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Historical Foundation Of Secular State In India

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Abstract

The historical foundation of the secular state in India is a unique blend of ancient traditions of pluralism, reform movements, the anti-colonial freedom struggle, and specific constitutional decisions made by its founding fathers. Unlike the Western concept of a strict separation between church and state, the Indian model emphasizes equal respect for all religions and state neutrality. The roots of secularism in India are deeply embedded in its multi-religious history, which long predates the modern concept. Ancient Tolerance: In ancient India, diverse philosophies, including theistic and atheistic schools of thought, coexisted peacefully. Emperor Ashoka in the 3rd century BCE was one of the first rulers to advocate not only for the toleration of all religious sects but also for developing respect toward them, a principle articulated in his 12th Rock Edict and Medieval Pluralism: The medieval era saw the rise of the inclusive Bhakti and Sufi movements, led by saints like Kabir and Guru Nanak, which promoted unity and universal brotherhood across religious boundaries. The Mughal Emperor Akbar institutionalized religious tolerance through policies like abolishing the jizya (a discriminatory tax on non-Muslims), appointing Hindus to high offices, and sponsoring interfaith debates in his Ibadat Khana (House of Worship). The atmosphere throughout ancient India was more or less, one of toleration and religious liberty. In ancient India the promotion of Dharma (law, duty, morality, and religion) was regarded as the foremost aim of the state. The King was expected to encourage piety and virtue and to aid religious institutions. Government was not based on dogma and considerable impartiality was evidenced in the treatment accorded the various sects. (267 words)

Key Words : Unique, India, Religious Liberty, Dharma, Morality, Duty, State.

I. Introduction

In this section we will focus on the historical roots of secular concept prevailed in India from ancient times till pre-modern and modern era. So far from the basic concepts we have noted that secularism is an ideology (and not a determinate concept) which has been conditioned by the historical circumstances of the nineteenth century western culture. K.M. Panikkar¹ though rightly rejected the notion that the ancient past can adequately explain modern Indian secularism. He wrote, "Clearly, our new democratic, egalitarian and secular state is not built upon the foundations of ancient India, or of Hindu thought". Panikkar went on to assert unequivocally

that the roots of modern India are to be found primarily in the European traditions of the past century and a half. Irrespective of this view we should trace out the historical roots of Indian secularism.

II. Concept of Secularism in Ancient India

In India, secularism in its widest sense stands for tolerance. Indian secularism subscribes to the Hindu philosophical tenet that all religion has elements of truth and no religion can claim the monopoly of truth. From ancient times, Hindu philosophers have consistently proclaimed that all religions lead to god and unlike some other religions, Hinduism has never put forth the claims that it alone is the true religion². The spirit of toleration is the foundation of the theory of secularism. Max Weber pays a similar tribute to the spirit of tolerance which has permeated India. He says, "It is an unabated fact that in India, religious and philosophical thinkers were able to enjoy perfect, nearly absolute freedom for a long period. The freedom of thought in ancient India was so considerable as to find no parallel in the west before the most recent age". There was remarkable tolerance between heterodox opinions and latitude towards speculations over even subjects generally conceived as fundamental to Hinduism. The reason for this liberal attitude³ was the fact that Hinduism was never a militant religion, never given to proselytization. It is in essence, a way of life evolved from diverse experiences to the great, each trying to reach the realization of the ultimate reality. It has no canonical scripture, no common prayer book nor a Mecca or a Rome or a Jerusalem, where the clerical order could center its strength. "Hinduism⁴ is a movement, not a position, a process, not a result of growing tradition not a fixed revelation". "Hinduism takes for granted that there is more than one valid approach to truth and to salvation and that these different approaches are not only compatible with each other, but are complementary".

After Sankara, Sanatan Dharma had become formalistic and ritualistic. The atmosphere throughout ancient India was more or less, one of toleration and religious liberty. In ancient India the promotion of Dharma (law, duty, morality, and religion) was regarded as the foremost aim of the state. The King was expected to encourage piety and virtue and to aid religious institutions. Government was not based on dogma and considerable impartiality was evidenced in the treatment accorded the various sects.

In promoting Dharma the Hindu kings built temples, granted them large endowments and exercised strict supervision over their affairs. The state was tolerant⁵ of all creeds and frequently aided from all. The religiously tolerant Hindu state which patronized all sects impartially provided one of the historical bases of secularism. As E.C.Bhatty well pointed out, "the essential basis of a modern secular state is the institutional separation of state and religion". The state limits itself to the promotion of the secular welfare of the people, leaving the religious aspects of life to the private individual. In this respect the Hindu state was decidedly not secular for one of its chief functions was the active promotion and patronage of religion.

