

Secularism and Liberalism in India: A Case Study of Modi's Era

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ABSTRACT

In the recent decade, a sea change from Nehruvian India i.e. liberal, secular and democratic state, to the rise of far-right and illiberal democracy can be discerned after Narendra Modi's triumph in two successive Indian elections – the last one in 2019 returning him to power with a thumping two-third majority. Though, Narendra Modi's staggering success is the upshot of procedural democracy or political democracy in India, yet his campaign was ridden with right-wing rhetoric and demagogy, and witnessed the rise of jingoism, majoritarian nationalism, marginalisation of minorities and squeezing civil liberties. In the West, development between state and society has been dialectical – that is, through interaction between state and society. Popular struggles from society and enlightened initiatives by the state culminated in congruent development between state and society. In India, on the other hand, most of the modernizing and secularizing transposition was top-down – sanctioned by the Indian Constitution and implemented by the Nehru Government. However, after Nehru, India could not sustain the momentum with progressive reforms. Subsequent to Modi in the saddle, development of India from secular and liberal state to secular and liberal society has come to a standstill. Hence, this paper sets out to delve into the rise of right-wing politics in the 21st century India especially under the leadership of Narendra Modi; how Modi's regime enfeebled and debilitated liberalism and secularism in India; how Indian Constitution and Indian intellectuals committed to secular-liberal democracy are main obstruction in Modi's path; and why minorities are seen as a peril to the project of Hindutva i.e. India as a Hindu state. The paper also proffers ideas about the prospects of future of secularism and liberalism in India in the light of events of recent decades and so of the rise of far-right forces.

Key words: **India, Individual Rights, State, Secularism, Hindutva, Liberalism, Religion, Minorities, Intolerance, Congruence, Purification**

Introduction

The Partition of the Indian Subcontinent in 1947 put India into a quandary because the Indian National Congress had campaigned for a liberal-democratic and secular India, nevertheless the Subcontinent had been divided on a religious basis. As a

result, India had a Hindu majority state consisting of 78.45 % Hindus (including all castes) while having 19.85 % Muslims as minority after two-thirds of the sizable Muslim minority had separated to create Pakistan as a separate Muslim Majority State (Ray, 2011). Right-wing Hindu nationalists wanted India to be a Hindu state, but the predominant opinion in the Indian Constituent Assembly, which had a large majority member belonging to the Indian National Congress was to remain steadfast to their ideology and make India a liberal-secular democratic state (Elangovan & Bhatia, 2019, p. 12). They were supported by the leaders belonging to religious minorities present in the Constituent Assembly.

India's first Prime Minister Jawaharlal Nehru judiciously strove to consolidate India as a liberal democratic state based on secularism, though the terms 'secular' and 'liberal' were not included in the constitution but for all practical purposes it was clearly a secular state. It is to be noted that Deputy Prime Minister Vallabhbhai Patel and the first President of India Rajendra Prasad were sceptical about making India secular (Talbot, 2016, p. 146). Nehru's vision of secularism and liberalism unfolds from his letter written to state chief ministers in 1947 for protecting Muslims from persecution, in following words, "We have a Muslim minority who are so large in numbers that they cannot, even if they want to, go anywhere else. They have got to live in India. That is a basic fact about which there can be no argument. Whatever the provocation from Pakistan and whatever the indignities and horrors inflicted on non-Muslims there, we have got to deal with this minority in a civilized manner. We must give them security and the rights of citizens in a democratic State," (Guha, 2014, p. 126).

Under the leadership of Nehru, the architect of modern India, the challenges which India faced right after inception as a state had been sagaciously tackled. Sceptics of India predicted that because of ethnicism, survival of India as a single nation would be a miracle, yet it defied its critics by remaining united even after 72 years of independence from British colonial rule. Some critics suspected that India as a democratic state would be out of the question, yet again it fared well and became the biggest democracy in the world, and every general election witnessed widest and greatest exercise of free will around the globe. Predictions were also made by observers that linguistic pluralism would tear the republic apart, but such predictions proved to be wrong. Though, Hindi was chosen as the national language, it was not imposed directly, and English continued to be the chief medium of official communications. Equally, the existing administrative units were reorganized on a linguistic basis and at the provincial or state level the local vernacular was accepted as official language. Thus, India sustained linguistic pluralism with no secession unlike secession of Bangladesh from Pakistan on linguistic basis among other reasons for secession (Guha, 2019). Now, India has 2 official languages (Article 343, The Constitution of India, 1950), as English and Hindi, and 22 regional languages which are officially recognized by Constitution itself (Eight Schedule, The Constitution of India, 1950).

