

**NPTEL**  
**Nation and Narration**

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**Transcript from the Video**

Hello everyone,

In the previous lectures we saw the history of the idea of secularism in the Indian context vis-à-vis Hinduism. In this context we discussed that the British rule in India by the late 19th century had adopted a policy of separating religion and state. The British which had endorsed Christianity as their religion made an effort to maintain their neutrality on religious issues in the colony. They made it a point not to interfere in matters relating to the religion of the natives. So, the initial attempts of the colonial government to reform the Hindu customs and practices along the principles of modernity was put on hold in the year 1858 after the Crown assumed power. This does not mean that all the efforts to reform the religion came to an abrupt closure. The Indian elites who were under the sway of Western notions of modernity increasingly started feeling that many traditions and customs in Hindu religion needed to be changed because they didn't really fall in line with the modern notions of civility. While they initially sought assistance from the colonial government to fulfil this purpose, later on, as nationalist sentiment grew, they started to oppose government intervention in matters pertaining to India's cultural identity. So outside the legal ambit of the colonial government, numerous pedagogical efforts were by the elite intelligentsia to inspire the believers to abandon the age old customs and rituals. But these pedagogical, I mean, the awareness programs primarily addressed the elite sections of the society, while the majority in the religion continued to remain outside the ambit of this religious reform. So, one of the major agendas of the postcolonial state was the reformation of the Hindu religion through legislative activities. A very important move along this line was the passing of the uniform civil code which aimed to reform the Hindu religion through a series of legislations. While this was criticised by many as the intrusive act of the state to interfere in religious matters of a community, the move was often supported by reformists on secular ground. It was stated that religion pervades all walks of India and hence a reformation of the citizens of India requires the state's active intervention in religious matters. This opens up a very interesting version of secularism in the Indian context. Since its independence in 1947, India has been considered a secular country, although it was only in 1976 that the term secular was officially included in the preamble of the constitution through the Forty-second Amendment. Officially, modern India has always been endorsed secularism. But India's secularism does not fully separate religion and the state.

As we examine the complexities of Indian secularism, it becomes clear that India's historical and cultural contexts necessitate a special relationship between the state and civil society, particularly when it comes to religious issues. This unique dynamic stands in contrast with what is regarded as the norm of secularism in the political discourse in the West.

in Western political discourse, the idea of secularism is defined as a strict separation of religion from the state. This is particularly true in the case of nations like the United States and France. The fundamental tenet is that religious organisations cannot control state affairs, and similarly the state cannot promote or support any particular religion. There is also complete freedom of conscience for all citizens, thereby allowing the citizens to reject,

practise, or believe in religion without facing any interference from the state. According to this model, religion is a strictly personal matter, and the public domain, that is spaces like government offices, courts, and educational institutions, etc. is supposed to remain totally impartial towards religious practices and beliefs. So, the main goal of Western secularism is to uphold religious freedom for individuals, while making sure that politics and religion stay totally separate.

Two representative cases that I can cite in this regard are the examples of the U.S and France. The "wall of separation" means the principle of keeping both church and state apart from each other in the United States. Based on the First Amendment to the U.S. Constitution, the wall of separation theory prevents Congress from establishing of an official religion or showing favoritism toward one religion over another. This makes sure that the government will not set up a national religion nor interfere with the religious practices of the individuals. The phrase "wall of separation" was popularized by Thomas Jefferson in 1802 in letter to the Danbury Baptist Association. In the letter he clearly described the First Amendment as creating a "wall of separation between Church and State." This idea played a crucial role in shaping American legal and political life, eventually leading to many court decisions that ban official prayers in public schools, restrict government funding of religious institutions, and protect individuals' right to practice their religion freely.

In France, similarly the idea of secularity is understood as a strict separation between religion and the state. This idea of secular in the context of France means that religious expressions should be limited to the private sphere. The public institutions are supposed to maintain strict neutrality regarding religion. This notion of secularity in the context of France had its roots in the French Revolution and was formalized through the law on the Separation of Churches and State in 1905. The aim was to prevent religious influence on public policy, education, or civic life. It is perceived as a way to guarantee individual freedom, It is believed that it allows people to follow any faith or none at all, while expecting them to keep religious identities out of public institutions. Compared to other Western countries, this model is more rigid, leading to measures such as the banning of religious symbols in public schools and government offices.

Like the countries that we saw just now, India is also a secular country, meaning that it does not have any official religion. This is enshrined in the Constitution of the country, which declares India to be a secular republic. Article 25 of the constitution guarantees all citizens the right to freedom of religion. This allows individuals to freely practice, profess, and propagate their religion. Above all, the state is expected to treat all religions equally and not favor any particular religion. Learning a lesson from the experience of religious divisions during the Partition, the makers of the Indian Constitution made sure that that the Indian state would not favour or discriminate against any religion. In a country of diverse faiths, it was necessary to treat all religions equally. But Indian secularism is drastically different from the Western notion of secularism. So the notion of "Indian secularism" needs to be considered different from the traditional interpretation of "Western secularism." But before we get into this let us try to under the very idea of secular.

