



Rising Intolerance in India - Protecting Spirit of Secularism

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Abstract: *Presently, the intolerance exists in the society and its rise is not right in a collective sense. The nature of intolerance is not in totality; it is choosy and self-oriented. The fundamentalists of the dominant section of the masses support or oppose on the right to freedom of speech and expression. However, the issue of religious intolerance could soon dampen that image, and more importantly, have adverse consequences on the unity of the Indian people. It requires serious consideration: Has India really become intolerant, particularly in the past 15 months? Are religious minorities now unsafe? Are they being systematically targeted and marginalized? A nation is intolerant when its constitution and institutions are intolerant. But if the fundamental rights are opposed by the community, no Law no Parliament, no judiciary can guarantee them in the real sense of the world". And therein lies the real problem. The idea of secularism has been important in the social and political development of India ever since the national struggle began so that every religion to be treated equally without biasness. The main thing is to go ahead and change the attitude of people who bring shame time and again to the country with their irresponsible and reckless behaviour.*

Key words: *Parliament, intolerant, irrational practices*

Introduction

The rise of intolerance seems to be alarming at present. The peculiar feature of it is that all voices of intolerance are not one and the same. Tolerance to inhuman practices is an age old phenomenon in this society. Human beings who have to be rational must be intolerant to irrational practices and events. They should be intolerant against inequities and injustice meted out to them. When the history of 20 centuries and even earlier period is scanned, it would be vividly evident that the major section of the mankind of this land were made subservient to dogmas and doctrines in the name of god and religion, thereby they were tempered over a period of time to be tolerant of slavery.

It is not mere the existence of social slavery, but the slaves were made to enjoy their slavery. The social slavery was glorified as divine and as a design, created by god. Their life style was tuned as such and any violation of it, was considered as crime and deserved punishment till such so called deviants are alive and even after their death¹. For a country lauded for its tolerance over a wide variety of religious beliefs and practices, India is seeing the rise of an overwhelming right winged Hindu nationalist movement. India's constitutionally upheld secular image is deteriorating. The former part of this year has seen 24 out of 29 states implement bans on beef consumption or possession as Hindus consider cows as sacred animals and slaughtering them



would be blasphemous. Furthermore, the frequency of attacks on Muslims has increased. The country's liberal elements have also come under threat following murders of atheist and rationalist scholars. Although the ruling Bharatiya Janata Party's (BJP) philosophy is to push for 'Hindutva' or cultural nationalism, they stress their disassociation from any religion. This sort of centuries old inequitable tolerance was sanctified by the people who raise voice of intolerance at present, alarmingly. It is not the same people who designed the inequitable tolerance but they are the people who stake claim for the heritage of sustaining such an evil design in the society².

When religious dogmas of other sects are exposed, the claim for the right to freedom of speech and expression, rose to the sky, under the guise of intolerance. When such rights are exercised against their own religious dogmas, then their support for the right to freedom of speech and expression becomes dismal. This is the dilapidated tactics of the culturally dominant, oppressive section of the society.³ Some political analysts have argued that religious discourse has always plagued India's democracy and will continue to do so. However 40 writers have given back their Sahitya Akademi awards, a prestigious award given for literary excellence, to protest intolerance and the lack of free speech. These protests gained popularity following the murder of scholar Malleshappa Kalburgi by a Hindu right-wing group in August. Kalburgi was an atheist scholar who frequently wrote criticisms of superstitious beliefs. Since the incident, notable writers such as Salman Rushdie and Amitav Ghosh have taken to social media to express their

discontent for the right-wing government and Narendra Modi, India's prime minister. It could be argued that the role of social media and print is critical in the question of intolerance as it both exacerbates community divisions and serves as a platform to voice concerns over violence, mitigating some radicalism. Conversely, intolerance could be alleviated by government mediation which is exactly what an open letter to the government argued. This letter was drafted and signed by multiple Indian scholars and historians around the world. Right wing radicalism has come to the fore in several forms. Firstly, Hindu organizations like Rashtriya Swayamsevak Sangh (RSS) have introduced new practices like 'Ghar Wapsi'. The RSS is an organization that promotes Hindu nationalism and is reputed for orchestrating communal violence. Ghar Wapsi, on the other hand is a conversion practice of non-Hindus to Hindus. This practice has been deemed to have violent tendencies as it sparks conflict with India's Muslim and Christian communities. Secondly, government funded educational institutions are heavily influenced by Hindu teachings. History books have allegedly been rewritten to highlight and reinforce the Hindu identity. Thirdly, cases of unmarried couples' arrests have flooded the news. These couples were mostly harassed and chased out of their hotels and yet the arrests have been said to be on the grounds of public indecency. In a democratic country where citizen rights are upheld and protected under the Constitution, indecency stipulated by Hindutva extremists should not be considered legitimate grounds. The BJP became prominent in the political field in the 1980s over the Babri Mosque conflict. The Mosque was built upon a well known