A clear cut distinction was made in ancient Indian polity between the functions of priest and king. The Vedic king discharged no priestly functions; he performed no sacrifices on behalf of the nation, as was done in ancient Egypt and Greece. A conception of the two powers- the temporal and the spiritual- existed from realist times, and were supported by a divinely ordained social order. The Brahman ordained a spiritual authority⁶ and he alone could perform the sacrifices and utter the sacred incantations. The Kshatriya caste provided the rulers and the warriors, although in course of time a few non-Kshatriya dynasties were founded. While the Brahman stood at the top of the caste system, spiritually superior to the Kshatriya, his valid function was the priestly office only, his superior position gave him no direct authority in matters of government. This tradition supports one aspect of secularism. The Brahman purohit⁷, or royal chaplain, occupied a prominent place among the king's councilors during the Vedic age. His chief task was to counteract the magic of the enemy through the performance of the necessary rituals. The struggle between church and state which occupies such a prominent place in early medieval European history had a rather pale counterpart in ancient

India. In the Gautama Dharma sutra, it is stated that the king's authority cannot touch the priests, since his prosperity depends on their support. Other texts warn that the gods will spur the king's oblation if he fails to employ a qualified Brahmin priest. Before bowing three times before the Brahman at his coronation, the king accepts his subordinate position⁸, and his success depends on continued recognition of this fact. Bitter curses are pronounced against the rulers who confiscate the cows (that is) wealth of Brahmins.

The purohita's influence was greatest during the period when there was widespread faith in the Vedic sacrifices. These fell into disuse around the fourth century B.C, partly under the impact of the Upanishad, Jain and Buddhist thought. The available evidence does not point to a strong theocratic tendency in the polity of ancient India, despite the extreme claims made by the priests in the literature. There is little to suggest that the religious authority ever seriously attempted in practice to usurp the powers of the King. The Brahmanical order never developed the kind of tight knit organization which would enable it to enjoy an effective political role comparable to that of the Church in medieval Europe. Furthermore, the divinely ordained⁹ social system had clearly given the function of governance to the kshatriyas. U.N.Ghosal referred to "the striking fact that this class (the Brahmins) throughout our history failed to assert (except in theory and in legend) its claims to control kings and emperors". The absence of an effective ecclesiastical organization within Hinduism even today is a significant factor in the development of the modern secular state in India. The Brahmins were also kept in check by somewhat similar royal pretensions, such as the king's divinity. When the king was crowned, the gods like Agni, Savitri and Brihaspati were believed to enter this person. Sacrifices performed on behalf of the king before engaging in wars of conquest were thought to make him equal with the gods. Manu even held that the king in "verily a great divinity¹⁰ in human form; his very body is formed by the creator by taking practices from the bodies of the divine guardians of the eight quarters". In course of time the divinity of the king became a generally accepted belief, and many of the medieval dynasties traced their origin to the god Brahma, Rama or Laxshman.

If the king was a god, the Hindu state might be regarded as a theocracy in the most literal sense. A.L.Basham made the point well, "Divinity was chief in ancient India. Every Brahmin in a sense a god, as were ascetics with a reputation for sanctity. If the king was a god on earth, he was only one god among many and so his divinity might not always weigh heavily upon his subjects". The supremacy of dharma was the central conception in early Hindu political thought. In the Arthashastra of Kautilya, we find a radically different approach to the problems¹¹ of government.

U.N.Ghosal asserted, "To the early Arthashastra thinkers belongs the credit of separating politics from theology and raising it to the dignity of an independent science". Kautilya classified the science as follows: philosophy the Vedas, economics and the science of polity. The Arthashastra writers served the connection between dharma and political science and concerned themselves with the central problem of statecraft – how to acquire and preserve power. While Kautilya apparently believed in the efficacy of super-natural rituals and recognized the work of the royal chaplain, he did not hesitate to recommend the exploitation of religion for political purposes.

The Arthashastra tradition represented, according to Panikkar, "A purely secular theory of state of which the sole basis is power". Kautilya's secularism¹² did not envisage the institutional separation of state and religion, the patronage and regulation of temples was simply another area of state administration. However, the Arthashastra did undermine the theoretical basis for the promotion of religion by the state. It is difficult to assess the influence of the Arthashastra on the conduct of government in the Hindu state, but it is quite clear that it never succeeded in replacing the old ideas of rajdharma.