Treading in Nehru's footsteps, Indra Gandhi constitutionalised the idea of secularism by amending the name of country from "Sovereign Democratic

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Republic” to “Sovereign Socialist Secular Democratic Republic” in ‘Preamble’ of Indian Constitution through forty-second Amendment in the year 1976 (The Constitution (Forty-Second Amendment) Act, 1976, Constitution Of India, 1976). This amendment metaphorically aimed to exhibit that India has secularism even in its constitution’s preamble; which is regarded as essence of state policy.

After the establishment of Bharatiya Janta Party (BJP) as political party in 1980, the idea of secularism has begun to turn sour. Initially, BJP had to face a dismal defeat in elections of 1984 despite promise to promote “Gandhian Secularism” after coming into power. (Mofidi, 2015, p. 232). In view of that defeat, BJP adopted aggressive Hindutva politics (Chattopadhyay, 2019). The policy of promoting Hindutva appeased the Hindu masses and BJP muddled through to make its own government in the centre in 1996 and finally, in 1998, it won a majority of seats and formed its central government. But the elections of 2004 and 2009 again precipitated defeat for BJP as a result of tempering of its Hindutva ideology by Atal Bihari Vajpayee (Haus, 2018, p. 342). Vajpayee somewhat arrogated moderate approach – between secularism and majoritarian nationalism – while policy making. He disgruntled his voters by doing that, which lead them to change their mind about BJP.

With Modi’s chauvinistic election campaign, BJP won the election of 2014 and 2019 – reasons of which would be discussed in detail later in this paper – based on his catchlines of majoritarian nationalism, populism, invoking religious sentiments, ethnic issues and caste politics. Such trends are sabotaging secular and liberal culture and democratic values in India under the premiership of Modi.

Research methodology

This research is descriptive as it attempts to find out the current state of secularism and liberalism in India under premiership of Narendra Modi, and to ascertain the impacts of Modi government on secularism and liberalism. Furthermore, this study is historic as well as it tries to dissect the transition of secularism and liberalism from ancient India to partition of Subcontinent and its transition from the partition till the present-day India. Analytical method is also used for this study as it goes beyond the mere descriptive method to empirically find out the trends of secularism and liberalism based on reported incidents of hate crimes. For most portion of data collection, secondary sources have been used such as books, magazines articles, newspaper articles and reports of a human rights organisation. However, a primary source is also utilised for data collection in the form of an interview of a political scientist.

Secularism and politics of purification in modern India

India has a mixed history of religious and secular practices at state and societal level. Emperor Ashoka, in spite of being a Buddhist, never discriminated against other ethnic and religious communities (Rajagopalan, 2002, p. 233). Jains and

Hindus had many key positions in his government. So was the case with Emperor Akbar, he countenanced religious freedom to all communities. He attempted, despite opposition from Ulema at the time, to secularize the society by ushering in a new religious creed named as ‘Din-Illahi.’ (Divine Faith) (Reddy, 2007, p.55). Yet, some Emperors, like Aurengzeb Alamgir, tried to foster and foist religion in politics. For that, he had to face certain resentment by the communities under threats because of anti-secular reforms agenda of his politics.

Pre-colonial era had very tiny events of communal riots on religious basis. There was inclusiveness in state institutions without much religious discrimination. Though, British posed as an impartial ruler by permitting all the religious communities to practice religion freely without favoring one particular community and discriminating against any other community (Bhargava, 2011, p. 98). British regime put religion as private matter. But British shrewdly took two key steps that deepened and sharpened the religious divide in India. First, in the mid-nineteenth century, British conducted a census and categorized the masses on religious basis which eventually lead to the emergence of Hindus as a separate political community (Misra, 2010, p. 84). Second, British cunningly embraced a policy to take the edge off religious divisions by conducting ‘Munazra’ (means debate) on religious matters. Notable religious scholars used to take part in it for representation of their particular community in order to give their standpoint and to fabricate a consensus on unsettled and disputed religious issues. But, at the end of every Munazra, the religious divisions surged with more hatred and intolerance by one community for other community (I. Ahmed, personal communication, October 14, 2020).

