist and leftist parties as much resort to such electoral calculations. In fact, most political parties are only too willing to get support from religious heads, be they sadhus, Imams or Muftis during elections. At the same time secularism occupies a significant place in the election manifestoes of all parties, be it Congress, the Janata Dal or the BJP.

The Congress, as seen in the previous section, as the ruling party at the Center has not exactly been a doyen of secularism. Regarding policies pursued by it, Madhu Dandavate aptly remarks, “And so in a style typical of George Orwell’s Animal Farm the ruling Congress party’s commitment to secularism is: “We believe in secularism except under extraordinary conditions dictated by political interest.” From the 1980s shift in its orientation from the values of secularism and socialism to the rightist ideology is noticeable. Its dual approach to secularism in indicated in its criticism of the BJP for demanding a Hindu state on the one hand, while on the other, promising a Christian Government in Mizoram. It may also be mentioned that in the 1991 elections, the Congress, the BJP and IUML had common candidates in two constituencies in Kerala. Sonia Gandhi, however, while campaigning for the Congress during the 1998 elections apologized for the demolition of the Babri Masjid. In this context, Najma Heptullah (Congres Spokesperson) declared, “Actually, wherever there was an aberration which reflected on our ideology, we are apologizing for it.”

Likewise the National Front too has been compromising with communal forces. For instance, in its 1991 election manifesto, it promised job reservation for minorities, exemption of waqf properties and other religious endowments from the Rent Control Act. V.P. Singh even discussed welfare measures for minorities with the Shahi Imam. This is clearly indicative of communal-electoral politics. The Janata Dal, a major constituent of the National Front tries to ride two boasst at the same time.

130 Indian Express, May 7, 1993.
On the one hand, it projects a secularism image and on the other its members, continue to raise outrageously communal demands. Significantly, Syed Shahabuddin spearheaded the agitation in the wake of the Shah Bano verdict. A Janata Dal member of the Rajya Sabha, Mohammad Afzal, even declared on the floor of the House that an Ahmediya could not become the Vice-Chancellor of a Muslim University, as Ahmediyas were not Muslims.\textsuperscript{133} The Janata Dal has also expressed itself against the uniform civil code on the ground that it was not necessary at the moment.\textsuperscript{134}

The Communist parties too, have often allied with communal organizations. In Kerala, the Congress, the CPI and the CPE (M) have all had alliances, with the Muslim League at various times. In 1967 in Punjab, the CPI, Akali Dal and the Jana Sangh had formed a coalition Government. Again in 1669, the communists in Bihar, Uttar Pradesh and Punjab joined hands with the Jana Sangh under the banner of Samyukta Vidhayak Dal.\textsuperscript{135} Apart from this, they have not hesitated to use religion for Electoral and political gains. E.M.S. Namboodripad (CPM), when he was the Chief Minister, especially carved out a Muslim majority district of Mallapuram in Kerala.\textsuperscript{136} Such manipulation of religion when seen in the Communist movement, seems to make a hoax of the communist ideology. Ironically two communist legislators in Bihar are reported to have become Shankaracharyas.\textsuperscript{137} The CPM-led Kerala Government also piloted the Kerala Hindu Religious and Charitable Institutions and Endowments Bill, 1997 which seeks to create a third Devaswom Board to administer temples in Malabar and a Devaswom Board to administer temples in Malabar and a Devaswom Apex Board to supervise the administration of the three boards.\textsuperscript{138}

This trend of using religion for electoral gains was taken to extreme limits by the BJP\textsuperscript{139} and its allies. The Ayodhya issue has been encased for votes. After the passing of the Palampur resolution on Ayodhya on June 11, 1989, Advani is reported

\textsuperscript{133} Ibid., p.7.
\textsuperscript{135} K.N. Panikkar, (ed.), Communalism in India: History, politics and Culture, (Manohar, New Delhi, 1991), pp.135-
\textsuperscript{136} The Tribune, February 15, 1998.
\textsuperscript{138} The Tribune, February 15, 1998
\textsuperscript{139} The Tribene, April 15, 1991.
to have said that ‘I am sure it will translate into votes’. The BJP has thus used the issue of restoration of temples destroyed during the medieval period or communal mobilization. Religious symbols such as trishuls and also rath yatras are used as mobilization strategy. The blatant use of religious symbols for electoral purposes also resulted in the Bombay High Court setting aside the elections to the Legislative Assembly of one BJP MLA and two Shiv Sena MLA’s under Section 123(3) and (3A) of the Representation people Act. Yashwant prabhu election was also set aside by of the Supreme Court for using religion under this Act. Bal Thackeray, who shared the stage with him was also indicated by the Court.