The secular state is characterized by three key principles within the liberal-democratic doctrine. These principles collectively define what the relationship of the state should be with religion and they play a crucial role in ensuring the protection of individual rights in a pluralistic society. The first principle is liberty. It requires that the state should grant the citizens the freedom to profess and practice any religion of their choice, provided that such

practices are not at war with the fundamental rights the state is constitutionally committed to uphold. This ensures that religious freedom is respected in such a way that it does not compromise the broader framework of human rights and social order. The second principle is the principle of equality. It mandates that the state must not privilege one religion over another. In a truly secular state, all religions are to be treated with equal regard, thereby preventing the creation of hierarchies based on religious affiliation. This principle aims to create a climate where diverse religious faiths can coexist. The third principle is the principle of neutrality. It clearly demands that the state should maintain an impartial stance not only between different religions, but also between religion and non-religion. The state must avoid promoting religious over secular worldviews. This ensures that the non-religious citizens are treated with the same respect and consideration as those who are religious. Together, these principles essentially mean what is often referred to as the "wall of separation" doctrine in U.S. constitutional law. This metaphor means that the state should neither endorse nor interfere with religious matters, thereby preserving the autonomy of both religious institutions and the secular public sphere. When we look at the way in which the idea of secularism functions in India, we realize that in the Indian situation the notion secularism functions differently. We realize that the three principles— that is the principles of freedom, equality, and neutrality—are, more often than not, are not followed consistently.

First let us take a look at the principle of freedom, which says that everyone has the right to practice their religion subject to certain restrictions. However, there is a catch here: the state has the right to curb this freedom in order to promote social welfare and reform. The state is endowed with the power to control any economic, financial, political, or other secular activity associated with religious practice. This gave the postcolonial state the authority to alter Hindu temple administration and personal laws. So, it would be completely right for the state to proclaim that practices like human sacrifice or the act of forcing someone—like in the case of devadasis—to serve a god or a temple are not acceptable religious practices.

Therefore, even though they claim that everyone is free to practice their religion, there are still some situations in which the government may intervene. But we will also see that the state had entered many areas where human dignity is not at stake or human rights are not violated. A common example, that is often cited in this connection, is the legal ban on polygamy, even if a religion allows it. Some people argue that polygamy violates basic human rights, but this argument is often seen as very problematic. Critics point out that polygamy itself does not always amount to a violation of human rights, particularly when it is carried out with everyone's consent. Furthermore, this rule is applied selectively in the Indian context, thereby making the matter even more complex. For example, while polygamy is illegal for Hindus under the Hindu Marriage Act, it is still legal for Muslims under their personal law. The state's adherence to the ideals of neutrality and equality that are meant to govern a secular state is seriously called into question here through this selective application. In a religiously pluralistic society like India, it reveals the challenges of upholding a consistent approach to secular governance and draws attention to the conflict between upholding uniform civil rights and respecting religious diversity. Therefore, it is crucial to consider where the lines should be drawn between religious freedom and governmental regulation, when the state actively intervenes in religiously approved activities like polygamy.

In India, the government and courts frequently get involved in disputes within religious practices, when these disputes cannot be amicably resolved within the religion. In these scenarios, the courts often try to interpret religious teachings themselves, rather than letting religious communities determine their meaning. We know that the courts in a modern legal

system should make their decisions based on what they perceive to be neutral or "objective" reasoning, as opposed to simply accepting what a religion says. This leads to an issue. The state ultimately decides what constitutes a legitimate religious practice and becomes involved in religious disputes. This is incompatible with the idea of a secular state, which is meant to remain impartial and not take sides in religious issues. The concept of the secular state mandates that the freedom principle should only be restricted to safeguard another universally recognized basic right, not by endorsing a specific interpretation of religious doctrine. Unfortunately, in India, achieving this has been a challenge. The inclination to legislate reforms in Hindu personal law and religious institutions made it challenging for the state to avoid delving into the realm of religious reform. Both the legislative and judicial branches found themselves compelled to interpret religious doctrine on religious grounds. The use of state legislation to pursue this modernist objective inevitably clashes with the modernist principle of the freedom of religion. This contradiction is one of the peculiarities of the secular state in India.

Some argue that, the postcolonial state had no other option but to interfere in Hindu personal law. This was because of the fact that 'religious personal laws' were official state laws during colonial period. Hinduism also did not have a single authoritative institution to make intervention in matters concerning personal laws. Then, the only institution with authority and legitimacy to effect change in the absence of such religious organizations was the state. So, it was only natural for the state to bear responsibility. However, this effort to use state power for religious reform came into conflict with another core modern value—the freedom of religion. This tension, between state-led reform and religious liberty, is one of the key contradictions at the heart of secularism in India.

