

# **A Comparative Study of Secularism in Russia and India**

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*for award of the degree of*

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**STANZEN SHARAP**



**CENTRE FOR RUSSIAN AND CENTRAL ASIAN STUDIES (CRCAS)**

**SCHOOL OF INTERNATIONAL STUDIES**

**JAWAHARLAL NEHRU UNIVERSITY**

**NEW DELHI-110067**

**INDIA**

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# JAWAHARLAL NEHRU UNIVERSITY

Centre for Russian and Central Asian Studies

School of International Studies

New Delhi-110067

Tel.: (O) +91-11-2670 4365

Fax: (+91) -11-2674 1586, 2586

Email: crcasjnu@gmail.com

Date: 15-07-19


## DECLARATION

I declare that the thesis entitled "A Comparative Study of Secularism in Russia and India" submitted by me for the award of the degree of Doctor of Philosophy of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

  
Stanzen Shatap

## CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

  
Prof. Phool Badan  
Chairperson, CRCAS



अध्यक्ष/Chairperson  
रूसी और मध्य एशियाई अध्ययन केन्द्र  
Centre for Russian & Central Asian Studies  
अंतर्राष्ट्रीय अध्ययन संस्थान  
School of International Studies  
जवाहरलाल नेहरू विश्वविद्यालय  
Jawaharlal Nehru University  
नई दिल्ली/New Delhi - 110 067

  
Dr. Tahir Asghar  
Supervisor



Associate Professor  
Centre for Russian & Central Asian Studies  
School of International Studies  
Jawaharlal Nehru University  
New Delhi - 110 067

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*I had heard about PhD many instances in my life before I embarked in the journey of it and for the first time, interestingly, the term 'Doctorate' has been heard during my childhood days while listening to Radio. In the early morning, there used to have one Radio programme in which one person known for PhD used to be in that programme, speaking about the essence of life and Buddhism and my family used to listen to it. It was those days Television and other means of entertainments had hardly been there at least in my village Domkhar if not the same case in whole Ladakh.*

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## CHAPTER ONE

### Introduction

This chapter provides a historical background of the development of term secularism and shed a light on its theoretical framework and the challenges of secularism. In the first phase, it gives an overview of the origination of the idea of secularism and the original meaning behind the term secularism. The word secularism was originated from Latin word '*saeculum*', meaning fixed period of time say hundred years and so on and Christian Latin used the term to distinguish the temporal world and divinely eternal world which has gradually gained an additional meaning after the era of enlightenment. Secondly, attempt is made to understand the historical development and the theoretical evolution of secularism. While studying these, Different theories that are available in the Western countries are discussed to comprehend the complexities of the concept of secularism especially in the post renaissance context because of the fact that outlook towards religion in western countries had been different. Even after western countries are homogenous or having Christianity as the dominant almost all over, yet each countries have different attitudes or thoughts towards religion and consequently theories of secularism differs in almost all the countries.

In the second phase, concept and contents of different theories based on Russia and India are discussed separately. It is imperative to look into the theories and outlook of these two Asiatic countries not just for the sake of its comparison with the western concept, but to explore how diverse socio-religious composition makes content of secularism in these countries quite rich, deep and wide. These two Asiatic countries have their own understanding of secularism where religion is not deemed to be something negative; rather religion has been the central stage. State did not have an antagonistic attitude towards religion. Space had been accommodated to the subjects historically and citizens of these two countries are allowed to practice their own religion in the modern world. Historically there is no clear cut separation of religion from the activities of the state and nor there is negative interpretation of secularism in these two countries.

In the third phase, an attempt has been made to analysis how it would be difficult to practice secularism at ground level. There are some views which say that though theoretically secularism has been discussed widely and highlighted greatly but there are

complexities to put it into practice. So this study explores the issues and areas which made the practice of secularism in the real world difficult. Moreover, any countries which claim to be secular are not free from challenges of secularism. It is not the finest concept that the world over can practice and get solutions to problems countries that are encountering. There are challenges in many ways and it needs special attentions. So challenges to secular states have been in focus.

In short, historical development, theoretical framework, and different theories of the western, Indian and Russian has been discussed with the emphasis given on how the concept secularism is difficult to put into practice. The study also discusses the common challenges faced by the secular states.

## **Literature review**

### **1.1 Historicity of secularism and renaissance**

The term ‘Secularism’ has been coined by British Writer George Holyoake in a well-documented fact as mentioned in Gupta’s article (Gupta 2008). In 1846, the writer used this term with the intention of promoting social orders separate from religion. British and Europeans are historically known for the liberation of society or state from the dominance of the church. These 19<sup>th</sup> and 20<sup>th</sup> centuries are known for the age of enlightenment (Gupta 2008). George Holyoake says that secularism is a code of duty pertaining to this life, founded on consideration purely human and intended mainly for those who find religious things inadequate or indefinite, unbelievable or unreliable. The term secular has its roots in Latin in which *saeculum* means a fixed period of time roughly a hundred years or more. This term *saeculum* is used to distinguish the divinely eternal God and the temporal era of the world. Gradually, its meaning got changed to anything which has to do with the earthly affairs rather than spiritual. After the era of enlightenment, the term gained additional meaning as thinkers reasoned that the earthly affairs should be separated from religion issues and kept away from church control. Two primary examples are the ways in which the capitalist economy and democratic politics are kept in distance from the religion in 17<sup>th</sup> and 18<sup>th</sup> century and in 19<sup>th</sup> century freethinkers considered more about the future ideal society which could become thoroughly secular (Shook 2010) .

The idea of secularism had been developed in the west over the centuries however, it got anti-religious character. The term secular is defined by Niyazi Berkes as ‘Seculum’ which originally means ‘age’ or ‘generation’ but which came to mean in Christian Latin the ‘Temporal world’ and the word secular was used in the major protestant countries. Encyclopedia of religion and Ethics incorporated nearly the same meaning; describing secularism as “wholly unconcerned with that unknown world and its interpretations. It deals with the known world, interpreted by experience and neither offers nor forbids any opinion regarding another life”. So this shows secularism as a part of a movement which was intentionally ethical with philosophical antecedents and negatively religious with political. Lastly, it may be concluded in the words of M.V.Pylelike, “the relation of secularism and religion is defined as mutually exclusive rather than hostile. However, the secular movement away from religion need not imply total abandonment of it. It is perfectly possible to advocate both secularism and religion. Secularism is not opposed to religion as such it is rather opposed to use of the religious institutions and religious motivation in the legal, political and educative processes. So long as religion does keep its own sphere secularism is religiously natural, it neither endorses nor disapproves of religiousness.” (Ganesh 2016).

At first glimpse, it will appear secularization is linked to secularism. Nonetheless, it’s not quite easy. Generally, secularism is understood as “indifference to or rejection or exclusion of religion and religious consideration”. In more technical use, secularism can be interpreted in two ways. First, Lorenzo Succa says that secularism deals with a political project with a set of normative claims as religion and state relationship is to deal with. In short, the definition provided by Lorenz is similar to the world wide notion of secularism. However, it is not plausible and possible to take into account the general notion of secularism and to put it into practice at the regional, national and international level specifically because these days there is a different trend of de-privatization of religion and moreover, this may lead to violation of liberty of religion at many level. The Second meaning is to deal with legal and political practices of secularism in many states. Countries with a democratic form of government are directed by rules of law and it explicitly recognizes the liberty of holding any faith and belief and practices them constitutionally and declares some kind of separation between religion and state In this sense, “separation of church and state” means that not even by the grace of sovereignty religious institutions not to play a role which falls in the ambit

of the state. At the same time, secular bodies shall not exercise ecclesiastical power and neutrality indicates that there shall neither have any partiality with any worldview nor taking any side with a particular religion (Palomino 2011).

There are two sources when it comes to the base of secularism in laws of the state and politics. The first source is positive where protections to all religious beliefs are given by the state. As per this logic, the convenient way of explaining is that state needs to detach from all kinds of religious activities and the scope where religion has bitterly to deal with religious institutions. Role of the state is not to manage secular affairs and nor to restrict social development and bring improvement in it although it is also fact that religion may benefit to social progress. With this positive justification, second is a negative one in which it has been experienced at the national and international level signifying that combination of state and religion brings division and conflict between states, nations, social group and ethnic group. To avoid this conflict and division, separation is not only desirable but also important (Ibid).

Freethinkers and secularists of the nineteenth century including George Holyoake suddenly had not appeared from nowhere. Number of philosophers have been emerged in the eighteenth century who challenged the religious precepts and moving to science as alternative and convincing vision. As early as the late 18<sup>th</sup> century, philosophical thinkers posed challenges to the long gripped opinion that was being shaped and the midyears of the 19<sup>th</sup> century has been full of post-enlightenment debate and discussion regarding the matter and nature of the universe and nature of human mind. Prior review thinking led to the understanding that human is the outcome of their passion and reasons and rational thoughts were the compelling forces that influence mankind. Human has been essentially a selfish and seeking pleasure and avoiding sufferings. This has helped in the development of a system based on secular which is established during the enlightenment and has made its growth under the utilitarian which followed the norms of it. In the early 19<sup>th</sup> century, utilitarian and Holyoake worked in the environment of intellectuals where they got influenced by the views of Locke, who is one of the greatest intellectuals before them (Meacham 2015).

Locke was one of the initial modern thinkers to ponder a more secular public sphere in the West. Locke was of the view that government is there to defend the rights of people such as life, liberty and property and so long as encroachment has not been done in the

life, belief and practices of others, then the state has no business to regulate or control the beliefs of others. His thoughts have been developed by the new enlightened perspectives. He had been wary to articulate his opinion on reasonableness in a term which expressed the strong religious practices of his time and which had not denigrated religious establishment. On the relationship of church and state, in particular, Locke held an opinion that the scope of the state is to protect the rights of subjects and punish the one who infringes rights of others. Religious liberty is viewed by John Locke as an extension of general right for individuals and it is the voluntary association and punishment should not be given to anyone who is not a member of associations. During his childhood, Holyoake was a very religious person but with nineteenth century as the turning point for the intellectual domain, Holyoake got influenced from Owen interpretation of worldview and the efforts made by him to elevate poor people so as to give them a new life. It was Holyoake who redesigned the viewpoint of Owenism when it started to fall around 1845 by side-lining its communal focus and giving it a shape of philosophy for individual and society. He advocated other positive aspects of the free thought movement and rationalism. In the line of philosophy, he believed in the growth of secularism. Holyoake asserted:

Rationalism was the science of material circumstances. Rationalism advises what is useful to society without asking whether it is religious or not. It makes morality the sole business of life, and declares that from the cradle to the grave man should be guided by reason and regulated by science (Holyoake 1845, 31).

Rationalism and secularism by 1853 were doctrinally indistinguishable. Secularism developed from Holyoake was formerly known as rationalism cosmism and naturalism because their doctrine was very much same. In developing the secularism, utilitarian has a great work especially by J S Mill and others. However Holyoake did not blindly followed the utilitarian theory as he stated, "I differ with diffidence from Mr. Mill as to the propriety of carrying the utilitarian doctrine into the domain of morals. Truth is higher than utility, and not utility the measure of truth. Conscience is higher than consequence. We are bound first to consider what is right"(Holyoake 1905: 31-32). Holyoake made it very clear saying, "Secularism is not the negation of religion but rather it provides that if religion does not interfere with the state to its detriment, I am prepared to disregard it. Where religion is useful in the world, I wish to engage with it". He came up with the word 'secularism' to explain a social order where religion is separated from it, however at the same time without criticizing or denigrating religion.

In order to clear his stand different from those who continuously wish to abolish or denigrate Christianity, he asserted:

Secularism is not an argument against Christianity. It is one independent of it. It does not question the pretension of Christianity. It advances others. Secularism does not say there is no light or guidance elsewhere, but maintain that there is a light and guidance in secular truth, whose conditions and sanctions exist independently, and act forever. Secular knowledge is manifestly that kind of knowledge which is founded in this life, which relates to the conduct of this life, conduces to the welfare of this life and is capable of being tested by the experience of this life (Holyoake 1871: 17).

Secularism has been distinguished from extremes of atheism and theism by Holyoake in particular and explained like:

Secularism neither asks nor gives any opinion upon (atheism or theism), confining itself to the entirely independent field of study-the order of the universe. Neither asserting nor denying theism or a future life, having no sufficient reason to give if called upon; the fact remains that material influences exist. Vast and available for good, as men have the will and wit to employ them... consideration which pertain to the general welfare, operate without the machinery of theological creeds, and over masses of men in every land to whom Christian incentives are alien or disregarded (Holyoake 1896: 37).

Various principles can be picked up from his writing which is related to secularism in the constitutional context. The first point is that secularism is not synonymous to atheism and secondly alternative to religious principles are not given by the secular principles. The third is that secularism deals with matters of this life, and fourth point is that external source as a source is not accepted by secularism and the last point is that principle of secular is open for the debate and critique in the public sphere (Ibid).

Medieval Europe represented the struggle between political authority and the Catholic Church. It has been a paradigm shift that favored the localities and nations over the supreme rule of the divine. It was the beginning of the permanent break with the centuries of political and social tradition and this shift has occurred due to the growing advantages to the secular authorities over the divine authority. During those period of struggle between political and religious authorities, many cities and localities have been developed, business of the people have been expanded and people were attracted more towards their well-being rather than to the divine interpretations. With this, questions are raised on the meaning of subjects and the power of subjects has and demands were made that the political power should be left in the hands of the state and not the church. Church had tried all ways to suppress those movements and people were directed to

control but it was already late and transfer of power from Church to State had to be carried out. Political authorities especially Philip IV started collecting taxes from religious organizations and revenue was generated and people are supporting for the tangible things that have been developed by kings. While this struggle was going on over the authority of the state, Philip luckily had good number of lawyers supporting his mission whereas pope Boniface had support which was abstract and divinely. In short during the renaissance, people were not completely against the establishment of the church and also fight was not between whether church or the state to rule but rather they were demanding to draw lines between church and state. Now merger of church and state was not welcomed and sought to draw the line of about what extent church can play the role in the activities of state. People were going beyond religion and new avenues are being opened (Smith 2012).

The excessive pre-occupation with the imaginary other world and the neglect of the affairs of this life led to a prolonged period of social stagnation from which rescue was possible only if issues society had been facing was redirected towards the secular affairs of life. This necessary transformation was initiated by the European Renaissance. Started in the 12<sup>th</sup> century in Italy, the renaissance movement developed in Europe during the period from the mid-fourteenth to the mid-sixteenth centuries and the purpose was to assert the centrality of the human individual against the supremacy of the Christian clergy. This renaissance reiterated that human being is a free moral entity because his morality derived from his conscience which he regarded as the voice of God and the dictates of the clergy were not necessary for maintaining a moral life. Taking inspiration from the ancient Greek civilization, the men of renaissance turned their attention to art and literature and to the secular affairs of life. The renaissance movement greatly weakened the power of the clerical order and also weakened the belief in the divine right of kings. Growth of science and growth of democracy were the outcome of the decline of popular support to priests and princes. It was this movement which gave a fillip to a secular movement aimed at improving life on earth with the aid of knowledge acquired through the development of science. The decline of the popular faith in the divine right of kings eventually led to the establishment of democracy in many western countries and principles like liberty, equality and fraternity are recognized as the core values of democracy. While Liberty emerged as a popular concept after the decline of the power of priests and princes, the moral principles of



equality and fraternity became popular as the product of the major elements for the secularization of society. Orthodoxy in the religion had been the main cause of moral degradation in the middle ages where priests exploited the society for the sake of their personal interest. Corruptions in the practices of clergy led to the reformations and the establishment of Protestantism in Europe. The first principle of a secular state is that each and every citizen is free to adopt any religious faith which they prefer and no discriminations to be made on the basis of religious faiths and state is allowed to give preference to one religion over another and all religions must be treated equally (Tarkunde 1995).

The approach of secular developed as a response to the possibly during the medieval period to ignore affairs of human and to mediate from the idea of God. Oxford Dictionary says, "The word 'secularism' is the principle that morality should be regarded to the well-beings of mankind in the present life to the exclusion of all consideration drawn on belief in God or in a future state". It was the Holyoake (1817-1906) who used the term of secularism. The 'secularism' term is made up of the 'secular' which had been derived from the classical expression of 'secularism' and it is not meant to concern with religion, sacred and monastic. In a theoretical sense, this term secular has been used for the first time in Europe in 1851 after church and state entered in to conflict to draw the line of their role in respective role. First, it was talking about drawing the line of role of religion in the activities of the state. AchinVanaik is of the view that secularism means greater rationalism of thoughts and behaviours and he further added that it is a multi-sided process involving the progressive decline of the influence of religion in socio-political and economic life of human beings (Singh 2008).

Dr. V.P. Luthra says that there are three systems that are prevalent in western countries. First, a secular system which treats religion as something private affairs and state has no business in it anyway. This is the system which is prevalent in the United States of America and the second type is there is an established church which is controlled by the states in many important areas. The second type of secular system is prevalent in Britain where there exists an established church is there and other religions are also tolerated and are allowed to manage their own affairs without any interference from the state. Now the third type of secular system is one where equal treatment is given to all religion but state does not deprive itself of responsibility for controlling their religious affairs and this prevails in Netherland and Indonesia (Ibid).

In the case of USA, there is a total separation of state and church and both cannot interfere in each others' business. The strict 'wall of separation' is being followed and yet it can't be called as anti-religious since state is indifferent to religions. Constitution also protects the freedom of belief and worship and government has no role in awarding or penalizing anyone on the basis of faiths and their practices, however, the government can come forward to protect anyone from religious practices when it is harmful to the public like child sacrifices (Greenawalt 2009). The America model of secularism is not only about the freedom of religion and freedom from religion rather it's a freedom for religion. Founding fathers of the USA did not find problem in separating religion from state and saw no threat in doing so for democracy. This model of secularism did not discriminate between the religious and non-religious and treat all equal before the law (Garnett 2009).

The founding fathers of America were cosmopolitan intellectuals devoted to the rationalism of the enlightenment but they had not been most part humanistic atheist or as someone who went against religion. Contrarily they were of the belief that morality is one of the unavoidable things for the healthy state and religion is the primary foundation of the morality and charity for own fellow human beings but it has been declared that the state itself should be secular. Madison in the first instance saw no need of any constitutional amendment but he was convinced enough by Jefferson and other to spell out certain rights and in the first constitutional amendment where religion is to be the first freedom and it reads out like, "Congress shall make no law respecting an establishment of religion, nor prohibiting the free exercise thereof...". However in recent times, a group of people who claim themselves as fighting for religious rights involve in the political activities and claim that the America had been founded on the Christian nation and the wall of separation is the misreading one in the constitution. Intention of the founder is ban religion in the first amendment has a reference that church is being supported by state. Christians who are in America continue to remorse for the disassociation with the state. They are demanding to acknowledge Almighty God as a source of authority and power in civil government. President Lincoln was also met by some prominent delegates and asked him to support for the cause in Congress but he did not approve it. Seeing that the questions are being raised at the secularity of an America, it should not be forgotten the value of historic wall of separation and it has

been proven as the greatest guarantor of religious freedom and tolerance ever devised by human minds (Martin 2006).

Auguste Comte argued in positive philosophy that social phenomena can be studied in terms of natural law like natural phenomena and said that society and all branches of knowledge pass through three stages: theological, metaphysical and positivism/scientific. He is of the view that religious belief was part of the infantile stage of humanity that was paralleled in the lives of individuals. Thus, belief in the supernatural was equated with childhood fantasy. At the time of writing, Comte argued that the social world was still being treated in theological and metaphysical terms and that his own work marked the beginning of the scientific approach. He suggested that understanding of natural law and submission in the social dominion was no less necessary than in the natural realm (Rectenwald 2011).

“Secular” means “not connected with religious or spiritual matters”. It means that it can be said that secular state is the one where origin and justification of the political authority is completely secular but the presence of religion is there, however, Charles Taylor says religion engaged in social life at a different place and attuned with the faith that social action is taken in irreligious time. In a secular state, in other way it can be engaged entirely in politics with no meeting the idea of God. With the word secular, there is another term “secularization” which strictly means transferring from ecclesiastical to civil use, control. Max Weber’s communicative illustration of the breaching of the monastery walls remains possibly the best explicit appearance of this radical spatial restructuring. For a time being separation between “this world” and “the other world” remains least. But there shall be merely one “this world” the secular world now onwards, inside which there shall have religions its own places. Secularization is the way via which dominance of religions get declines in the activities of state and clarity and cohesion comes. Oliver Roy is of the opinion that secularism is the social facts that need no political execution. It will be suitable to say that religion is “tamed” or “domesticated” and provided under the legal scheme of the civil rights as “freedom of religion of belief”. Accepting that religion is the issue of choice led to the comprehending religions as a matter of freedom nonetheless this idea can lead to the privatization of religion and also detriment of the link between religion, culture and identity. There is two limitations that to be kept in mind regarding secularization. First is that secularization theory has been understood with western standards, therefore the

western standard of secularism is not going to apply to other civilizations. Second limitation is that conventional theories on secularization which link economic improvement, migration to the urban centre, modernity and scientific development etc. as secularization was replaced with theories which equate pluralism and modernity. In this way the focus has been given by scholars to understand the Europe and United States differences in how secularization has been taken place and the role of religion in public sphere (Palomino 2011).

Taylor who worked extensively on the idea of secularism in ethical perspective does not agree with the notion that “science beats religion” thesis saying that it’s quite problematic not because of the indefensible but it is because it cannot be the whole story. Though there is a tussle between science and theology in modern times but still we need to pay attention on the moral appeal. Taylor believes that we should take the drawing power of scientism seriously and this is not a neutral stand but it rests itself on moral framework. Morality is something which cannot be ignored and added that scientism should take that seriously since it is not neutral towards the world. Religion should not be taken as having insufficient evidence about the presence or absence of anything. This is where secularism suffers in same way since it does not take morality and spirituality seriously; present idea of secularism has been criticized on this ground. Therefore new idea of secularism has been proposed where morality must be considered as a part of secularity and cannot be ignored anymore. (Leeuwen 2003). Bhargava also expressed his opinion over how western countries are going through the tough time and suggested to revisit the earlier interpretation and practices of secularism. America which practices mutual exclusion and France’s one-sided exclusion is now under question mark with the rise of immigration from colonial countries and intensified globalization. Therefore he is of the opinion that present practices of secularism are in question and they should find out ways to response to the present situation (Bhargava 2011). There is another writer named by Bensemra who says that problem western countries are facing are genuine. The conventional interpretation of neutrality is not enough since religion is becoming one of the strongest forces of identity over nationalism. With the emerging complexities of the societies there should have new ways to deal with those issues judiciously and India is an example for it where community rights are recognized and space to preserve scripts, language and culture have been given to minorities. Here in western, with the dominant community

also express concern while minorities are seeking more rights, certain steps either from any side should be taken and accommodative environment should be created for society to be inclusive (Bensemra 2017).