and worshipped Hindu site. The BJP was instrumental in the demolition of the Mosque in 1992 thus winning over the Hindu vote share. In addition, Modi is a former member of the RSS. Therefore the tragic 2002 anti-Muslim attacks in Gujarat were pinned on Modi since he was the state's chief minister and made ambiguous and controversial statements that could be interpreted as permitting violence over Muslims⁴. However, a strong defence for the BJP is that the main opposition party, Congress, could be propagating intolerance as well, especially through social media. The Indian National Congress Party supports the Muslim population in India and has always been at loggerheads with BJP. So Congress could be spreading anti-government rhetoric in order to undermine BJP's governance. Moreover, the economic minister, Arun Jaitley called the protests a "left liberal opposition". Since the 2014 General elections resulted in a BJP majority, the minority parties may want to tip the vote share for future elections.

The role of the government in rising intolerance is not very lucid given the lack of evidence. However, the destructive actions of religious fanatics seem to carry on regardless of the punishment laws put in place. the consequences action. Therefore, one can question why these people have an almost presumptuous attitude toward due to inefficient bureaucracies, loopholes can easily be found in laws. In turn, bent or undermined laws lead to a continuously corroding administration of law. Moreover, fringe right wing groups that carry out attacks tend to remain anonymous in their relatively moderate religious groups. In other scenarios, members of communities and religious

groups that have knowledge of perpetrators do not voice their concerns to authorities because fear of the law backfiring against them. This argument could also be tied into structural problems. Additionally, deaths resulting from attacks can be interpreted as martyrdom, perpetuating intolerance. Further concerns about the extent intolerance is affecting the private sector have been expressed by the previous Governor of the Indian Central Bank, Raghuram Rajan. He urges the government to intervene and settle the situation as he believes "tolerance is essential for faster economic growth." India has been branded as one of the fastest growing economies in the world and is the 7th most valuable 'nation brand', a statistic that represents the symbolic value given to products and exports. On the social front, Indian-Pakistani relations are severing further. In October a famous Pakistani singer's concert was cancelled by Shiv Sena, the right winged ruling party in Mumbai. It will be difficult for Modi to grapple between extremists and liberals since the Hindutva community is his core supporter but the liberal space in India is also widespread.

Growing Intolerance

Recently in an interview at an award function, Amir Khan, mentioned that his wife, Kiran asked him whether they should leave the country. To Amir Khan, the statement of his wife was disastrous and indicated growing intolerance in the country. Though we condemn any such sweeping statement coming from a celebrity idolized by millions in the country, one must without politicizing the statement, reflect over the context it was made in. The Indian Prime Minister in London rightly pointed out, "India is



full of diversity. This diversity is our pride and it is our strength. Diversity is the speciality of India.⁵ The lynching of a Muslim man in Dadri on mere rumors of consuming beef sent shock waves in the country. Along with this incidence, the murders of prominent writers/rationalists and lack of thorough investigation in these cases are a cause of concern. These acts are a window to the growing intolerance in the country and shouldn't be dismissed as stray incidences. They are not normal and cannot be compared to any such acts for the following reasons. firstly the frequency of hate speeches (that constitute offence under Indian Penal Code) have increased dramatically; secondly, the intensity of hate has become vicious, bordering even on abusive language, calculated to insult and provoke those abused and insulted; thirdly, new issues are exploited to spread hate – ghar wapsi (forced conversion to Hinduism); fourthly, the statements are accompanied by lynch mobs and street violence in an unprecedented manner and fifthly even those officiating on constitutional posts and those who have taken oath to uphold the Constitution and implement law without fear or favour like the Union Ministers, Chief Ministers of States, Members of Parliament, MLAs, Governors and President of BJP have been making such hate filled statement and entire BJP's leadership defends and protects them. Such instances compel one to question if diversity in India can survive in such an environment of intolerance created by Hindu nationalists. All acts, phenomenon and institutions are looked from the lens of religion. The statements of the Hindu nationalists are calculated to achieve the following objectives⁶:

1. To impute that Pakistan was created for that Muslims and that is where they belong to Pakistan; that state of Pakistan cares for the Indian Muslims; and more alarming, that Hindus have a right to kick the Muslims out of India. By imputation, India is fancied as a homeland for all Hindus, wherever born and citizen of whichever country⁷.