In contrast of Buddhism and Islam, Hinduism was a non-proselytizing and non-missionary religion having no ambition to spread or impose it in the world, and this feature was the fundamental basis of religious tolerance in India. (Smith, 1966, p. 3). Moreover, Christian missionaries, during colonial era, played momentous role in transformation of Hindus from non-proselytize community to proselytize community. Because of competition with Christian missionaries, many ‘self-styled’ reformers of Hinduism attempted to present its identity as monotheistic (Reddy, 2007, p.83). From that point of history till now, religious intolerance emerged in South Asia

Conceptualisation of Indian secularism

Before arguing on BJP’s politics under the leadership of Modi promoting Hindu nationalism in politics and its systematic analyses with respect to secularism, the concept of secularism needs to be run through here. Amartya Sen described it – in a very enlightened way – as, “Secularism in the political – as opposed to ecclesiastical – sense requires the separation of the state from any particular religious order. This can be interpreted in at least two different ways. The first view argues that secularism demands that state be equidistant from all religions – refusing to take sides and having a neutral attitude towards them. The second –

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more severe – view insists that the state must not have any relation at all with any religion. The equidistance must take the form, then, of being altogether removed from each. In both interpretations, secularism goes against giving any religion a privileged position in activities of state” (Sen, 2005, p. 310).

Impacts of Modi's politics of Hindutva on secularism

Now, let us dissect the policy of BJP and its contrast with secularism. Before Modi's election as prime minister, India was, to some extent, a secular state at institutional level. In last decade, it had a Muslim President and a Sikh Prime Minister. Now, the process of purification has initiated by promoting Hindutva ideology. After winning 2019 elections, in his winning speech on May 23, Modi labelled his triumph as a defeat of secularists and cautioned masses from their deceit (Verghese, 2019). Such remarks indicate that Modi is firmly ardent to make India a 'Hindu state'.

In the light of above conceptualization of secularism, ideology of Modi's BJP – inspired from RSS – should be perused. Two of the key features of BJP – and threats to secularism – are: 1) its anti-Muslim by portraying them as aliens or invaders who persecuted Hindus in past; 2) its Hindutva ideology with the major support of Hindus to create Indian state and society as only Hindu Rashtra (Hindu Nation) by invoking 'Prior Identity' argument (Misra, 2010, p. 87).

The proponents of first feature argues that Muslims fails to see themselves as Indian first rather they deemed themselves as Muslims first. It is further argued by them that Muslims of subcontinent has acquired a 'homeland' through partition, so the Muslims left behind after partition are disloyal to India. An unbiased critical analysis and history indicates that, in fact, this argument has no depth and validity as great many Muslims remained in India by choice (Sen, 2005, p. 311). Many of them served at prestigious posts in state institutions. Moreover, some critics of secularism claims that Muslim rulers persistently remained biased against Hindus and alienated them. In response, it is to be argued that it was not the case. Even if some of rulers, like Aurangzeb Alamgir, maltreated Hindus in their reign, yet the 'guilt' of Muslim emperors nor should be transferred to Muslims of contemporary India as they have nothing to do with evil doings of anyone in the past.

The second feature propagates that 'religious identity' is prior to Indian identity. Such ideology maintains that homogeneity is necessary for nationhood and Hinduism. In Modi's view, it can serve this purpose of unity (Sen, 2005, p. 298). The exponents of this 'unity narrative' asserts Hindus as leaders of it, both politically and socially, as they are the oldest inhabitants of India and are in majority, while all other minorities would be treated as second class citizens. In defense of this argument – for preservation of secularism in India – it can be avowed that the Persian term 'Hindu' literally means 'Indian' and it was traditionally used as an identity of locality of Indian people. Till British rule, documents manifest that the term 'Hindu' was used for Muslims and Christians as 'Hindoo Muslims' and 'Hindoo Christians' respectively, in order to identify as

local inhabitants of India, not from outside India (Sen, 2005, p. 311). So, Hinduism has nothing to do with any religion rather it's a signifier of location and country. Hinduism encompasses a variety of different beliefs, customs and religious school of thoughts.