The system of justice in ancient India was based on a principle of radical inequality. The smritis prescribed higher punishments for Brahmans than for other guilty of the same offence. In fact all penalties were graded according to the respective castes of the offender and the person against whom the offence was committed. The principle of equality of all before the law¹³ finds no support in ancient Indian thought and practice. This part of the Hindu tradition is a complete negation of secular principles. The religious liberty which prevailed in ancient India, however, does represent one essential aspect of the secular state. Government never sought to impose a particular creed upon the people. Various schools of thought propounded the doctrines of agnosticism, atheism and materialism. Jainism, Buddhism and later Judaism, Christianity, Zoroastrianism and Islam were permitted to propagate their teachings, build their place of worship and establish their respective ways of life. The struggle for freedom of conscience in Europe and America, stretching over many centuries has no counterpart in Indian history. From the ancient days this right seems never to have been denied. As Max Weber¹⁴ put it, "It is undoubted fact that in India, religious and philosophical thinkers were able to enjoy perfect, nearly absolute freedom for a long period. The freedom of thought in ancient India was so considerable as to find no parallel in the west before the most recent age". Thus, we find the traces of secular concept in ancient era.

III. Concept of Secularism in Medieval India

The society established by Mohammed in the seventh century A.D was as integrated religio-political community¹⁵. It gave no recognition either in theory or in practice to the distinction between spiritual and temporal. Religious devotion and political allegiance were merged, for Mohammed was both the messenger of God and the divinely appointed governor and commander. The military tradition was continued by the early caliphs, but by the ninth century the ulama (doctors of Islamic law) succeeded in arrogating to themselves the exclusive authority to define orthodox¹⁶ dogmas. Furthermore the rapid territorial expansion of Islam made effective by the caliph impossible, and large parts of the Muslim world were governed by independent rulers whose recognition of the caliph's headship was little more than a convenient legal fiction. Their independence became complete when in 1258 the caliphate of Bagdad came to a violent end at the hands of the Mongol invaders.

Thus the caliphate, the historical link with the classical Islamic polity, did not exist throughout most of the important period of Muslim rule in India, the Delhi Sultanate (1211-1504) and the Mughal Empire (1526-1757). Indian Muslim thought was called upon to define the relationship between Islam and the Muslim ruler, in the context of a situation never envisaged by the prophet. Peter Hardy¹⁷, opined that "Indo-Muslim theory met the situation by stressing the divine ordination of the function of temporal government, the duty of obedience and the desirability of the Sultanate in India acting as caliphate de-facto for its own dominance – that is by ascribing to it those functions, including the defense and maintenance of true religion and the Holy law, of dispensing justice and of appointing the god fearing to office which Sunni jurists had earlier ascribed to the caliphate". In carrying out this role, the Muslim ruler was necessarily dependent on the religious guidance of the ulama, for unlike the caliph he could claim no past tradition of independent spiritual authority.

The Mughal emperor Akbar, on the other hand, greatly reduced the powers of that official, especially in matters of patronage. Akbar also arranged to have a declaration made by certain of the ulama at his court to the effect that if they should disagree on a point of law, the emperor will have full authority to give a legally binding interpretation.

The religious policy of the Indian Muslim rulers ranged from a tolerance and syncretism of Akbar¹⁸ to the bigotry and fanaticism of Aurangzeb. During the period of the Delhi sultanate, heretical Shia sects such as the Ismailia and Qarmatians were subjected to severe persecution by the orthodox Sunni government and many Muslims belonging to these sects were imprisoned and executed.

The public worship of Hindu idols was generally forbidden and Hindus were not allowed to build new temples or repair old ones. Sometimes rulers like Feroz Shah Tughlaq would desecrate temples upon the conquest of new territory as a symbol of the victory of Islam¹⁹. On some pious occasions a particular Muslim king like Sikandar Lodhi, would have a fit of religiosity and desecrate or destroy even existing temples in peaceful times. In 1669, Aurangzeb issued a general order for the destruction of all Hindu temples and schools.

During the sultanate and later under Aurangzeb, many thousand were forcibly converted to Islam. Shah Jahan appointed a superintendent of converts charged with special responsibility for making converts. The sentences of criminals and prisoners of war were readily remitted and the individuals were granted daily allowances upon embracing Islam. The conversion of Muslim to Hinduism on the other hand, constituted the crime of apostasy and was punished by death. The jiziya²⁰ a special tax levied on all non-Muslims, was a both heavy financial burden and a badge of inferiority worn by the Hindu, it also stimulated conversion to Islam. The attempt was made by Aurangzeb to exclude all Hindus from government posts although this was partially successful due to the lack of the qualified Muslim personnel. Hindus were forbidden to wear rich clothing, ride horses, or drive in carriages, they were to be constantly reminded of their inferior status in an Islamic state.