It is noteworthy that till 1989, the BJP’s representation in the Lok Sabha has been negligible. In 1984, BJP managed to get only two seats in the Lok Sabha. But in the elections that followed a major shift is seen and the BJP emerged in the 1989 elections with 86 seats and in 1991 with 117 seats in the 11th and 12th Lock Sabha it emerged as the single largest party in the both the 11th and 12th Lock Sabha elections and managed to form a Government both times, (although the first time it was not able to stay in power beyond a fortnight). Incidentally, the Sena-BJP government in Maharatra has agreed to introduce reservations for Other Backward Classes (OBC’s) and Muslims as per the Mandal Commission recommendations. The exigencies of power politics thus compel not only centrist parties, but even the BJP to woo the minorities. On May 17, 1998, BJP convened a State level conference of minorities in Mysore, honored nuclear scientist Abdul Kalam as the “quintessential new Muslim”, as well as called for selective implementation of the Goodawala and Rahman Khan Commission’s recommendations which sought to improve the lot of the minorities in the State. This amply illustrates the fact that the anti-Muslim strategy is also merely a political device. Dilution of its Hindutva agenda shows that the compulsions of power politics are as much prevalent in the BJP as in other parties and the exigencies

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141 Indian Express, June 21, 1995.
143 Indian Express, January 11, 1998.
146 For instance, the janadesh yatra of September 1993 aimed at mobilizing public opinion against the proposed anti-religion bills. Mention may also be made of the 59 days nationwide swarna jayanti (Golden jubilee) Rath Yatra by Advani to commemorate the Golden jubilee of India’s independence.
147 The Tribune, April 27, 1991.
of power politics compelled the dilution of its agenda. However, its ally, the VHP, is reported to be getting the temple constructed in parts in workshops in Ayodhya (U.P.) and Pindwara (Rajasthan) which will be assembled at the Janambhoomi site. Liberation of Kashi and Mathura temples too continues to be on its agenda. The VHP also aims to “protect the moral fiber of the bureaucracy” through a “Bharat Gaurav Sanstha” to counter subversive activity in the Bureaucracy.”

Not only the national political parties, but the regional parties as much follow this trend. One regional party which specifically deserves mention in this context is the Akali Dal. The mobilization strategy of the Akali Dal is based on religious grounds using religious appeals and symbols. The Akal Takht is a major force behind the Akali Dal. Significantly the various factions of the Akali Dal have united at the instance of the Akal Takht. The recently concluded World Sikh Conference too emphasized the supremacy of the Akal Takht. In the elections to the Delhi Sikh Gurudwara Management Committee, the Shiromani Akali Dal, in its manifesto, committed itself to maintaining politics and religion as inseparable entities. It would be pertinent to point out that a move had been made in the Constituent Assembly to outlaw political organizations formed on religious basis. It may also be pointed out that under the Representation of the People (Amendment) Act, the Election Commission of India directed the various political parties to seek registration with it by amending their Constitutions and accepting the principles of secularism, socialism and democracy.

Significantly, all the parties lay emphasis on their secular credentials, even while using religion for electoral and political purpose. This may be seen in the emphasis on positive secularism by the BJP, the emphasis on minority rights by the Janata Dal and the repeated emphasis on secularism by the Congress in its manifestoes and resolutions passed from time to time. In this regard, it may be further mentioned that the Left Parties, Janata Dal, Samajwadi Parties and their front

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150 India Today, March 16, 1988
151 Indian Express, July 13, 1995.
152 Indian Express, May 12, 1998
153 Indian Express, May 12, 1998
organizations had mooted the idea of a secular front to combat communal forces after
the demolition of the Babri Masjid in December 1992, but it did not materialize.
Laloo Prasad Yadav and Mulayam Singh Yadav floated a Rashtriya Loktantrik
Morch with are stated objective of fighting the communal forces in the country.154
Shankersinh Vaghela (RJP) wants to form a con front the fascist forces which are out
to rip apart the country’s democratic fabric once and for all.”155 Such fronts formed
for political expediency seem to undermine the very basis of the ideology of
secularism. Nonetheless, the various national political parties have conferred
legitimacy on the communal parties by allying with them.156

Obviously, the electoral process has further enhanced caste, communal and
ethnic identities as well as institutionalized the use of money and violence. This has
resulted in such identities becoming merely factors in the electoral calculus and in
retarding the process of secularization because, as Achin Vanaik observes, “electoral
politics follows the path of least resistance, encouraging mobilization on the basis of
existing identities and beliefs.157 Electoral politics further enables the exploitation of
the existing divisions and dissensions. All this tends to have a circular impact, with
communalism effecting electoral politics and the latter enhancing the former, thus
imperiling secularism.

Clearly then, the challenges to secularism emanate of the one hand from
communalism and the divisive and fissiparous tendencies engendered by it. One the
other hand, it may be legitimately asserted that the policies adopted by the State have
not been able to effectively counter communalism, nor has the State been able to act
as an agent of secularization. At the same time, religion has been used as a factor in
the “electoral calculus” by the various political parties.

The challenges to secularism and the secular status of India are thus many and
varied, ranging from an attack on the concept itself, to it’s an applicability and
acceptability in the Indian situation. The question remains, can India transcend these
challenges and liberate herself from the shackles of communalism, casteism,

155 Incidentally R.N.Shing (Personal interview) maintains that the Akali Dal is secualar, because
there are no religious qualifications on membership.
156 Ibid
superstitions, irrationalism, obscurantism, etc. thus emerging triumphantly as a State ‘where the mind is without fear, and the head is held high. . . ?