2. To impute that only Hindus can be naturally and inherently nationalists and patriots, the rest would have to prove their patriotism and nationalism.

3. Seek to de-citizenize Muslims - Shiv Sena MP Sanjay Raut wrote "Balasaheb Thackeray had made a demand that Muslims should be stripped of their voting right. This is an appropriate demand".

4. To instill in sub-consciousness of all Indians that upper caste way of life is above law and law has to confirm to and affirm their way of life, else, law could be violated to impose upper caste way of life.

5. To imputing inferiority of non-Hindus and stigmatize them, particularly Muslims and Christians. Sadhvi Niranjani Jyoti, Union Minister, said while campaigning during Delhi elections: "Aapko tay karna hai ki Dilli mein sarkar Ramzadon ki banegi ya haramzadon ki. Yeh aapka faisla hai (You must decide whether you want a government of progeny of Ram or of those born illegitimately)." The hate statement divided the Indians into two categories – either they were progenies of Ram (Hindus believing in Ram) or they were illegitimate offspring.

The statement of the Prime Minister taking pride in its diversity in India then sounds utterly hollow and mere lip service to please statesmen abroad.



Diversity entails space for different cultures to co-exist. No one can be allowed to thrust their culture on others. Such statements full of hate creates an intimidating environment wherein culture of the dominant elite alone will prevail and the rest would have to perish. The PM said that Constitution of India was his bible. However, he has failed to register criminal complaints and cases investigated even when committed in New Delhi where his writ runs. Section 153-A of IPC makes it an offence to promote enmity, hatred or ill-will between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony; Section 295A penalizes deliberate and malicious acts, intended to outrage religious feelings of any class of citizens by insulting its religion or religious beliefs.

Not invoking such laws to punish those promoting communal hatred, ill-will or enmity on grounds of religion or those who outrage religious feelings of a group of citizens creates environment of impunity and emboldens Hindu nationalist lynch mobs. Law casts duty on the Government of the day to bring hate mongers to justice.

Rule of law, legal theory and secularism

Law and legal theory in India should make an effort to forge out a new approach which partakes of the second and the third of the above classes. It is possible to build upon the tradition of respect for saintliness and tolerance in the Indian community. On this foundation schemes of training and education can be set up which would guarantee the development of right-minded men of the community to whom

the task of social planning and dispensation of justice could be entrusted. In a so-called secular society, it is the task of legal theory or jurisprudence to train and shape a few right-minded men who will guide the social process in an impartial manner. Legal theory is that branch of knowledge which concerns itself with the examination and evaluation of the fundamental rules and precepts of the law in terms of values and standards borrowed generally from other branches that deal with the life of man in society.

It is thus clear that legal theory is unable to find an absolute principle of justice which under the name of the rule of law could be said to be of universal validity. But the very inability of legal theory to find such a principle would emphasize the need of a constant evaluative check upon social and legal institutions and behaviour in the contemporary and a rather a moral world. It concern would still be to continually examine the shifting basis of the criteria of the resemblances and differences which as Professor H.L.A. Hart says alone give content to justice operating in the socio-economic contexts. As a working principle in democratic societies, however, the rule of law can be identified largely as a principle of equality before the law.

Conclusion

India has seen more gruesome instances of violation of communal harmony time and again in its history. What makes the recent spate of incidents so different? Is it the fact that certain states are banning consumption of beef? In that case it needs to be taken into consideration that Gujarat – one of the two states to have banned consumption of beef – also bars alcohol consumption. Do the incidents at



the Pune Film and Television Institute have anything to do with all this?

The main question is will these gestures just be limited to being symbolic ones or go ahead and change the attitude of people who bring shame time and again to the country with their irresponsible and reckless behaviour.

¹ Real India (2015) Rising Intolerance in India: Protecting Secularism, Pluralism and Democracy - The McGill International Review, November 18, 2015

² Subramaniyan J and Ajithkumar S (2014), Secularism and Human Rights in, India-A Study, Research Journal of Language, Literature and Humanities, 2014.

³ V.Kumaresan, General Secretary, The Rationalists' Forum, Tamil Nadu at 8th National Conference of Federation of Indian Rationalist Associations at Nagpur, Maharashtra held on 11th and 12th February 2012

⁴ Mehta, Arnavi (2015) Rising Intolerance in India: Protecting Secularism, Pluralism and Democracy, Mironline

⁵ Indian Express, Nov 14, 2015

⁶ Neha Dabhade & Irfan Engineer, Growing Intolerance, Secular Perspective December 1-15, 2015

⁷ Subramaniyan J and Ajithkumar S (2014), Secularism and Human Rights in, India-A Study, Research Journal of Language, Literature and Humanities, 2014.