In marked contrast, Akbar followed a policy of broad religious tolerance and equality of treatment for all his subjects. He forbade forcible conversions to Islam and permitted Hindus, Christians and Shia's to make converts also. Akbar's Hindu provincial governors built two temples, the one at Brindaban, abolished the hated jiziya in 1564, threw open high public offices to Hindus (Todar Mall became his finance minister). Akbar gave official encouragement to the spirit of tolerance²¹ by the religious discussion which he sponsored in his "Hall of Worship". Muslims theologians and scholars, as well as Sufi mystics, came and expounded their teachings. But Akbar's spirit of inquisitiveness reached beyond the fold of Islam. Hindu and Jain Scholars of all shades of opinion explain their views to the emperor, three Portuguese Jesuits expounded the Christian doctrine and to present the Zoroastrians teachings. Akbar and his successors were further encouraged the freedom of thought by ordering the preparation of Persian translations of such Hindu religious books as the Atharva-Veda, the Mahabharata, the Ramayana and others. Of out Akbar's own religious quest came his syncretic divine faith, which incorporated elements of Sufi, Shia, Zoroastrians and Hindu doctrine.

S.Abid Hussain²² wrote that the new Indian nation which Akbar forged was based, "not on the community of religion but on the citizenship of the same state". It is certainly true that the emperor did much to create what we would call now a 'common citizenship', with equal rights for all irrespective of religious differences. In this respect Akbar's state came much nearer to the modern conception than the Hindu state, which was religiously tolerant, but which dealt with people with legal and administrative matters according to caste status. Religious liberty²³ and a common citizenship are the two of the three components of the secular state.

IV. Concept of Secularism in Modern Era (The British Period)

The religious policy of the British government in India was complex, for it was a result of attempt to combine three conflicting roles. One religious policy was dictated by the commercial imperial objectives of the British government, a second by its status as an Indian ruler and the third by its official profession of Christianity, and this policy continued simultaneously throughout the first half of the nineteenth century.

a) The Policy of Religious Neutrality

The British East India Company began as a commercial enterprise, but in time became a vast colonial power exercising all the functions of government. What was to be the religious policy of this European trader-government ruling over millions of Hindus and Muslims? Common sense dictates its policy of non-interference²⁴ in the religious life of the country, for any other policy would be unlikely to produce either sound business relation or legal subjects. As Arthur Mayhew pointed out the principle of toleration embodied in this statement was unprecedented in the history of earlier European powers in India. The government of Portuguese India in the sixth century had not hesitated to resort to coercion in order to secure conversions to Catholicism. Inducement such as government posts and free rice were held out to those who would embrace the official faith. The inquisition was exported to Goa in 1546 and all practices of “pagan” ceremonies were made liable to severe punishment. Similarly, Dutch a protestant power openly used the machinery of the state to propagate their religion in Ceylon in the seventh century. The government forbade the erection of Buddhist temples and reserved the best appointments to Christian converts. With such precedents, the development of the British policy of religious neutrality could not have been expected. But British showed a policy of religious tolerance. Many missionaries, especially those of the non-conformist persuasions, held strong convictions to Christianity. But in 1793, British Parliament rejected this clause of forced conversion of non-Christian to Christianity²⁵, after the directors in a vigorous representation asserted that the Hindu had “as good a system of faith and morals as most people and it would be madness to attempt their conversion”. Hence for “the religious and moral improvement”, British under the new system of licensing established by parliament provide a measure of official control over the missionaries. As Britain’s Indian empire expanded, the conviction deepened that religious neutrality was sound imperial policy as well as good business. Lord William Bentinck struggled with the problem of the religious sanction²⁶ given to the practice. He argued with the reformer Rammohan Roy that the Hindu reaction to the abolition of sati might be as follows:” While the English were contending for power they deemed it politic to allow universal toleration and to respect our religion, but having the supremacy their first act is the violation of their profession, and the next will probably be like the Mohammedan conquerors, to force upon us their own religion”.

One of the great contributions made by the British Raj was the establishment of the principle of equality before the law²⁷. Hindu criminal law had scaled punishments according to the caste of the offender and Muslim law had discriminated against infidels. The introduction of a uniform civil law was an indispensable foundation for the development of a secular state.

But problems arose in certain areas of civil law. The British government as early as 1772 pledged itself to a strict application in its courts of the Hindu and Muslim law regarding marriage, inheritance and other matters of personal law. In the case of Hindus, “the law of the shastras” was to be applied and with respect to Muslims the “law of Koran”. Under both Hindu and Muslim law, apostasy was penalized by the loss of inheritance rights²⁸. The law thus inflicted an economic loss and those who abandoned their ancestral religion, and this fact operated as a significant deterrent to conversion. A Bengal regulation of 1832 remove the legal disability and Christian spokesman called for a law that would apply to all British India. In 1850 the government on India enacted the Caste Disabilities Removal Act which declared that any law or usage which “inflicts on any person for feature of rights or property or may be held in any way to impair or affect any right of inheritance by reason of his or her renouncing or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law”.

