

# How Have Religious Policies Changed in India, from the Mughals to the Present Day?

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February 18, 2021

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## 1 Abstract

On December 11, 2019, the Citizenship Amendment Bill passed the higher house of Indian Parliament 125-105. The bill amends the 64-year-old Indian citizenship law and gives certain religions – that is, “Hindu, Sikh, Buddhist, Jain, Parsi, and Christian” a much better chance for obtaining citizenship than Muslims [1]. This bill has been met with widespread protests that the bill ignores the Indian constitution’s secular nature and “explicitly and blatantly seeks to enshrine religious discrimination into law” [1]. In other words, the law seeks to deem Muslims as illegal migrants and attempt to deport them out of India.

This is not the only modern-day instance of discrimination against Muslims in India; according to a survey of Indian police adequacy, “One in two police personnel feels that Muslims are likely to be” naturally prone” towards committing crimes.” [2].

However, this religious discrimination is not getting much traction in the American – or, for that matter, Western – press, which is why I have chosen to investigate this issue in my response to bring more focus to this important conflict.

The question I am looking to talk about in my essay is

How have religious policies changed in India, from the Mughals to the present day?

In order to answer the question with as much efficiency as possible, I will split the quasi-modern history of India into three periods: the Mughal Empire, the British Raj, and post-independence India. Each of these periods will be divided into two categories: how religion was beneficial in politics during the time period, and how it was not. In this way, it is easier to see which side has more evidence overall, and a more genuine conclusion can be drawn based on the evidence gathered.

## 2 The Mughal Empire

Mughal policy towards Hindus waxed and waned during the empire’s time in power, according to the preferences of its current emperor. The emperors I will discuss are a selection of “The Great Mughals” – Babur, Akbar, Shah Jahan, and Aurangzeb. Out of the nineteen emperors who ruled over India, I have selected these four based on their effect on the rise (and decline) of the Mughal Empire and their somewhat colorful religious views.

Babur was the first emperor of the Mughal empire, the direct descendant of Genghis Khan and Tamerlaine. Under his rule, Hinduism was tolerated and new temples were even allowed to be built. According to the BBC, “The Empire [Babur] founded was a sophisticated civilization based on religious toleration. It was a mixture of Persian, Mongol and Indian culture.” [3]. In fact, “His first act after conquering Delhi was to forbid the killing of cows because that was offensive to Hindus.” [3]. Babur still declared wars against Indian kings like Rana Sanga and Medini Rai as *jihads* (holy wars), but this was for political rather than religious reasons – he just wanted to inspire his followers to fight for him in the name of religion. Dr. S.R. Sharma writes, “There is no evidence of [Babur] ever having destroyed a Hindu temple or otherwise persecuted the Hindus on account of their religion.” [4].

Babur’s grandson, Akbar, was known as the most religiously tolerant emperor of the Mughal Empire. Akbar’s leniency towards religion was probably due to several factors – his Sunni father and Shi’a mother, the liberal religious views of his tutor Abdul Latif, and most of all the preaching of groups like the Bhaktis and Sufis, who prioritized religious peace over conflict. A similar religious Reformation was taking place in India during Akbar’s rule, and Akbar made sure that the same ideas were present in his reign. Early in his reign, Akbar abolished numerous policies that discriminated against non-Muslims religions, erasing the slave-trade in 1562, pilgrim tax in 1563, and the *jizya* tax in 1564. He constructed Ibadat Khana, or a house of worship, where scholars from all major religions (Hindus, Parsis, Jains, Christians) had neutral discussions with one another. Christians were allowed to establish churches in places like Cambay, Lahore, Hugli, and Agra. He allowed state positions to be open to people of all religions whereas before it was only limited to people of the Muslim faith. Akbar went so far in his acceptance of religion that he made his own religion that drew from the teachings of multiple religions (mostly Islam, Hinduism, and Zoroastrianism), called the Din-i-Ilahi. It prioritized a yearning for god (like Sufism, celibacy as a virtue (Catholicism), and condemned the killing of animals (Jainism). Even though the maximum amount of followers it had hovered at around 20 people, Akbar’s attempt to make a religion that best served his goal of ruling a predominantly Hindu state while being Muslim illustrates his tolerance of religion.