## **1.2 Russian Scholarship and Understanding of Secularism**

In the post-communist phase, Russian Federation came up with the idea of secular outlook declaring that all types of religious beliefs would be respected and protected. Democratic form of government has been formed following the collapse of Soviet Union. The constitution was finally drafted in 1993 and it guaranteed the rights and liberty of the conscience of people. Some of the important articles in the constitution were: Article 14 of the Russian Federation that proclaims the country as secular and no special treatment to any religion is given and that both are separated from each other and also said that all communities are equal in the eyes of law. Article 28 says, “Freedom of conscience, freedom of religious worship is guaranteed to everyone including the right to profess, individually or jointly with others, any religion or profess or no religion, to freely choose, possess and disseminate religious or other belief and to act in conformity with them”. Article 80 states that it is the duty of the President of Russia to be constitutionally guarantor of the rights of the citizen and the men (Blitt 2008).

Russia has a history of a strong state-church relation while both respecting one another. There has been mutual cooperation, mutual responsibility and mutual support between the state and church without much encroachment in the internal affairs of each other. In relationship, state seeks from church encouragement and prayers for the public prosperity where church seeks support from state to create a condition of love, peace and prosperity of citizens. In the 20<sup>th</sup> century, Russia has passed through the three models of secularism. First model was the integration model where church had been a part of the state (established church). Second model is pluralism model but it was short lived with the February revolution of 1917 and third model is separation model which Russia experienced during soviet period and the separation was very hostile and religion was somehow suppressed. Second phase of separation started after the collapse of Soviet Union in the 1990s which was based on the western model of the plurality and ideologies, freedom of conscience and equality of all religions. Some way or the other, many countries experienced more than one of these models. The Russian

Federation's constitution was framed in 1993 addressed the relation of religion and state and number of provision have been developed to give protection of all religions. Some of the important issues highlighted via articles are: Article 13(1) says, "In the Russian Federation, ideological diversity shall be recognized and article 13 (2) says that no ideology may be established as state or obligatory one. Article 13 (5) states, "The creation and activities of public association whose aims and actions are aimed at a forced change of the fundamental principles of the constitutional system and at violating the integrity of the Russian Federation, at undermining its security, at setting up armed units and at instigating social, racial, national and religious strife shall be prohibited". Article 14 states, "The Russian Federation is a secular state. No religion may be established as state and religious association shall be separated from the state and shall be equal before the law". Article 15(4) states, "The universally recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied". Article 19 states:

The state shall guarantee the quality of rights and freedom of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, and membership of public associations and also of other circumstances. All forms of human rights on social, racial, national, linguistic or religious grounds shall be banned.

Article 23 states, "everyone shall have the right to the inviolability of private life, personal and family secrets, the protection of honor and good name". Article 28 states, "everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with any other religion, including the right to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them". Article 29 states, "Everyone shall be guaranteed the freedom of ideas and speech. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned. No one may be forced to express his views and convictions or to reject them. Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by and legal way. The list of data comprising state secrets shall be determined by federal laws. The freedom of mass communication shall be guaranteed.

Censorship shall be banned". Article 30(1) everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed". Article 30(2) says:

No one may be compelled to join any association and remain in it. There is no special privileges given to any religion in the framework of the Russian constitution and no any religion has been declared as source of law. When it comes to the wall of separation, then there is no much clarity about, however constitution ensures the equality to all religions in the eyes of the law. With time, discussions like getting church and state relation closer via legal initiatives are being held and certain steps should be taken to protect the freedom of religion in Russia (Miroshnikova 2002).

On the question of in what ways Russia is the secular country, Bochkovskaya who is presently a professor in the Institute of Asian and African studies, Moscow State University responded to me during interview in Russia that Russia is secular because of the official documents in which no preference is given to any particular religion and all are treated equal since post-Soviet era. No citizen is asked to disclose his/her religion while dealing with administrative functions. Moreover, she added that secularism that we understand from western point of view is not there in Russia. Russian understanding of secularism is more on faith based at an individual level and ideology at administrative levels and it is both negative and positive. When state needs the help of religion, state takes the help from religion (Bochkovskaya 2019).

On secularism, Kilp says that Russia has a different understanding about secularism and it's not a copy of outside concept and also said secularity need not be the only copy. Its concept and understanding in Russia differs and the concept and it is not universal is evident from the fact that different countries have a different understanding and it does not have a unified form for all. The reason being why it is different from the concept of other practices is that Russian were facing or counter with the issue of morality, spirituality, national identity and nature of secularity. So, orthodox church in Russia stands on ethical issues mainly on some significant issues like the Basis of the Social Concept, basic teaching on human dignity, rights and freedom and lastly to participate in combating the spread of HIV/AIDS and its effort with the people living with such issues. The stands of a church on these issues met with criticism from the state of public morality. This initiative was justified by one corresponding member of the Russian Academy of Science and Deputy Director of the RAS institute of psychology, A. Yurevich confirmed the conclusion that the degrading moral values of today's Russian

society is declared by representative of diverse social science and this teaching will be deemed a actually interdisciplinary fact. Some statistical data is also cited to clear how morality in Russian society is degrading like the number of murder every 1000 people in Russia is 4 times more than in the US and 10 times more than in European countries. In the same way, he highlighted many issues where morality is strongly felt to be restored. From this perspective church also express criticism on the secular practices of state and willing to restore the lost morality in society. Church asserts that separating religion from public is nothing and freedom without morality leads to violence, immoral behaviours and killing of one another. So, it's ethical discourse. In this case, is based on the theological and anthropological foundation, "the basis of social concept of the Russian Orthodox church" states that morality to any country is important and departure from it leads unavoidably to damages and death as it is nothing but a departure from God (Kilp 2013).

From 1988, nature and approaches of the government changed in many ways as in the case of the relation between politics and religion. In the article, "Religion, the Russian Nation and the state: Domestic and International Dimension" written by Kilp and Pankhurst argues that the politics of religion today are very different from just a quarter of a century ago and said they are more difficult as an outcome of first major transformations in the political sphere, secondly change in the position of traditional religious institution versus state, society and culture. Thirdly the appearance of new junction of secular interest and religious and changes in the ways of mass communication and their products in the dominion of scholarly exchange of ideas and information have been witnessed. So, both the church and state have learnt that they rely on one another to some degree for the legitimatization with people. As Machiavelli once said: (Machiavelli 1998, 60)

A prince must be careful therefore, never to let anything from his lips which is not full of five qualities. He should show, upon seeing and hearing him, all faithfulness, to be all mercy, all integrity, all religion, all kindness.. There is not anything more necessary than to appear to possess this last quality.

It has been clarified by Machiavelli that politicians would better be rewarded when the quest for religion is displayed and identify priests. So, though country first dreamt to go for equal treatment amongst all religious group and various provisions were highlighted in the constitution in 1993, but changed in many ways. When 1997 new law have been



enacted which not only provided special treatment and protection to Orthodox Church on the name of its role played in developing statehood in Russia but also restricted the freedom of other groups of communities. Many experts opposed this law saying that it violated freedom and conscience of religions and is deviated from the practices of secularism (Kilp 2013).

Due to its historical importance, Vladyimir is being portrayed as the soul/heart of Russia. It had been established in 990 AD and became the religious and political centre of Rus' in the 13<sup>th</sup> century. UNESCO World Heritage List has lodged two churches and the golden gate these days which have a long history. In socialist and post-socialist times, Vladimir has undergone intensive social, religious and economic reforms and the socialist modernization project has led to serious industrialization: many full-size factories have been commenced and new districts have been constructed so that workers could be accommodated. This small town has been changed drastically. With the collapse of socialism, many factories have been closed and leading to decline in number of staffs and the remaining part have been privatized. With the privatization, new small and medium enterprises have emerged. Religion was often described by socialist leaders' as superstition, to be overcome by modernization. Churches were closed and public were banned to manifest their religions and churches which were sacred before the revolution were used for other purposes such as radio stations, museums or warehouses. In the post-perestroika period, circumstances got altered and church buildings were handed over to Orthodox Church. Most of them were in a bad position and was in the need of financial support from state but state itself declared to be a secular state. In the initial years, support to church was not given but the moment Putin become President of the Russian Federation, he somehow blurred the distance or separation between church and state. Even Putin started supporting financially in repairing churches by declaring them as architectural heritage and thus eligible to receive state funds. Those funding to repairing church buildings are also public and private businessmen, they were generally appreciated in but the motives of them are being questioned. Businessmen those who have funded in large amount were blamed for treating the Russian Orthodox Church like their clients in the market who provided a specific spiritual service with the understanding of "the more I pay, the more I could expect and get in return" (Kollner 2010).

With the downfall of the communism, democratic form of government was established where several hints of a possible revival of the Orthodox Church were observed. This resurgence includes reconstructing churches, monasteries, increasing reference of the Orthodoxy in the political discourse and most especially marked rise in Russian Orthodox self-identification and this is where secular state which Russia claims itself contradict with its stand on secularization theory. Now there is no clarity of the political and social proposition of the changes in religiosity while little studies have been found Orthodox affiliation decides party reference. It is found a positive association between orthodox affiliation and moral traditional or authoritarian political values but if effects of these are longitudinally strong are not clear (Northmore-Ball 2012).

Prominent nineteenth-century thinkers like Weber, Karl Marx and Durkheim forecasted that the importance or role of religion may decline with the rise of industrialization and its impact on societies. Throughout much of the 20<sup>th</sup> century and until the last decades of this century most scholars agreed that secularization characterized the European societies irrespective of church organization. The key driver of the course of secularization in modernization is that via industrialization, urbanization and rising level of wealth and education will promote the dominance of scientific rationality and existential security that deter religiosity. It is bit challenging to apply the secularization theory in the context of Russia because of the fact to distinguish communist forces of secularizing and suppression and modernization. The communist state which came in power shattered the institutional religious existence of church. So, much of the secularized nature of post-communist Russia can largely be the product of atheistic communism itself rather any modernizing process such as growing urbanization and industrialization. Further complexity on this issue is the lack of general agreement on different indicators of religiosity. Some studies of the believe that there is the nominal religious revival in Russian Federation in which there is an expression of the Russian Orthodox Christianity identity in the san of references which could be believed if religious identity implies a real behavioural and change of value amongst the population of Russia. So, those who claimed themselves as non-religious under Soviet regime claim themselves to be orthodox today which was taken to propose that Russia has been experiencing a revival of religions. Most of the self-claimed Orthodox hardly goes to Church and they can be seen at the Church during few occasions such as Christmas and Easter. So, religiosity in Russia may not be able to be

measured by expression of Orthodox affiliation alone. While in 1993 right after the downfall of communist based government known as Soviet Union, merely less than half of the population claimed to be orthodox, but in 2007, more than 80 per cent of the population claimed to be Russian Orthodox and this trend is not predicted by secularization arguments. The regression of Russian Orthodox self-identification on different social characteristic in specific education and social class provides further witness in opposition to the secularization thesis. There has been very small propensity towards an educational and class effect on Orthodox association in the 1990s but it has changed and evidently Russians across all levels of education and classes are uniformly possibly to deem themselves as Russian Orthodox. In fact the only social traits that is powerfully and constantly associated with Russian Orthodox association is gender: over the decades and a half with the downfall of the communist government women are more constant in deeming themselves as Orthodox of Russia. Looking at the implication of rising of religiosity on traditional values, youths respect for the use of restriction to support moral values. This reflects the Orthodox Church's teaching that homosexuality is deemed as a sin and it opines on the duty of mass media to defend social morality and generally on the responsibility of the faithful to teach younger generations (Northmore-Ball 2012).

On the issue of secularism of Russian Federation, there is a connection between the church and the state. Orthodox Church is the powerful symbol of Russian statehood, tradition and culture and there is a debate on its role in the past as well as in the present context. Politicians in Russia strongly feel that church is a strong ally of state and cannot be ignored and, as a result, the Patriarch of Orthodox Church and head of the states appear publicly and share dais on many occasions. On the other hand, church also has an interest to return to the Byzantine ideal, under which it envisages a dual rule of the temporal and the ecclesiastical authorities both working together on an equal footing and there is no issue of subordination of one over another. These are the reason how constitution has been amended on many instances to create a favourable environment for the Orthodox Church. Some of the privileges church is enjoying are special status under 1997 'on freedom of conscience and Religious Association', renovation of Moscow's Cathedral of Christ the Saviour, financial privileges accorded by the state and the state church cooperation under the Putin administration reveals the level of favorable status church is enjoying. This gives rise to the question of equal

rights of other religious communities and minorities and their rights which are at stake and as all the issues in the country are being interpreted from the perspective of the church (Knox 2003). Defending to the amendment of 1997, Bochkovskaya who is presently professor in the Institute of Asian and African Studies, Moscow State University said that there was the need of line to draw for limiting the foreign agents in the post-soviet especially America missionaries who are coming in large way and proselytizing people in to their religions. Law and order had become an issue during those times. So 1997 amendment was a timely needed step taken by the government (Bochkovskaya 2019).

In Moscow celebration of the millennium of the baptism of Kievan Rus had been taken place in 1988 and it provided an immense push to the 'return to religion' which was new during the Soviet Union and this celebration is often known as 'religious revival'. The goal of the church is to reinstate and strengthen its institutions and attempt has been done to revive which declined badly during Soviet period. Recovering and reconstruct pre-revolutionary structures in more tangible way have been there. Most Orthodox institutions kept the name of their pre-1917 predecessors and have increased numbers of church workers and priests and it was one of the central works. It has been reflected that past reference can be used as a means to seek legitimacy for social practices that are new and has been introduced like certain aspect of monastic practices were established into the life of the parish communities. In case past is used as inference for present religious practices, then deep memory work is to be expected. Sabkova has written an article in which focus has been given to the proliferation of Kraevedenia and worship of the special dead martyrs and heroes. Religion especially church got momentum in 2000 when Putin became a president of Russian Federation and president of Russia was very determined to strengthen nation-affirming view in Russian society. This Kraevedenie has been a part of returning the orthodoxy root and then identifying country where with the collapse of Soviet Union, there had been wide gap for the post-Soviet political identity. Sabkova found this Kraevedenie of Church has developed in a secular milieu though in intimate collaboration with local clergy and this kraevedy's activities also broadened to the practice of worshipping the 'special dead', Martyrs and heroes. The Central role has been played by clergy here. While martyrs in principle belong to a religion, heroes' belong to the state and in practice; they are similar and interplay between both categories. There is narratives revealed that

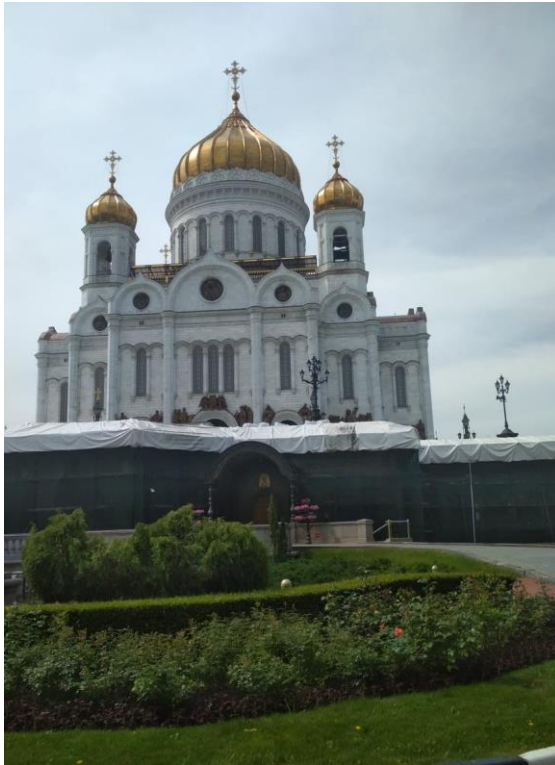
there is a new martyr by way of hero worship where hero get the aura of martyrdom. The answer to the Russian dilemma to reconcile legacies of the history needs usage of the narrative of martyrdom as a device to reassess the traumatic experience of the Soviet Union which did not believe in religion and suppression and repression to all religions and its followers were at its peak. So, projection of Orthodox Church in shaping social memory added to the larger societal project of illustrating a positive vision of the past (Benovska-Sabkova 2010).

Speaking on the role of religion in Russia Federation, President of Russia Putin shared his opinion and said, “Russian Orthodox Church should have more say on family life, education and the armed forces in Russia”. He also said that faith runs deep in religion in the post-communism which has been lapsed in the 1990s and now role of church has increased in many ways. Relation between church and Putin took new turn after protest was held by punk band pussy Riot, who went into the Christ the Saviour in Russia and appealed Putin to keep religion at distance and even demand, was made to throw Putin out of the power. In response to this, Putin preserves the secular character of the state, has given focus on the need of do away with the primordial understanding of secularism. Putin is of the view, “Orthodox Church and other traditional religions should have every opportunity to serve in important fields as the support of family and motherland, the upbringing and education of children, youth, and social development and to strengthen the patriotic spirit of the armed forces”. In return, president Putin is highly appreciated by Church and even he is declared as “miracle of God” (Grove 2013). Putin also says that Russia is a secular state but society should avoid vulgar and primitive interpretation of secularism. Calling Russia secular and state and religion cannot merge anytime, he said strict separation primitively cannot be put in practice, rather religions especially traditional religions are asked to play a role in family issues, inculcating morality, spirituality, and education and to develop patriotic feelings in the youth of Russia. In return, religious organizations thanked him for not interfering in religious spheres and still for giving them a chance to cooperate in the areas where the state needs the help of religion (Sputnik 2013). On the question of how church and state religion is viewed in Russia, Dubiansky who is another professor in Institute of Asian and African Studies in Moscow State University responded that western interpretation of complete separation cannot be replicated in Russia because of its own social composition. Religion should be there and both state and religion should work together

for the interest of state but the present trend which is going in Russia is not good. Though church is not official religion, yet it is becoming more like official religion and this is not welcomed by all citizens in Russia (Dubiansky 2019) .

Russia experienced the phenomenal resurgence of religion. The Russian Orthodox Church (ROC) was always vocal critics of the 1993 constitution and its new policy of religious freedoms. Russian Orthodox Church succeeded in pressurizing Duma to pass the law of 1997 which is restrictive and it put a brake on the unlimited religious freedoms and established the difference between so-called 'traditional and non-traditional religions' on the basis of their role in the history of Russia. Technically, Buddhism, Judaism, Islam, Christianity particularly Orthodox Christianity have played a gigantic role in defending Country from attacks, but special treatment and privileges are given only to the Orthodox Church. This church-state equation is again in question and there is a discontentment amongst minorities (Davis 2002). On the question of on what grounds traditional and non-traditional religion has been made via 1997, Khouchlova said that historical role is the determining factor of segregating religion on the name of traditional and non-traditional and it is the good laws. Those traditional religions are getting state supports but those not from traditional religions are not getting the supports though they register and exist in Russia (Khouchlova 2019).

The re-construction of the Cathedral the Christ in central Moscow with the help of secular politicians was the initial sign of state-church cooperation. In 1996 election, Patriarch appealed people of Russia to support Yeltsin and openly condemned the communist party and even the priests who were supporting communist party were not spared from his criticism. When Yeltsin won the election, in return of his support, the Patriarch was invited to the swearing in ceremony and shared the dais which was in direct violation of 1993 constitution. Furthermore, the issue of most concern is that the approach of Orthodox Christianity towards minorities is very different and it looks at them suspiciously. In the case of this, Muslim, Catholic, Jews are targeted and the criteria to become traditional religion are determined by cultural impact, size and geographical spread than just the history of long term existence. Since 2009, the glaring part of church-state relation is that state grants church the rights to comment and review legislation which are under the consideration of Duma (Richters 2012).



During my field work, this church has been visited and it is said that reconstruction of the Cathedral the Christ in central Moscow has been done in the post-Soviet Period.

With the state (Russian Federation) declared to be secular constitutionally on the basis of 1993 declaration, no support was supposed to be extended by public officials for religious institution, but funds for this church reconstruction has been paid by public officials and this raise the question of if Russia remains to be secular state. However people of Russia belief that their contents are different though concept is borrowed one.

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Ladykowska found in her research that it has legally not been possible for the parents to teach the Orthodox catechism to the children during the Soviet Union era and state had set up ‘Communist moral education’ in order to produce the ‘New Soviet Man’. After intense discussion on this system, it was abolished and the law was shaped in friendly conditions for the church and was given special treatment. However, the constitution also declared the separation of State and church and anti-clerical voices are still muscular in the wider society at this time. This compelled the church and religious activists to present an innovative curriculum plan for new subjects that shall be spread with Orthodoxy, but is entitled to nominal acceptance in secular schools. Varieties of names have been given to these new subjects, but most prevalent and popular is “The Foundation of Orthodox Culture”. Teaching of it in schools is a voluntary basis but the parents are demanding for it and this is a reflection to what has been largely considered in Russia as a lack of morality or ideology. Many held their hope on this new course as a “cure” for the poor moral state of society. Those who are advocate of secular schools challenged this inclusion of “Foundations of Orthodox Culture” in the curriculum. While atheists are in good numbers yet the interesting part is that many embraced orthodox identity overtly. In short, with the lapse of soviet, orthodoxy got legitimacy in the public domain of Russia and became a source of personal identity, belief and morality. Church as an institution has widely been promoted via orthodox classes to re-

educate people and the interesting part is that those former atheists played a great role in fulfilling this mission. Historically Russian society which had been plural and diverse is turning into extremity where some call themselves ‘Orthodox atheist’ where first represents the cultural orthodoxy and second signifies their personal loyalty to Soviet anti-religious principles(Ladykowska 2010). Responding to the religious education system in Russia, Khouhlova said that in general there is no religious teaching in schools which is specifically funded and administered by the state, but church is taking its place or root in a greater way and it attempts to establish religious teaching or lectures in schools. In some places it’s going to be a combination of religious teachings and general secular teachings however, an attempt of introducing Orthodox Christianity in school on the name of culture is in news and many stand oppose to this as they believe religion should be kept private (Khouhlova 2019).