There are two key problems with BJP's ideology of Indian identity as Hindu identity. First, this ideology lacks solid evidence of enough discrimination of Hindus between personal and social religious involvement and giving political priority to other communities on the basis of that involvement. Second, prior Hindu argument completely undermines the implications of such ideology by ignoring immense religious diversity of India.

By propagating this exclusionist ideology by Modi government and implementing it through laws such as Constitutional Amendment Act 2019 which would give citizenship to all immigrants including Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, from Afghanistan, Bangladesh and Pakistan before or on 31st December 2014 (Section 2, Citizenship Amendment Act 2019, 2019). But the Muslims have to be considered as illegal migrants and have go through the tough process to get citizenship. From this, it can be implied that Muslims are the targets of this law and will have to face the persecution and dissimulatory behaviour by giving them treatment of second class citizens (Regan et al., 2019). India is losing its secular status in the eyes of the world as it once enjoyed.

Liberalism and Indian politics under Modi Government

John Stuart Mill, the father of liberalism, viewed liberalism as a protector of individual rights and freedoms against aristocratic or monarchical regimes in ancient societies, and against majoritarian power in modern democratic societies. Mill maintained that liberalism is a combat against paternalistic and feudal social power to secure liberty of individual based on liberal values (Mill, 2001).

Congruence between Indian state and society for liberalism

In the West, liberal values were dialectically adopted through enlightened initiatives at state level and popular movements at societal level to procure individuals' rights. As a result, state and society liberated in parallel. It depicts that society impelled the state to protect citizens' rights and barred the state from transgression of any kind against individual's rights (Jensen, 2011, p. 68). Take instance of French Revolution, in which popular initiative to ensure individual rights and adoption of Declaration of the Rights of Man and of the Citizen 1789 by the state. So is the case with America, from Declaration of Independence 1776 to Bill of Rights 1791, the state had to surrender its unbridled authority due to the prodigious pressure from society for of protection individual's rights.

India has much different status in context of congruence between state and society. Most of the framers of the Indian Constitution were educated from West. Therefore, Indian Constitution has liberal values in it, following the pattern of

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Western state model which gives rights to individuals, though there is no explicit declaration of Indian Constitution as 'Liberal' (Krishnawamy, 2019, p. 57).

Part III of the Indian Constitution – which is liberal in nature – deals with 'Fundamental Rights' ensuring right to life, liberty, equality by committing no discrimination on the basis of religion, race, caste, sex, place of birth or any of them, freedom of thought and expression, protection of religious minorities and abolition of untouchability (Article 12-35, The Constitution of India, 1950). Constitutional fundamental rights check the excesses committed by state through judiciary, as custodian of the constitution, and foster liberal autonomy.

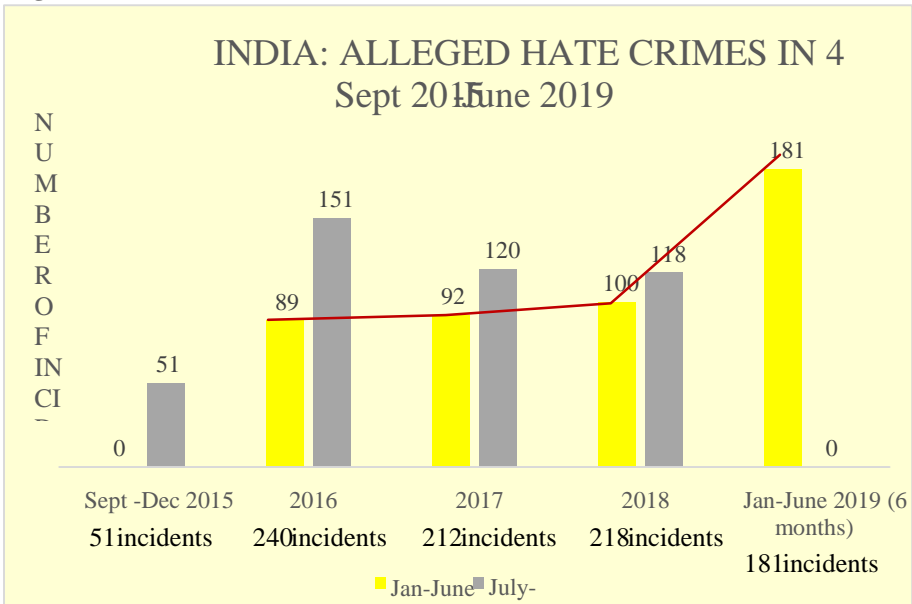
Moreover, Indian Constitution has the feature of 'Judicial Review'. In the light of Federalist Paper No. 78 by Alexander Hamilton, judicial review is an essential feature of liberalism and liberal constitution. In Hamilton's view, the sole purpose of judicial review is to check the abuse of power by legislature and executive through judiciary (Hamilton, 2008). So, Indian constitution is much liberal in its very nature as depicted from above arguments and features as compared to Indian society.