According to most accounts, Islam’s “popularity” in India reached its peak under the rule of emperor Aurangzeb of the Mughal Empire, who created the world’s biggest economy at the time and made India produce 25% of the world’s industrial output until 1750 [5]. To better understand how a foreign Islam-preferring empire improved India to the point of being

one of the world's major powers at the time, we have to take a look at their law documents; most importantly, the *Fatawa 'Alamgiri*, a comprehensive guide made during the height of the Mughal Empire that cited Islamic law in regulations in “statecraft, general ethics, military strategy, economic policy, justice and punishment” [6]. This document is held in great renown for being one of the best examples of Islamic law in action. To create it, Aurangzeb gathered 500 people who were experts in Islamic law (from India, Iraq, and Saudi Arabia). (Unfortunately, there are no English translations of the full work, so I will use Neil B.E. Baillie's *Digest of Muhammadan Law*, which was used by British courts in India as a reference to Islamic law and largely based on chosen excerpts from the *Fatawa 'Alamgiri*.)

A pattern can be seen in most of these laws in that it creates “a legal system that treats people differently based on their religion, social class, and economic status.” [7]. Most of these laws favor Muslims in criminal law, pillage and slavery, and virtually forced non-Muslim people, or *dhimmi* living under Aurangzeb's rule to convert to Islam. For example, only Muslims could own property and slaves. The *dhimmi* still had certain rights; according to Sharia law, the state had the obligation to protect the individual's “life, property, and freedom of religion” [8]. However, they had to pay for this with loyalty to the state and the payment of a *jizya* tax, which Aurangzeb reimposed on the Hindus. (originally, Akbar had eliminated this tax, which originally applied to People of the Book (e.g. Jews and Christians) but its scope was later expanded to include Hindus as well).

However, saying that Aurangzeb was an anti-Hindu fanatic would be a huge exaggeration; we have to consider the politics at the time that caused him to pass these laws in the middle of his reign. In fact, at the beginning of his reign, when asked why he was hiring so many Hindus to fill the ranks of the bureaucracy, Aurangzeb responded, “What connection have earthly affairs with religion? And what right have administrative works to meddle with bigotry? 'For you is your religion and for me is mine.” [7]. However, popular opposition against how Aurangzeb took power (killed his brothers and imprisoned his father, Shah Jahan) prevented him from claiming that he was a protector of *sharia*. In addition, numerous revolts by the Rajputs and Marathas as well as the Mughal expansion into the Deccan prompted Aurangzeb to have harsher policies towards Hindus.

With these laws, Aurangzeb doomed the empire into a period of decline; the “lesser” Mughal emperors after Aurangzeb became more invested in maintaining their lavish lifestyle with harsh taxes than actually governing. As a result, The Mughal Empire gradually lost large tracts of land to the Maratha Empire in central India, and soon after the Maratha Empire be-

came the “protectors” of the Mughal Emperor in Delhi. This arrangement continued until the British East India Company defeated the Marathas in the Third Anglo-Maratha War, exiled the last Mughal Emperor Bahadur Shah Zafar, and began rule over India, only to give their territory over to the British empire after the Indian Rebellion of 1857. A new period in the history of India was about to begin.

### 3 The British Raj

After the Indian rebellion, the ruling class of the British Empire tried to reflect on what had caused the rebellion. As a result, they concluded that their social reforms were one of the major factors that caused the rebellion, such as the ban on *sati* (the practice of widows’ ritual suicide after their husband died) and the reforms against remarriage of Hindu child widows. This mentality can be seen in Queen Victoria’s proclamation, where she declares that “We [the British Empire] disclaim alike our Right and Desire to impose Our Convictions on any of Our Subjects..” and “We hold ourselves bound to the natives of our Indian territories by the same obligation of duty which bind us to all our other subjects.” [9].

The primary motive behind Britain’s unique religious policy in India was to make ruling easier. As there were only 20,000 British soldiers ruling over 300 million Indian civilians, they required much more than raw manpower and guns to keep the huge population in check.

The British used two methods in terms of religion to attempt to keep the population in check:

- Promoting Christianity in India
- When that didn’t work, pitting the Hindu/Muslim populations against each other

It is also important to note that while Britain had plenty of experience fighting (and sometimes trading) with Muslims through the Crusades and other holy wars, the only exposure they had to Hindus was through a dubious fork in the Silk Route – China was the only major Asian country that Britain had interacted with up until the 17th century.

#### 3.1 Christianity

The Prime Minister Robert Gascoyne-Cecil best states the mentality that the British had on Christianity in India; “It is not only our duty but is

in our interest to promote the diffusion of Christianity as far as possible throughout the length and breadth of India.” [11] Promoting Christianity was a pattern seen in almost all of the British Empire’s territories; in fact, according to Jean Comaroff, Christianity was seen as colonialism’s “agent, scribe, and moral alibi.” [10]. When used as a weapon, Christianity divided already fragmented Hindu-Muslim populations into a conflicted mass that became much easier to govern.