The second principle that we saw was the principle of equality. The principle of equality is explicitly outlined in the Indian constitution, thereby preventing the state from discriminating against citizens on the basis of their religion or caste. However, certain special provisions are made to facilitate the progress of certain socially and educationally backward classes, as well as scheduled castes and tribes. You will be surprised to not that the basis of this exception is often religion. In the state's classification of the SC community, only those Dalits who are still in the Hindu community are eligible for the benefits meant for SC. This an important connection between religion and reservations for scheduled castes: to qualify for these benefits, a person must be a Hindu or a Sikh. If someone officially adopts another religion, they lose this eligibility. A case in point is the dalit Christians. The Hindus who have converted to Christianity are not eligible for the benefits meant for the SC community. However, the recommendations of the Mandal Commission, have tried to move beyond this restriction.

The state's attempts to use legislation to change Hinduism also raised questions about the concept of equality. It was widely argued that solely Hindu institutions and practices became the target of numerous laws and reformist activities like the modifications to personal laws and religious endowments. These reforms were criticized in the 1950s by conservative Hindu organizations and parties like the Hindu Mahasabha. While they criticized the state's involvement in matters specific to Hinduism, socialist leaders J.B. Kripalani, opined that these reformist activities should be further extended to other religions as well. He stated that if we are a truly democratic state, then attempts should be made to make laws not for one community alone. He emphasized that concentrating solely on Hindu community reform might come across as partiality. And these changes will definitely appear to be communal. His words merit attention in this context. According to him, "If we are a democratic state, I submit we must make laws not for one community alone ... It is not the Mahasabhites who

alone are communal: it is the government also that is communal, whatever it may say. . . If they [Members of Parliament] single out the Hindu community for their reforming zeal, they cannot escape the charge of being communalists in the sense that they favour the Hindu community and are indifferent to the good of the Muslim community or the Catholic community ... Whether the marriage bill favours the Hindu community or places it at a disadvantage, both ways, it becomes a communal measure.”

The real problem is obvious now: Why was the state only intervening in one religion and not others, if it was permitted to do so in order to defend social and economic rights? Fairness was seriously called into question because it appeared that the principle of freedom of religion was being applied primarily to protect minority communities, while it was disregarded when it came to the majority.

The third principle of the secular state that we mentioned was the principle of neutrality. This principle means the separation of state and religion. This is clearly acknowledged in the constitution. It specifies that there shall be no official state religion, no religious instruction in state schools, and no taxes to support any particular religion. However, as previously discussed, the state has become intricately involved in religious affairs in various ways. This entanglement existed even during colonial times, but paradoxically, it has increased since Independence. This involvement extends beyond the cases mentioned earlier, resulting from state-sponsored religious reforms. Many historical systems of state patronage for religious institutions, established by the colonial government or princely states, persist even now. For instance, Article 290A of the constitution mandates annual payments from the governments of Kerala and Tamil Nadu to the Travancore Devaswom Fund. Further more, according to Article 28(2), religious instruction is prohibited in government-funded schools and colleges. For instance, Benaras Hindu University and Aligarh Muslim University, both of which are central universities, do provide religious instruction. Furthermore, there are numerous educational establishments nationwide that are both financially supported by the government and operated by religious organizations.

Having discussed all the major points, let us sum up our the lecture. We discussed that the idea of secular is characterized by three principles, namely the principle of freedom of religion, the principle of equality of citizenship and finally the principle of separation of state and religion. The principle of freedom of religion ensures every individual the right to practice and propagate their faith. But this free of religion is subject to certain reasonable restrictions. While reformist activities like the banning of human sacrifice and the devadasi system were aimed at promoting human dignity, the state has at times made interventions in matters that are not related to the welfare of the individuals, such as the differential treatment of polygamy across religious communities. This complicates its claim to neutrality. The principle of equality of citizenship mandates that individuals should never encounter discrimination on the basis of religion or caste. But this notion has also faced persistent challenges in the Indian context. For example, Scheduled Caste benefits are meant only for Dalits who remain within the Hindu or Sikh fold. It clearly excludes those who convert to Christianity or Islam from getting the benefits meant for the SC community. Above all, state interventions have disproportionately targeted Hindu religious institutions, leading to accusations of partiality and undermining the ideal of equal treatment across faiths. The principle of separation of state and religion is meant to ensure that the state neither privileges nor suppresses any religion. However, this separation has often been compromised. Constitutional provisions such as Article 290A (ensuring state payments to religious institutions) and the continued presence of religious instruction at state-supported universities like BHU and AMU illustrate the ongoing entanglement between religion and state. Thus,

Indian secularism is marked by deep contradictions, shaped by the peculiar legacy of colonial rule and the complex realities of managing religious pluralism in a democratic framework.