6.4 Communal Violence From 2012-2014

Union Home Minister Sushil Kumar Shinde and the Director of IB Syed Asif Ibrahim in the recent conference of DGPs of all states highlighted that some mechanism should be worked out for early warnings of communal riots and riots should be prevented before it occurs. Sadly, police have been ignoring early warnings, in fact writing on walls and do too little too late. The year 2013 was worse than 2012 from the standpoint of communal violence. According to the Home Ministry data released in the National Integration Council meeting, 107 people were killed in communal riots across the country, which includes 66 Muslims and 41 Hindus in 479 incidents of communal violence this year. Apart from those killed, 1,697 people including 794 Hindus, 703 Muslims and 200 policemen were injured. Bihar saw 40 communal disturbances, 25 incidents of tension-like situation and recorded nine deaths - five Hindus and four Muslims. Among the injured, 123 were Hindus, 66 Muslims and 19 police officials. After the Home Ministry data was released, The Inquilab daily reported another riot on 28-12-13 in Chikmaglur (Karnataka) in which 31 people were injured, including two police personnel.

Gujarat reported 6 deaths (3 Muslims and 3 Hindus,) 147 injured (85 Hindus, 57 Muslims and 5 policemen) in 64 incidents of communal violence this year (up from 5 deaths and 500 injured last year). Incidents wise, Gujarat is next only to UP, while number of people killed in communal violence in Bihar is higher than Gujarat.

UP recorded the highest casualties until October 2013 at 62 deaths, of which 42 victims were Muslims and 20 Hindus in 93 riots and 108 incidents of communal tension (TOI dated. 14.12.13 reports 95 deaths in UP in 500 incidents). Communal conflict in Muzaffarnagar alone witnessed 53 deaths. A total of 219 Muslims and 134 Hindus were injured. According to in Muzaffarnaga\textsuperscript{158} riots 62 people died – 46 Muslims and 16 Hindus.

In 2012, the country had witnessed 93 deaths - 48 Muslims, 44 Hindus and one police official – in 640 incidents of communal violence. 2,067 people were injured, including 1,010 Hindus, 787 Muslims, 222 police officials and 48 others. Though the number of communal incidents reduced from 640 in 2012 to 479, the

\textsuperscript{158} Indian Express dated 18-10-13
number of deaths increased from 93 to 107. In the year 2012 also, UP had recorded the highest number of deaths (39) in 117 incidents of communal violence, in which 20 Hindus and 19 Muslims were killed. Among the injured, 266 were Hindus, 197 Muslims and 25 police officials. This shows that with fewer incidents, and less spread out riots, the rioters were more angry or better armed and organized, or both.

The other factor behind higher fatality of riots is the approaching Lok Sabha elections in 2014 and mobilization of voters along caste and communal lines. Narendra Modi, the prime ministerial candidate of the BJP, got his trusted lieutenant Amit Shah appointed as in-charge of UP State. Amit Shah soon visited the site of demolished Babri Masjid and prayed for construction of Ramjanmabhoomi Temple – revisiting the communal agenda of construction of Ram temple with the intention of communal polarization ahead of general elections. The Sangh Parivar next tried to promote communal polarization by organizing chauryasi kosi parikrama of Ayodhya, something that is not even a tradition, and timing wise, the only justification would be forthcoming elections. For over a year, the Sangh Parivar stigmatized love between a Muslim boy and a Hindu girl as “love jihad”. Unsubstantiated allegations of love jihad – a figment of imagination of course – is supposed to mean that every love of a Hindu girl by a Muslim boy is a conspiracy for which the Muslim boy receives a handsome amount and the Hindu girl suffers. The reverse – love between a Muslim girl and a Hindu boy – of course is not a conspiracy because Hindu boys are supposed to be only virtuous. Baseless and in fact obnoxious propaganda was carried out through leaflets. The written word in large sections of Indian society is unfortunately considered as proof. Muslims as a community therefore appear as bundle of evil lot, even when some of them are not terrorists.

Relentless campaign was carried on regarding “illegal immigration from Bangladesh” and practically the whole Bengali speaking Muslim community in Assam State, Delhi, Mumbai and other places was branded as illegal Bangladeshis. In addition to AASU, the Bodo leaders in Bodoland areas are also now accusing their neighbours since generations to be illegal Bangladeshis. Anti-cow slaughter campaigns have been used very effectively in Gujarat, MP, Chhattisgarh, Rajasthan, Haryana, and to some extent, in Maharashtra. Sangh Parivar linked vigilante having links with police personnel regularly stop cattle being transported and whenever either the driver or owner of the vehicle, or the owner of the cattle is a Muslim, then hefty
bribes are asked for and on refusal, the cattle is ceased calling in the police, the Muslim owner or driver beaten up. Media contacts publicising the event as Muslims were illegally taking cows slaughter house. Regular news of Muslims illegally slaughtering cow, a religiously revered animal makes them object of hatred. These issues are in addition to traditional propaganda like “all terrorists are Muslims”, “Muslims are loyal to Pakistan”, “Muslim population is growing at an alarming rate due to polygamy and they would soon be a majority in the country” etc. This continuous propaganda and mobilization around the above issues contributed towards higher fatality during communal riots. The riots also appear to be better planned and rioters better armed as compared to 2012. The culpability of the Sangh Parivar is clear from the fact that in Bihar, there were 17 incidents of communal violence in 4 weeks after breakup of the alliance with the BJP and 24 incidents 6 weeks after the break up.