On the other hand, Indian society has not fully acquired liberal values. Though, because of a liberal constitution it has developed a certain level of tolerance but its not fully liberal at all because the liberalism was imposed 'top down' resulting in no congruence between state and society. Rise of Modi is an outcome of conservative nature of Indian society. As majority of conservative lower class promoted to middle class, Modi tricked and sold his illiberal idea of purification of India to this conservative middle class. Despite security of Constitution for protection of fundamental rights, liberalism is in a decline in India especially at societal level. Since Modi's premiership, societal intolerance surged in India due to pepping up of illiberal tendencies from government at highest level.

Tendencies of hate crimes in Modi regime

'Halt the Hate' a project by Amnesty International India, documents the alleged hate crimes in India since 2015 released their recent report in 2019. The report shows horrific surge in hate crimes motivated by cow vigilantism, caste, religion, gender, honour killing and others. (Amnesty International India, 2019). Since 2015 till 2019, 902 incidents have been documented in these four years. A gradual surge in hate crimes has been evident as shown in Figure 1.

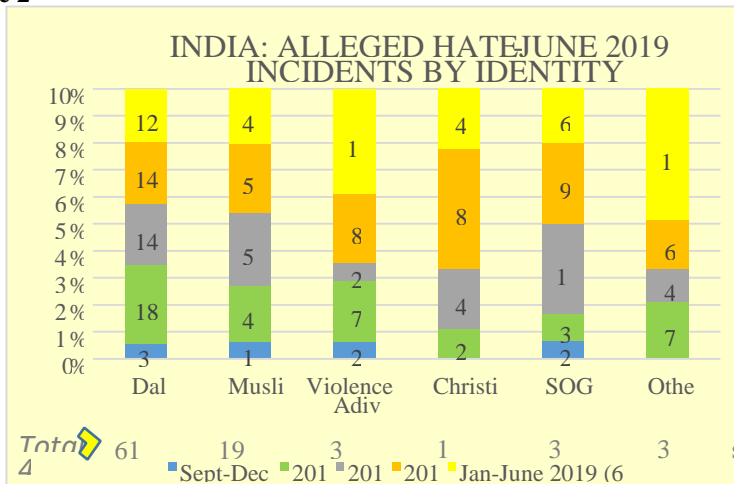
Figure 1



Source: Halt the Hate by Amnesty International India

Amnesty International India further categorised alleged hate crimes on identity basis. Surprisingly, most victimised community is Dalit community with 619 incidents of alleged hate crime against them, in spite of declaration of ‘Untouchability’ as an offence by Indian Constitution. After Dalits, most victimised are Muslims with 196 incidents of alleged hate crimes against them. Alleged hate crimes against Muslims surged by 45% since last year as shown in Figure 2 (Amnesty International India, 2019).

Figure 2



Source: Halt the Hate by Amnesty International India

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Hence, from the above report, it is apparent that Indian liberal constitution is not sufficient to safeguard citizens from any victimisation and promote societal tolerance, though it has done enough to make Indian society tolerant. Why is that so? Because any constitution is like a religion. Either you believe in it or do not believe in it. Modi government disbelieves in liberal values embedded in Indian Constitution and has an intention to alter it according to its ideology; as Constitution is the only hurdle in the way of BJP to implement its illiberal ideology. Such intentions of purification by ruling party would lead to more intolerance in society. Take instance of BJP's President Amit Shah's statement about Muslims of Bengal calling them 'infiltrators' and 'termites' and threatening them to throw them in Bay of Bengal (Express News Service, 2019).

