

by conciliation and compromise. But this laudable object will be fruitful and successful only if the Members of the Lok Adalat have

a serious commitment and mindset to promote settlement of disputes through the ADR mechanism.

INDIAN SECULARISM AND RELIGIOUS PHILOSOPHY

By

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Is India a secular State and society, and can it be ? What are the forces, secular and non-secular, currently operating in the Indian polity ? Can our Constitution and Governments live upto the large secular claim made by our national leadership ! Do religion and Para-religion infiltrate into neighbouring areas of labour, education and social services corrosively ? And do our obscurantism, chronic casteism, aggressive communalism and crypto-religious politics add upto a pathological syndrome of a sick society which needs, *inter alia*, educational, administrative and legal therapy ? If secularism, adapted to Indian conditions is the means to achieve material progress unhampered by multi-religious bigotry and its by-products, what are the political omens and constitution perspective ?

A geo-secular glance reveals that Pakistan is openly Islamic in politics while Bangladesh is secular by constitutional assertion. People's China and the Soviet Union possess a flavour of anti-godism. Britain has an established religion co-existing with a democratic set-up and America has built a wall of separation between God and Caesar. India that is Bharat is a curious hybrid secular in text, with a leaning wall of State-Church separation and suffering from a constitutional solicitude for religious minorities. The paradox of liberal religious thought and communal belligerency, of constitutional commitment to a social revolution and the politics of religion which even revolutionary parties play, and the

phenomenon of two 'total' religions that regulate worldly and other-worldly affairs can this vast Indian mosaic fulfill a secular promise or should we so condition the genetic code of the nation as to ensure Indian humanity not blotted by deities and divided by Gods but spurred only science and socialism and informed by cosmic spiritualism?

What do we mean by a secular State and a secular society in the Indian context ? The former implies a national policy and the latter a social philosophy. The Church-State controversy of the West is absent here and so the role of the State *vis-à-vis* the majority and minority and minority religions is more pertinent for us. From the cultural angle, rationalism, in suppression of all religions, is currently a lost cause in India : and tactically speaking, there is a fair chance for a progressive weakening of Religion's hold on the social order only through the massive permeation of science into education and the active stimulation of the secular cells in society.

Secularism is not an end in itself, nor another 'religion; by a Specific defensive-plus offensive mechanism at the service of India's millions in their march towards the great future which modern science, socio-economic justice and ancient super-rational though promise. The desideratum-the secular core-is to vanish from the worldly affairs of man the baleful influence of wrong religion and to permit the practice of religious pluralism

without blood and tears. The material advance of the community and motivation for secularization.

Pragmatic thinkers take secular State to mean one where the demarcation of jurisdictions between political authority and religious hold is well laid out and religion excluded from matters temporal and confined to the limited, may be deeper, sphere of private conscience, belief and practice in relation to the Supreme Being. The classic exposition of this dichotomy is contained in the phrases by Jesus; "Render unto Caesar what is due to him and unto God what is His". A secular view of life holds that morality is based on the well-being of mankind in the present life to the exclusion of considerations drawn from the belief in God and other world and accepts a scientific explanation of the cosmic working in contrast to the crudely religious.

The pressure of the secular process for the Indian people arises from the unhappy facts of communal history, religious demography, unfortunate 'Ishwar versus Allah' allergy caused by agent provocateurs in the light of the urgent need to end mass poverty and to build a just social order. The nation will grind to halt unless communal amity and scientific mentality seep into our currently self-divided society. The petrified community of India,—vivisected by religions stratified by castes, and insulated by sub-sects lined by obsolete beliefs and paralysed by fatal faith in fatalism and entitlement to bliss in the other world (with acceptance of injustice in the present) — is an ancient one whose science, and socialism, why even an integrated and common life, are alien to the national mainstream. Stagnation and death are wages of such sin and our task, through a secular strategy, is catch up with the modern age.

