Defending the Idea of Secular India

Nandita Rao   **Dec 21, 2015**

Rajendra Prasad, first President of independent India authenticates the Constitution in his capacity as President of the Constituent Assembly, after the Constitution was unanimously adopted by the Assembly on November 26, 1949. File photo: The Hindu

The Hindu Photo Archives

The rise of religious nationalism owes its origin to the tacit legitimacy given to groups that defined India in religious terms. Despite this, an independent, secular India was created by the refusal of both Hindus and Muslims to live in a country built solely on religion. This idea of India was scarred by the demolition of the Babri Masjid on December 6, 1992. Defending a plural and secular India, **Nandita Rao** *points out, may mean criminalising hate speech and placing democratic and legal restrictions on majoritarian rhetoric and fascist organisations.*

The 16th century Babri Masjid (Babri Mosque) was among monuments protected by the Archaeological Survey of India. It was demolished on December 6, 1992, by a mob consisting of lakhs of people from all over the country gathered at the town of Ayodhya in Uttar Pradesh. Hindu right wing organisations, including the Rashtriya Swayamsewak Sangh (RSS), the Vishwa Hindu Parishad (VHP) and the political party called the Bharatiya Janata Party (BJP) – collectively known as the 'Sangh Parivar' - had been running a Ram Janma Bhoomi (birthplace of

Ram) campaign for over a decade. This campaign by the Hindu right wing was permitted, consciously or unconsciously, under the Right to Freedom of Speech and Expression, by various State governments and the Union government. A decade of virulent religious polarisation was done by the Sangh Parivar. During this time, Hindu myths and events were touted as facts and thus was created the legitimacy for the idea that the Babri Masjid was built on the birth place of Lord Rama, a Hindu deity believed to be an *avatar* of Vishnu.

A dangerous argument rode on the issue surrounding the mosque. All Hindus were seen as a homogenous interest group that was aggrieved by the alleged demolition of a temple and the later construction of a mosque at the alleged birthplace of a mythical god. A further corollary followed - all citizens of India who professed Islam were responsible for this alleged demolition four centuries ago. This narrative that was plugged through grassroots campaigns and the mainstream media, through court cases and historical narratives built on weak evidence, galvanised lakhs of people. While a few lakhs are still seen as an insignificant proportion of the population of India, these people were numerically significant enough to disrupt law and order. This issue of a mosque that no one prayed at, and a temple, which was not even a Hindu pilgrimage destination polarised the nation, and, the Indian state was drawn into a conflict where *status quo*, despite being legal, would appear as 'appeasing the minority'.

How and why the state and the legal system allowed themselves to be put in this position and whether the existing legal system provides any remedy to prevent such a build up in the future is an important question we need to answer if we wish to retain the secular and pluralist character of the Indian state.

The violence we saw in 1992, both in the demolition of the mosque and the riots in its aftermath, was the result of conflicting ethnic identities that had been galvanised and made predominant by the Ram Janma Bhoomi campaign. The idea of Hindus and Muslims as separate nationalities was not new: the British strategically developed it after the 1857 Great Indian Mutiny. The colonisers pursued a deliberate policy, fuelling the idea that mutual coexistence of different ethnic groups was impossible. The British used the right to ethnic self-determination by a majority, which was in vogue after the First World War, to legitimise its sinister policy of communalisation.

In his essay, *Colonialism and Communalism*, Aditya Mukherjee succinctly identifies the reasons and techniques adopted by the colonial government to push the forces of communalism. Communalism was promoted by the colonial government to weaken the rising anti-imperialist movement in India by pitting loyalist communal forces as political adversaries of the nationalist mainstream. In this manner, the Raj was able to hamper mobilisation based on secular categories, and this led to a fractious national movement where some factions focused their attacks on the 'other' and not imperialism. It is also argued that developing the notion of Hindu and Muslim nations that were at odds in the region known as India, allowed the colonial power an immense amount of control.

For instance, jobs in the civil/military service, seats in educational institutions, membership of the legislature, even membership of political parties, were apportioned in religious terms. Census instruments were developed to highlight religion and caste categories, and communal electorates were introduced, which split people into separate religiously-defined constituencies so that they voted communally. Also, Mukherjee argues that the British forces selectively cracked down on nationalist movements and not on communal protestors.