From the above tendencies, it's discernible that liberal constitution of India has made the citizens tolerant of each community because of congruence between Indian state and Indian society. But why Indian constitution is incapable to make Indian society liberal. It's because, as in India, congruence between state and society is not enough and deep rooted as in the west. Here, in India, state took all the enlightened initiatives on its own and there was no popular movement by society for such initiatives. So, generally, the citizens did not acquire fully liberal values. Therefore, Modi has been successful in fostering illiberal values in Indian milieu by twisting deep rooted conservatism in Indian masses.

Conclusion

It can be concluded that far-rights trends in Indian politics have been phenomenon. After Modi's premiership since 2014, the core value of Secularism of Indian Constitution is under threat due to project of Hindutva by BJP; the very secularism that unites India by defying many communal issues based on religion and ethnicity. If Modi ventures to amend the status of secularism in Indian Constitution, which is an apparent possibility, then India would be in chaotic position. The minorities would be maligned and marginalised from moving upwards to downwards i.e. from state level to societal level. Due to the fostering of non-secular project of Modi government, intolerance in Indian society would rise which ultimately leads to violent reactions by religious minorities. Non-secular steps also threaten India's sustainability as a state. History shows us that the countries having pluralistic society and adopting non-secular policies had to face secession movements.

Along with secularism, liberalism is also in a high decline in India especially post 2014 under premiership of Modi. Though, Indian Constitution has not been explicitly declared as 'liberal', yet it is liberal in its very nature. Because, it has liberal values in it in the form of fundamental rights, which limitise the state authority in order to protect civil liberties, and in the form of judicial review which is a necessary liberal feature in Alexander Hamilton's view. Judicial review restrains any transgression by legislation and executive against civil liberties and fundamental rights by state. The recent trends show that due to Modi's policy, the

hate crimes in Indian society has been surged. Indian liberal constitution that had made Indian society tolerant, though not fully liberal, is unable to guard civil liberties in letter and spirit of the constitution as Modi government is against giving Constitution rights to minorities and hesitant to take action against hate crimes against minorities.

Now, the tough question is how to combat with such trends of non-secularism and liberalism fostered by Modi's government. The stance took by Indian liberals that clamours no change in Indian Constitution and demands implementation of Constitution by government in letter and spirit. Indian Constitution is the only hindrance for Modi in implementation Hindutva ideology. If Indian constitution remains unaltered then there's still optimism that Indian secularism and liberalism would be preserved. For that matter, the civil society must be very vibrant like in world's leading democracies. Civil society can play a decisive role against Modi government policy of non-secularism and illiberalism. A national level consistent awareness campaign by civil society should be initiated to promote tolerance, secularism and liberalism at societal level and deter state from any transgression of civil liberties.

After having a visible majority in Upper House (Rajya Sabha), if Modi government attempts to curb civil liberties and promote intolerance on religious basis then India would have to face very serious challenges. Minorities can react back extremely against their marginalisation by state as Muslims are doing now after the passage of Citizenship Amendment Act 2019 after which Indian Muslims would have to lose their citizenship if they failed to show officially prescribed documentation. Along with citizenship, they have to lose their basic human rights as well. Moreover, due to the rise of hate crimes against Muslims, it cannot be ruled out that they consider deterring majority through force and armed struggle as Indian Mujahideen did in last decade. Steps like scrapping of Article 370 and 35A has lead India to more violence. Such steps also put the whole region under war threat of two nuclear powers. Attempts to halt civil society movements against such jingoistic steps can also be made by Modi government which will lead to more chaos and intolerance. Pluralism which was considered as marvel of India would be shattered away. So far as, Indian Constitution remains unaltered, there is hope that Modi government's hands are coughed to make India a majoritarian state. After any successful attempt to change Indian constitution based on Hindutva ideology and illiberal trends, there would be chaos in India.

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