The Constituent Assembly declined to declare India secular although the stamp of secularism is impressed on the Republic by

the various Articles of the Constitution which mandate the State to observe equality regardless of caste and religion, to respect freedom of faith including practice and propagation of religion and to guarantee to minorities the right 'to establish and administer educational institutions of their choice'. The Indian complex of Articles does not build anything like an American 'high wall of separation' between State and Church. God and Caesar, over there, are not on talking terms, legally speaking, but in India, religion is too rampant and muscular to be walled off. Generally speaking, the State keeps off from but still plays limited correctional role in affairs religious like untouchability and temple entry. The practice and propagation of religion and founding and running of religious and charitable institutions are guaranteed rights but they are 'subject to public order, morality and health'. This form of 'police power' to interfere with religious practices is probably permitted even in America but is essential in our land of religious pluralism. By way of aside, we may also refer to regulations and even administration of religious institutions by the State. This power, however, has not been wisely or comprehensively used to ensure communal harmony or public health in pilgrim spots and festivals or to suppressing cruel practices and wasteful budgets of individuals and institutions in the name of religion. Another insufficiently used constitutional power [Article 25(2)(b)] provides for measures of 'social welfare and reform' in all religions.

In another sense, our Constitution has overtones of anti-secularism. Article 48 suggests prohibition of cow slaughter and, as interpreted by the highest Court, the cow—not the bull or the buffalo though—enjoys a near-fundamental right to life even if humans, in consequence, lose the meat that nourishes life ! Article 30(1) ensure the right of religious groups to run even technical colleges with State aid but enjoying 'untouchable' administrative autonomy. What nexus religion has with engineering, medicine or other secular

education social scientists cannot easily guess but that is the law of the Constitution. This is a sensitive issue where statesmanship must secure secularity.

Another anti-secular danger lurks in Articles 15(4) and 16(4) which enable reservation of posts and special provision for the advancement of backward classes—an impeccable instrument for democratic levelling up. But the mischief lies in political Governments, suffering from communal myopia, which conveniently confuse between class and caste. The Supreme Court has illumined the concept of 'backward class'. It covers an multitude of environmental, occupational and inherited misfortunes. Mainly it is economic, partly it is caste-or-community based. The present approach is neither secular nor socialist and needs a re-orientation, even if constitutional clarification is called. Otherwise, the battle for secularism may be lost in Court before it begins in the colleges and public offices.

Religion must receive a strict construction in law and politics as that which binds man to his Maker and not every temporal practice or civil affairs palmed off as religious. As the American Court observed 'to permit a man to excuse his illegal practices because of his religious views would be to let every person become a law unto himself.' With reference for all faiths, including atheism, the nation-State and People together—must execute a practical programme of radicalism.

At the social level, secular catalysts must be tried. Let me illustrate. It is a notorious fact that segregational tendencies exist among castes and religions Brahmins agraharas, Harijan locations and even caste-wise streets and separate Muslim areas are familiar sights. Government must reverse this trend through massive programmes of housing colonies to be allotted to an inter-mix of occupants with an eye on homogenization of castes and religious denominations. Caste Hindus who

stay as roommates of Harijans or Muslims must receive subsidy.

Hostels for students, whether they are run by private agencies or by public bodies, must admit persons of all religious persuasions and denominations, preference being given to Harijans, there should be no separate hostel for Harijans or Muslims or Christians. We must have only common hostels and common mess.

Rural India still preserves the caste vocational relationship. Barbers, butchers, carpenters, blacksmiths, goldsmiths, persists, temple servants, even coconut climbers go, by caste. Lowlier hobs are traditionally meant for 'inferior' castes. We must revolve a man power development and utilization policy and programmes which will break the existing links between castes and vocations. A secular value-system will thus be evolved. Imagine the chemical change of leading temples appoint Harijan purohits ! In Kerala a beginning has been made but only a massive movement will shakeup.

Consciousness of caste can be abolished only by confusion of blood which inter-communal marriages may produce provided no conversion of either spouse takes place. State action by bonus preference in employment and land grants for inter-communal spouses especially when one of them is a Harijan is worth trying. Likewise, for adopted children, Harijan or of alien faith. Mixed marriage movements, like family planning, must receive massive aid and prestigious participation by Government.

Communal harmony is so precious and communal disturbances so disastrous that a Secular vigilance Commission—and not the policeman only—should undertake special responsibility for promotion of amity and prevention of flare-ups. Location of sensitive communal areas, taking particular precaution on the eve of and through religious festivals

and gatherings, formulation and working of a new operational strategy committing local leaders of hostile communities, collection of information about and nipping in the bud, by explanatory campaigns, of communal tension and outbreaks—these need a specialized agency.

The provision for reservation solely on the basis of birth injures our secular status. Periodical revision of reservation in the light of the progress made by backward classes and gradual shift of emphasis from caste to economic justice will spell the eventual withering away of communalism. Currently, even Brahmins beg for inclusion in the backward bag and the absurdity of a 'backward' billionaire's son for preference as against a bankrupt's boy labelled 'forward' caste must end. Policy direction is important on this area.