In the year 2013, the Sangh Parivar used both methods to polarize communally – shock and awe, as well as low intensity conflicts. The examples of shock and awe seem to Muzaffarnagar and Kishtwar where as the others, as we shall see below were low intensity, particularly in MP and Gujarat. In UP, students of Darul Uloom Deoband and Nadwatul Ulama were regularly attacked while travelling in train or outside their campus during the entire year with Urdu press carrying the reports, besides Indian Express dtd 9/9/2013. This year, restaurants became additional sites of conflict – in Dhule, Jalgaon (Maharashtra) and Nawada (Bihar). Social media was used ‘effectively’ in addition to rumours to mobilize the rioting mob on streets. Sangeet Some, BJP MLA was arrested and charged for circulating a fake MMS purportedly depicting Muslims beating up Sachin and Gaurav who later died. The video clip was actually pertaining to an incident in Pakistan. The video clip was widely circulated through WhatsApp and MMS. Without any doubt, the circulation of the video clip added towards large mobilization of Jats in their Mahapanchayat and the brutality that was witnessed during Muzaffarnagar riots, which included the brutal sexual assaults. A woman was dismembered into two and a ten year old’s head was smashed and 13 of the 53 bodies on which post mortem was carried on were beyond recognition. Maximum charred bodies came from Phugana\(^{159}\) After Gujarat in 2002, this appears to the first time when sexual assaults were used with brutality as a weapon.

Women’s organizations visiting Muzaffarnagar reported several incidents of rape; however, the women assaulted were not ready to complaint. A team with Farah Nazqvi and several other members that visited relief camps in Muzaffarnagar and other riot affected areas reported “The team heard accounts of sexual assault on women of varying degrees of brutality – from tearing clothes to rape and gang rape. We gathered first-person testimonies from two young women who spoke with great difficulty and trauma about gang rape being committed on them. Several girls spoke of their clothes being torn off. These were difficult testimonies to elicit, for the women were frightened and spoke about ‘their honour’ and ‘family honour’ and, at this stage, no one we met wants to go public or pursue a legal criminal case of sexual violence. We heard reports that many families had sent young girls who were assaulted away to relatives’ homes. They did not want them to be in the camp, or for the stories to spread. There is an urgent need for women’s rights activists to spend time in these camps and help create an environment of trust and security in which women may be able to speak freely and seek help, justice and restitution.”

The other very disturbing pattern was the spread of communal polarization to rural areas in Muzaffarnagar. The Jats and Muslims, largely from backward castes share the same culture and speak the same dialect. They shared strong bonds of harmony for ages and fought with unity against the Britishers right from the first war of Independence. The backward class Muslims in Western UP did not respond enthusiastically to the Pakistan movement. Sir Syed too was not enthusiastic to spread his Aligarh Movement for education of Muslims among this class of Muslims. The campaign on love jihad stigmatizing Muslims and the bahu beti bachao (save daughter-in-law and daughter) campaign persuaded Jats, who maintain strict control over their women, to believe that their women are under threat from the predating Muslims. It is ironic that the khap panchayats (caste based organizations that strictly enforce marital relations) known for maintaining strict control over women in the family and resort to honour killing of their daughters should name their campaign as bahu beti bachao muhim. These campaigns, nevertheless, “succeeded” in creating anti-Muslim consciousness. Scores minor incidents and skirmishes took place between the Jats and Muslims over teasing women, a common incident in patriarchal and feudal society. The incidents in which Shahnawaz was killed by Sachin and Gaurav also emanated from the allegation of teasing their sister and then, Sachin and
Gaurav were killed. This enabled the BJP to hijack the Jat Mahapanchayat which metamorphosed into Hindu Mahapanchayat. The spread of riots in 4 districts in rural areas is devastating new trend. The displaced Muslims are still not able to return to their villages.

Seven people were killed in police firing (7 in Dhule – all Muslims) and one died in Tonk (Rajasthan) due to injuries sustained when police in entered mosque and subjected namazis to baton charge. Several policemen were also injured in line of their duty. The police were able to contain and prevent only a few riots while they were either mute spectators or participants in the rest. In Dhule and Tonk, the casualties were solely due to police rather than rioters and victims of police brutality in both the cases were Muslims.

The theatre of communal violence was in Maharashtra, Gujarat, MP, UP, Bihar, Rajasthan, J&K, Karnataka and Assam i.e. mainly West and North.

**State wise incidents of communal violence: Maharashtra:**

In Maharashtra, 11 people were killed and 271 injured in 64 incidents of communal violence until October this year. Seven of the 11 killed were from the minority community. Of the injured, 101 were Hindus, 106 Muslims and 64 police officials (figures given by the Central Govt. during the National Integration Council meeting).