However, this mentality backfired on the British. In fact, missionary-built schools created a collaborative space to debate on the relationship between Christianity and Hinduism (the topic of Islam was present at these debates, but Hinduism was the dominant topic of discussion). When missionaries attempted to “make forced connections between [the two religions]”, such as likening the concept of Hindu duality to Judeo-Christian theology or finding similarities between the afterlives of Hinduism and Judaism, students, *pandits*, and *sannyasis* responded by engaging in theological debates with missionaries and attempting to find a middle ground between the two religions.

What the British more so ended up doing was educating thousands of Indians at missionary-built schools, arguing that “western scholarship was saturated with Christian morals and that such ethos would transform Indians accordingly” (Bellenoit). Their attempts to use the schools as a means to convert religiously susceptible children to Christianity usually backfired on them; Reverend Worthington Jones noted that “when there is a chance of [Indian parents’] boys becoming Christian they [withdraw their children from the school]”. The debate mentality also spread to the validity of the curriculum being taught at these schools as well; Europeans realized that a religion “which absorbed animism was not likely to strain at swallowing science.” (Bellenoit). In fact, Western schools of thought were thought to have a constructive rather than destructive effect on Indian knowledge systems; one student believed that the religious and physical world existed on two different planes and that he accepted both schools of thought.

Indians usually came to missionary-built schools “not for spiritual inquiry, but for the practicalities of education, for which ‘much credit is due to the missionaries.’” (Bellenoit).

### 3.2 Hindu-Muslim Fragmentation

After the Indian Revolt of 1857, where Hindus and Muslims fought side by side against the East India Company, The British had realized that “the widespread unity of feeling that had developed among the Sepoys of the

Bengal army was responsible for their defalcation. Differences of [religion] had been rubbed away by contact in the ranks, and the army had become as one. It was therefore natural for it to act together and, under the pressure of the multitude of factors that caused the Indian Mutiny, it revolted.” [12] . To avoid this ever happening again, the British instituted several policies in the structure of their native Indian Army to keep different groups or religions distrustful of one another, such as decentralizing their Indian army to keep local feuds and tensions between religious groups running high. Brigadier John Coke states this mentality best: “Our endeavor should be to uphold in full force the separation which exists between the different religions and races, and not to endeavor to amalgamate them. *Divide et impera* should be the principle of Indian Government.” [13]

As a response to these harsh British policies, British Secretary to the Department of Revenue, Agriculture, and Commerce Allan Hume wrote a letter to graduates of Calcutta University requesting them to form their own political movement. The first meeting of the INC was held in Bombay in 1885, and although originally a group serving the interests of the British-educated Indian elite, it gradually transformed into a anti-Muslim nationalist movement advocating the independence of India from Britain (and Muslims) after the First Partition of Bengal in 1905. The British had never intended to separate Hindus and Muslims in the Partition of Bengal, but accidentally ended up doing just that and their repealing of the partition was interpreted by Muslims as a British compromise to appease the Hindu majority while disregarding Muslim interests.

However, this shift to Hindu nationalism alienated many Muslim members of the Indian National Congress, causing them to demand separate electorates for Muslim representation in the Imperial Council. The British, recognizing that supporting the Muslims in this venture would further allow them to divide the Indian population into more easily governable groups, acknowledged their “representative character” and promoted separate Muslim electorates with the signing of the informal Lucknow Pact, which separated India into two distinct religion-oriented ruling groups. Eventually, this mentality solidified into the Two-Nation Theory, which established the nationality for India Muslims as their religion, not their ethnicity or language. This caused several Hindu nationalist organizations to form with the same cause, citing safety for people following different religions as the main reason for partition.

On April 13th, 1919, British soldiers killed 379 people, mostly Sikhs, in what is now termed the Amritsar Massacre. Historians now agree that this was most likely the catalyst for Britain’s eventual withdrawal from India



and India's independence. As an immediate result, however, it propelled Mohandas – now Mahatma – Gandhi into the limelight and allowed him to showcase his non-cooperation campaign to the rest of India. Gandhi restructured Congress, allowing membership to all castes, and began leading even more extensive civil disobedience campaigns such as the Salt Satyagraha, where thousands of Indians marched to the coast and made their own salt in protest for Britain's oppressive salt tax.