Russian Orthodox Church has been energetically doing a campaign for drastic restriction on the actions of the foreign missionaries as early as 1993. Russian Orthodox Church looks at foreign missionaries as “soul hunter” and has been able to pressurize the government to bring amendment in the religious law. As a result, the law was amended in 1997 which created unfavorable conditions for many religious groups. This amended law deviated from 1993 constitutional laws in many ways in a sense that unlimited religious freedom turned to restrictive religious freedom law. Earlier Church could pressurize the government in the establishment of constitutional laws of 1993, but did not do much because it was afraid of communist party if it ever comes to power. This is the reason when the 1996 election was on the way; church openly campaigned and appealed to the citizen of the country to support and vote to Yeltsin. The moment Yeltsin came to power, the Russian Orthodox Church started dictating terms and pressurized the government to fulfill its demands and subsequently, the state came up with the reforms and granted special privileges to ROC (Verkhovsky 2010).

### **1.3 Theories and understanding of Secularism in India**

It is often asserted that the Indian practices of secularism have been imitated or copied from the western meaning of secularism, but a cautious reading of the constitution of India and practices explicitly proves that it’s not a copy but, rather it has a very different model and meaning attached to its notion of secularism. Indian secularism has a broad meaning and approaches. It not only focuses on religion or church but also on



inter-religious equality which is equally crucial for the Indian conception. However, there have been intense debates and discussions on the use of the term secularism in the Constitution of India. In the debate about secularism in the constituent assembly, there was an argument between the members of Constituent Assembly on whether the term God is to be used in the Preamble or not. Wide range of discussion was held on what level of religious freedom is to be given. Numbers of articles have been inserted to ensure religious freedom to all religious communities and particularly minority interests has been equally highlighted and protected via different articles (Jha 2002). The architect of the Indian constitution Dr. Ambedkar insisted on not using the term socialism and secularism and he opposed the proposal of Prof. K. T. Shah, of inserting the term “secular, Federal and Socialist” saying that the fate of the country should be left to be decided by people of the country rather than the members. Today socialism may look to be a better option to practice in opposition to capitalism but anything can happen tomorrow. So, using these terms should be avoided and left to the people to decide and on secularism Ambedkar declared it to be superfluous (Neelakandan 2015). In a way that other concepts in the constitution of India have been borrowed from different political system of the world, the term ‘secular’ was not added in the constitution of India in the beginning. When we look back at our past, theocratic states had allowed to adopt ‘Hinduism’ as the state religion and excluded other religion from flourishing. Therefore imagining about secular state was far distant dream. With the arrival of British in India, a number of myths which were prevalent got reformed and tradition hold of religion faded away and eventually with the independence of 1947, country emerged with the secular character. As India got independence, framer of the constitution started hovering over secular and consensus had been developed as a secular society though the stupendous task of bringing radical change was left to the nobility and goodness of the people of this nation. This is the reason why the word ‘secular’ has not been added in the preamble of the constitution. Dr. B.R. Ambedkar who is the Chairman of the drafting committee while expressing his view on the Hindu Code Bill in 1951 in parliament described the concept of secular as follows- “It (secular state) does not mean that we shall not take into consideration the religious sentiments of the people. All that secular state means that this parliament shall not be competent to impose any particular religion upon the rest of the people. This is the only limitation that the constitution recognition” (Pylee 2000, 52). With the insertion of the secular term in the preamble of the constitution (Kumar 2006).M. V Pylee says:

The concept of secular state envisaged by the constitution is that the state shall not make any discrimination whatsoever on the ground of religion or community against any person professing any particular form of religious faith. No particular religion will be identified as state religion nor will it receive any state patronage or preferential treatment to any citizen or discriminate against him simply on the ground that he professes a particular form of religion. The fact that a person professes a particular religion will not take into consideration in his relationship with state or its agencies (Pylee 2000: 52).

Secularism has been the life's breath of the Indian politics and it can hardly be imagined politics of India in the san of secularism. Secularism term did not emerge in India like it was the case in the European case which was a result of the struggle against authority of church. Secularism term emerged in Europe and since then carried within itself an atheistic trend and implied certainly a sort of indifference to religion and this has been further intensified due to increasing consumerism and materialism. But here in India religion has been at the central stage and had never been considered as something negative and antagonism to religion. In India, the meaning of secularism stands for the philosophy of giving equal treatment to all religions including regional faiths traditions. When Indian National Congress had been formed, there was a fear that secular character would be dubbed as Hindu party by non-Hindu parties. Therefore, an attempt was made to bring out the inclusive character of the party which was reflected in the appointment of three presidents from different communities, first BadruddinTyebji Muslim, W.C Banerjee a Christian and Dadabhai Naroji from Parsi Community. In this way, Congress got support from all these communities since the date of establishment. Even a religious person like Ulema who were struggling against British Rule appealed people to join Congress. So Indian secularism is more multi-religious than any struggle against any religious authority for that matter and this is how it reflects the inclusive character of secularism in India. Right after independence, the idea of secularism has been nurtured and it developed a meaning like protection to all religions by state while state itself without adopting and promoting particular religion (Ali 2007)

Speaking on what ways India is a secular state, Scholar Rasool in Jawaharlal Nehru University responded me during an interview that India is a secular country because of the multi-religious character and she has a history of mutual co-existence. With the partition of India on the name of religion, it was tough, yet India maintained the spirit of giving equal treatment to all religions without any discrimination at any level. Moreover, constitution was framed in such a way where provisions for equal treatments

have been ensured (Rasool 2019). On the same question Ladol who is another research scholar in Jawaharlal Nehru University said that constitution is the one which explicitly clears that India is a secular country. This country has its own history of having equal distance with all religion and equal respect to all religion. Having positive discriminations in practices, minorities get special protections via various constitutional provisions which in a way is one of the best things to avoid the domination of majority over minorities (Ladol 2019).

On the issue of how Indian model of secularism is different from the western views of secularism, it is not necessary to adopt strictly the western model of secularism in all the countries since countries of the world are different in their own way. So, an understanding of secularism in different context becomes important in order to appreciate the practices resulting from other models and that no meaning in the world remains static. Rather it keeps changing over a period of time and gets a different meaning and approaches to deal with a different situation. So India developed a uniquely Indian and variant of secularism. Secularism of India has not erected an unshakable strict wall of separation but, rather proposed 'principled distance' between state and religion. Moreover, India tries to balance the claim of individual and religious communities and has not planned to bludgeon privatization of religion. It also symbolizes a model of contextual moral reasoning. While throwing some lights on the practice and understanding about western secularism, Bhargava argues that western secularism which has been developed in the homogenous society started facing challenges not merely from the religious believer inside own countries but also from other religious believers who are emigrants. Multi-religious faith is posing threat to the western secularism in chaos if not necessary step is taken to address the present challenges. Recalling the France hijab issue, he said that western countries can't take longer time in granted their own present interpretation of secularism in re-examining the meaning of secularism and what it stands for. The Reason being western countries must re-interpret their present stand on secularism which is suitable to the main religious majority but is not approved by the religious minorities group. Western countries are no longer homogenous rather they have become so plural because of immigrants from Afro-Asian countries and non-protestant from within. So to create a space for all, reconstruction of the meaning and practices of the history of secularism in western countries has become significant (Bhargava 2007). Musa Ali says that India

has a history of secular tradition in which rulers at different stages practiced secular approaches and respected all communities. Be it Ashoka the great, Akbar, different movements (Bhakti and Sufi), to Nehru and Patel, all promoted the idea of a secular state. Present notion and practices of secularism are the result of all the efforts of many great rulers (Ali 2015).

A Working definition of secular state, according to Professor Smith evolves three different inter-related sets of relationship concerning state, religion and individual. First on religion and individual, state guarantees individual and corporate freedom of religion. The second point is that state and the individual where secular state treats all group of people as a citizen of the country regardless of religious background and the last one is between the religion and state where constitutionally secular state does not have a connection to any particular religion. This constitutes the concept, theory and principles of secular state. This concept is derived from the liberal democratic tradition of west and it is also essentially said that it can be derived from the constitution of India itself. When we are looking back at the history of India's existence, then there was a pattern of interdependence rather than separation. Government of India has customarily been the protector and patron of religions. There has been wide tolerance in all religion and it can be promoted as an official doctrine (Galanter 1965). Historian Smith also recalled the Indian tradition of secularism and the creation of a sense of solidity about democracy and secularism in the last 57 years of independence. He also said that both this democracy and secularism are held tightly together by logic in a sense if one does not practice, another one cannot dream about it. It means if India does not practice secularism, then democracy is at danger and vice-verse. Traditionally secularism in India was not rooted in the division between public and private spheres; rather the state was involved in religious activities like funding for pilgrimage and reconstruction of religious sites. With the rise of middle class in all the countries of the world, he predicted people would prefer secularism and democracy like in western countries (Nambath 2005).

India felt the need of adopting secularism to avert any untoward incidents and maintain tranquility amongst all communities and at the same time, religious affairs are distant from influencing the government policies. In 1975, constitution of India was amended and the term secular has been inserted into it. Indian citizens are guaranteed the rights to equality before the law and it has been ensured that no discrimination to be made on

the basis of religion, race, sex and place of birth. Moreover, it has been clarified that equal opportunity to be given to all in getting governmental jobs under article 16. Practicing untouchability in any form is punishable under article 17. Freedom of conscience and religion to all citizens is stated in article 25(1). The interesting part in the case of secularism in India is that community-based rights are given constitutionally and all communities have a rights to establish cultural and educational institutes and impart primary education to preserve their distinct language yet government's subsidize schools have no rights to impart religious teaching. Schools which are wholly funded by the state are open to all and no discrimination is made in admission on any grounds. One more point is that the government has no right to impose taxes on these religious group's properties. So they are free from the levying taxes. Now from the judgment of Kesvananda Bharti case, secularism was affirmed as "basic structure" of the constitution and it can't be changed in any form. Yet secularism as such is not defined. So, India interprets this constitutional principle in two- ways, first 'dharma nirapekshata' and second is 'sarva dharma samabhaava'. Former means neutral towards all religion and sarva dharma samabhaava is a state is to take all religion on the same level or ground. Both words are different from the western concept of secularism. Unlike western, India is a diverse country; partly there is no single ecclesiastical authority from which secular authority needs to be wrested. So state is left with developing and defining concept and practices of secular state (Rajagopalan 2003).

Responding to the question asked during an interview on what are the theories of secularism prevalent in India, Professor Pathak said that there are three major theories of secularism in India. He went on explaining how those three theories are. First, he said that there is a left-centrist theory of secularism which has been propagated by former Prime Minister Pandit Nehru. For Nehru, scientific humanism was the religion and working for the downtrodden people has been his religion. He was deeply influenced by Buddha's teachings. He created a space for all faith to exist and practice but never allowed to get those faiths in groups and to make its way in political fray as collectivism produces orthodoxy, emotion and superstition. He knew the consequence of and therefore he was strict on the equal distance from all faith but equally granting protections to all faiths. Professor Pathak also said that second theory of secularism is of Gandhian in which faith has special importance in it and Gandhi was of the view that all religion has basic truth and that truth should be in the public lives to spiritualize the

politics. Modernization that Nehru talked about would be successful only when the ethical dimension of religion is taken care of. Therefore in Gandhian theory of secularism, role of religion should be in both private and public life but without having any domination of one faith over others. This theory is in the line of Ashoka the Great and Akbar the Great where faith remained intact in those rulers while giving respect and protection of other religions. Third theory of secularism is the cultural nationalist theory. This theory emerged in the drawbacks of the first two theories. This theory is of the belief that Hindu rights are primarily being ignored and special focus has been given to the protection of minorities. Even Congress party is declared to be playing pacifist policy especially to Muslims and Hindus are ignored. Therefore, it is believed that there should have a positive interpretation where rights of the Hindus get protected (Pathak 2019).

Regarding secularism for India, though new in word until its adoption in the Constitution but in practice, India has a long history of it. After Independence, leaders like Nehru was quite matured and learnt statesman who visualized that if India is to stay united and remain strong, then secularism is the need of the hour because of her plurality or diversity in religion, caste, colours, communities, languages, customs and traditions. Unlike in western countries, secularism in India is not the negation and condemnation of religion but giving respect to all religions and conduct of the state affairs impartial and having no bias, prejudice against any religion. Citizens in this country enjoy equal rights and duties in public life but free to practice religion only in their own religions. Maulana Azad praised the concept of secularism and his identity of India and put his words in this way, "I am a Muslim and I feel proud that I have inherited the glorious traditions extending over 1300 years. I am not prepared to allow its least part to be lost with all the sentiments I possess another sentiment which has been produced by the realities of my life. The spirit of Islam does not prohibit it. On the other hand, it directs me this way. I feel proud that I am Indian, I am a part of the indivisibly united nationality of India" (Singh 2008, 599).

On the question of why India choose to be secular state in independent India, there are many reasons; first reason is that during the freedom struggle, people were divided on the basis of religion and movements were somehow weakened because of this communal politics. So, taking a lesson from it, while constitution was being framed, religion and communalism were kept out from the state and politics. The second reason

is that minority protection could be given only when country adopted secular state and it was important because in the post-independence period, minorities from various religious groups decided to stay in India even many Muslim stayed with India though Pakistan was created on the name of Islam as a Muslim state. Third reason is that India opted for a democratic political establishment where protection to all groups of citizen was to be given. Giving preference to one religion at the cost of others was not a viable option and did not wish to also. Therefore the India adopted secular polity where equal treatment is given to all religious groups. Fourth reason is that human rights are the basis of democracy where individual rights are very important and interfering in the lives of an individual amount to the violation of his or her human rights. So, India created a space where every individual right are protected and freedom to practice any religion is given and secularism has been the answer for it. Donald Eugene Smith remarks: “there are many communal and religious groups in India. Therefore it has not taken to be good to give special recognition to a particular religion.” Secularism is the foundation stone to our nationality. The essence of the human values of coexistence of different religions for the last thousands of years became possible because of the culture of secular character of India (Singh 2008).

On the nature and practice of secularism in India, some hold the view that Indian secularism is just a showpiece and India is not a secular state. They hold the opinion that state is seriously participating in the religious matters. Constitution of India gives economic aids to the upliftment of different religions. During religious festivals, representative of the government participate and celebrate and holidays are declared on the holydays. The functions of the religious festivals are broadcast on T.V. and Radio; laws are made for different religious followers and modify the rules of religions in the interest of public reforms. The truth is that India is not completely neutral in religious matters and state takes interest in the religious matters but discriminations cannot be done and adopts the rule of equality. In this sense, India is a secular state because it does not establish a religious structure. Smith opined “the secularism depends on two things: religious freedom and the equality before law and constitution of India fulfils these two conditions. In this way, India is a secular state and in the same way as it is a democratic state.” It is the broad scope and understanding of Indian secularism people from different communities hold different positions in this country and as a result of which this country is leading at the path of development (Singh 2008).

It is often pointed out that the present standard of secularism differentiates religion into two parts i.e. belief or faith and ideology. Now, out of these two, emphasis is being put on ideological interpretation of religion and seeking non-religious demands to be fulfilled like socio-economic issues. It has nothing much to do with the idea of faith which is central to any religion. India cannot adopt the western interpretation of secularism because India has a long historical record of tolerance and co-existence of all. In order to understand this, Ashoka the Great and Akbar were not secular exactly in the present understanding of secularism because while respecting the religion of others, they equally respected their own belief of Buddhism and Islam. These are the reasons why support is given to the Gandhian school of thought which encourages inclusion of faith in the decision making process of government to spiritualize the activities and take faith as guidance in daily lives (Nandy 2009).

Secularism which has been in much talk about in India but unfortunately political parties who are swearing by it all these years have failed to convince public that secularism is good for country. In fact, secularism which is defined and propagated across the world and India has lost its relevance today. A concept as such that is understood has been discredited by masses and hence the questions are raised if secularism should be redefined and make it more understandable to the common masses to give it up in the current rise of fundamentalism in the country. Swamy is of the view that India who has Nehru as the first Prime Minister of this country subscribed to the later Marxist re-definition of the concept by which any part of cultural celebration of people were regarded as they are against the secularism. This attitude of Pandit Nehru brought reactions from the masses of this country because religion is the way of life to them. Nehru is blamed for ignoring the root of India which has to be the part of modern India and it has been rejected by Nehru. Rather on the name of scientific temper and humanism, Nehru side-lined various 'obscurantism' which has been a part of Indian culture though he came under the influence of mystic after 1962 debacle. Majority of Indian masses are Hindus and secularism by Marx and Martin Luther interpretation touched little to the heart of common masses. As there has been a little challenge to Nehru after the demise of Mohandas Gandhiji, Nehru's Marxian interpretation of the secularism prevailed in the milieu till his demise out of respect for him without imbibing his concept of secularism. Congress party continued with the same notion of secularism propagated by Pandit Nehru and Congress failed to give



political concept of secularism which people can comprehend and feel the touch of it in their daily life. Hindu community was able to comprehend the idea of India that was kept together by British and that idea was promoted by Jawaharlal Nehru University historians and found no takers amongst the Indian. The kind of gap which has been left between the common masses and the leaders of this country is being filled up Rashtriya Swayamsevak Sangh. India whose population is composed of 85 percent Hindu, it has been easy to the masses to comprehend the religious bonding. Under cover of correcting the history of India which has been distorted hurt the feeling of people of not only masses but non-anglicised intellectuals of India. RSS has nearly destroyed the appeal of the secularism in this country. The pracharaks of RSS succeeded in refining the meaning of secularism and painted it as an appeasement of the minorities. This has unluckily happened because this country struck to response in the common masses of the Hindus. Here the question is if Martin Luther, Marx or Nehruian secularism or the one propagated by RSS to be in dominances, then it is very important to redefine now how new concept is to be positively structured that appeal to the masses of India (Swamy 2004).

Calling Gandhi a true Hindu and secular by heart who used the weapons of non-violence against the mighty empire of British, Swamy said, “with the non-violence against mighty British Empire was a judicious decision of Gandhiji otherwise, the movement could have been suppressed and the philosophy of Gandhi about Hinduism and country needed to be interpreted in view of the modern day requirement”. Swamy termed Jawaharlal Nehru’s approach for the Indian politics as mindless and he was declared as a follower of Russia who was inspired from hollow socialism and which has proven to be a curse for the country. He added that India decided to be secular only because of the fact that Hindus chose to remain secular. Indian and Hindus are referred as a universal religion and India as a pluralistic country that has housed millions of people from all over and today she is known for pluralistic and secular country (Swamy 2011).

Another basic question of the nature and content of Indian secularism is raised taking into the accounts of Gandhi, Nehru and other various intellectuals from diverse fields, corrective measure of secularism can be practiced in India though there are lots of confusions regarding how the idea of secularism has been comprehended for the last four decades. Conservatives look at it as a threat to its values and idea of morality,

while rational secularists support of doing away with the notion of religion itself in experiencing modern society. By inserting number of articles in the constitution of India to protect the rights of minority religions and not declaring any official privileges to any religion, India has its own idea of secularism nevertheless, various steps need to be taken to achieve and experience of modern society. The need is to first critically re-examine the role of the character of the state and secondly, careful review of relevant provision of the constitution with particular reference to minority and majority religions and lastly, to reform the education system to inculcate the cultural and religious pluralism amongst all (Madan 1993).

On the nature of secularism, dominant community or Hindu religion is considered a challenge to Indian secular state. This is done keeping in view the experience of the Nazi in German and Fascism in Italy where minorities were targeted and dominant community ruled over countries indirectly. The justification behind these are when communal term is used in India, it equates with Muslim and not with other communities. On Bangladeshi immigrants, those from Hindu community come in India are called refugee while any person from Muslim community who come to India, and then he or she is called infiltrator (Chatterjee 1994).

On challenges to the secularism of India, Singh says that India has been secular since the ancient period and equal treatment to all religion is hallmark of the Indian interpretation of secularism. Nehru who has been the architect of the Indian concept of secularism held the view that organized religion should not have a major role to play politically because religion is a private matter of the individual and could not be exploited for that purposes. He concretized the secularism in India via legal and constitutional dimensions through the constitution of India. With the death of Nehru, communal forces have emerged in India and there is no exception to this. There are many reasons secularism is in danger because of the rise of religious fundamentalism today. History books are loaded with the communal approach and more than illiterate, it is the educated people who are more infected with communal virus. Formation of Pakistan affected the mind set of educated middle class and they looked at Muslim as if they are responsible for the partition of this country and this perception impacted on the image of Muslim in India too. After the death of Maulana Abdul Kalam Azad and Zakir Hussain, no other Muslim leaders could provide moderate and mass leaders to the

Muslim masses. Moreover, using religion by politician for their self-interest is hurting the national interest. (Singh 2008).