There were definitely two points of view regarding this legislation. On one hand it was hailed as the “Freedom of Religious Act” a measure which established the great principle that a person could not be deprived of his civil rights because of its profession of any religion. Orthodox Hindus, however protested that the law

interfered most grievously with their religious usages, for the right to inherit property²⁹ was accompanied by religious obligations which a Hindu could fulfill. “The right of succession”, one of their petitions stated, “depends exclusively upon the right to present the funeral oblations. It is by virtue of such last act which can only be performed by a Hindu, that son and near kinsmen take the property, because according to the belief of the Hindus, it is by such acts his father’s spiritual bliss and that of his ancestors to the remotest degree, is secured”. Governor general Dalhousie, however overruled this argument by distinguishing between ceremonial and legal responsibility and by asserting that “it is the duty of the state to keep in its own hands the right of regulating succession to property”. The act of 1850 applied to all cases of religious conversions. Its main result, however, was the protection of converts to Christianity. Government would be neutral and aid all educational institutions to impart exclusively education secular in nature. Even the mutiny of 1857 figured out the cry of “religion in danger” by the Indian sepias and hence religious neutrality was strictly followed by the British government which is an aspect of secularism³⁰.

b) Patron and Protector of Indian Religion

The East India Company had to act not only in its primary role as a commercial imperial enterprise, but also in the role of the Indian rulers whom it displaced. The British government, anxious to reassure its subjects as each new territory was annexed, invariably pleaded itself to the continuation of all the rights, privileged and immunities which had been enjoyed under the former Hindu and the Muslim ruler. For both Hindu and Muslim princes had, during certain periods, patronized and administered, the institutions³¹ of the other religion which considerable impartiality. In 1790, Tipu Sultan, Muslim ruler of Mysore, issued a circular order to his local administrators, “the temples are under our management, you are therefore to see that the offerings to the god and the temple illumination are duly regulated as directed out of the government grant”. The order then went on to direct in detail the method of financial supervision of the Hindu temples. By 1833 the Madras government could report that no less than 7600 Hindu temples were being administered by government officials. The British collector was highly esteemed by the Hindus as “friendly guardian of their religion”. And Hindu institutions flourished under European superintendence; the temples were kept in good repair, their finance was on a solid footing, and the religious ceremonies³² were regularly performed.

The British government was the direct patron as well as the administrator of Hindu and Muslim religious institutions. Single sums of public money were paid towards their support. In some cases these payments were made in lieu of the revenue of lands assigned to temples or mosques by former ruler, but resumed by the British. But the British resolved the dilemma³³ on altogether different grounds when the case of the great Jaganath temple in Orissa was considered. The temple had been maintained at great expense by the former Hindu government in Cuttack and this responsibility devolved upon the British. The governor general Lord Wellesley, decided to continue the pilgrimage tax, imposed by the raja as the Brahmans and the Hindu general public regarded it as a permanent security that the temple expenses would be defrayed by the government. “There can be no objection”, wrote Wellesley, “to the British government availing itself of these opinions for the purpose of relieving itself from a heavy annual expense, and of providing funds to answer the contingent charges of the religious institutions of the Hindu faith maintained by the British government”. In point of fact, proceeds from the pilgrim tax³⁴ more than covered expenses, and the surplus were swept into the government’s own treasury. “The religious institutions of the Hindu faith maintained by the British government” – the bluntness of this wording disturbed many Christian consciences – frequently became financial assets under careful administration.

The British participated in the religious festivals³⁵ much as tradition dictated government officials were present to inaugurate annual festivals, troops and artillery were used to make each occasion as splendid as possible. In the military salute which ushered in Ramzan, in the official breaking of coconuts at the

commencement of the monsoon, and in the employment of Brahmans to invoke propitious weather, the government was careful to enact its time-honored role to perfection. Hence the British government followed the principles of religious neutrality and act as a protector of Indian religions.

c) Constitutional reforms and separate electorate

In the latter half of the century, the role of the British government has changed and adopting policies to create communal tensions in India which blurred the picture of secular context³⁶. In the principle of equality before the law, the foundation of a common citizenship had already been well laid. Opportunities for further building on this foundation presented themselves when, towards the end of the nineteenth century, the first small concessions were made by the British to Indian participation in the legislative process. Elections were introduced early in the twentieth century, and in successive measures of constitutional reform the electorate was greatly enlarged. The forces of politically conscious India divided however as Hindu-Muslim communalism complicated the nationalist struggle against the British Raj. Group antagonisms were extended from the socio-religious sphere into that of politics. Against a background of mutual distrust between the two communities the demand was made by the “Muslim minority for separate electorates³⁷”. In 1906 the Agha Khan headed a Muslim deputation which presented its demand for separate representation to Lord Minto, the then governor general. Lord Morley the secretary of the state for India resisted the idea but ultimately agreed under pressure from Minto. The Indian Council Act of 1909 provided for separate Muslim electorate in most of the major provinces. Muslim seats were reserved in the Indian Legislative council and the provincial councils, and only Muslims could vote for candidates for these seats. In addition, Muslims retained the right to vote in the general electorates³⁸.