The final straw was Britain declaring war on the Axis Powers on behalf of India without consulting the (Hindu-majority) Congress, causing many ministries to resign to protest the unjust declaration. Contrastingly, the Muslim League held celebrations for the declaration and declared their support for Britain. A year later, Jinnah held a speech in the Congress saying that “Muslims and Hindus...were irreconcilably opposed monolithic religious communities and as such, no settlement could be imposed that did not satisfy the aspirations of the former.” [14] Additionally, the Congress's increasingly extreme requests for independence reform caused the nervous British to jail them until August 1945, allowing the ranks of the Muslim League to swell exponentially. After a last-gasp attempt by the British to persuade the Muslim League to support an independent India failing with the Cabinet Mission plan and riots occurring between Hindu and Muslim groups causing more than 4000 deaths, the British empire concluded that partition was the only way to ensure a peaceful and efficient transition of power. However, the announcing of the Radcliffe Line, the border between India and Pakistan, caused a horrific amount of violence, the traces of which are still apparent today. Historians Ian Talbot and Gurharpal Singh wrote:

There are numerous eyewitness accounts of the maiming and mutilation of victims. The catalogue of horrors includes the disembowelling of pregnant women, the slamming of babies' heads against brick walls, the cutting off of the victim's limbs and genitalia, and the displaying of heads and corpses. While previous communal riots had been deadly, the scale and level of brutality during the partition massacres was unprecedented. Although some scholars question the use of the term '[genocide]' concerning the partition massacres, much of the violence was manifested with genocidal tendencies. It was designed to cleanse an existing generation and prevent its future reproduction. [14]

## 4 Modern India

Modern-day politics in India has always held traces of the horrors of British-caused partition and the discriminatory policies of the Mughals before them. As a result, Indian politics have taken on a victim mentality based on whoever is ruling at the time, with them lashing out against the opposite group.

However, this was not what the government of India wanted initially. In the constitution of India, which went into effect on January 26, 1950, India declared herself a nation with “LIBERTY of thought, expression, belief, faith and worship.”. The first Prime Minister of India, Jawaharlal Nehru, echoed this need for freedom of religion in his presidential address to the Lahore Congress in 1929; Nehru admitted that he was “hostile to the caste system... [and] openly criticized communalism and strongly denounced Hindu communal groups.” [15] Nehru was most known for Article 44 of the Indian Constitution, which states that “The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.” [15] Although Nehru has been criticized for allowing Muslims to keep their own Shari’a regarding marriage and inheritance, one must realize that Nehru had to make concessions in order to keep the peace between Hindu and Muslim groups and avoid a repeat of Partition violence.

The next prime minister, Indira Gandhi, was even more secular than her predecessor, going so far in her policies that she was labeled a socialist and kicked out of her own party. She was most known for her foreign policy and less so for her domestic policy. The only religious-based events worth mentioning during her time in power is Operation Blue Star, which caused Gandhi’s assassination. In June 1984, Gandhi ordered Indian troops to enter the Golden Temple to remove a Sikh terrorist group from the complex. In the fighting, “hundreds to many thousands” [16] of Sikh soldiers and innocent pilgrims were killed, prompting two Sikh bodyguards to kill Gandhi in October 1984 and anti-Sikh riots to sweep the nation, causing 3,000 people, mostly Sikhs, to be killed.

The assassination of two prime ministers in a row prompted a new party to come to power on the Indian stage – the BJP, or Bharatiya Janata Sangh. The BJP drastically differed from the majority party in that most of its members were Hindu nationalist, advocating for an anti-Muslim and all-Hindu India. Many unfortunate events transpired because of this hard-line mentality, such as the riots that occurred when the BJP attempted to build a temple dedicated to the Lord Rama at the ruins of the Babri Mosque, built by Mughal Emperor Babur. Finally, the Gujarat Riots in 2002, caused by the burning of a train carrying Hindu pilgrims, caused thousands of Muslims

to be killed in Gujarat and is said to have a “high level of state complicity.”.

## 5 Conclusion

To conclude, I would like to take a look at how Narendra Modi – India’s current prime minister – stands in terms of religion and religious policies. In 2002, the burning of a train and death of 58 Hindu pilgrims prompted a large-scale Hindu-Muslim riot in Gujarat that killed 1044 and injured 2500. Modi, presiding over the Chief Ministerial office of Gujarat during this time, was accused of causing and tolerating the violence, as well as several government officials and police who gave rioters the addresses of Muslims and Muslim-owned properties. Although he was cleared, suspicions of him being a Hindu nationalist continued until his prime ministerial run and beyond. In 2014, Modi’s run for prime minister downplayed his Hindu nationalist tendencies and emphasized his desire for a “united”, anti-corrupt India. After he was elected, however, Modi’s policies took a more nationalist, Hindu-preferring tone. Recently, Modi has appointed Yogi Adityanath, a “militant Hindu monk” [17] as the Chief Minister of Uttar Pradesh, India’s largest state. And recently, the Citizenship Amendment Act has solidified discrimination against Muslims by allowing followers of every religion except Islam to gain citizenship faster. This religious discrimination will most likely continue to become more extreme if left unchecked. The only way to stop this is to bring more awareness to this issue – in the media, in education, and in discussion. I hope that with this paper, I have brought at least a little more light to this issue.

**Word Count:** 3615

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