*“In spite of our great difficulty, however, India has done something. She has tried to make an adjustment of races, to acknowledge the real differences between them where these exist, and yet seek for some basis of unity.”*— Rabindranath Tagore (Nationalism in India). ‘Unity in diversity’, cultural, religious and linguistic plurality all sum up to the tentative patronage of the illustrious secularism. Barua is one of the common citizen of this country who said that he was convinced to believe that this country is unique and unparalleled due to its exceptional ‘inclusive attitude’ and heterogeneity and as part of his heart still believes in the same but in the contemporary times certain situation made him to differ from the belief he holds. The happening of cultural, religious or linguistic superiority of one over the rest has been sadly taking over in India despite its much acclaimed declaration of secularism and because of this race for the status of adjustment of different religion and race, ideas mentioned by Tagore is fading away. This is happening because of the fact that there is an overpowering influence of one over the others and advocate of establishing one own unique and separate identity in the midst of assemblage. This practice is the product of the philosophy of nationalism and the western interpretation of nationalism where the diversity has been the rarest when these ideas have been taken over. It is this cultural prejudice which is inflicting the deepening wound to Indian secularism. The idea of one nation, one language, one religion and one culture is something India does not stand for. The opposite of the secular nature of India is reflected in few unfortunate incidents such as Gujarat riots 2002 and Muzaffarnagar riots which were horrific in nature. This increasing gap between Hindu and Muslim is being fuelled as a device by politicians and political parties in the race of gaining or coming in powers. Devising political agenda based on religions fuel like grand Ram Temple in Ayodhya is being returned, one which was incorporated in the BJP manifestoes. So the question is how sentiments of the Hindu which is dominant one in this country is becoming national issue in this country which has people from different religions (Buddhism, Jainism, Christian, Muslims) and indigenous creeds on the same place. The attack on the pluralism of India and secularism has not finished there. The recent hype related to the implementation of Vedic mathematics in the school curriculum to increase the hegemony of the Hindu ideology, approximately termed as Hindutva is one doing rounds in the debate and

discussions! Moreover, terming Teacher Day as Guru Utsav by the BharatiyaJanata Party despite being criticized have been the outcome of Hindutva ideology and this ensure linguistic dominations of Hindi where 25% of the population speaks Dravidian languages is being ignored and linguistic discrimination is being done. Just imagine a country with twenty-nine states and seven Union Territories which already have a glut of religious political parties contributing to the subsequent shakiness at both the centre and state levels. As demands from every state emerged on the lines of languages, regions and other issues, then this country can literally break into the pieces while breaking the entire politics of the 'nation' India. If it continues for little longer time, this might bring the demise of plurality leading to the balkanization of India (Barua 2014).

#### **1.4 Challenges to the secular state**

On challenges of secularism, Palomino says that the first challenge is with who is going to educate people in the country. The state claims that it is the duty of the state to impart education to the citizen of the country in order to foster democracy and inculcating the values of becoming responsible and active citizen, but at the same time, it is the religion which feels that it has a greater share to educate people on issues of morality, spirituality, identity and so on. So religion and state both as agent provides education. So the issue is that both claims may get clashed and ask if state only has a role to impart education and takes the help of religion even if education is imparted by state. Second important challenge is the extent and limitation of the freedom of expression especially when entering into conflict with religious ideas, religious groups and religious sensibilities. These complex issues are responded through different legal ways and some of them are anti-defamation laws, criminal laws and blasphemy laws to protect sentiments of religions etc. These limitations are becoming known to people to give a satisfactory solution when it becomes national and international issue. Different affairs regarding cartoons, burning of sacred books, transgressive art and so on lead to the provisional conclusion that state laws are barely the last resort in solving sensitive issues. The third unending challenge is about religious clothes or dresses. State Sometimes needs neutrality in terms of religious identity especially in public places and in official facilities in order to give public space to all without having the notion of being from this or that religion. But the problem with this is that citizens are forced to shed their values and identities of religious and cultural though justification does not

seem a long term solution. This attire issue is considered internationally as one of the biggest challenges to the secular state. Fourth challenge is about displaying the symbols of religions in public places or in those elements which describe the identity of a given country (like a flag, anthem the coat of arms etc.) is more pertinent issue. Question is how to resolve those historical elements and symbols with the secular state? In other words, what is the acceptable limit to the negative aspect of freedom of religion of citizens? Fifth challenge is very interesting, i.e. labour laws and in non-discriminatory policies applied to religious groups and organizations. This area should be taken into account because religious related activities need lots of workforce including granting jobs and how justice to the workers is to be served by granting religious autonomy which is in demand currently to revive the content and scope of religious autonomy. Sixth point is that there are many other religious conscientious objection before state regulation is at stake especially ethical dimension of behaviour. In this way, religion demands from state lead to greater amount of fairness in balancing the conscience of religion and interest of the state will be protected which fray legal support and protection. Above all, the biggest challenge for a secular state is the scope of secularism itself. Neutrality which is construed as something fundamental to state is contested and in many instances, limitation of this neutrality applies only to certain areas of human activity. Challenges and risk to any secular state is in any kind of confessional neutrality gives space to the religion to welcome the ideology of secularism under the pretext of neutrality (Palomino 2011).

Secularism as an ideology provides a theory of life and conduct as it is opposed to the one provided by religion. Secularism has an undertone of materialism which holds that human lives will be improved by material means alone and religion is to play no role in it. Using the term implies something which is not religious. Even New English Dictionary explains the meaning saying as something which is absence or connexion with religion. While dealing with the meaning what needs to be highlighted is how the very idea of secularism finds it difficult to practice in many places. Firstly, the idea of secularism and state jurisdiction is vague. This is so because the “wall of separation” has no clear cut boundary where this separation will end and it does not specify where and what falls under the jurisdiction of the state and religion. Secondly, separation is taken for granted and is claimed to be complete separation but in reality, there can be no separation since there are number of instances where interest of both are intertwined

and working together in the interest of society. Thirdly, the idea of state and church themselves are abstract. State and church cannot be completely separated since the member who is the part of church is also the citizen of the state and anyone who is the citizen of the state is also a part of church and there are strong linkages that can hardly be separated. The religious values of individuals can't be separated while working as a citizen of the state. Fourthly, as history shows that religious ideas play a crucial role in people lives that neglecting religion would not only create instability in society but can leave it directionless. Therefore, being a unifying force in society a source of moral laws and wisdom, it can't be ignored and so, it plays a big role in shaping the nature of society (Luthera 1964).

### **1.5 Definition, Rationale and scope of the study**

Secularism stands on three basic principles: principle of liberty, principle of equality and principle of neutrality. In Russia and India, third principle, "principle of neutrality" is not strictly being practiced and both differ from original interpretation of secularism developed in western countries and even within, there is a different understanding and practice of secularism. So, there is a big scope to study first how original interpretation differs from the interpretation of these two countries. Second, there is no research has been carried out in comparative study of Russia and India's theory and practice of secularism. So, an attempt is made to study and understand the comparison of secularism and eventually find alternative interpretation of secularism which is more than western interpretation.

In the process of study, attempts are made to explore both extensively and intensively on the comparative study of India and Russia secularism via primary and secondary sources. In the initial stage, attempt has been made to comprehend via relying on secondary sources. Books, journals, articles and other newspapers based ideas are collected to give a shape to the size and nature of research. In the second stage, primary sources are collected by going for field trips, conducting interviews and understanding whole issues to put in place. The last stage of the study tried to match the available theory and field based work to provide a comparative study between India and Russia's model of secularism

### **1.6 Research Questions**

To what extent is the model of secularism in Russia and India inclusive and accommodative in character?

What is the role of religions particularly dominant religions in influencing the concept of secularism in Russia?

How governments in India engage with religions while upholding the constitutional recognition of secularism?

In what ways minorities in both the countries are enjoying their rights and have protection constitutionally?

What are the factors in Russia for developing a cooperative model of secularism?

What are the areas of comparing Russia and India model of secularism that gives different interpretation?

### **1.7 Hypotheses**

Guaranteeing community rights while ensuring individual rights in condition of the diverse socio-religious composition of Russia and India resulted in the emergence of an alternative model of secularism

The dominant religions in both Russia and India are becoming more assertive by combining religious ideology with issues of morality, nationalism and identity resulting in greater role of religion in politics.

### **1.8 Research Methodology**

This study is qualitative and exploratory in many ways to understand the comparative study of secularism in Russia and India. This is significant at this stage when questions on the practices of Russia and India secularism are being raised as they have different style of practices comparing to western interpretation. So, in this study, attempts will be made how meaning and practices of secularism like anything gets changed with time and space in different countries as par their socio religious composition. The reason being why a comparative study of Russia and India of secularism being made is that

these two countries have many similar features which differ from the original interpretation and at the same time, there are number of areas where both differ and these areas are imperative and interesting to study and find a new interpretation of secularism.

For the comprehensive study of comparative understanding, secondary sources at the initial stage and primary source in the later stage are adopted. Secondary sources like books, articles, prominent newspapers, scholarly journals, and conference and seminar reports are taken into account at the initial stage and it is followed by primary sources like going for field trips, meeting with many personalities, discussions carried out on these issues are relied upon.

## **1.9 Chapterization**

This whole thesis is going to deal with the idea of secularism which is composed of five chapters. These chapters try to study, understand and analysis the historical, theoretical part of secularism and the comparative study of Russia and India secularism has been made in the last phases. In the first chapter which has more been like introduction is composed of historical, theoretical and challenges of secularism. In the first phase, focus has been given on the way idea of secularism emerged, got meaning and shaped during renaissance period. It was the moment western countries were under the grip of renaissance and demands had been made to separate religion from the activities of the state. However, different countries have different attitudes towards religion and this is the reason there is no single interpretation of secularism even in the western countries. Therefore theories of secularism of different western countries have been highlighted. After western interpretation, Russian theory of secularism has been discussed which has its own world view which differ from other countries. Furthermore, Indian theory of secularism has also been discussed how India hold the idea of secularism and its diverse understanding of secularism. In the last phase of the first chapter, the difficulties and challenges any secular country faces are highlighted.

In the second chapter, constitutional legal provision and theories of secularism in Russia is to be discussed. In this initial phase, the historicity of state-church relation is discussed because of the fact that the church and state emerged together and it grounds



the outlook of Russia in many ways. As this over, then the idea of secular which was introduced to Russia by Peter is discussed. While discussing this, Soviet Union era and its interpretation of secularism has been studied and discussed. In the next phases, constitutional provisions about the freedom of religion to individual and community level are analysed and the amendments which have been made are also discussed. Lastly the challenges that the practice of secularism in Russia is facing has also been elaborated.

In the third chapter, constitutional legal provision and theories of secularism in India is discussed in detail. In the first phase, detail of the historicity of Indian secularism is discussed in which era of Ashoka the Great, Harshvardana, Akbar the Great and Shivaji Maharaja is briefly touched so that the idea of secularism in India and its practice can be comprehended and more light on the present interpretation of secularism can be given. In the next phase, since after independence and constitution was framed and its practices are discussed widely and the various judgments of the highest court Supreme Court on secularism are included. In the last phase of this chapter, challenges to this secular country has been facing are also highlighted.

In the fourth chapter, comparative study of secularism in Russia and India is widely covered with the intent to find alternative model of secularism to western interpretation. In the first phase, attempt is made to find out the similarities between Russia and India model of secularism. Grounds like socio-religious diversity, constitution based on secular interpretations which not only have negative interpretation but also negative interpretation. Secularism in both these countries is not ensuring individual freedom of religion but community based protection is ensured. Moreover the kind of majority community in both the countries holding perception about minorities is same and these majority communities are influencing decision making policies to enact laws on the basis of the norms and values of the majority communities. In the second phase, grounds at which differences are there even both claim to be secular is discussed. In areas like both countries are holding different understanding on secular though constitutionally secular, with amendments of the constitution, Russia and India is getting different positions on secularism, celebrating national holidays on the name of holydays and legality of the preamble are where these two countries are holding different understanding. In the last phase, attempt is made to highlight the challenges Russia and India is facing with different models.

In the last chapter, overview of the whole chapters is given to see the link to issues. In the second phase, questions which have been set during preparation of synopsis are answered and at the last, hypothesis that have been there are tested in the last phases.

## CHAPTER TWO

### Constitutional legal provision and Practice of Secularism in Russia

This chapter deals with the overall understanding of secularism in Russia. In the first phase, focus is given on the history of state-religion relation in Russia because of the fact that Russia stands at unique position when it comes to the issue of secularism. Taking history as a window to understand the theory and practice of secularism in Russia where it stands today, it has a different stories, experiences and practices which are unique from any other country. After having gone through the early history of Russia, one thing is very clear that without understanding the role of Orthodox Christianity, it's very difficult to understand the history of Russia. On the issue of peace or war, church and state worked hand in hand in the history of Russia although some conflict arose in the relation between them. Two great patriotic wars are the best example how church and state coordinated one another to defend country from any attacks. So, Russia has its own identity, culture, religion, outlook towards the world affairs.

In the second phase, study deals with the way concept of secularism started evolving in Russia. From 1700 AD, situation started changing with the Peter the great came in power in 1696 AD after demise of his brother Ivan V, he brought lots of reform in Russia which almost changed the shape of Russia. One of the biggest reforms was that religion was subordinated to state and all religious places like churches have been used for the other public purposes. Secular education to the children has been imparted, teaching staffs have been invited from western countries and exchange programme was common during his time. Catherine the Great also continued the legacy of him and secular state has been maintained until Russian revolution took place in 1917

In the third phase, focus is given to study on the changing nature of the meaning of secularism with the Soviet Union came in power. With the Russian revolution in 1917, government changed. Attitude of the government towards religion was critical. Though separation of church and state was declared but suppression and repression had been experienced by religion from state. Religion became almost least visible until Soviet lapse.

In the fourth phase, focus is given on the post Soviet era and its challenges. With Soviet Union collapsed in 1990, Russian Federation came into being and constitution was framed in 1993. It declared to be secular state and ensured granting equal treatment and protection to all religions without discrimination. Religion got a new life under this Russian Federation. However, there had been issues country was facing like morality, spirituality; identity and moreover religious proselytizing were at the peak. So church with the help of Muslim, Buddhism and Judaism approached to the president of Russian Federation and pressurized to amend the constitution to limit the unlimited religious freedom and role of the religion particularly church to be recognized. In 1997 constitution has been amended and more questions on the constitutional secularity has been raised because of the fact that this particular amendment separate religions into traditional and non-traditional and segregated religion into religious organization and religious group.

## **2.1 Historical Background**

Christianity entered in Russia from Byzantium with the prince Vladimir baptized in the river of Dnieper and with his inhabitants of Kiev in 988AD. Thus new religion was born in Russia i.e. Orthodox Christianity and existing religion pagan statues were destroyed later on. This is a moment when church and state relationship had been established as a basic feature of the popular religion in Russia. The prince and the people of Russia inherited to this Eastern Church at the time when quarrel between Rome of the west and Patriarch of East was at peak. So, it started becoming antagonist towards west and distanced its share Christian values with west from any modern reforms in social Christianity in west. In place of it, Russian claimed pride on Orthodox Christianity saying it's a true church of the Apostles, creeds, scripture and the canons accepted in the first seven councils and carefully say that rest of other churches are separated from it at the time of great schism (Anderson 1961).

Though Russia adopted Orthodox Christianity which has an offshoot from Byzantine Christianity, yet it was quite different from that of Byzantine. It had a different notion of symphony, no distinction between the ecclesiastical and secular spheres. Thus Vladimir established court being called an ecclesial court structure. This court is different from secular structure of court. The chief hierarch status was considered to be much superior compared to that of the local princes though Russian Church remained

as subordinate branch of the great church of Constantinople, So, it is clear that the royal power was subscribed by the superior moral teaching norms of Christian. It also gives stress on the restriction of secular ruler. From these very days, people of Russia not only began to adopt Orthodox Church as new religion, but it also became a part of their belief system since then though some interruption developed following Mongols attacked (Pospelovsky 1998).

## **2.2 Church in Imperial Russia (1700-1917)**

When the Peter I the great came in the power, the wave of Russia history started changing. Religion or church which had a dominant institute, influencing state policies in number of way got changed. He first subordinated church to state and ruled over country for a long. Reforms which he brought are considered to be defining period in the history of Russia. The reason why he was forced to subordinate church within Russia were first church was wealthy institution and peter wanted these wealth; second point is church did not accept the path of modernization and church had vast area of land and serfs, as such ,these are the issues he brought changes in the nature of church-state relation. Peter was very sensible that the church Political potential influence in state affairs. So, he closed down the Russian long-standing institution of Patriarch following the demise of Adrian in 1700. Adrian was the last Patriarch of the 17<sup>th</sup> century. Again one more thing he did which prevent the system of this patriarch was that he stopped convocation of council to choose a new Patriarch and setup government of the church on the basis of synodal by replacing it with an ecclesiastical college (later called Holy Synod). Through this institution of synodal, the church became a governmental department. This synod remained responsible to look into the matters of church affairs until 1918. All bishops had been forced to take their oath acceptance of the new system and to all the member of the dynasty. This was the first time that fate of Patriarch was decided by the ruler of Russia with no clergy participation. In terms of education too, Escobar says that Peter was in favor of imparting secular education with applied and professional education; He brought teachers from outside of Russia or mostly relied on Ukraine professionals; but somehow he could not succeed much in this case since ecclesiastical school continued to grow and become best education centre until the forth decades of the 20<sup>th</sup> century ( Escobar 2009).

Ever since the reign of Peter the Great, state authorities have opposed involvement of the clergy in the politics. Peter who was the leader inspired so much from western countries restricted the church role in secular affairs and replaced the traditional Orthodox Patriarchate which had been a jurisdiction of the head of the church since 1589, with a more tractable Holy governing Synod, a new government body subservient to the layman procurator and Tsar. Catherine the great continued the legacy of Peter and maintained secular nature in administration drawing the distinction between interest of the church and interest of the people. Her meritocratic approach to education excluded religion from secondary and higher education and sought to transform the clergy from a group that still possessed a degree of material autonomy into a separate community forced to depend on the state for its welfare. Church under her rule has been reduced strictly to religious mission (Bulat Akhmetkarimov 2017). This Saint Petersburg (new capital) was founded following Peter defeated Charles 12<sup>th</sup> Sweden and conquered the territory along of the Neva River. Peter invited experts from western countries and asked to engage in developing Russia. Peter sent students of Russia to western countries for further studies and exchange of knowledge was very frequent there. Doing all these efforts, he tried to westernize Russia. It was also a period where he succeeded to have Flag to Russia. Peter's successor followed his path and have-not let Orthodox Church to become a dominant and influence the policies of state which used till Peter the Great came in power. Orthodox Church was made and remained separate from the state till Russia faced revolution. Country experienced secular state and had all faith living (Shaw 2013).

### **2.3 Religion under Soviet Union (1917 to 1990s)**

Communist governments did away with all religions and setup an officially scientific atheism after the great February and October revolution. Many citizen of Russia were so religious despite all efforts to develop atheist state. It was tough for the state to control the spread of religion and forced to deal strategically with different religious communities separately to dismantle them. Government took all these steps because it was deeply influenced by Karl Marx theory of materialism where religion is considered as a superstructure of any society. In the case of Orthodox Christianity, the attitude of government kept changing. It was the biggest denomination and though practices of any religions were made outlaw right after the new government came in, people were still

worshipping. During the Second World War, Stalin revived to bolster morale amongst people of Russia. Other religion had less suppression than church yet protestant and catholic were considered to be dangerous to the unity of state believing the fact that these sects of Christianity of western countries (Stuart 2007).

Bolshevik party which was in power in 1918 decided to separate religion and state and religious teaching was not allowed in schools or in public, property which was possessed by religious organization before revolution could not be asserted the ownership of it, anti-religion literatures were largely distributed and considered a socially harmful. In short, it was the bad time to be a part of church especially as a member of clergy. Numbers of clergy were sent to gulags and there is no report of getting them back from gulags. Patriarch Tikhon declared the judgment of God against the new leadership of Bolsheviks and criticized badly against and leveled his opposition to the soviet government an enemies and satanic. There is so surprised to know that he was put in house-arrest but he was not killed because of his popularity among public had been so high. Rather doing it, the present government reformed him and started using for their purposes (Duffy 2012).

Despite constant effort to make religion dependent on the state, the Tsarist regime in general still valued religion. Contrarily Bolshevik who came in power by dethroning Tsar openly destroyed the faith. Almost all the church and its property have been abolished and assets have been owned by state. Religious clergy and any members of them were arrested and executed and soon church as institution has been disappeared. Here the interesting part is that during Second World War, certain concession has been given to get the support of church and war fought in support of but as the World War over, then the state again began to revive its anti-religious policies. Under Khrushchev, the number of churches was nearly halved and under Brezhnev regime, power of religious institutions declined further despite the fact the state did not pressurize much (Akhmetkarimov 2017).

Russian Orthodox Church has developed for itself a “New Orthodoxy which emerged wholly in the decade between 1946 and 1956 but the interesting thing is the adaption of old aspiration to new conditions in which church accommodated loyalty to fatherland and state to cease the pre-war attitude towards religion in which religion was restricted in any public activities. State reversed the anti-religious propaganda because of the

important position in the implementation of the long range plan of the soviet government. While state tried to dominate other state by using the church card, church was eager to support for this cause and worked cooperatively. While western countries assumed that church was forced to support for state cause, church did not think in that way, rather an assertion of the divine authority inherent in the patriarchal office which was commissioned to lead mankind from the darkness of false faith into the light of the true Orthodox faith. It went a long way to explain the rationalization of the Russian Orthodox Church in support of expansion. In 1946, patriarch Alexei greeted Stalin for the New Year celebration explained more than one could imagine. Patriarch observed the church followed the sacred legacy of Christ in continuing its duty to the blessed fatherland (Bennett 1965).The victory of anti-Hitler alliance eventually gave Stalin ominous power over central and Eastern Europe. In September 1941, anti-religious propaganda ended and in 1942, the government published the truth about religion in Russia to portray Stalin support to the church (Escobar 2009).

Next stage of revival of persecution started unfortunately under the leadership of Nikita Khrushchev. 1958-1964 was another worst period for church. The churches, monasteries and priest were targeted and numbers of priests have been kept behind the bar though masses execution was not in large. Pospelovsky asserts that the main purpose of persecuting parish community by Khrushchev was to restore the Lenin's socialist legality after Stalin's abuse (Escobar 2009). In the last phase of Soviet Union, church though did not face much execution and priests being not exiled to Serbia, it experienced down fall dramatically. After Khrushchev assaulted on the Orthodox Church in the early 1960s, Brezhnev's "period of stagnation" was less dramatic. Church institution eroded gradually and it faced its ultimate extinction (Davis 2002).

In the late 1980s, the relation between church and state improved in many ways with the Mikhail S. Gorbachev came in the power. He met with the Patriarch Pimen and expressed his deep sadness over the execution and repression of church under different leadership of Soviet Union particularly Stalin. He condemned state attitudes over religion and promised to deliver justice to church and other religion. It was he who said that people have full rights to believe in any beliefs and practices with dignity and there won't have execution any more. He brought reforms in the state laws on religions under his scheme of democratization, perestroika and glasnost. In other way, he gave a clear and new signal to the church and promise to protect the rights of any believers (Davis



2002). Keller asserts that the recent biography of Mr. Gorbachev says that he was from the religious Russian Orthodox family and that his mother attends church near her home in Privolnoye, in the southern Russian Republic. Moreover his grandparents were also equally religious and had icons in their house but hid behind in the fear of facing execution under the former leaders of Soviet (Keller 1988).