In the 1920s, the Indian national movement gained immense momentum and mass support, across religions and castes. The Non-Cooperation movement was gaining in popularity and the British government felt its impact harshly. They escalated their divide-and-rule policy and gave tacit support to the founding of the Hindu Mahasabha and the RSS, and, the Muslim League, a Muslim right-wing organisation. The mandate of the Hindu right-wing

organisations was not an anti-imperialist agenda; in fact, the colonisers were seen as allies and the Indian Muslim as the "other" or the enemy to the creation of a Hindu Nation.

The founders of the RSS – V.D. Savarkar, K.B. Hegdewar and M.S. Golwalkar – brazenly glorified the ideology of fascism and Nazism, and criticised the Congress leadership for opposing it. The RSS's vision of the Indian nation extolled in Golwalkar's work, *We, Our Nationhood Defined*, glorifies Hitler's fascist ideas. Despite the fascist character of this book, the British authorities did not ban it in India, as such literature, though perceived as dangerous in Europe was essential for the imperialist policy of divide-and-rule in India. The leadership of the RSS, organised itself in a systematic manner, through local units called *shakhas (branches)*, each *shakha* would generally consist of young boys aged 13 years - 15 years. Their vulnerable minds made them amenable to obedience and encouraged them to foster life-long bonds with their companions. The *shakhas* helped legitimise the identity of "the Hindu" as mutually exclusive and antagonistic to the "Muslim".

With Independence and the Partition of India based on the idea of the Two Nation Theory, [1] the incompatibility of the idea of ethnic self determination with the pluralist Indian ethos was exposed. Many Muslims arguably refused to opt for Pakistan [2] except when forced by the outbreak of communal violence, which was unchecked by the British rulers. Following a massive debate in the Constituent Assembly between those who argued for India to be a homeland for Hindus and those who wanted a secular society, independent India chose to acquire a secular, democratic character as had been espoused by the national movement itself. The aspirations of the Hindu right wing to have a Hindu *rashtra* (nation) remained unmet.

The creation of a secular/democratic India while marginalising these forces could not completely erase their power. In the 1990s, a new identity politics based on religion emerged. The Hindu nationalist forces, exploited conflicting religious and caste identities to fan the fires of hatred through the Ram Janmabhoomi Movement, which culminated in the demolition of an archeologically protected site. The structure, claimed the right wing, was symbolic of India's Muslim rulers and in thus existing, was a stain on the landscape. Therefore, it had to be broken down. The public legitimacy for this heinous act was not only forged during its perpetration, but also was electorally rewarding to the leaders of the movement.

An illusion called Hindu *Rashtra*

It is here that I introduce a larger theoretical question. Is the concept of an ethnically motivated self-determination antithetical to the self-determination of a pluralistic society? Self-determination, as a concept, is broadly understood to guarantee such a right to ethnic groups that may be in a poorer position of power vis-à-vis another domestic or international power. This idea of self-determination by an ethnic group that took currency in international law was imposed by an assumed deemed universality of the law developed by colonial powers. However, I argue here that it is alien and antipathetic to the self-determination of pluralistic communities like India.

For instance, as I have described above, the "Hindu nation" is an alien concept generated during colonialism, as India has always been a multi-religious society. This identity then may not be completely authentic and has, over time, had violent manifestations. Nonetheless, this theory of a Hindu nation was buttressed by the theory of self-determination. This same ethnic self-determination, which caused much grief in Europe, generated conflicting identities within colonised countries at a moment when many such societies were inherently pluralist, such as India, Rwanda and Congo.

In a way, self-determination based on ethnicity allowed for many colonised countries to not be seen as whole nations, but as fragmented ones, where X group and Y group were seen as ethnic nations lumped into one piece of territory claiming to be a country. In essence, what occurred was a manifestation of ethnicities as nations with conflicting relations to colonial powers and the demand for decolonisation in vast swathes of the world became less powerful. The use of the idea that different ethnic groups could not constitute a nation was a powerful one because it allowed the colonial powers to channel the energies of ethnic groups against one another, instead of the colonial regime. The rise of the Hindu right in India, as I have argued, was similarly tacitly supported by the British. Much later in the 1990s, this strand of nationalism, which had never truly gone away and had only been marginalised, underwent a powerful resurgence, the consequences of which have been felt across the country.