The communal violence in 2013 started with **Dhule in Maharashtra**. On 6th January 2013, a Muslim auto driver had an argument with Kishore Wagh, owner of a restaurant in Madhavpur near Machchi bazaar in the heart of Dhule over non-payment of a Rs 30 bill. Wagh hit the driver on his face with a ladle. Bleeding profusely, auto driver went to the police chowki, 100 yards away, but they turn him away. The driver returned with a dozen or so youth, only to find that the crowd near the restaurant had also swelled. Stone pelting began from both sides. The police *chowki*, like a kiosk, was in the middle. The constables ran away. The Muslim mob pulled out the furniture and papers from the chowki, made a pile on the road and
set fire to it. Police arrived and their fire was directed only on the Muslims. Six Muslims were shot dead and more than 229 people, including 113 policemen, were injured. Four of them, including a minor, were shot in the back, while one received a bullet in his neck. Muslim houses and shops, within a stone's throw from the police formation, were looted and gutted almost under police supervision.

A Maharashtra Police report on the January 6 Dhule riots in the state indicted cops of firing "in excess" and without following the procedures. Six policemen were arrested on February 8 and two have been suspended based on the report, which states that the suspended policemen looted and vandalised property in the area.

On 5th February 2013 at 5.30 pm there was tension following communal clashes in Lonar town in Buldhana district. The District is known for its hot water spring in. One person from Majority community died while being treated in hospital. Spread of riots was prevented by combing operations and increasing police reinforcements. Five people were arrested.160

On 13-6-2013, curfew was imposed in Saudagaon (Raver Tehsil, Jalgaon Dist.) following clashes between two communities during which shops and vehicles were scorched. 7 persons were injured in the clashes. A small dispute in a hotel turned into heated arguments and soon members of the two groups pulled out sharp weapons and resorted to stoning each other. Police arrested 20 people.161

On 18/8/13 there were communal clashes in Mumbai over collection of donation for Ganeshotsav in Agripada area. Shiv Sainiks insisted on contribution of a certain amount for the festival from a Muslim vendor who expressed his inability due to poor business. This led to clashes. Two policemen were injured while trying to control the situation.

Rajasthan:

160 Sahafat Daily dated. 7/2/ 201).
161 Sahafat, 14-6-2013
Communal riots broke out in Sawa village, a Muslim majority village in Chittorgarh, on 28/6/2013 following a road accident in which one person was crushed to death by a dumper. Large crowd gathered after the incident and burnt the dumper and demanded compensation. There are many China clay mines in the region and their dumpers ply regularly through Sawa village on its way to Gujarat. The rash driving by dumper drivers led to pent up anger among the residents. The mine owners mobilized their forces and burnt shops in the village. 22 persons from minority community, including sarpanch of the village and 12 persons from majority community were arrested. One person was injured in police firing.

On 11 July 2013 when Muslims of Tonk City were offering Maghrib Salat (Prayer after sunset) at the Chhawni Jama Masjid, a Baraat procession came from the nearby ‘Keer’ Hindu locality playing D.J. in loud voice and stayed a bit longer in front of the mosque. Some people requested the Keers not to play the D.J. in front of the mosque. A heated argument took place which soon turned into conflict and then stone pelting from both sides began. The police came and controlled the situation.

On 12 July 2013, as the Muslims gathered at the Chhawni Jama Masjid in order to offer special Friday (Juma’) prayers, huge Police force was deployed along with RAC and STF personnel. The Juma’ prayers went peacefully and people came out of the mosque. According to the eye witnesses, all was peaceful and under control and the people were heading towards their homes. All of a sudden, allegedly without any provocation, about 150 policemen (including RAC and STF) stormed into the mosque breaking the back door of the adjacent Madrasa and instantaneously fired a number of tear gas shells straight on the people offering Namaz in the mosque.

One of the shells hit a youth Nasir in his face, who died on the spot and another injured critically. Then the police resorted to ‘lathi charge’ and started beating everyone irrespective of their age. Even a Muslim police officer, who was praying at the mosque, was also thrashed by the STF. Even the Imam of the Jama’ Masjid was not spared. About 80 people were injured and two died. The person died other than Nasir could not be recognized, as the police took him away in very serious condition and he didn’t belong to Tonk.

In the previous article, we examined the trends in riots and the all India statistics of communal riots provided by the Union Govt. We also described some of
the communal riots in Maharashtra and Rajasthan. In this research, we now propose to describe some riots in J&K, UP, MP, Bihar, Karnataka an Assam.

**Kishtwar, J&K**

On 9th August after the Eid-ul Fitr prayers, there was sudden stone pelting. There are two versions of the incident. After the Eid prayers, the dispersing gathering was greeted with provocative posters depicting hanging of Afzal Guru and Maqbool Butt. The other version says that the dispersing mob was shouting anti-India slogans, which infuriated the sentiments leading to stone pelting. The latter version seems hardly credible as Muslims in Jammu hardly identify with Kashmir nationalists for self-determination. 3 persons died during the riots and 80 were injured in Hidyal village. Among the dead was Arvind Kumar Bhagat (23 yrs) who succumbed to bullet injuries – Hindus claim in private firing while Muslims claim it is from police firing. Bashar Ahmad Mochi was beaten by a mob and later burnt alive. Curfew was imposed in 8 districts of Jammu region. Kishtwar has a delicate demography with Hindus constituting 45% and Muslims 55% and known for its saffire mines and saffron. Minister of State for Home Sajjad Kitchloo, who hails from the district, alleged that preparations for riots were being done at least since a month and armed mob was planning to attack minorities. Home Minister P. Chidambaram made a statement in Parliament blaming Bajrang Dal for stoking communal fire. The role of Village Defence Committee members who have been provided with fire arms was also brought into sharp focus during the riots. Most of the VDC members are Hindus. At the centre of the Kishtwar communal clashes is vote-bank rather than separatist politics, a sustained effort at polarisation that explains how a small fight escalated into frenzy so suddenly. The BJP tried to politicize the unfortunate incident by sending Aaron Jaitley to the spot and chose this incident from among hundreds in Jammu and Kashmir where people have been killed and properties destroyed. The only time when BJP sought to increase the compensation amount paid to riot victims was for the Kishtwar riot victims. Kishtwar was known for cordial relations between the two