The new system was opposed by many professional organizations, partly on communal grounds, no doubt, as most of these groups were predominantly Hindu in membership, but also on the grounds of the principle involved. The Madras Land-holders Association objected that separate electorates were calculated to accentuate differences which were rapidly losing their importance in public life, and would impede the development of a sense of national unity to India's progress. The British obviously did not create the Hindu-Muslim communal problem; they did exploit it for their own purpose from time to time.

In 1916 the Indian National Congress and the Muslim League, enjoying a brief period of harmonious relations³⁹, concluded an agreement regarding the representation of Muslims in the various legislative councils. It also provided that one third of the elected Indian members of the Imperial Legislative Council should be Muslims. The agreement, known as the Luck now Pact, confirmed the principle of separate electorates. This was a momentous decision which was later effectively used by the League to overpower Congress objections to the extension of the principle. The Montagu-Chelmsford Report⁴⁰ of 1918 deprecated communal electorates as incomplete with modern political institutions, “division by creeds and classes means the creation of political camps organized against each other, and teaches men to think as partisans and not as citizens..... We regard any system of communal electorates, therefore as a very serious hindrance to the development of the self-governing principle”.

The government of India Act which finally emerged in 1919 accorded communal representation not only to Muslims but to the Sikhs in the Punjab and to Europeans, Anglo-Indian Christians. In addition, a definite proportion of seats were reserved to non-Brahmins in Madras and for Marathas in Bombay. The 1930 report of the Indian Statutory Commission quoted with approval the Montagu-Chelmsford evaluation of separate electorates; they were theoretically wrong, harmful in practice, but politically necessary in view of the Muslim attitude. The Round Table Conferences⁴¹ in London (1930-1932) failed to resolve the question of the number of seats for each community. The Muslims wanted the continuation of separate electorates but with greatly increased representation, the congress although opposed to communal representation in principle urged joint

electorates with reservation of seats as a compromise. This failure led to prime minister Mac Donald's Communal Award, which provided for separate electorates with a specified number of reserved seats for Muslims, Europeans, Sikhs, Indian Christians, Anglo-Indians and the depressed classes and was made the basis for representation under the government of India Act of 1935⁴².

The system of separate representation undoubtedly stimulated the further growth of communalism. It encouraged the most vociferous and aggressive Muslim politicians, there was no need for the moderation which is inevitably developed when a candidate has to appeal to all groups. The minorities tend to lean on the artificial prop of separate electorates instead of strengthening their educational and economic position. The various religious communities became political units and functional increasingly as such with each successive constitutional reform – 1919 and 1935. The ultimate conclusion of this process for a religious community to constitute itself a separate state – was reached with the partition on India and the creation of Pakistan as a separate Muslim state.

Hence by analyzing the historical foundation of a secular state in India in ancient, medieval and modern era, we can conclude that it shows a trend of religious tolerance along with some instances of fundamentalism among the Hindus, Muslims and among the Britishers in the modern era. It is a unique blend of tolerance and intolerance but apparently Indian tradition is marked by sarva-dharma samabhava that is all religion has equal status in India – which is a unique feature of Indian secularism.

V. Conclusion

The historical foundation of India's secular state is a unique blend of ancient traditions of pluralism, the unifying principles of the freedom struggle, and specific constitutional provisions. This foundation results in a model of "principled distance" (or "positive secularism") rather than a strict separation of religion and state, which has been both a strength for national unity. Ancient pluralism is the core principle of India's secularism. India has a long history of religious coexistence dating back to Emperor Ashoka in the 3rd century BCE, who advocated not only tolerance but also respect for all religious sects. This ethos of "Sarva Dharma Sambhava" (equal respect for all religions) is deeply ingrained in the culture. Medieval synthesis forms the crux of India's secular principles. The Bhakti and Sufi movements further fostered a composite culture and harmony between various communities during medieval times, exemplified by rulers like Akbar who promoted religious dialogue and tolerance. The struggle for independence solidified secularism as a core tenet for a united nation against the British "divide and rule" policy. Leaders like Mahatma Gandhi envisioned a brotherhood of religions, while Jawaharlal Nehru advocated for a rational, state-neutral approach, both rejecting the idea of a theocratic state. The framers of the Constitution consciously chose not to establish a state religion and incorporated extensive provisions for religious freedom (Articles 25-28) and minority rights (Articles 29-30). They embedded secular values in the Constitution even before explicitly adding the word "secular" to the Preamble. The word "secular" was explicitly added to the Preamble by the 42nd Amendment Act of 1976, declaring India a sovereign, socialist, secular, democratic republic.