Millennium celebration held in Moscow and it impressed many in many ways. Kutash says that there had been discussion on who will head this grand celebration of Millennium and this question became so important in a sense the Soviet government had a very different stand on religion. Finally they reached on the decision ordered entire USSR observe this occasion with pomp and ceremony. However they tactfully emphasized it to be a celebration of "Russian" millennium. Since they acknowledged the approaches of millennium, the Soviet in 1984, re-opened the St. Daniel monastery in Moscow and then gave it to Moscow patriarch. Thereafter government started doing in preparation for the millennium. Books were published and international contacts with leaders of other religious groups were commenced and solidified. Many guests were invited and celebration started as early as April 1988. It was the biggest celebration. This day was celebrated and historically it has many things to do. It is believed that in 988, Russia adopted Eastern Orthodox Christianity and baptized (Kutash 1988).

Established norms of secularism in Russia during perestroika and the brief period of political pluralism following the Soviet breakup started taking shape. Electoral threshold have become a part of Russian political structure and almost none religious based party won election and some kind of secular state emerged. Since the late 1990s the Russian political regime has steadily shifted towards authoritarianism. Formation of political parties based on ethnicity and religion was officially banned in 2001. In the absence of well organized ethnic and religious lobbies within the government, this policy faced resistance in the parliament and generated little public debate. This has been challenged in the court but the appeal has been rejected by court. This brief overview of the history of state-religion relation in Russia suggests that secular political leaders will likely to continue to resist any effort to establish a politically significant religious party in the country. For them, church and Muftiates already engage with publics and get them connected with the state and chances of establishing religious based political parties are less likely in future. Moreover lessons that have learnt from the past is not

going to permit any religion to establish political parties because during political pluralism, chance that have been given to form religious parties in 1905 after extension of Tsar consent, took place in the context of a dramatic upheaval that nearly destroyed monarchy in Russia. In the similar way, during political religious movement Perestroika years came in the eve of the breakup of the Soviet Union. Therefore, there is a good reason why Russia does not wish to go for establishing political parties based on religion (Akhmetkarimov 2017).

#### **2.4 Secularism in Russian Federation 1990s**

The new constitution that has been approved by popular referendum on December 12, 1993 entered into force on December 25, 1993. From a broad political perspective, the 1993 constitution signifies a complete departure from the communist dictatorship and a passage to democratic government. As a new basic law for a “democratic federal legal state,” the constitution became an important step toward the establishment of a *Rechtsstaat* in Russia. The process that led to the adoption of the constitution 1993 was very peculiar, reflecting the years of political struggle between conservative forces who tried to preserve the old 1978 constitution and reformers who favored the enactment of a new basic law. With the collapse of the Soviet Union, there was the need of new constitution. Conservatives who had been in the congress during Soviet Union had general consensus that constitution is needed but they were in favor of gradual changes and did not wish to frame completely new constitution. Although in principle the congress decided to draft a new constitution but in practice, focus has been given on gradual reforms of the 1978 constitution. The revisions had been in a great hurry and were largely considered as instruments in the ongoing political struggle with president. In short, congress managed to rewrite almost 75 percent of the old text (Danilenko 1994).

In the constitution of Russian Federation, the idea of secularism is highlighted through various articles. Article 14(1) says, “The Russia Federation is a secular state. No religion may be established as a state or obligatory one”. Article 14 (2) says, “Religious associations shall be separated from the state and shall be equal before the law”. Article 19(1) says, “All people shall be equal before the law and court”. Article 19(2) says, “The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place

of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious ground shall be banned". Article 19(3) says, "Man and women shall enjoy rights and freedoms and have equal possibilities to exercise them". Article 28 says, "Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with other any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them". Article 80(1) says, "The president of the Russian Federation shall be the head of the state" and article 80(2) says, "The President of the Russian Federation shall be guarantor of the constitution of the Russian Federation, of the rights and freedoms of man and citizen. According to the rules fixed by the constitution of the Russian Federation, he shall adopt measures to protect the sovereignty of the Russian Federation, its independence and state integrity, ensure coordinated functioning and interaction of all the bodies of state power" (n.d.).

In the post communism, Russia Federation came up with the idea of secular outlook declaring that all types of religious beliefs would be respected and protected. Democratic form of government has been formed following the Soviet Union government based on Karl Marx ideology was proved failed. Constitution was finally drafted in 1993 and guaranteed to the rights and freedom of the conscience of people. Some of the important articles in constitution were: Article 14 of the Russian Federation proclaims that country adopts secular approach and no special treatment to any religion is given and both are separated from each other and also said that all communities are equal before law. Article 28 says, "Everyone is guaranteed the freedom of conscience, freedom of religious worship including the right to profess, individually or jointly with others, any religion or profess no religion, to freely choose, possess and disseminate religious or other belief and to act in conformity with them". Article 80 states, "It's a constitutional duty of president to serve as a guarantor of the constitution and of the rights of the man and citizen". However, question arise on the nature and objectives of 1997 constitutional amendment which grants special privileges to Orthodox Church even from the declared traditional religions and the non-traditional religious rights are in stake and they are made mandatory to fulfill number of criteria to survive in Russia as a religious organization (Blitt 2008).

The constitution which was framed in 1993 granted freedom of religions in all ways but with the Constitutional Amendment Act in 1997, Federal laws that came in to being reads like:

The Federal Assembly of the Russian Federation, reaffirming the rights of every person to the freedom of conscience and faith of every person as well as the equality before the law regardless of having any attitude towards religions have been reaffirmed and the Russian Federation is a secular state, recognizing a special role of the Orthodox Church in the history of Russia, the formation and development of its spirituality and culture, having respect for the Christianity, Islam, Buddhism, Judaism and other religions constituting an integral part of the historical heritage of the peoples of Russia, believing it important to promote mutual understanding, tolerance and respect in matters of the freedom of conscience and faith, therefore, adopts this Federal Law (n.d.).

Article 1 deal with the Subject of Regulation of This Federal Law which says that the Federal law regulates legal relationships in the field of human rights and the rights of every citizen to the freedom of conscience and faith as well as the legal status of religious associations.

### **Article 2 of the federal law deal with Laws on the Freedom of Conscience, Faith and Religious Associations**

Article 2 (1) says:

Laws on the freedom of conscience, faith and religious associations consist of the corresponding rules of the Constitution of the Russian Federation, the Civil Code of the Russian Federation, this Federal law, other regulatory legal acts of the Russian Federation to be adopted in accordance therewith as well as normative legal acts of the subjects of the Russian Federation.

Article 2 (2) says:

The rights of man and citizen to the freedom of conscience and faith shall be regulated by the Federal Law. The laws and other regulatory legal acts to be adopted in the Russian Federation, involving the exercise of rights to the freedom of conscience and faith as well as the activities of religious associations shall be in accordance with this Federal law. In the event of discrepancy between this Federal law and the regulatory legal acts of the subjects of the Russian Federation on matters of protection of the rights to the freedom of conscience and faith and the activities of religious associations, this Federal law shall prevail.

Article 2(3) says:

Nothing contained in the legislation on the freedom of conscience and faith and religious associations shall be interpreted in the sense of impairment or infringement upon the

rights of man and citizen to the freedom of conscience and faith guaranteed by the Constitution of the Russian Federation or ensuing from international agreements of the Russian Federation (Ibid).

### **Article 3 deals with the Right to the Freedom of Conscience and Faith**

Article 3 (1) says:

The Russian Federation guarantees the freedom of conscience and faith, including the right to profess individually or jointly with others any religion or to profess no religion whatever, to freely choose and alter, have and disseminate religious and other convictions and practice these in real life". It also says, "Foreign citizens and persons without citizenship that legally stay in the territory of the Russian Federation shall enjoy the right to the freedom of conscience and faith equally with the citizens of the Russian Federation and shall bear responsibility established under Federal laws for the violation of the legislation on the freedom of conscience, faith and religious associations.

Article 3(2) says:

The right of man and citizen to the freedom of conscience and faith may be restricted under the Federal law only in so far as it is required for purposes of protection of the basics of the constitutional regime, morals, health, rights and legitimate interests of man and citizen, insurance of the defense of the country and the security of the state". Article 3(3) deals with the establishment of privileges, restrictions or any other forms of discrimination depending on one's attitude to religion shall not be allowed.

Article 3(4) says:

The citizens of the Russian Federation shall be equal before the law in all the fields of the civil, political, economic, social and cultural life irrespective of their attitude to religion and religious affiliation. The citizen of the Russian Federation shall in the event that the military service runs count to his convictions or religion has the right of substitution thereof with an alternative civil service. At the request of religious organizations and by decision of the President of the Russian Federation the clergymen may in accordance with the legislation of the Russian Federation on Military Duty and Military Service during Peace-time be granted a deferment from the conscription and the exemption from periodic military training.

Article 3(5) says:

No person shall be obliged to declare his or her attitude to religion and may not be subject to compulsion in determining his or her attitude to religion, nor shall he or she be forced to profess or refuse to profess religion, to participate or not participate in services of worship, other religious rights and ceremonies, the activities of religious associations and teaching religion. It shall be prohibited to draw minors into religious associations as well as to teach religion to minors against their will and without the consent of their parents or persons acting as parents.

Article 3(6) says:

The prevention of exercise of rights to the freedom of conscience and faith, including that associated with violence against person, the intentional hurting of feelings of citizens in connection with their attitude to religion, the propaganda of religious supremacy, the destroy of or damage to the property or a threat of commission of such actions shall be prohibited and prosecuted in accordance with the Federal law. Conducting public events, putting up texts and images that may hurt the religious feelings of citizens close to projects of religious worship shall be prohibited. Article 3(7) says that the secrecy of confession is guaranteed under the law. No clergymen may be brought to responsibility for refusal to testify about the circumstances that have become known to him from the confession.

#### **Article 4 deals with the State and Religious Associations**

Article 4(1) says, “The Russian Federation is a secular state. No religion may be proclaimed as governmental and compulsory religion. Religious associations are separated from the state and are equal before the law”.

Article 4(2) says:

In keeping with the constitutional principle of separation of religious associations from the state, the state shall not interfere with determining by the citizen of his or her attitude to religion and religious affiliation, the upbringing of children by parents or persons acting as parents in keeping with their convictions and with regard for the rights of the child to the freedom of conscience and faith; shall not impose on religious associations the performance of functions of the bodies of state power, other public bodies, governmental agencies and bodies of local administration. Moreover, state shall not interfere with the activity of religious associations, unless it conflicts with this Federal law and shall ensure the secular nature of education at governmental and municipal educational establishments.

Article 4(3) says:

The state shall effect regulation in granting to religious organizations tax and other exemptions, extend financial, material and other assistance to religious organizations in the restoration, maintenance and protection of buildings and projects being monuments of history and culture as well as in arranging the teaching of general educational subjects at educational establishments set up by religious organizations as is envisaged under the laws of the Russian Federation on education.

Article 4(4) says:

The activities of bodies of state power and local administration shall not be accompanied by public religious rites and ceremonies. The officials of state authorities, other public bodies and bodies of local administration as well as servicemen shall have no right to use their official position to cultivate any particular attitude to religion.

Article 4(5) says:

In conformity with the constitutional principle of separation of religious association from the state, the religious association shall be set up and pursue its activities in accordance with their own hierarchic and institutional structure, elect, appoint and replace its personnel as per its own regulations, shall not perform the functions of state authorities, other public bodies, governmental agencies and bodies of local administration; - shall not participate in the elections to the bodies of state power and local administration shall not participate in the activities of political parties and political movements, nor shall provide them with material or any other assistance.

Article 4(6) says:

The separation of religious associations from the state shall not entail the restriction of the rights of members of the said association to participate equally with other citizens in managing the affairs of the state, the elections to state authorities and bodies of local administration, the activities of political parties, political movements and other public associations. Article 4(7) deals with at the request of religious organizations relevant bodies of state power in the Russian Federation shall have the right to proclaim religious holidays as non-working days (holidays) in respective territories.

#### **Article 5 deals with Religious Education**

Article 5(1) says, “Each man shall have the right to receive religious education at his option individually or jointly with others”. Article 5(2) says, “It would be the responsibility of the parents or those are acting as parents or guardian of the children to upbringing the children of the children and impart religious teaching in the freedom of the conscience and faith of children”. Article 5(3) says, “Religious organizations shall be entitled acting in accordance with their charters and subject to the laws of the Russian Federation to set up educational establishments”.

Article 5(4) says:

Religious teaching to the children outside the framework shall be given to the children to the children who are the resident of Russian Federation after permission is given by their parents or from those who are acting as a guardian or parents of the children (n.d.)

#### **Article 6 deals with Religious Associations**

Article 6(1) says:

Religious association in the Russian Federation shall mean any voluntary association of citizens of the Russian Federation, other persons residing permanently and legally in the territory of the Russian Federation, set up for purposes of joint profession and dissemination of faith characterized by features answering the said purpose, viz.: - religious denomination, Performance of services of worships, other religious rites and ceremonies, Teaching religion and religious education of its followers.

Article 6(2) of the federal laws says religious associations may be set up in the form of religious groups and religious organizations. Article 6(3) says, “There shall be prohibited to set up religious associations within the bodies of state power, other public bodies, governmental agencies and bodies of local administration, military units, governmental and municipal organizations”. Article 6 (4) says, “The formation and activities of religious associations whose objectives and actions are at variance with the law shall be prohibited” (Federal Law, NO. 125-FZ OF SEPTEMBER 26, 1997)

### **Article 7 deal with Religious Group**

Article 7(1) says:

Religious group under this Federal Law shall mean any voluntary association of citizens set up with the objective of joint profession and dissemination of faith, carrying on its activities without the registration with the state authorities and without the acquisition of capacity of a legal entity. The premises and property required for the activities of the religious group shall be provided for use by such a group by its members.

Article 7(2) deals with the citizens that have formed a religious group with the intention to further transform it into a religious organization shall inform the bodies of local administration of its formation and the start of its activities. Article 7(3) says, “Religious groups shall have the right to perform divine services, other religious rites and ceremonies as well as to carry on teaching of religion and religious education of its followers”.

### **Article 8 deals with Religious Organization**

Article 8(1) says:

Religious organization shall mean a voluntary association of citizens of the Russian Federation, other persons, residing permanently and legally in the territory of the Russian Federation, set up for purposes of joint profession and dissemination of faith that has been duly registered as a legal entity.

Article 8(2) says that religious organizations shall depending on the territorial spheres of their activities be divided into local and centralized. Article 8(3) says that Local religious organization shall mean a religious organization consisting of no less than ten persons not younger than 18 years old that permanently reside in the same locality or the same town or village settlement. Article 8(4) says, “Centralized religious organization shall mean a religious organization consisting as per as its charter of no less than 3 local religious organizations”.



Article 8(5) says:

The centralized religious organization whose structures have operated in the territory of the Russian Federation on legal grounds within no less than 15 years shall at the time of filing by the said religious organization an application requesting for government registration, be entitled to use in its names such words as ‘Russia’, ‘Russian’ and their derivatives.

Article 8(6) says that the religious organization shall also mean an agency or an organization set up by the centralized religious organization in accordance with its charter that pursue the objective and possesses the features specified under Item 1 of Article 6 hereof, including a governing or coordinating body or agency as well as the establishment of a professional religious formation. Article 8(7) says, “The bodies of state power shall while examining issues involving the activities of religious organizations in the society take into consideration the territorial scope of operation of a religious organization and provide relevant religious organizations with the possibility to participate in dealing with the said issues”. Article 8(8) says that the name of a religious organization shall contain an indication to its religion. The religious organization shall be obliged to state its name in full in the exercise of its activities.

Article 8(9) says:

A religious organization shall be obliged to inform the body, that has rendered a decision on state registration thereof, about changes in the data indicated in Item 1 of Article 5 of the Federal Law on State Registration of Juridical Persons and Individual Businessmen, safe for data about obtained licenses, in three days at latest, as of the moment of such changes. Said body at latest in one working day, next following the date of receiving relevant information from the religious organization, shall inform about it the federal executive body authorized under Article 2 of the Federal Law on State Registration of Legal Entities (hereinafter referred to as the authorized registering body) that shall make an entry about changes of the data on the religious organization to the Unified State Register of Legal Entities. It also added that repeated failure of a religious organization to submit within the established term updated information required for introducing amendments to the Unified State Register of Legal Entities shall constitute a ground for the body, which has taken a decision on state registration of the religious organization, to lodge a claim with the court of law for declaring this organization as having ceased its activities as a legal entity and for exclusion thereof from the Unified State Register of Legal Entities, A religious organization shall be also obliged to inform on an annual basis the body that has rendered a decision on state registration thereof, about continuation of its activity. Data on local religious organizations may be submitted by a relevant centralized religious organization in the procedure established by this Item.

## **Article 9 deals with Setting up Religious Organizations**

Article 9(1) says:

The founders of a local religious organization may comprise no less than 10 citizens of the Russian Federation associated as a religious group, having a confirmation of its existence in the given territory within no less than 15 years, issued by the bodies of local administration or a confirmation of its membership in the centralized religious organization of the same worship, issued by the said organization.

Article 9(2) says:

The centralized religious organizations shall be set up upon the availability of no less than 3 local religious organizations of the same religion in accordance with the regulations of the said religious organizations, unless such regulations are at variance with the law.

## **Article 10 deals with the Charter of Religious Organization**

Article 10(1) says, “Religious organization shall act on the basis of its charter to be approved by its founders or the centralized religious organization which shall meet the requirements of the civil legislation of the Russian Federation”.

Article 10(2) says:

The charter of a religious organization shall state: The name, place of location, type of religious organization, faith denomination and in case of its membership in the existent centralized religious organization, its name; objectives, tasks and basic forms of activity; Procedure for establishment and cessation of activity; Structure of organization, its bodies of management, procedure for formation and competence thereof; Sources of formation of monetary resources and other property of organization; Procedure for introduction of changes and amendments into the charter; Procedure for disposal of the property in case of cessation of activities; Other data related to the peculiarities of activity of the given religious organization.

## **Article 11 deals with Registration of Religious Organizations with State Authorities**

Article 11(1) says:

Religious organizations shall be subject to state registration in compliance with the Federal Law on State Registration of Legal Persons and Individual Businessmen, subject to the special procedure for state registration of religious organizations established by this Federal Law. A decision on state registration of a religious organization shall be rendered by the federal executive body authorized in the sphere of the state registration of public associations (hereinafter referred to as the federal organ of state registration) or by a territorial agency thereof. An entry to the Unified State Register of Legal Entities of

data on establishment, reorganization and liquidation of religious organizations, as well as of other data, provided for by federal laws, shall be made by the authorized registering body on the basis of a decision on a relevant state registration rendered by the federal body of state registration or by a territorial agency thereof. With this, a procedure for interaction of the federal body of state registration and of territorial agencies thereof with the authorized registering body with regard to state registration of religious organizations shall be determined by the Government of the Russian Federation.

Article 11(2) says that a decision on state registration of a local religious organization, as well as of a centralized religious organization having local religious organizations located on the territory of one subject of the Russian Federation, shall be rendered by a territorial agency of the federal body of state registration in an appropriate subject of the Russian Federation”. Article 11(3) says, “The federal body of state registration shall render a decision on state registration of a centralized religious organization having local religious organizations on the territories of two and more subjects of the Russian Federation”. Article 11(4) says, “A decision on state registration of religious organizations formed by a centralized religious organizations in accordance with Item 6 of Article 8 hereof, shall be effected by the body which has rendered a decision on state registration of an appropriate religious organization”.

Article 11(5) says:

For purposes of government registration of a local religious organization, the founders shall submit to the respective a territorial agency of the federal body of state registration as follows: Application for registration, List of persons setting up a religious organization, indicating their citizenship, place of residence, date of birth, Charter of religious organization, Minutes of the constituent assembly, document confirming the existence of a religious group in the given territory within no less than 15 years, issued by the body of local administration or confirming its membership in the centralized religious organization, issued by its governing centre, Data on the basic principles of religious teachings and the corresponding practice, including about the history of origin of religion and the given association, the forms and methods of its activity, the attitude to family and marriage, education, peculiarities of attitude to the health by the followers of the given religion, restrictions imposed on the members and clergymen of the organization as regards their civic rights and duties; data on the address (location) of a standing governing body of a newly-formed religious organization which is used for contacting the religious organization and Document confirming payment of the state duty.

Article 11(6) says:

In the event a superior governing body (centre) of the newly formed religious organization is located outside the Russian Federation, it is required to submit besides the documents specified under Item 5 hereof, according to the prescribed procedure also the

charter or any other basic document of a foreign religious organization to be certified by the government body of the country of location of the said organization.

Article 11(7) says:

The grounds for the government registration of centralized religious organizations as well as religious organizations to be set up by the centralized religious organizations shall be as follows: Application for registration, List of founders of religious organization, Charter of the newly formed religious organization approved by its founders; data on the address (location) of a standing governing body of a newly-formed religious organization which is used for contacting the religious organization, Notarized copies of the charter and document of government registration of the founder (founders), Relevant decision of an authorized body of the founder (cofounders), A document confirming payment of the state duty in establishing a centralized religious organization the founder (founders) shall also submit the charters of no less than 3 local religious organizations incorporated within its structure and the data on other religious organizations that are incorporated within the given structure.

Article 11(8) says:

The application for the government registration of a religious organization, set up by the centralized religious organization or on the grounds of confirmation issued by the centralized religious organization shall be reviewed within a month since the date of submission of all the documents specified herein. In other cases the body deciding on state registration of a religious organization, shall be entitled to extend the period of review of documents up to six months to conduct the state examination by the religion-competent experts. The procedure for conducting the state examination by religion-competent experts shall be such as prescribed by the Government of the Russian Federation.

Article 11(9) says, “In the event of the failure by an applicant (applicants) to meet the requirements specified under Items 5-7 hereof, the body deciding on state registration of a religious organization, shall be entitled not to examine the application by sending an advice hereof to the applicant (applicants)”.

Article 11(10) says:

The federal body of state registration or a territorial agency thereof upon rendering a decision on state registration of a religious organization shall submit to the authorized registering body the data and documents required for exercising by this body the functions related to keeping the Unified State Register of Legal Entities.