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communities. Two agitations had strengthened the bond – a joint struggle for carving out a separate district for Kishtwar, and one for a separate degree college.

Before the militancy years, the BJP polled a mere 1,066 votes in 1983 and 3,309 in 1987 against Bashir Kitchloo's 18,044. In 1996, when the BJP made militancy a poll issue, its candidate came second with 10,900 votes to the senior Kitchloo's 17,889. But in the last election, in 2008, the BJP's Sunil Kumar (16,783 votes) ran Kitchloo (19,248) close, while the PDP, contesting for the first time, polled 10,403 votes to be number three. The BJP had managed to consolidate the Hindu vote and Kitchloo would have lost but for the SC votes. Sunil Kumar, incidentally, had been working with security agencies in counter-militancy for almost 10 years before joining politics.

**UP**

On 12-7-13 the Saffron Brigade objected to Namaz being performed on streets in Meerut during the month of Ramzan. There was tension between both the communities, however, police force was deployed and escalation of the tension into violence was prevented.

On 26/7/13, 1 died and a dozen were injured in Nanglamal village near Meerut in communal violence. The conflict was over use of loudspeaker outside a temple situated near a mosque. However, elders from both the community intervened and sorted out the matter amicably. An Iftaar party was going on when some persons under the influence of liquor started abusing and this escalated into violent clash. During the clashes, bullets were fired and the police had to resort to baton charge. One Sunil died of bullet injury and Shahid was hospitalized. The Muslim residents of the village accused that the police entered their houses and destroyed the furniture and belongings and beat up people.\(^{162}\)

\(^{162}\) Sunday Express 28/7/13.
On 16/8/13, 2 people, including one woman were injured in stone pelting involving both the communities. The fight was over approach way to Kabristan land in Modi Mira village in Meerut Dist.163

Majority of incidents in UP took place on September 7 and 8. Total 128 incidents of communal violence took place between 27th August and 16th September. 50,000 people were displaced and staying in appalling conditions in Muzaffarnagar. The state govt. did little to provide for relief camps, even though paying lip services. At least 40 kids died in the relief camps for lack of medical facilities, facing severe winter in tents without adequate number of blankets164 till 6th October, 46 Muslims and 16 Hindus were killed. 57 Muslims and 11 Hindus were injured in the Muzaffarnagar Riots. According to the official figures.165 Till October 13, 352 FIRs have been registered and 1,068 persons booked for incidents in 5 districts – Muzaffarnagar, Shamli, Meerut, Baghpat and Saharanpur. 243 persons have been arrested, majority being from Hindu community. 17,000 persons are still living in Relief camps. The BJP MLA from Saradha, Meerut – Sangeet Som was booked under the National Security Act, but soon released by the Advisory Board as the case was not made full proof either by collusion or due to negligence. BJP later publicly felicitated the MLAs and other accused from their party after their release on bail encouraging the riot leaders. The role of police in the Muzaffarnagar riots was one of gross negligence of their duty. Political interference in policing made the situation worst. The Director General of Police admitted to inefficiency of the police force.166

The police could have intervened when campaign against “love jihad” was ongoing to stigmatize the Muslim community. Small incidents were used to create anti-Muslim consciousness. They didn’t. Police arrested several Muslims for murder of Sachin and Gaurav. However, sting operations revealed that the accused were released by the police on the Azam Khan’s intervention. Then in violation of orders prohibiting assembly, Muslim community was mobilized in which MPs from BSP as well as SP were present and the SP himself received the memorandum from the leaders of unlawful assembly. BJP then found it convenient to mobilize Jats calling for a mahapanchayat. The Jats gathered in thousands with arms and some even kidnapped

163 Sahafat 18/8/13.
164 Indian Express dated. 3/12/13.
165 Indian Express 18/10/13
166 Times of India dated. 25/9/13
Muslims along the way. The armed participants passed through the police posts and pickets and nobody stopped them, even though the mahapanchayat there were prohibitory orders banning assembly. No attempt was made to enforce the ban, even though the anger of the crowd assembling with arms was not hidden from anybody. Provocative speeches were made and then riots started with the mob attacking Muslim villages as they were returning. Police miserably failed in reaching the trouble spots to control the riots, except in few cases.