In conclusion, India's secular state is founded on a unique, pragmatic approach designed to manage its extraordinary religious diversity. It does not entail the complete exclusion of religion from public life, as in some Western models, but rather mandates equal respect and non-discrimination toward all faiths while allowing the state to intervene for social reform and equality. The Indian model of secularism is essential for national integration fostering a sense of shared citizenship and identity among people of various faiths. It

protects the minority rights by safeguarding the rights and cultural autonomy of minority communities against majoritarian dominance. It ensures that political power is not monopolized by any single religious group and that laws are based on constitutional principles rather than religious doctrines hence upholds democracy.

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12. Chakraborti Atulananda, 'The Evolution of Democracy', in Chakraborti Atulananda ed. 1961, Nehru- His Democracy and India, Calcutta, Thachers Press Publication Limited (pp.89-104)
13. While some scholars may have trouble visualizing a ready connection between centralized authority and democracy, it is useful to recall the important argument of Samuel Huntington (1968), that political order precedes and is often necessary for the subsequent emergence of democracy.
14. Sarkar Sumit, 'Indian Democracy its Historical Inheritance', in Kohli Atul ed. 2008, Reprint, 2011, The Success of India's Democracy, New Delhi, Cambridge University Press (pp.5-8)
- 24 ibid (pp.9-12)
15. In case of the world like democracy not only that there is no agreed definition but the attempt to make one is resisted from all sides.....The defenders of any kind of regime claim that it is a democracy and fear that they might have to stop using the word if it were tied down to any one meaning,.....George Orwell.

Roy Ramashray, 2005, Democracy in India: Form and Substance, Delhi, Shipra Publication (pp.3-5)

16. Democracy means 'the rule of the people', which is the root of the matter, when the electoral success of one set of human beings spells the utter loss of power to rule for the other: more so when as too often is the case again becomes the loss of the superior numbers and the loss victory of the fewer. This condition gave birth to Magna Carta, the culmination that produced the French Revolution, the atmosphere that matured the 'no taxation without representation', for democracy is a state of deliverance of human beings from the oppressive rule of one, more or far away many.

Naqavi S,M, 1967, Democracy in India, Calcutta. Cosmopolitan Publication (pp.103-147)

17. Thucydides notes Athenian Democracy under Pericles, were of direct type, the demos (people) universally were supposed to participate actively in the affairs of the state, citizens of Athens enjoyed equality before law, demos were dedicated to the republican city-state, were supposed to subordinate private interests to the public good and state was a unified entity that ensures justice to its citizens.

Chaubé, S.K, 'India's Republican Democracy and Ideology and Politics in India', in Chaubé, S.K ed. 1999, Indian Democracy At the Turn of Century, New Delhi, Kaniska Publication (pp.23-25)

18. The foremost man in Greece, the law giver (Solon), the Philosopher (Plato), the wise leader (Pericles), Studios (Aristotle) and demos (people). Apparently, we can infer that the political community now came to be constituted by separate, autonomous individuals who exercise their power as citizens in the political realm that is rule of people was the foremost criteria in ancient Greek democracy.

Roy Ramashray, 2005, Democracy in India: Form and Substance, Delhi, Shipra Publication (pp.34-35)

19. "I have often wondered why the people of India put up with people like me, after all that has happened during the last few months (a reference to the terrible aftermath of partition). I am not quite sure that I had not been in the government, I would put up with my government". A few years later (1952), when reminded of the government's failure to end all food imports, he frankly admitted, I regret that my words have been falsified and I feel thoroughly ashamed that what was almost a pledge to the country has been broken".

Chakroborty Bidyut, 1993, Wither India's Democracy, New Delhi, K.P Bagchi and Company (pp.144-145)

20. Jalal Ayesha, 1995, Democracy and Authoritarianism in South Asia, A comparative and Historical Perspective, New Delhi, Cambridge University Press (pp.20-26)

21. "The question is how to get rid of inequality and have a classless society with equal opportunities for all" – according to Nehru

Chakroborty Bidyut, 1993, Wither India's Democracy, New Delhi, K.P Bagchi and Company (pp.146-148)

22. Jalal Ayesha, 1995, Democracy and Authoritarianism in South Asia, A comparative and Historical Perspective, New Delhi, Cambridge University Press (pp.58-60)

23. World Brotherhood All India Committee, 1960, Indian Democracy in the Asian Background, New Delhi, Allied Publishers Private Ltd (pp.62-63)

24. *ibid* (pp.64-67)

25. A hungry man is not going to put the ballot box before his next meal. If our way of life is to survive and spread and vitalize, we must offer prosperity as well as freedom. As Bernard Shaw said, "Democracy cannot

rise above the level of the human material of which its voters are made". According to L.T.Hobhouse," Democracy can be worthy of us only in so far as we are worthy as human beings".