Consider the case of communal riots in India in 1984, 1992, 2002, and 2013. Both domestic and international law have been unable to provide justice in these contexts. This is because hard Hindutva or soft Hindutva stances have successfully provided legitimacy to such acts, sometimes irrespective of party lines. No mass movement can be built without some legitimacy and the international law on self-determination, which prescribed the right of a majority to have an ethnic nation gave and continues to give the Hindu right wing legitimacy in a problematic and factually incorrect idea of Hindu homogeneity.

It is in this fractious and inaccurate idea that the demand for a Hindu nation rests, even though the right wing has expanded its concept of this Hindu nation to appear more inclusive. This has been done by practicing democratic means (undertaken by the political wing) combined with subversions of democracy (undertaken by the non-elected cadres)

The holocaust in Germany, was perhaps one of the most poignant modern day events that exposed the flaws of ethnic self-determination, where over six million Jewish people were killed to form a majority Aryan "ethnically determined" nation. A shift occurred in international law after the Jewish holocaust that was to check the failures of the concept of ethnic self-determination.

A rights regime was introduced that gave primacy to individual human rights; ignoring groups and communities. However, this has led to the deflection of attention from the structural sources and patterns of state-sponsored violence against groups and focuses narrowly on particular instances of atrocities committed by the state. It also ignored crimes of identity perversion that colonisation had scarred post-colonial societies. Self-determination became the most politicised right of the post Second World War world, where former colonisers chose to recognise the right to self-determination by a group, often fuelling secessionist movements in newly decolonised countries to promote and protect their economic interests.

India's domestic legal regime is prosecution oriented and is sometimes incapable of rendering justice to aggrieved parties. There is no agreed upon mechanism for either prevention of conflict or post-conflict reconstruction of a society that consists of both the prosecuted and the prosecutors. When mobs commit crimes that are popularly perceived as legitimate, it is hard for any judicial system to penalise the perpetrators of such crimes, despite ample evidence. This, in turn, leads to a sense of marginalisation among minority groups, who begin seeing common cause, where till now, they had no common non-religious concerns or interests.

The idea of India was created by the refusal of a majority of the population to fit their identity into the restrictive box of a religion. It was buttressed by the refusal of minorities to live in a country built solely on religion. In doing so, India challenged the notion of ethnic self-determination. India stood as a beacon of pluralism to the newly decolonising world. It insisted that the country be defined by humanity, equality, freedom and dignity for each citizen. This was reflected in the acceptance of universal adult franchise and Directive Principles that strove to

obtain the same level of social and economic equality that universal adult franchise had secured in terms of political equality.

This was an India that refused to align itself to any global super power and sought to build a new identity for its people through industrialisation and education; that saw a focus on building the public sector and spreading universities. Positive discrimination ensured employment to many; a robust and democratic women's rights movement came into being and across ethnic lines, women and minorities assumed more public roles.

The demolition of the Babri Masjid and the right-wing campaign that preceded it has hurt this idea of India. Since then, India has become an increasingly polarised society with caste and religious violence becoming common occurrences.

Defending a plural and secular India may mean criminalising hate speech and placing democratic and legal restrictions on majoritarian rhetoric and fascist organisations. Two generations ago, such fascism was fought by common people who unified in defence of pluralism, development, modernity and inclusion. Do we have the strength to not let anyone play on our insecurities and draw us into the dark ages with an illusion called the Hindu *Rashtra*?

References:

1.^ The two-nation theory was propounded by Savarkar in 1932. See "It is war in the Parivar", The Hindu, June 13, 2005.
2.^ Academics have taken distinct stances on this issue. Some have argued that most Muslims in India backed the demand for Pakistan, but others have demonstrated that this was not so and that ties of land, economy and family, meant that many were unwilling to move to a new country. See Kuldeep Kumar's review of Shamsul Islam's book *Muslims Against Partition,* "The Myth of For and Against", published in *The Hindu*, December 11, 2015.

(Nandita Rao is an activist and lawyer practising at the Delhi High Court)
E-mail: knanditarao@gmail.com