Muslim miscreants waylaid a tractor of Jats returning to their village into nearby cane fields and killed them. In other villages where Muslims were in majority, Hindus were attacked. Sarpanch of Kharad village saved lives of 150 Muslims by giving protection to them in his house.

Some riot survivors were offered compensation of Rs.5 lakhs if they submitted an affidavit to the effect that they would not return to their villages and the state government issued a notification to that effect. Such a notification was hitherto unheard of, and is unsustainable constitutionally. Article 19 gives right to settle anywhere and the executive does not have a right to “purchase” from the citizen their right to settle in their villages. The Government finished the unfinished task of the rioters of throwing them out of the villages by ensuring through affidavit that they did not want to return. If anybody wanted proof of collusion between the BJP and the Samajwadi Party, here it was.

The Samajwadi Party seems to be in collusion with the BJP as both the parties calculated their gains in Western UP. However, for the Samajwadi Party, the violence escalated beyond its calculation and now more likely to harm their interests as Muslims is already moving away from the Samajwadi Party. Western UP and particularly the affected districts is stronghold of Rashtriya Lok Dal headed by Ajit Singh. Charan Singh consolidated Jat Muslim votes and created a strong base for his party. Communal polarization would weaken Ajit Singh’s Party as Jat votes would be chipped away by BJP and by providing some compensation; Samajwadi Party hoped to strengthen its Muslim base. Such cool calculations over human tragedy seem to be unfortunate but a reality. When the SP could prevent 84 kosi parikrama, they definitely could have prevented the Jat mahapanchayat too! Not doing so was criminal collusion on part of the SP and it must take primary blame for the Muzaffarnagar riots along with the BJP.
On 20/8/13, 45, including 30 policemen were injured in communal violence in stone pelting incident in Chandan Nagar Thana in Indore. Fight began over the result of a cricket match and carcass of an animal found near a temple, which turned into a slogan shouting by Sangh Parivar connected people. Shops were damaged and 100 vehicles were set to fire and two policemen were critically injured.

On 19/9/13, Communal violence started in Chhipabad of Harda district caused huge losses to several residential properties and injuring 22 people, but the major impact seems to be on the psyche of the victims, especially women and children. Miscreants from Bajrang Dal destroyed even food grains inside the homes of Muslims. Several homes were torched using petrol from a nearby pump. 60-70 children stopped going to school and caused psychological problems to a person. A mob had entered school asking children of Muslim community be handed over to them. The authorities had locked these students up safely and told the mob that they had returned home. A fact-finding team led by L S Herdenia demanded immediate arrest of Surendra Rajpurohit alias Tiger, who allegedly was the main inciter of the violence and investigation into the role of the son of a local BJP MLA and to book all those guilty. The violence occurred over a Muslim hitting a cow and the rumours of death of the cow spread like wild fire with active participation of Saffron Brigade. Police were mute spectators to the entire incident. It is ironic that human beings think they should violently attack others in retaliation for death of a cow!

Bihar
On 9th August, a Nagpanchami procession in Bettiah turned violent. There was stone pelting and vehicles of Dist. Magistrate and the SP were burnt. Curfew was imposed. The procession had political sub-text and provocative political slogans were being shouted against political leaders like the Bihar Chief Minister, the Prime Minister and Sonia Gandhi. This is aftermath of separation of JD (U) from the NDA. Lathi wielding men of Mahabir Akahada were leading the procession of tractors and carrying political placards.\(^{167}\)

Nawada witnessed bloody violence for over 48 hours between groups of two communities leading to death of two persons. The communal clashes started here on August 10, a day after Eid, when some Muslim youths objected to the presence of burqa-clad Muslim girls at Baba ka Dhaba, owned by a Hindu, on the outskirts of the Nawada town. The youths attacked the dhaba and damaged the furniture. Some of the youths were captured by the people of the majority community who had gathered there by then. Then a bigger group of minority people reached the dhaba to secure release of the captured youths, and this resulted into clashes and arson at large scale. A big mob of the majority community, armed with firearms, came up from the Bundelkhand locality and attacked on Moghlakhar locality dominated by the minority community. In fierce stone pelting on either side several people were wounded. During the clashes, gunshots were fired from the majority community resulting in the death of one Md. Iqbal. The clashes and gunfire happened in the presence of the police and the site of the violence was at stone’s throw from the police station. Soon after the incident, the district administration clamped curfew in areas that fall under police stations of Nawada town, Mufassil and Sadar. Five were injured during the riots.

Locals said the curfew has virtually imprisoned the minority areas and taking benefit of that, shops of minority community were looted and burnt in majority areas. Several shops of Muslims were burned down and when the police were trying to control the rampaging mob, one majority youth tried to snatch the gun of a policeman, forcing the police to open fire leading to death of the youth from the majority community. Nawada riots were the sixth communal riot in Bihar since chief minister Nitish Kumar parted ways with the BJP in July.