India is a land of festivals and holy days—for example, Christmas, Prophet's Day, Diwali. If only for X-mass carols and idgah and Janmashtami leaders from other religions are invited to address and festivals are joined by other communities also as is being done for Sri Narayana Jayanti in Kerala, we would have secularized and given deeper meaning to religious functions themselves and imparted to prophets and saints a wider appeal. A new philosophical-cultural complex of institutions which stress the basic unity of religions, paradoxical though it may seem, will strengthen the cause of secularism. Indeed, modern science has Advaita overtones and today it is easier to reinterpret religious thought in terms of the newest scientific theories—and so much the better for secularism.

The promise of India, its student youth, must be initiated into a secular culture avoiding the opium of religiosity and the heroin of hippie cult. But that means new history-writing; new text-books of radical thought, new scientific temper, anti-communal academic atmosphere, reverence for the truth

and faith in Man as the Master of his Destiny. The battle here is between medieval India and modern education.

Article 28(1) of the Constitution prohibits religious instruction in any educational institution wholly maintained out of State funds; and Article 28(3) states that no person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto. Under Article 29(2) no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion or caste. Article 30(2) provides that the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority based on religion. All these highlight the secular character of education and circumvention of this under any pretext, even by so-called minorities, should be put down by the State.

If only a sober scheme were adopted to secularise our education not by denigrating religion but by injecting a scientific outlook and exalting humanism as values of life, if only Indian people modernized their feudal ethos, if only in the Indian people modernized their feudal ethos, if only in public life and public elections a notional norm of non-religious behaviour were introduced, we might have gone a long way towards the spirit of Vedas and the secularism of the Modern Age.

It may therefore be remembered that a secular State need not necessarily be anti-religious. It might on the contrary encourage

end use religion as a instrument for realizing its objectives. Those arrayed against its secularism have therefore the responsibility of clarifying what they mean by religion. The manner in which religion has been used in the country as a political weapon in the past simply indicates that such use may not be inconsistent with a secular State. It is only when the term signifies the higher ethical values that a secular State may probably come into clash with it. It is their that its assuming a totalitarian character, seeking to integrate life in all its aspects on the basis of power, may prove to be incalculably harmful to good life or to decent and moral behaviour.

“one need not however concede the argument that a secular State is necessarily an immoral State or is bound to show an utter disregard for all moral considerations. Such a position implies the belief that the moral norms can be maintained only on the basis of supernatural or transcendental authority, unless it means a relapse into relativism. The possibility of moral values being accepted and respected on secular grounds, without invoking the aid of a hypothesis regarding the divine, has been opened up is a consequence of our increased knowledge of man”.

“it is becoming increasingly clear that man’s humanity is essentially a function of his own nature and that questions of good and evil can be decided only on the basis of the decisions regarding the questions of good. The search for truth, the will to know is the basic urge in the human being as a biological entity. A secular State therefore can be a moral State provided it is composed of free rational and therefore moral men, to create which is essentially the function of education. But it may be argued that there is no reason to believe that it must be so. And it is here that the essential difficulty about a secular State arises. Unless therefore it is realized that

the ideal of building up a secular State involves a tremendous responsibility on the part of those seeking to do so and unless the realization is further accompanied by actual efforts in the direction of discharging that responsibility, a secular State may easily become the instrument of social and cultural degeneration.

The nature of the responsibility can be understood if the concept is looked at from a different angle.

“A secular State, if it is not to degenerate into a vulgar scramble for power cannot commit itself to ideas and ideals which lay claim to absolute truth and demand implicit obedience in the same manner as religion. If the claims of religion are dogmatic and involve acceptance through blind faith, equally so are perhaps the claims of national or proletarian collectivism. A State committed to these may be secular but it would be devoid of any progressive significance. As a matter of fact, its secularism may itself be open to question by those who regard an outlook based on blind faith as the essence of religion. It may be argued that all such a State achieves is the replacement of one religion by another and perhaps a worse one. The fear that a secular State would simply be a battlefield of various conflicting ideologies does not appear to be warranted if it is borne in mind that authority in such a State can derive its sanction only from the ruled and therefore ought to be founded on what can be termed as their essential, distinguishing and universal feature. Such a State cannot be free for ethical considerations nor can it be devoted to the worship of geography. Cosmopolitanism would be an essential accompanying feature of secularism.

The secular State has little in it to be proud of, unless it is also a democratic State founded on reason.”