It also added that On the basis of the decision on state registration of a religious organization, rendered by the federal body of state registration or by a territorial agency thereof, and the required data and documents, submitted by them, the authorized registering body in five working days at latest, as of the date of receiving the required

data and documents, shall make an appropriate entry to the Unified State Register of Legal Entities and shall inform about it the body that has taken a decision on state registration of the religious organization at latest in one working day, next following the date of making said entry. The federal body of state registration or a territorial agency thereof, in three working days at latest, as of the date of receiving from the authorized registering agency information about the entry on a religious organization made to the Unified State Register of Legal Entities, shall issue to the applicant a document confirming the fact of making the entry on the religious organization to the Unified State Register of Legal Entities.

Article 11(11) says that the changes and amendments introduced in the charters of religious organization shall be registered with state authorities according to the procedure prescribed for registration of religious organizations and shall take effect for third persons since the government registration thereof. Article 11(12) says, “State duty for state registration of a religious organization and the amendments introduced to the charter thereof shall be collected in the procedure and in the amount stipulated by the laws of the Russian Federation” (Ibid)

### **Article 12 deals with Refusal to Effect Government Registration of Religious Organization**

Article 12(1) says:

The government registration may be refused to a religious organization whenever: The objectives and activities of a religious organization run counter to the Constitution of the Russian Federation and the laws of the Russian Federation - by reference to specific articles of the laws; The given organization has not been recognized as a religious organization; The charter and other submitted documents do not meet the requirements of the laws of the Russian Federation or the data contained therein are not true”. It also added, “The organization with the same name has already been registered in the unified state register of legal entities, the founder (founders) is legally incompetent. In case of refusal of government registration of a religious organisation the decision taken shall be communicated in writing to an applicant (applicants) by indicating the reasons for refusal. The refusal for reasons of inexpediency of setting up a religious organisation shall not be permitted. The refusal of government registration of a religious organisation as well as its evasion from such registration may be protested against in court of law.

### **Article 13 deals with the Representations of Foreign Religious Organizations**

Article 13(1) says that foreign religious organization shall mean an organization set up outside the Russian Federation in accordance with the laws of a foreign state. Article 13(2) says:

Foreign religious organization may be granted the right to open its representative office in the territory of the Russian Federation. The representation of a foreign religious organization may not engage in the activities of worship and other religious activities and shall not enjoy the status of a religious association as established hereunder.

Article 13(4) says that the procedure for registration, establishment and closure of a representative office of a foreign religious organization shall be prescribed by the government of the Russian Federation in keeping with the laws of the Russian Federation”. Article 13(5) says, “in the event of taking a decision in favor of the registration of a representative office of a foreign religious organization, its representative shall be given a certificate after the form set by the Government of the Russian Federation”. Article 13(6) says that the Russian religious organization shall be entitled to have under it a representative office of a foreign religious organization. (n.d.).

Article 14 says:

The suspension of the activity of a religious association, the liquidation of a religious organization and the prohibition of the activity of a religious association if they violate the legislation, grounds at which they are liquidated have been explained in the following points.

Article 14 (1) says:

Religious organizations may be liquidated by decision of their founders or a body authorized thereto by the charter of a religious organization and by court decision in the event of repeated or gross violations of the rules of the constitution of the Russian Federation, this federal law and other federal laws or in the event of systematic performance by a religious organization of activities running counter to the objectives of its creation (statutory objectives).

Article 14(2) says:

The grounds for liquidation of a religious organization, banning the activities of a religious organization or a religious group by due course of law shall comprise of first the breach of public security and public order and preventing from getting compulsory education, second is acts aimed at the performance of an extremist activity and encouraging citizens to refuse to perform the civil duties established under the law and to commit other wrongful acts, third is forcing to break the family, fourth is encroachment on the personality, right and freedoms of citizens, fifth is infliction of damage established

under the law to moral, health of citizens, the use in connection with their religious activity of narcotic drugs and psychotherapeutic agents, hypnosis, the commission of acts of perversion and other unlawful actions. Sixth point says, Inducement to suicide and refusal for reasons of religion to give medical aid to person in a state endangering their life and health, seventh says, Preventing a citizen by using a threat of damage to his life, health or property provided there is a real danger of realization of same or a threat of violence or by other illegal actions from withdrawing from a religious associations.

Article 14(3) says:

The bodies of the prosecutor office of the Russian Federation, the federal body of the state registration or territorial agencies thereof as well as bodies of local administration shall have the right to file applications to the court requesting the liquidations of religious organization or the ban on the activity of a religious organization or a religious group.

Article 14 (4) says that state registration of a religious organization in connection with liquidation thereof shall be carried out in the procedure provided for by the Federal Law on State Registration of Legal Persons and Individual Businessmen subject to the peculiarities of such registration established by this Federal Law. Article 14 (5) says, “The legal capacity of the religious organization to be liquidated as a legal entity shall cease and the property of the said religious organization shall be distributed as is provided for under its charter and the civil legislation of the Russian Federation”. Article 14 (6) says, “The grounds and the procedure for liquidation of a religious organization by a court decision shall also apply in respect to the ban on the activities of a religious group”. Article 14 (7) says:

The activity of a religious association may be suspended, a religious organization may be liquidated and the activity of a religious association, which is not a religious organization, may be prohibited in the order and on the grounds, envisaged in the Federal Law on the Counteraction to an Extremist Activity (n.d.).

On issue of secularism of Russia Federation, there is a history and stands of Russia which is different in its own way apart from constitution highlighted many provisions that reflect the character of Russian secularism. Here Knox has a different view on Russian secularism and said that Orthodox Church is considered to be the powerful symbol of Russian statehood, culture and tradition and discussion is repeatedly held on role of it in the past as well as in the present context. Politicians in Russia strongly feel that church is one of the strong allies and can't ignore and as a result of it, patriarch of church and head of the states appear publicly and they share dais many instances from Yeltsin to Putin. On the other hand, church also has an interest to go back to the Byzantine symphonic ideal, under which it envisages double rule of the ecclesiastical

authorities and temporal both worked together in the equal footing and there is no issue of subordination of one another. These are the reason how constitution is amended many instances and create a favorable environment to Orthodox Church. Some of the privileges church is enjoying are special status under 1997 'on freedom of conscience and Religious Association', rebuilding Cathedral of Christ the Savior with the support financially from the state and collaboration of state and church under Putin administration reflects the level of favorable status church is enjoying. Here the question is on the issues of other communities rights. Their rights are in stake and all the issues country face are being interpreted from the window of church (Knox 2003).

On secularism, Pankhurst says that Russia has a different understanding about secularism and it's not a copy of outside concept and also said secularity ought not to be an only replica. Its concept and understanding in Russia differs and concept of it is not universal is evident from the fact that different countries have a different understanding and it does-not have a unified form for all. The reason being why it's different from the concept of other practices is that Russian were facing or counter with the issue of morality, spirituality, national identity and nature of secularity. So, orthodox church in Russia stands on ethical issues mainly on some significant issues like the Basis of the Social Concept, basic teaching on human dignity, rights and freedom and lastly to participate in combating the spread of HIV/AIDS and its work with the people living with such issues. The stands of church on these issues met with criticism of the state of public morality. This initiative was justified by one corresponding member of the Russian Academy of Science and Deputy Director of the RAS institute of psychology, A. Yurevich confirmed the conclusion that the degradation of morality of today's Russian society is said by representative of diverse social science and this teaching will be considered a truly interdisciplinary fact. Some statistical data is also cited to clear how morality in Russian society is degrading like number of murder every 1000 people in Russia is 4 times more than in the US and 10 times more than European countries. In the same way, he highlighted many issues where morality is strongly felt to be restored. From this perspective church also express criticism on the secular practices of state and willing to restore the lost morality in society. Church asserts that separating religion from public is nothing and freedom without morality leads to violence, immoral behaviours and killing one another. So, its ethical discourse in this case is based on the theological and anthropological



foundation, “the basis of social concept of the Russian Orthodox church” states that morality to any country is important and departure from it leads unavoidably to damages and death as it is nothing but departure from God (Pankhurst 2013).

From the 1988, nature and approaches of government changed in many ways in the case of the relation between politics and religion. In the article, “Religion, the Russian Nation and the state: Domestic and International Dimension” written by Kilp and Pankhurst argues that today the politics of religion are very different from just a quarter of a century ago and said they are more complex as a product of first main alteration in the political sphere, secondly changes in the status of traditional religious institution verses society, culture and state. Thirdly emergence of new intersections of religious and secular interest and changes in the means of mass communication and their outcomes in the dominion of scholarly exchange of ideas and information are witnessed. So, both the church and state learn that they depend on one another to some degree for the legitimatization among people. As Machiavelli once said, “a prince, must be careful therefore, never to let anything from his lips which is not full of... five qualities... he should show, upon seeing and hearing him, all faithfulness, to be all mercy, all integrity, all religion, all kindness.. There is not anything more necessary than to appear to possess this last quality”. For politician, there is nothing better than the quest of religions and priests who identify divinely way of rewarding to politics. So, though country first dreamt to go for equal treatment amongst all the religious group and good number of provisions have been highlighted in the constitution in 1993 but changed in many ways when 1997 new law have been amended and enacted which not only provided special treatment and protection to Orthodox Church on the name of its role played in developing statehood in Russia but also restricted the freedom of other groups of communities. Many experts opposed this one saying this new law violated freedom and conscience of religions and deviated from the practices of secularism (Pankhurst 2013).

The main problem in Russian Federation is not with the dominant group rather it lies with the minorities who are also the part of Russia. There are number of instances where they are being marginalized and rights which are entitled to them in the secular democratic country are often violated. From the education system to questions on its existence are issues there in Russia. Orthodox religions are inducted in the syllabus of many schools and are being taught on voluntary basis claiming that it’s a cultural based

education than religious education though there is no constitutional consent. While on the other hand, minorities don't have much say in and their own cultural based education are rarely taught (ibid). Yet another article says like Russia particularly under Putin and Medvedev violates constitutional provisions in number of ways by granting unprecedented privileges to Patriarch of Church at the cost of minorities. Some of the best examples are like Patriarch of church have a blue light on his car like president and Prime minister of Russia while though other communities also demanded the same have been ignored so far, second thing is sending chaplains in army is also another issue and minorities are also being conditioned. So far, there is an estimation that more than 20000 chaplain from Orthodox church are working in different army camps while Minorities are to fulfill of 10% of army before sending any chaplain. There are also many issues are to be highlighted. The point is secular country which Russia Dreamt right after forming democratic based constitution is in challenge and heading to pseudo-secular state (Blitt 2010).

Russia experienced the phenomenal resurgence of religious overnights said in Davis's article "the Russian Orthodox church and the Future of Russia. He asserts that Russian Orthodox Church (ROC) was always vocal critics of 1993 constitution on the new policy of religious freedom. ROC prevailed upon Duma to pass the restrictive law of 1997 that put brake on the unlimited religious freedom and this new law brought the difference between traditional and non-traditional religions on the basis of role been played in the history of Russia. Technically, Buddhism, Judaism, Islam, Christianity particularly Orthodox Christianity have been recognized been played gigantic role in defending Country from any attacks, but special treatment and privileges are given to Orthodox Church. This church-state equation is again in question and there is a discontentment amongst minorities (Davis 2002).

With the collapse of the Soviet Union based on scientific atheism and Marxism-Leninism, religion has started taking defining role, copies of Bible have been printed in millions, distributed amongst the people, educate people on religious faith and get training to the priest for perpetuate faiths. This has become possible because democracy has been established which accept religious and cultural differences. But then in 1997, previous stands taken in the constitution got changed and privileged position was given to three traditional Abrahmic religions-Christianity, Islam and Judaism especially to the Russian Orthodox Church. In 2016, President of Russia Putin

signed on a new bill known as Yarovaya Law and this new amendment significantly reduce the sphere of fundamental human rights and freedom which citizen of the Russia, legal residents and tourists enjoyed. New law made a crime not to report information about extremist threats and other violations, requires telephone and internet providers to store the content of telephone conversations and assist authorities to break into encrypted messages, increase the criminal penalty for extremism from four to eight years and moreover increase the fines for extremist activity to \$780 for individuals and \$15,000 for organizations. Implementation of this new law is alarming as it is somehow similar to the soviet Stalin's period of 1929. Under this law, no any space is given for sharing faith and sharing belief and any calls and internets including used emails if unreported will be charged with participating in an extremist activity and hefty fines will be charged upon (Proshak 2017).

## **2.5 Challenges to the secularism of Russian Federation**

Constitution of country strives for the commitment on “freedom of the conscience and religion. In other words, secular principles are taken into consideration and reads like: “the Russian Federation is secular state. No religion shall be established as state or obligatory. Russian association shall be separated from the state and shall be equal before the law (article 14)”. “Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with others any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them (article 28)”. Hence, the opinion of that society was taken into account by constitution which is interested in defence of secular ethos and gives respect and protection to the freedom of conscience and religions. However, at the same time clauses and law's preambles are referring more to the religious organizations that presented in Russia's territory for more than fifteen years reveals how the another part of society heading to disseminate new religious movements from the late 1990s. While all these changes are taking place, one can make some sense that there is a deep influence of Russian Orthodox Church in formulating and implementing the policies of state. There is a statement too from lawyer Anatolii Pchelinstse who was the working group on the law of 1997 that preamble of Russian Federation got changed in the personal intervention of Patriarch Alexii II the head of the Orthodox Church. In the letter which was texted by council of Bishops of the Orthodox Church to state Duma chairman Gennadii Selexnev in 1997

states like “particularly pitiful is that the present federal law ‘on the Freedom of Religion’ and the draft amendments to the law fail to acknowledge the fact that the Russian Orthodox Church over the course of a millennium has shaped the historic, spiritual and moral face of the Russian people and that the overwhelming majority of believers belong to this organization”. One thing is very clear now how church forced government to bring up with such laws in 1997. However the term “traditional religion” though is used by all has not been legally defined in the constitution and in any official documents. It’s merely a word which is used in the political discourse about religion in Russia. For instance, meeting was held by Putin a prime minister of Russian Federation in 12 February 2012 with Patriarch of Orthodox Church and other traditional religions. Apart from delegates from church, delegates from the council of muftis, , the Russian Association of Islamic Consent the Russian Old Believer Church, the Catholic Bishops Conference, the Federation of the Jews Council of Russia, the Spiritual Board of Muslim, Buddhist traditional Sangha, Muslim Coordination Centre for the North Caucasus, the Russian Union of Evangelical Faith Christians, Armenian Apostolic Church, and many others were also attended that meeting, but it was not clear how traditional religions were to be understood in real sense (Kovalskaya 2013).

The statuses of religious minorities are in question following this new law came in effect since 1997. Orthodox Christianity which is the dominance part use this term “traditional religion” so publicly and Islam that is also the second dominant group in term of population use in same way but some sects have been challenged on the ground of extremism like (wahhabism) and there is traditional and non-traditional group of Islam followers. In other words, the term traditional religion which was highlighted in the preamble in the constitution of Russian Federation has not been elucidated what are the status and role of all traditional religions. This implicit status indirectly gives Orthodox Church more power in claiming and enjoying special privileges on the name of traditional values and true values of country (Ibid).

Russian Orthodox Church was actively supporting a campaign for radical restriction on the activities of the foreign missionaries as early as 1993. Church looks at foreign missionaries as “soul hunter” and has been able to pressurize the government to bring amendment in religious law. As a result of it, 1997 amended law has been witnessed which created unfavorable conditions for many religious groups. This amended law diverted from 1993 constitutional laws in many ways in a sense that unlimited religious

freedom turned to restrictive religious freedom law. He also argued that Church could pressurize at the time of building constitutional laws of 1993 but did not do such because it has a fear from communist party if came in power. This is the reason when 1996 election was on the way; church openly campaigned and appealed citizen of the country to support and vote to Yeltsin. The moment Yeltsin came in power, ROC started dictating and pressurizes government on its demands and subsequently state came up with reforms and grant special privileges to ROC (Verkhovsky 2002).

20,200 religious communities have been registered on 1 January 2001 in the Russian Federation out of which 479 groups had been registered for the central religious organization and 19,005 was done as parish congregation, 334 as monasteries, 264 as religious office and 479 of groups had been registered as central religious organization. Communities who registered in majority were Orthodox Church; its number is around 10,913 in all, Muslims were in 3,048, evangelical Christians were 1,323, Baptist were 975, Adventist 563, Old Believers were 278, Roman Catholic were 258, Jewish Communities were 197 and so on. Other small religious communities have also been registered and the examples are Jehovah (330) and Charismatic church congregation (51). There was no complain from any communities regarding registrations at the federal and local level in Russian Federation but in practical it's plainly apparent that federal Ministry of Justice has not been able to control local level departments which led to face abuses and discrimination during registration especially by religious minorities (Mcnamara 2002).

Another major problem which religious minorities are facing is the denying visas to all religious missionaries. President Putin conceded in Kremlin while meeting with the human rights commission on international Human Rights Day that there is a big gap between the constitutional guarantees and with the real life opportunities in Russia but Putin apparently not willing to bring changes and stricter to uphold the rule of law in Russia. Denial of visas to the foreign religious missionaries started from the November 1997 and it has continued from that years. This visa denial applies to almost all religious communities. There is a estimation from US Representative Chris Smith and US Senator Gordon Smith in late December 2002 published an article in "Washington times" noted that undeniable adversity visas denial have been causing almost all religious communities. Some of the statistics are until 1997 to 2003; it includes 54 Protestants, 7 Catholics, 3 Mormons, 3 Buddhists, 15 Muslims and 2 Jehvoh's

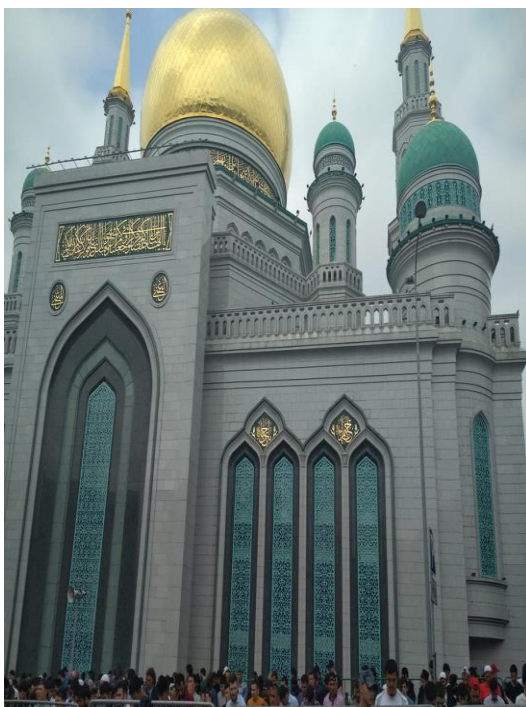
witnesses. Moreover it's not only about issue of visas, but also reduction of visas extension from 12 to 3 months. The setting quotas for number of foreign workers were also made complicated under the Russian Law which came into effect from 2002. Actually it was the general practices to decide how many priest or any religious personnel are to be invited under the internal affairs administration but this has been tightened under this law. Apart from this when any missionary visits Russia, then they were monitored suspiciously if they were to be espionage of other countries. Many religious groups are suspected as western spies in Russia. These are the reasons how visas are denied to foreign religious personnel (Elliot 2003).

As per the new laws of 1997, four religious group got the level of traditional religions and are fixed in the federal law "on freedom of conscience and religious association" which was adopted. When preamble of the country was presented, there have been two clauses which changed the spirit of previous constitution drafted in 1993. The preamble of Russian Federation reads like "the Federal Assembly of the Russian Federation... acknowledging the special role of Orthodox Christianity in the history of Russia, and in the establishment and development of its spiritual culture...respecting Christianity, Islam, Buddhism, Judaism and other religions, that comprise the inalienable part of the heritage of the Russian people, ...adopts the present law" (Kovalskaya 2013).

Here the ambiguity is that first the term "traditional religion" which is commonly used in speeches and statements since then has not been mentioned in the preamble of the Federal Law. The status and role of religions (Christianity, Islam, Buddhism and Judaism) which have been singled out in preamble remained unclear. Moreover the "other religion" that is also specified has never been defined in the federal law. Preamble also has no legal importance and one can't approach to court. So in short, there is confusion on what all meant by the traditional and non-traditional religions in Russian Federation's Law (Ibid).

Russia state has also been accused for discrimination on the religious ground by the domestic human rights groups and international bodies like parliamentary Assembly of the Council of Europe. Though 1997 law granted protection to four religious organisations (Christianity, Islam, Buddhism and Judaism) by the state, Human Rights Report noted that special privileges and protection is given to Orthodox Church including official arrangements to give spiritual counselling and perform religious

education. Russian Orthodox Church is allegedly to have got funds from government side and is able to do many things like organising seminars, construction of churches and so on and so forth. Whereas other religious denominations are facing lots of problems like registration, getting rooms for rents to pray or worship, holding meeting with the foreign delegates of their faiths especially visas is another big issue to be issued to the foreign missionaries. These are the problems which Non-Russian Orthodox Christianities have also been facing and vandalism also rises in. Russian Orthodox Church has developed strong reactionary forces within and outside of Russia. The United States Commission on International Religious Freedom noticed that amendment in the religious laws affects adversely to the minorities particularly Muslim minorities on the name of fundamentalist activities under law on extremism of 2002 amended in 2006. It takes number of issues including the ban on wahhabism in Dagestan. (Overview November 2014). Speaking on the discrimination being faced by Muslim, Hamid says that constitutionally though claim to be secular but minorities especially Muslims are discriminated. He said that Muslims demanded space for building Masjids in Moscow because of the rise of population and accommodation problems during prayers, but no demands have been fulfilled in a way other religious communities have been ignored whereas constructions of church all over especially in Moscow have been multiplied and administration supports Orthodox Church (Hamid 2019).



This Moscow Cathedral Mosque was visited during my field work on Friday. There was crowd and people were not having enough space for prayer. Therefore people were sitting on road and praying Nemas.

After Nemas was over, I met with Hamid a one were part of prayers and when asking if facing space problems, he said that population was high and space are not getting to pray Nimas in the Masjid. Demands have been made to government for construction of some Masjid, but it has not been responded positively and this is not only with Muslims, but are happening with other minorities. However, churches have been constructed in big way.