\(^{167}\) The Hindu, 15/8/13.
Karnataka

31 people, including two police personnel were injured in communal violence in Chikmaglur on Saturday, 28th December 2013. The police personnel were very brutal with the minorities. Severed head of an animal was found by outside a place of worship on Mahatma Gandhi Road. Scores of people came onto the streets in protest and police resorted to baton charge. 61 year old Sahab Jaan, a resident of Tipunagar was dragged on the road and badly beaten by police even as he was removing the animal carcass and washed the spot with water. 20 year old Sheikh Badhan’s ear drums were damaged by the police. Ajaz Ahmed (38 years) was going to work when he was surrounded by police personnel and beaten up with batons even though he was innocent. Ahmed is sole bread winner for the family and won’t be able to work now.

Assam

On 25th August, meat was discovered near 3 temple areas which sparked off communal violence in Rangpur (Cachar Dist.). 7 policemen were injured and army had to be deployed. The Chief Minister Tarun Gogoi blamed the VHP and the BJP for the riots in which several shops and vehicles were burnt.


In this photograph taken on September 25, 2014, paramilitary soldiers from the Rapid Action Force (RAF) walk past burnt vehicles as they patrol the streets of Vadodara city, some 110 kms from Ahmedabad Indian Police in Prime Minister Narendra Modi’s Home state of Gujarat have arrested more than 200 people after

168 The Inquilab, 2013.
violence between majorities Hindus and Minority Muslims, a senior officer said September 29, 2014 photo.169

6.5 Challenges to Secularism and Education

One of these challenges deals with education. The State claims a leading role concerning education as a tool for fostering democracy and shaping the profile of responsible and proactive citizens. This role has been growing in recent years because both International organizations and States are aware that education is vital to overcome some critical aspects of post-modernity and globalization. At the same time, religions claim to have an important role in education too, both as an agent promoting education at the service of parents and society, according to their own perspective and worldview, and as an important subject of the educational syllabus. These claims may clash between them and cast many questions: Does the State have the only leading role in education? Is it proper to the State to have the monopoly of educational issues? Can be religion be part of the educational syllabus at the different levels? And, how can religion be part of the syllabus?

6.6 Challenges to Freedom of Expression

Another important challenge for secularism is the scope and limits of freedom of expression when confronted with religious ideas, religious groups and religious sensibilities. There are different legal responses to that complex issue, among them: blasphemy laws, anti-defamation laws, criminal laws to protect religious sentiments, hate speech laws, etc. There is a growing awareness of the difficulty in reaching a satisfactory solution in national laws, especially in those cases in which the conflict becomes international or global. Different affairs concerning cartoons, sacred books burning, transgressive art, etc. lead to the provisional conclusion that State laws are hardly the last word in resolving these sensitive issues.

6.7 Problem namely religious clothing

In recent years, we have faced something which seems to be an unending problem, namely religious clothing or religious attire. In some cases, States require from its citizens a religiously neutral identity in certain public spaces and in certain official facilities. In doing so, the secular state intends to preserve its neutral and secular culture to afford freedom to all and to avoid an unduly religious influence. However, this requirement from the State compels citizens to shed their own religious

and cultural identity. Indiscriminate ban of certain religious attire, though justified, does not seem to be the best solution; according to international organizations\textsuperscript{170} undoubtedly this is another important challenge for the secular state.

Displaying of religious symbols in public places or in those elements which define the identity of a given country (like the flag, the anthem the coat of arms, etc.) is another relevant issue. How to reconcile those historical elements and symbols with the secular state? In other words, which is the permissible limitation to the negative aspect of freedom of religion of citizens? Is the solution to this issue beyond competing interests and rights, to reach an area of tolerance towards certain symbols?

In the aforementioned areas, and in many others, religious conscientious objection before State regulations is at stake, especially in sensible areas related the ethical dimension of behavior. It is a field which required from the State a great amount of fairness in balancing the respect of religious conscience and the protection of the state’s interests which contested legal norms protect and support. But the most important challenge for secularist States is the scope of secularism itself. In a recent conversation with my friend and colleague Javier Martínez-Torrón, we realized the increasing social presence and activity of non-theistic, atheistic and humanist organizations which very often request and obtain from the State legal personality and status akin to that of religious communities. These organizations claim from the State an implicit but visible endorsement of their ideas many of them coincide apparently with those of the State. This may well be the case of the claim for religious neutrality. Is religious neutrality really neutral? Probably, if we understand neutrality as a concept embracing also all kind of worldviews, it is so. But, at the same time, States cannot be neutral by definition (it is impossible). Neutrality is a operational State principle or attitude which applies only to certain areas of human activity. In a way, this reminds me the recent oral submission by Professor Weiler on behalf of Third party intervening States in the Lautsi case\textsuperscript{171} before the Grand Chamber of the European Court of Human Rights.\textsuperscript{172} In that occasion, Professor Weiler pointed out: «if the social pallet of society were only composed of blue yellow and red groups,

\textsuperscript{170} Parliamentary Assembly, Council of Europ, Resolution 174(S2010) 1. Islam, Islamizam and Islam phobia in Europe, 23 June 2010.
then black – the absence of color – would be a neutral colour. But once one of the
social forces in society has appropriated black as its colour, than that choice is no
longer neutral. Secularism does not favour a wall deprived of all State symbols. It is
religious symbols which are anathema». The great risk and challenge for a secularist
State is then avoiding any kind of confessional neutrality, giving back to any sort of
religion and welcoming the ideology of secularism under the guise of neutrality.