World Brotherhood All India Committee, 1960, Indian Democracy in the Asian Background, New Delhi, Allied Publishers Private Ltd (pp.88-89)

26. Jalal Ayesha, 1995, Democracy and Authoritarianism in South Asia, A comparative and Historical Perspective, New Delhi, Cambridge University Press (pp.72-73)

27. ibid (pp.25-28)

28. The essential elements of a democracy viz, the consensus of public opinion, the representative authority, the basic structure for running a government by discussion – the creation of institutions to enable state to have status and make efforts towards economic development are all absent. The political crisis in Burma in Pakistan, in Indonesia, Bangladesh have severely tested constitutional and democratic continuity and the regime collapsed.

World Brotherhood All India Committee, 1960, Indian Democracy in the Asian Background, New Delhi, Allied Publishers Private Ltd (pp.113-116)

29. In his message to the nation on the occasion of inauguration of the Republic of India, 1950, 26th January, Nehru cautioned his countrymen to remember that "Future is a hostage which has to be zealously guarded by our own good work and which has a tendency to slip away if we slacken in our efforts or if we look in the wrong direction".

Chakroborty Bidyut, 1993, Wither India's Democracy, New Delhi, K.P Bagchi and Company (pp.148)

30. Nehru wrote in 1935, "My roots are still perhaps partly in the nineteenth century and I have been too much influenced by the humanist liberal tradition to get out of it completely. Nehru's democratic thought is more the product of this broad tradition, the humanist liberal tradition, than of specific sources.

Eugene Donald, 1958, The Political Thought of an Asian Democrat, Calcutta, Orient Longman Publication (pp.43)

31. Democracy is not only political or economic but something of the mind, as everything is ultimately something of the mind. It involves equality of opportunity to all people as far as possible in the political and economic domain. It involves the freedom of the individual to grow and to make the best of his capacities and ability. It involves a certain tolerance of others and even of other's opinion when they differ from yours. It involves a certain inquisitive search for truth and a dynamic concept, its domain is much wider and Nehru defined democracy as a mental approach applied to our political and economic problems.

Chakroborty Bidyut, 1993, Wither India's Democracy, New Delhi, K.P Bagchi and Company (pp.44)

32. Hidayatullah M, 1965, Democracy in India and the Judicial Process, New Delhi Asia Publishing House (pp.42-53)

33. ibid (pp.40-43)

34. Roy Ramashray, 2005, Democracy in India: Form and Substance, Delhi, Shipra Publication (pp.44-48)

35. Hidayatullah M, 1965, Democracy in India and the Judicial Process, New Delhi, Asia Publishing House (pp.38-39)

36. *ibid* (pp.44-45)

37. National freedom as far as the nation is concerned, personal freedom so far as the individual is concerned. For every restriction and inhibition stops growth and development

and produces apart from economic disorders, complexes and perversions in the nation and individual. So freedom is necessary.

Mehta Bhanu Pratap, 'The State of Indian Democracy', in Basrur Rajesh. M ed. 2009, Challenges to Democracy in India, Oxford, Oxford University Press (pp.49-51)

38. The democratic way was not only well known but was common method of functioning in socio-political life, in local government trade guilds, religious assemblies etc, caste, with all its evils kept up the democratic habit in each group.

Eugene Donald, 1958, The Political Thought of an Asian Democrat, Calcutta, Orient Longman Publication (pp.50)

39. Then a politician or statesman, call him what you will, has to deal not only with the truth but with men's receptivity of that truth because if there is not sufficient receptivity of it from the politicians or statesman's polite of view, that truth is thrown into the wilderness till minds are ripe for it.

Chakraborti Atulananda, 'The Welfare State', in Chakraborti Atulananda ed. 1961, Nehru- His Democracy and India, Calcutta, Thatcher's Press Publication Limited (pp.87)

40. The prophets must be stoned, that in their lot and the test of their self-fulfillment; but a leader who is stoned may merely prove that he has failed in his function through a deficiency of wisdom or through confusing his function with that of a prophet.

ibid (pp.58)

41. The conflict between capitalism and democracy is inherent and continuous it is often hidden by misleading propaganda and by the outward forms of democracy. Such as parliaments and the sops that the owing classes throw to the other classes to keep them more or less contended.

Ibid (pp.60)

42. *ibid* (pp.61)