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Yet this 1997 law brought distinction in religious group with the name of traditional and non-traditional religions. Especially religions which have been declared non-traditional suffers the most in the present Russian Federation although even a declared traditional religions are also not free from any discrimination on the ground. Traditional declared religions (Christianity, Islam, Buddhism and Judaism) get the benefits of subsidies and some others but they are also not free from discrimination at different stages. Paradoxically, Russian Orthodox Church who is claimed to have adherent among 60% of the people of Russia gets various concession, agreement with number of government ministers for supports militarily, economically, politically, socially and religiously. On the other hand, religious communities which have been declared non-traditional suffer from Russian government officials and police. Religious groups like Protestants, Catholics, Jehovah, Hare Krishna groups are discriminated badly and implying them as foreign espionage. When any of these religious group report to polices and government officials, they are reported to be harassed, discriminated and give negative references. In such situation, this leads to contribute a climate of intolerance, involve in the act of vandalism, discrimination and violate hate crimes etc (April 28, 2011). In Russia, one can pray or worship in a way one like even friend can also be invited, but in case if religion belong to a groups from disfavored religious minorities, then may face problems in public square. It's difficult that any land could be bought and rented for religious activities (Uzzell 2004).

As this bill was passed with the approval of president Yeltsin and become new law in 1997, religious association has become two groups. One is called religious organisation and another one is religious group. Religious organisation has every legal right and taxes relaxation while religious group has no such though it can exist in Russian Federation. Citizen from any country can form religious group and stay permanently in Russia via informing to the local governmental agency. They get limited rights since they are not registered and moreover they are non-traditional religion. While these religious groups have freedom to perform their own religious activities and teach to their followers but they cannot convert any religious group of people, they are not allowed to disseminate any religious material and perform other activities which are common with religious organisation. In case these groups want to be full-fledged religious organisation, there are number of conditions before it. First registrations are to be done with Ministry of Justice on the subjects of the subjects of



Russian Federation. However before registration, they are to fulfil numbers of condition like they have to have 10 citizen of Russian Federation and the second criteria is they are to be in Russia for at-least 15 years. If they fail to stand by these criteria, then there are limited rights and they are to continue this re-registration part until they satisfy the requirement of 15 years in Russian Federation. This new law gives chance to become centralised religious organisation through organising three religious groups united and apply for it at local or federal level depending on where they are and apply for it. But they have to fulfil above two conditions and then can apply for it. Finally this central religious organisation can't use the term "Russia" or "Russian" until it has been proven that they have been in Russian Federation for last 15 years (Thomas 2003).

Registration is one of the biggest problems before all the religious communities in general and non-religious group in particular. This registration is to done at both local and federal levels and this has created difficulties to the religious group who had not been registered before this law. Majority of Religious organisations have been registered under constitutional court and the law of federal officials. But religious groups which have been in Russia for a long and were not registered before 1997 are facing problems. There are numbers of condition before them. Though constitutional court decision came in 2002 and cleared those active religious organizations who have registered before 1997 won't deprive from any registration problem but on ground, situation has been improved. Especially at local level, official deny register to the religious group and come up with number of condition before it gets done. Moreover 1997 laws gives number of limitation like one should have been in Russian Federation for 15years to get register, there should have 10 Russian citizens while applying for registration. If some religious group wishes to apply for central religious organization, again they should have been in Russia for 15years then can work on their wishes to be. One more thing is that if any religious groups who got a status of religious organization can't use the term "Russia or Russian". The reason Russia court gives behind registration process is more of social security and prevent from act like rising of extremism. Though "traditional religion" status is granted to Buddhism, Islam, Judaism and Christianity and special role of Orthodox Christianity was recognized in shaping the Russia culture, heritage and statehood under 1997 law, yet state develop more close relation with church and grant subsidies in many fields. Russia Orthodox church has

also signed an agreement with government ministers on guiding principles, be it on public education, religious training to army personnel and enforcement of laws (may 1,2008).

This new law of 1997 created three religious communities called religious group, religious organization and central religious organization and the status and privileges vary from one to another. It says that the group who is not registered can worship and disseminate its teaching to own followers but can't engage in any other things. Those who are registered are to re-register at national and local level annually. Certain groups especially protestant churches and new religious organizations are reportedly asked by Ministry of Justice officials and ask them to give additional data like passport details, financial documents, personal addresses and information on its activities. This law permits officials to get court cases. Sometimes this rule helps officials to ban the activities of certain religious activities which are the violation of Russian law. Even the religious organizations who registered before under the liberal law of 1990 law have been asked to re-register by the December 31, 2000. They were required to register both in local and federal levels simultaneously which take times, efforts and legal expenses. Registration which has been applied at federal level get done by federal official and constitutional court but local administrative authorities sometimes delay or refused to execute these rulings (April 28, 2011). This fifteen years of register and re-register process embarrassed many religious movements in Russian and they lodged complain in the constitutional court of the Russian Federation and claimed that these are the violation of the constitutional principles and against the freedom of conscience and religions but all this procedures continues even after (Bayov 2005).

On the issue of Russia is gearing up to celebrate Orthodox Easter day and officialization of holiday on certain days is in question. Though claimed to be atheist and nothing much to do with religion, Irena Tatonova expressed her apprehension if Russia was moving to another direction and it will be problematic in time to come if Russian Federation get more attached more with Orthodox Church, celebrate more its days and promote via declaring holidays on Easter days because unlike European countries, Russia had been, is and will be plural society. So, maintaining the same fabric of society, secular state to be maintained. Otherwise there is every chance that if Kremlin promotes Orthodoxy claiming the demographic composition in Russia, then, in other provinces where population in the majority of other religion may declare their

own holiday as a result of which Russia may not be able to main multi-cultural society in peace (Goble 2009).

In another ceremonial event which was organized at strategic Missile Forces Academy in Moscow, Patriarch presented Lieutenant General Andrey Shvaichenko, commander of Missile Force with the banner emblazoned with the image of Holy Great Martyr Barbara, Patriarch expressed his view saying that weapons which are dangerous should be given in the clean hand and to the people who have clear mind, strong love to the motherland and have a deep responsibility to work before god and people (Interfax 2009). Putin also mixed the understanding of it more saying that traditional faith and Russia's Nuclear Missile shield symbolized the twin components which strengthen the Russian statehood and produce essential precondition to maintain the internal and external security of the country. In the mid of 2009, another long standing demands of church embedded in military when Medvedev announced his plan to support on an introducing chaplains in Armed forces from the traditional faiths. He is of the opinion that by hiring chaplaincy in Forces would improve the spiritual and mental health of the Armies. This in turn was applauded by Patriarch and began to recruit chaplaincy in armed forces. There is a criticism from other sides saying other communities who have also been serving in armed forces are not getting equal shares in chaplaincy and church is going to be dominant group in it. Though chaplaincy from other communities has to be recruited, yet condition which was imposed on it is not favorable to them. (McDermott 2009).

Talking about own faith soon with the person of different member of other religions outside of church is going to be illegal in Russia via "Yarovana Law". This is the law which put new restriction on the religions particularly on the minorities on the name of anti-terrorism laws. This new anti-religious bill gives the state unprecedented power to discriminate against religious minorities and stoking flames of extremism in Russia. Despite having pressure and protest at international level, Yarovana law has been signed by President Putin. Religious leaders are planning to challenge the law in Russia's constitutional court. These organizations are already asking how religious freedom can be enjoyed in the midst of passing such laws (Wussow 2016).

Russia government is gearing up to recruit chaplains in Armed forces in order to strengthen the traditional orthodox values to boast patriotic feeling in society.

Ponomareva says that state has a reason to recruit to restore traditional orthodoxy values at the heart of administration particularly when Putin came in power for the second time. The mission to introduce is to reinforce a sense of patriotic duty in society since Putin shared his hand for conservative coalition in order to counter the threat of western influence like in foreign funded NGOS and pussy riot punk rockers. This military chaplain is only applicable for the traditional religions which were recognized under the new law of 1997. Medvedev was the first president who supported to the idea of introducing chaplaincy in army in order to revive armed forces disciples, morality and sense of patriotism amongst them. Now not only priest as chaplain working in armed forces, 83 churches schools have been built in military units with the participation of servicemen over the past recent years. Parliament is also preparing to enact laws on the recruitment procedures and priesthood in the Armed forces (Ponomareva 2013).

Teaching of orthodoxy in public schools is also becoming reality in Russia Federation which any religious teachings had been completely banned during soviet period. This new curriculum of teaching orthodoxy in public schools reflects Russia's continuing struggle to define what is meant by Russian or national identity and the question like what should be the role of religion in shaping Russian identity. There is a criticism from other communities rejecting the notion of teaching orthodoxy in public schools. This protest against teaching reached at peak when the two noble literates also joined and sent a letter to Putin on growing clericalization of Russian society. But Orthodox Church strict on saying that teaching orthodoxy is a cultural and not a religion and moreover teaching of it would not force any communities to learn rather it says that all communities should learn its own religious teaching. Putin generally not reluctant to overrule any local authorities but this time he skirted this issue. He said that he is keen that children to learn all religion in general especially traditional religions according to 1997 laws. But he shares dais publicly with patriarch of church and appears publicly though he said that Russia should find-out some common acceptable ground to entire society. (Levy 2007).

In 2013, President Vladimir Putin signed on bill that creates new requirements for the public education system in Russia which includes mandatory to religion to be taught especially basic religious class. Public Radio international's the world stated that it has been for twenty years and expressed gratitude Orthodox Church for pushing this

demand though the teaching of religions in schools would be different from the model envisaged by church. Public in Russia which is composed of 70-80 percent of Orthodox Christianity followers is not happy with this new law. Natalia who is parent and orthodoxy said that religion is private matter and it should be taught in family and continued in church. This is the reason secular ethics courses are taught with the aims of helping children and developing honesty and other qualities (Bulletin February 2013).

The dilemma which religious and political leaders in Russia Federation are facing on the issue of how to impart religious teachings to children with the goal of promoting spiritual consolidation, maintaining Russian and cultural identity while at the same it has to preserve constitutional principle of freedom of conscience including freedom of religious practices. The first aim is likely to be achieved by emphasizing Russian Orthodox Church but it creates problems to the other religious communities to understand the spiritual identities, historic legacies and culture of Russia. The idea of Fedor Kozyrev is challenged by Miroshnikova and said that since Orthodox Christianity is the centre from other traditional religions according to 1997 new law, it violates the constitutional obligations which guaranteed the freedom of conscience of religion. Russia Orthodox Church has been so successful until now in bargaining to bring orthodoxy culture teaching in public schools. Example like course of “the Basic of Russian Orthodox Culture” is taught in schools on the voluntary basis and theological departments have been established in many universities. There have been religious gathering, conference, seminars and appeals for the government opposing illegal practices. The latest activities confirms of the Russian government confirm this facts. Conference was held in Moscow with the help of government on 10 October 2002 on the form and methods of religious instruction in Russian Public Schools. Majority attendances were from Russian Orthodox Church. Central idea of this conference was to make religious education mandatory course in schools. This creates not only the threats to the traditional religions but also to the non-traditional religions and question raise on how education to children is imparted while respecting its own identity (Miroshnikova 2002).

Constitution of the Russian Federation declares that Russia is a secular state and it forbids the establishment of state adopting religion and orders separation of religion and state and gives equality before law. But reality today is different and time is

changing. Freedom of religion is being undermined. As Russian journalist Sergei Chapnin argued that the Russian Orthodox Church in the early 2000s abandoned a more open, democratic model in favor of an imperial one in which it is bound to the state, reliant on the government for patronage and for funds to construct and restore churches. He further said that the Orthodox Church is used by state to share a particular Russian national identity and its accompanying nationalism and to describe the idea of the world of Russia, *Russkiy* which has been employed to justify Russia's aggression in Ukraine where Kiev and its position as the mother church of Rus' holds significant propaganda value, Chapnin asserts that in this 2000 phase "the church is circling back to sovietism, promoting conformity and dreaming of imperial expansion". It can be argued that in this imperial church state fusion to be Russian is to be Orthodox. In this process, Jews, State friendly Muslim communities, Buddhist Kalmks, Roman Catholics and Buddhist Kalmyks are tolerated and there is supposition that they exist outside the dominant imperial and Orthodox narrative. So, in this way minorities are targeted and freedom which enshrined in the constitution have been violated (Bennett 2017).

The US Commission on International Religious Freedom (USCIRF) alleged that Russia's treatment to the religious minorities and foreign missionaries and evangelism has earned it a spot among the worst offenders list.. It says, "Russia's continued use of its 'anti-extremism' law as a tool to curtail religious freedoms is one of the reasons USCIRF has recommended for the first time that Russia be designated as a 'country of particular concern'". Supreme Court of Russia declared officially Jehovah's activities have been banned in Russia with the view of court that it is promoting extremism in Russia. In 2016, Russian president Putin endorsed a set of new anti-terrorism laws that appeared to strictly limit evangelism and missionary activity. Religious groups who are not associated with state-controlled organization are handled with doubts. Gradually government of Russia began to treat Patriarch of Moscow of Orthodox Church as de-facto state church by giving special privileges and supports including education system, subsidies, and sending chaplaincies in Army and nurtured a climate of enmity between other religions (Belbridge 2017).

It is believed by Thranholm that there is a global war on Christians and atrocities has been increased against Christians with the fall of Saddam Hussain from Iraq in 2003. Eliza Griswold an American journalist wrote extensively how the US invasion has caused hundreds to flee in Iraq. One Catholic Archbishop Bashar Warda said, "since

2003, we have lost priest, priests, bishops and more than 60 churches were bombed” from Christian 1.5 million in 2003 have been reduced to 500,000 today. With the Arab spring and rise of ISIS, target against Christian have rose up. Western countries on the name of secularism is not coming forward to save Christian but its Russia president Putin who is very committed to protect the Christian from all atrocities. Though Russia’s involvement in the Syria case is the fight against terrorism but protecting the Christian minorities and defence of the Christian heritage have been equally of Russia concern. Now Christian in Syria looks at Putin a last hope and western media has completely ignored this spiritual dimension of Russian foreign policy. Russia declared that it is determined to give protection to the Christians who are being persecuted in different places of the world and this has become a game changer for Christianity and at the same time holding the potential of Russian role in the world. (Thranholm 2015).

Russian Orthodox Church is enjoying a new found prestige with government of Russia is reflected from the way special treatment is given to church where residence was granted to Patriarch Krill in the Kremlin and Patriarch openly supports to Putin now who won the third presidential term. This brought criticism from all sides including young women who jumped into the Cathedral of Moscow to act upon a raucous “punk prayer” against Putin president of Russia and they tried to expose the nexus between church and Putin and its implication on Russia but they were jailed and banned. Church also condemned it and somehow supporting to the Putin in dealing with such criticism (Bennetts 2012).

Amended constitutional law of 1997 has maintained that there is equality of all religions in Russia on the eyes of law and no any interference of state shall be there, yet in the preamble, special role of Orthodoxy to culture and history of Russia has been mentioned. This law set up three broad categories of religious communities by the name of religious communities, religious groups and local religious organization and central religious organization on the basis of which different legal status and privileges are connected to them. In 2002, parliament of Russia came with another law by the name of “On Fighting Extremist Activity” which authorizes the power to criminalize a broad spectrum of religious literature, speeches and any activities. In 2006 among other amendment in this law, it has been declared that definition of qualifying extremist activity also include non-violent acts of civil disobedience. As a product of this, extremist activity may include incitement of “racial, nationalistic or religious enmity

and social enmity”. There is no clarity and boundary what constitutes extremist activities. The 2006 NGO laws include many amendments to several existing pieces of Russian legislations. By its very name, it implies that this amendment does not confine to religious groups but also include various forms of organization. On the legal regulations of religion as social phenomenon, Miroshnikova says that there is no special federal law and it’s the state law which handles regulation of religion as social phenomenon. There is a federal law on the burial and funeral matters and from 1996, which includes article 15 about the places for the religious cemeteries. There is no provision for the animal slaughtering. There are freedom to all citizens to wear religious symbol in the public places including schools, hospital, courtrooms and public offices and there is no problems being seen like in the western countries dress codes particularly religious one is becoming a problem and banned in some countries. All are free to have own dresses at public but nonreligious generally have approached the court and filed a complaint regarding national anthem and its reference of God. Group of academicians with Noble Prize winner V Ginburg had written to Putin in 2007 and they expressed their dissatisfaction with religious symbol and increasing influence of the clergy in the public institution particularly in schools and they cleared that non-religious people should also be respected and religious symbols at public places should be avoided (Miroshnikova 2002).

Russian law needs foreigners to renounce their existing citizenship before they are able to claim a Russian passport. Yet some people living in Russia possess two or even more passport without having any problems. The reason is that the law does not ban dual citizenship. It forbids state officials, law enforcement employees and judges to have it but to the general public, the law is more relaxed. According to the constitution of Russia Federation’ article 62(1) says “A citizen of the Russian Federation may have the citizenship of a foreign State (dual citizenship) according to the federal law or an international agreement of the Russian Federation”. Article 62 (2)says, “The possession of a foreign citizenship by a citizen of the Russian Federation shall not derogate his rights and freedoms and shall not free him from the obligations stipulated by the Russian citizenship, unless otherwise provided for by federal law or an international agreement of the Russian Federation”. Article 62(3) says “Foreign nationals and stateless persons shall enjoy in the Russian Federation the rights and bear the obligations of citizens of the Russian Federation, except for cases envisaged by the



federal law or the international agreement of the Russian Federation” (The constitution of the Russian Federation). Speaking on this issue, Vladimir Starinsky, managing partner at the law firm Starinsky, Korchago and partners says that if no such agreement exists, a person falls under the “second citizenship” in place of “dual citizenship. He added, “it does not lead to any kind of limitation, but one needs to inform the Federal Migration Service (about second citizenship) within 60 days” failing to do so, fine could be imposed from range to 500-1000 Rubles for delay (Zubacheva 2018).

Religious Hindu community which was legalized in 1988 is not experiencing religious liberty in Russia. There are number of problem before it. Construction of temple and Gita which is considered as a sacred book of Hinduism in it was a big issue before it. Krishna community nightmare started in 2004 when its temple situated in Begovaya Street has been destroyed to make high rise of construction under urban development plan. Patch of land was offered to International Society for Krishna Consciousness (ISKCON) by city government in Leningrad sky Prospect, but this agreement was dissolved following the protest of Russian Orthodox Church on the ground that it’s a place where thousands of Muscovites were crushed to death during the coronation of Tsar Nicholas II in 1896. Then government offered another plot of land but was again in vain when it was taken back from it. There is a report that ISKCON spent around 70 million Rubles on it this time but government withdrew its stand and withhold with it. In response to this, Moscow Mayor’s Office claimed that it was cancelled because there had been a mass protest by residents. This temple construction has been a big issue before Hindu community. Member of ISKON says that building up of temple is not a cultural one for them but it’s a cultural value amongst Hindus residing in Russian capital. Religious sacred book of Hinduism “Bhagavad Gita” was banned for a while on the allegation of its extremist in nature and said this book inspire religious hatred. Russian Orthodox Church and Muslim particularly a major group call ISKCON a “totalitarian sect” and has nothing to do with mainstream Hinduism (Radyuhin 2013).

Banning on translation of “Bhagavad Gita” issue was initiated by state prosecutor in Siberian city of Tomsk because it found this as “extremist”. This trail brought a very negative attention from within and outside too. There was protest and even Indian parliament was also closed on the protest of banning of Bhagavad Gita on the issue of extremism. Nevertheless the ISKCON followers 15,000 living Indian in Moscow claim

that majority religious group has proposed state to take up and ban on. This shows the level of religious intolerance in Russia. In the exclusive interview with CNN-IBN, Alexander Kadakin who was Ambassador of Russia to India said that government can't influence the court, however he accepted the fact that there are some madness which must come to be an end. He said, "It's not the Russian government who started the case but some pity people living in the beautiful city of Tomsk who initiated it. Government has nothing to apology for and government could intensify its reiteration of love and affection and highest esteem our nation has for Gita" (Times December 12, 2011). However this case was dismissed by the Russian court. The lawyer Alexander Shakhov who represented the movement in tomsk, commented on the decision of court saying this decision reflects Russia becoming a democratic society (BBC 2011).

Russian Federation faces big challenges to deal with religious minorities and there are number of laws via which minorities are targeted and marginalized in many ways. Over a past decades, Kremlin enacted laws and policies which not only restrict the freedom of religions but also get targeted. Extremism law which was enacted in 2002 and amended in 2007 is a glaring example of how religious communities are targeted particularly Muslim community in Russia. Though it applies to all the all religious communities but Muslims are especially targeted. In 2007, Russia banned on Russian translation of 14 Koranic commentaries by Turkish theologian Said Nursi. It happened or did on the ground of "extremism and exclusivity" and 15 of his readers stood for trail on extremist charges related to ban materials. Five persons out of fifteen have been jailed for three years. There is a protest from Muftis saying that it's a revival of ideological control and it's not acceptable in the democratic society. There is a report that 65 Muslim texts have been banned which had been issued by "literally all Islamic publishes in Russia" (swett 2012).

ON February 4<sup>th</sup>, 2013, President of Russia Putin delivered his speech on the tension of minorities in Duma (parliament of Russia) and quoted like, "in Russia live Russians. Any minorities from anywhere want to live in Russia, work and eat in Russia should speak Russian and should respect the Russian laws. If they prefer to Sharia law, then we advise them to go that places where this law is a state law. Russia doesn't need minorities but minorities need Russia, and we will not grant them any special privileges or try to change our law to fit their desires, no matter how loudly they yell 'discrimination'. We better learn from the suicides of America, England, and Holland,

France if we are to survive as nation. The Russian custom and traditions are not compatible with the lack of culture or the primitive way of most minorities. When this honourable legislative body thinks of creating new laws, it should have in mind the national interest first, observing the minorities are not Russian” (Bashu 2013).

Violation of rights of Muslim community are in Russian Federation especially where they are in minority find tough difficulties to get permit to build Mosques. St. Petersburg is an example of it and Muslim community has not been allowed to open Mosque there. Moscow has a Muslim community estimated to 2 million and has four mosques but still it was said not enough to serve 2million people and Muslim community told USCIRF that they should have Mosques in each region of it. As of now constructions of 15 Mosques have been denied by officials and Sochi (a site of Olympic Game 2014) is an example of it. Salafis in north Caucasus and in other areas too, are viewed as “overly observant” said to have been arrested, disappeared and killed for alleged religious extremism. Suspected persons to link with extremism were raid, arrested, put in jail and tortured. Memorial Human Rights Centre (MHRC) comes with the report that 100 individuals have allegedly connection with Islamic group at-least and they were detained in police raid under extremist law. In the north Caucasus and Dagestan, Human rights Watch reported that Salafi individuals are targeted as suspected supporter of rebellion. Speaking on the expulsion of give girls who were wearing Hijab in Stavropol region, president Putin publicly recommended the Russian students to wear uniforms. By December 2012, these multi-ethnic regions are supposed to have a school uniforms and bans on the dress code which is related with religion (USCIRF January 2013).

In the case of Army Chaplaincy, there is hardly any space for the religious minorities even to the Muslim community who compose of second largest population (15-20 million) are also not free from it. Russian Defence Minister said in 2011 that Russian army is committed to set up multi-religious chaplaincy despite the fact that almost no numbers of chaplaincy are there from minorities. Russian Orthodox Church succeeded to hire its 30 priest to Army for chaplaincy. All the religious groups are not happy about the slow recruitment of chaplaincy but Defence Minister of Russia does this work slowly in order to check the radicalism in Army especially it was hinted to Muslim community. As of now, there are only two chaplaincies from Muslim community. Even it's no secret that there is a conflict between soldiers from Muslim community and

commanders. Many times commander orders were reported not to have been obeyed claiming that they are not written in Quran. So there is need of chaplaincy that may be able to help but now there is a very less chaplaincy in Army from Muslim (Goble 2012).

There are reports that worshipping places of Muslim have been attacked. Some of the examples are like on 14<sup>th</sup> October 2005, Sergiyev Posad in Moscow Oblast was attacked and local leaders from Muslim community Arsan Sardriyev was reportedly beaten severely. Statement given by council of Muftis of Russia said that some skinheads armed with reinforcement bars and spades entered into the prayer house and assaulted its visitors. Attackers also have shouted slogan like “Russia for Russians and there is no place for Muslim in Russia”. Similar attacks have been carried out throughout 2005 and in August police were investigating the reports as hooliganism. Anti-Muslim slogans were smeared on the Mosque of Penza and property of it was broken. In September, local Muslims were harassed by Nizhny Novgorod who assembled to remember the victims of Beslan Terrorist attack on the one year anniversary of attack. Those who attacked them also shout slogan like “Beat the Muslims and Save Russia!” and “Russia is for Russian”. In Syktyvkar, Mosque was reported to have been burnt in December (LeGendre 2006). In Kostroma in the Russian Federation, Imam Ulugbek Abdullah and his wife was assaulted by two youth on 26, April, 2007 because they had been with distinct Islamic dress clothing. Suspected attackers subsequently were detained by police. Imams who are considered as religious heads said that there again had slogan from that attacker saying “go back to your Muslim country” and this was also reported from investigator from Department of the Interior Ministry of Kostroma Oblast that they were shouting nationalistic slogans, nevertheless they were not charged in the reference of anti-Muslim motives (Stahnke 2008).

There are many instances where Jews community has been targeted and victimized of partial treatment in Russian Federation. Anti-Semitism remain a big issue and it's a well known throughout the history of Russia be in Tsar Period or communism period and the present Russian Federation. A Russia stand on anti-Semitism is even in 2000 ambiguous while anti-Semitism remains a consistent with the level report of 1999. This is major concern to the Jews community living in Russia and there are two broad reasons how all these are taking place. First is present day Russian anti-Semitism is

deeply rooted in the language and ideology of soviet anti-Jewish campaign and Russian society is yet to come out from this remedy and the second one is officials who is working in the law enforcements in Russia are not working enough to control and combat this anti-Semitic atrocities and there is a lack of coordination amongst politician and officials to fight against this anti-Semitism domestically. Though many attacks on Jewish religious places and community may have been remained unreported, there are eighteen major attacks on Jews have been reported from different corner of Russia. Cases on which Jews was attacked are the religious and ethnic basis. The number of incident cases like vandalism of Jewish cemeteries and hate crimes has reduced from 6 in 1999 to 2 in 2000. Personal harassment to the Jewish has been increased in 2000 and six cases have been reported to Anti-Defamation League (ADL 2000).

Though there is no organized group to attack on Jews in Russia, yet Jews are no free from any kind of attacks on the religious places to individuals. There are number of instances where anti-Semitic groups attacks on Jews and Jews who have been victimized don't approach to police and local officials and remained unheard because of the fact that police inaction on their issues even sometimes they are tortured while going through proceedings. This is a belief of human rights monitors that incidents against Jews are not reported publicly. This is a reason how the list of attacks are incomplete and less number has been mentioned. In 1993, several incidents against Jews like stones were thrown at Choral Synagogue in Moscow and vandalized it. On 12 July 1993, youth with black dress came and threw bricks through the window of Synagogue and attempts were made to break main doors. Thugs have beaten the 72 year old cantor of the Moscow Choral synagogue near of it and asked him if he belonged to Rabbi since he was identified by the skullcap of Jews. Three young men again attacked and robbed to the elderly men and shouted anti-Jewish epithets. This old man reached to police and reported but no any arrest took place thereafter. Apart from Moscow, there is strong anti-Jewish feeling among propagated by right wings. Though less number of reports about Jews atrocity, yet it does not mean that they are not attacked but police and government remained indifference and has not showed incompetent or unwillingness to handle against anti-Semitic incidents (Services 1994).

Jehovah is a religion not exactly a Christian but its offshoot is Christian and they believe in bible which is the sacred book of Christian. In Russian Federation, religious freedom continuously deteriorating especially through official used of anti-extremism

laws which targets to the peaceful religious groups and individuals. Jehovah is one of the examples of it. Apart from new law in the freedom of conscience and religion in 1997, Law on extremism was enacted in 2002 and later on it was amended in 2007 which no longer need the threat or use of violence. Numbers of Jehovah's religious text books have been banned from public life (USCIRF 2012).

Looking at the problems that Catholic is facing, it has a historical one. Russian attitude towards the Catholic could be weighted when one watch the film on Alexender Nevsky 1938. Russian victory against Teutonic Knights in medieval period was taken by Stalin which condemned Roman Catholic as alien and inherently hostile to Russia and refers it to be a part of German Imperialism. Though views of Russian have difference now, yet many find it difficult to accept universal faith of Christianity. Moreover, Russian does not feel like Catholic could ever be a true Russian, truly Orthodox or German. Even sometimes, Russian associates Catholic and Protestants with capitalism, democracy and western way of life and show Vatican as spiritual equal of McDonald's. For many Russian, Anti-Catholicism is an issue of cultural identity and national hostility of Catholic is much deep rooted in Russia. Catholic Church has been blamed for proselytizing people from other religion in Russia to Roman Catholicism. This is especially protest from Patriarch of Orthodox Church. (Lawrence October 2002) Russia's Federal added Catholic Church's sermon by Metropolitan Andrey Sheptytsky in the list of extremist material on 4 October and subsequently banned its material and possession to distribute across Russia. Those include 16 Ukrainian-language texts were banned and declared an extremist by Moscow's Meshchansky District court 14 March, 2013 (Fagan 2013).

Like any other religion particularly fall under the category of no-traditional religion in Russia under the new law enacted in 1997, protestant also find difficulties to survive in Russian Federation. In the beginning of the post communist regime, there had been chance to protestant to blossom in south-western Russia and church was restored as general store but it has become a symbolic of suppression of religion freedom under Vladimir Putin especially when Orthodox Church get much closer with state and are getting special treatment in all courses. This eventually led to affect the rights of other religious groups in Russia protestant was banned to involve in any proselytizing practices and getting a space for worship has become difficult. The hostility of Orthodox Church to protestant group was based on its foreign origin or USA and Putin

and other officials also voice anti-western feelings many instances. The level of partiality and discrimination to protestant could be judged from one quote of Pakhomov who said, “it is this climate which you feel with every cell: it’s not ours, its alien: since its alien we can’t expect anything good from it. ‘It’s ignorance, all around.’” Romashin who is the senior city official said it’s appropriate to deny the Methodist church’s registration and government has to check against suspicious organization which use religion just as cover and coming for something else. Though he did not specifically say but he referred protestant with derogatory term “sects”. This 2 million people of protestant followers in Russia are considered as alien and facing problem for its survivals (Levy 2008).

Buddhism in Russia like any other religious minorities is facing number of problems. Some of the important instances are that in 2009, Russia declared to accept the chaplaincy in Army with the intention of helping soldiers to boost morally to defend country. As of now there are good numbers of chaplains from Russian Orthodox Church. But, when the issues come up of chaplaincy from other religious communities, then there is almost no share from others too. Muslim community is the second largest community has only two mullahs as chaplaincy. Buddhist community soldiers in Russia have a share of 18% but there is no any chaplaincy till 2012 (Goble 2012). Now in 2013, there is news that one chaplaincy from Buddhist community has been appointed however looking at the representation of chaplaincy, then is more to be done (Interfax 2013). In the case of visa too, Dalai lama who is revered by 1.3 million populations in the Buddhist dominated region was suppose to visit this place but visa of him was rejected by Kremlin following the Chinese-Russia trade relation improved in many ways. So, since 2004, he has not been able to visit Russia (Brooke 2011). Buddhist community has no temple in Moscow till now. However there is news of two Buddhist temples are coming up soon. One is at Poklonnaya Gora “Bow-down Hill” war memorial park where constructions of building for worship for the soldiers from different communities are considered important to remember and respect to the sacrifice ones. Discussion on granting a pace has been decided to Buddhist community for it however it is yet to be finalized. President Putin recalled the contribution of Buddhist community in protecting Russia in many ways. Another temple is in Otradnoye district. Both the temples are to be built on the expense of donation community got. Buryatia, Kalmkia and Tuva a dominant Buddhist community practices

Monastic life, prevalent and the Gelukpa school of Tibetan Buddhism remain main form of religion in Russia (Ahmed 2014).



## CHAPTER THREE

### **Constitutional legal provision and Practice of Secularism in India**

This chapter deals with the overall understanding of secularism in India. In the first phase, focus has been given on how historical relation between state and religions in India. Studying historicity of Indian secularism has become imperative because of the fact that the present situation could be comprehended judiciously if past is adequately known in a way fruits could be studied well when seed and root of those fruits is known. So in the initial phase, administration Ashoka the Great had given space for all religions was discussed and Harsha Vardan attitude and space given to religion shall also be dealt with.

In the second phase, focus has been given on the role of Akbar the Great who is even today known for his secular attitude. Akbar's attempts of secularizing society via Ibadath Khana, Sulh-i-kul and Din-i-Ilahi have been hallmark of his administration and attitude towards religions. Later on, they become a defining moment of Indian secularism today. Other than Akbar, Shivaji Maharaja is also known for his secular credential and believed to give equal treatment to all his subjects. So in this phase, their role in shaping the theories in India has been thoroughly discussed.

With the independence of India from the yoke of British which had ruled over India for almost three centuries by dividing people on the religious lines, leaders of this country were very cautious about the character and future of this country and by taking examples of the history which is known for tolerance, respects and co-existence have developed commitment for democratic, secular, Republic. Numbers of provisions in the constitution which was framed in 1949 and enforced from 26<sup>th</sup> January 1950 have been made to accommodate all citizens at both individual and member of community levels. This case of not only granting individual rights and but ensuring community rights differs India from western interpretations of secularism. Moreover, religion in India is treated as set of beliefs over ideology. So these areas shall be covered up in the following points. Other than these constitutional interpretations of secularism, challenges this country are facing like any other country have also be highlighted in the last phases

In short, this chapter focuses on how India as a country has evolved and has relation with the idea of secularism. So, first attempt has been made on how historically India has a relation of religion and state and second it tries to understand what the constitutional legal provisions are and practice of secularism in India and at the last attempt is made to look into the challenges secular India is facing in the today's world.

## **Historical Background**

### **3.1 Ancient India**

Ancient India which had been under kings at different point of time was never homogenous society. There had been multi-religious and multi-ethnic community. Thus, India as a country has a tradition of respecting and protecting all communities and values have been inculcated like tolerance amongst all and avoiding instigating any conflicts based on religions and sects. Today India we see is the product of what history this country had. So historical practice of secularism in India have highlighted as follows

Secular tradition is the deep rooted in the history of India. Ashoka the Great was the first to announce as early as 3<sup>rd</sup> century BC that state would not prosecute any sects of religions. In his 12<sup>th</sup> rock edit, it has been appealed that not any toleration of all religion sects but also to develop a spirit of great respect towards them. Public were also pleaded to restrain from criticising of other religious sects. Religious tolerance propagated by king Ashoka more than 2300 years ago has been one of the cherished social values in India. Ashoka's secular outlook is one of the landmarks not only in the history of India but also in the human civilization itself ( (Ali 2015).

In ancient India, there had been king like Ashoka who had practice secularism. He treated all religious people equally and no any discrimination has been made on the basis of sects and religions. Ashoka soon realized that using a force is not the remedy to the problems of separatism and disintegration, so he tried to win the heart of people by practicing secularism via tolerance. Attempt has been made to inculcate common values amongst people so that law and order would not be an issue. As a result northern India under the rule of Ashoka prospered economically and politically (Singh 2013).

The twelve rocks edit of Ashoka goes like, "Beloved-of-Gods, King Piyadasi, honors both ascetics and the householders of all religions, and he honors with gifts and honors

of various kinds. But Beloved of the Gods, king Piyadasi, does not value gifts and honor as much as he values this". It has been added, "There should be growth in the essentials of all religions. Growth in essentials can be done in different ways, but all of them have as their root restraint in speech, that is, not praising one's own religion, or condemning the religion of others without good cause. And if there is cause for criticism, it should be done in a mild way. But it is better to honor other religions for this reason. By so doing, one's own religion benefits, and so do other religions, while doing otherwise harms one's own religion and the religions of others. Whoever praises his own religion, due to excessive devotion, and condemns others with the thought 'let me glorify my own religion' only harms his own religion. Therefore contact (between religions) is good. One should listen to and respect the doctrines professed by others. Beloved-of-the-Gods, kind Piyadasi, desire that all should be well-learned in the good doctrines of other religions" (Dhammika 1993).

The idea of religion of Hindu is different from other and therefore the social conditions, history distinct the secularism of India. The core of the Vedic culture has been found in the principle of sarva dharma sambhava. Interesting part of Hinduism is that this religion does not have a single god and it believes in the plurality of God. So one god and one path had never been the part of India. As Rigveda highlighted that truth is one but is described differently by wise men. There have been thoughts on which Vedic civilization background has been founded and Hindu ethos has been developed. In the Ashoka seventh edict, he says that 'Ashoka wish to mix people and practice their dharma in ideal world in which people to listen to a plurality of voices and controlling tongue, becoming critical but with reason and logic. So to Ashoka, people are not only to live together back to back but face to face in order to search the common ground. In his seventh rock edict in the 3<sup>rd</sup> century BC, ethical guidance to pluralism is given which is very valuable in the today's world. Religion in Bharat has been to co-existence and evolved all together for many centuries before Islam arrived in 12<sup>th</sup> century aftermath of Mughal and colonial era. 2200 years ago Ashoka and 1400 years before Harsha accepted different religion and people during those time had freedom of religion and citizenships were granted irrespective of any religious backgrounds. (Brockman, 2011) Ellora cave temples constructed nearby each other between 5<sup>th</sup> and 10<sup>th</sup> centuries shows a living example of coexistence of religions and a spirit of acceptance of different faiths (Maurya 2016).

In the 3<sup>rd</sup> century BC, Ashoka embraced Buddhism and his daughter and son had been sent to many countries to propagate Buddhism. While doing so, no any community was discriminated under the reign of him. This is the same case with Harshavardhana king who embraced Buddhism but his subjects were not discriminated. Equal treatment was given to all and we gave the world the ideals of sarva dharma sambhav and vasudhiava kutumbkham! Secularism and tolerance are enshrined in these concepts (Kumar 2017).

India had a history of tolerant kings starting from Ashoka who spread the message of 'dharma' in order to keep the people united. The Gupta period witnessed a golden period of development of intellectual thoughts in the form of art and literature. Although the themes have been taken from Indian methodologies, Indian art and sculpture give a sublime message of universal brotherhood. All the six systems of Indian philosophy promote the spirit of inquiry and reasoning to understand the ultimate truth of life. Even with the Advent of Muslim rulers in India, the secular and tolerant nature of the Indian society was not altered much. The Muslim rulers came and assimilated into the Indian culture. This fusion of different cultures created a more rich composite culture. The Bhakti and the Sufi saints played a sterling role in spreading messages of tolerance and love. These saints were not only revered by Muslims but also by Hindus (Singh 2016).

### **3.2 Medieval India**

Medieval history of India also had a king like Akbar who was known for his secular approach. Spiritual awakening of Akbar was responsible for radical changes in the religious policy of him. First pilgrimage tax (1563) was abolished which imposed on pilgrimage of Hindus in visiting their holy shrines and then jaziya in 1564 was abolished and then he created a common citizenship for all his subjects. Gradually restrictions on other things have been abolished for non-Muslims. He had a deep reverence to other religions and to show his loyal, use of beef was banned showing respect to the religious o the Hindu. Akbar began to celebrate many Hindus festivals and opened highest services to non-Muslims. Doing so, he inaugurated an era of complete religious toleration. All faiths were respected by him. While at one point, he showed deep respect to all religions, yet he wanted more and he strongly desired religious unity in India and therefore he came with the idea of new religion (Din-i-Ilahi) which had been the synthesis of all religions. He did not impose this religion on his

subjects forcefully anytime. Therefore his new religion Din-i-Ilahi had few followers. Subjects had continued following their own religions and attracted less from his new religion (Yadav 2013).

Akbar, while he was re-visioning the relation of religion and state, he was not sure if primarily Islam should get preference over other. He was of the belief that all religions inhabited truth. To understand better, he set up Ibadath khaneh a house of worshipping at his capital Fatepur Sikri near Agra. In the house, first ullema and then professors from other faiths are invited in and held discussion and debate about religion and it has been unique in the medieval history. In this way, it was challenge to all religion and especially Islam. Faizi was the first to enter the imperial court at the invitation of Akbar, who fancied himself a great patron of the arts, especially poetry. Abu'lfazl followed him soon after and was introduced into the Ibadat Khaneh, however, he used his great erudition to combat the 'ulama, especially their leaders Abdullah sultanpuri Makhdum al-Mulk. The debates become bitter and in the end turned decisively against the ulama largely because of Akbar's own inclination and encouragement. Faizi and Abu'lfazl faced not only humiliation from ulemas but also from the court for their understandings. In composing magnum opus, the Akbar nameh that Abu'lfazl departure from the established historiography format was complete and an alternate worldview become empathetic. He was aware about the departure and he was proud of it. Akbar had sought to conceptualize and operationalize a state without a preference for any denominational religion. Hence, his search for the truth during discussion at Ibadatkhaneh was the platform where new point from all religions and sects discussed. The truth he arrived at was that no religion had the inherent supremacy over others and therefore acceptance of equality of all was the supreme principle. Abu'IFazl believes that Sulh-ikul not only brought peace between Muslims and others but among all sections, including Brahmins and the Jains (Mukhia n.d.).

Building strong empire was the dream of Akbar but equally he was interested in religion too. He adopted Sulehkul (means treating all religious communities equally) in order to maintain religious tolerance among all communities. He established Ibadat Khaneh at Fatehpur Sikari in 1575 which was to hold debate on religious and philosophical themes. Initially Muslim preachers were invited but being dissatisfied with it, he began to invite other religious preachers in his Ibadat Khana. Kazi and mulvis were not happy with his decision of inviting others communities and declared

Akbar to be irreligious but these were not true. It is being proved when Akbar initiated new religion called Din-i-Ilahi (Divine Monotheism) for reconciliation among all religions. Interestingly though people were invited on the introduction of this new religion to adopt, only 18 persons had been there who agreed to follow Din-i-Ilahi. This reflects how he cares the faith of others while he was coming up with new things. Like Ashoka, Akbar did not force anyone to follow his new religion. Being the ruler of India, he would find people in thousand to gather and accept and no any force he used. He wanted people to understand more first before follow any religion. So, from this way, his Din-i-Ilahi's influence remained limited (Vernwal 2017).

Though Shivaji Maharaja is the regional power from Maharashtra in 17<sup>th</sup> century, yet he has a special place in the history of India. He was very secular king and used to give equal treatment to all. It is true that he fought war against Mughals but still it does not amount to anti Muslim. It was just a matter of chance that to defend his empire, he fought war and it's Mughal who was chasing him. Otherwise in order to defend his empire, he could fight with any and he did every possible attempt to defend. From the perspective of discrimination of people on religion based, he was the strong believer of having good qualities in all major faiths and he made no discrimination. Number of soldiers even up to navy officers was from Muslim. He treated them all like any other subjects equally. He did not wage religious war rather a political war for defending his empire. Renowned historian, Jadunath Sarkar mentioned in his notes "Shivaji and His Times": "Shivaji's religious policy was very liberal. He respected the holy places of all creeds in his raids and made endowments for Hindu temples and Muslim saints' tombs and mosques alike. He not only granted pensions to Brahman scholars versed in the Vedas, astronomers and anchorites, but also built hermitage and provided subsistence at his own cost for the holy men of Islam, notably Baba Yakut of Kelshi" (Shah 2015).

"States fall, memoirs break up, dynasties become extinct, but the memory of a true 'hero as king' like Shivaji remains an imperishable historical legacy for an entire human race" this quoted by Lalit speaks the volume how Shivaji was the great worth king to remember today. Shivaji who was secular had "Yakut Baba" a Sufi Muslim saint was on his spiritual guide. Shivaji ordered his soldiers not to misconduct with women from Muslim and protection should be given to Mosques and any religious sacred find during war should be reserved and then safely to be handed over to respective communities. He was religious person and deeply interested in knowing

about all. He supported to those who wish to convert in Hindu religion and his own daughter was married with the converted Hindus. Strength of army increased from 2000 to 100,000 soldiers and in recruiting them, no any discrimination had been made and even those who wish to profess, were allowed to do so (Lalit 2017). The idea that he was secular was also supported by Kaur that Shivaji was secular and discriminated none on the basis of religion. He had lots of soldiers from Muslim community and at the last he wanted to maintain Maratha Empire by overthrowing Mughal kings. He had been supportive to the people who embraced Hinduism (Desk 2017) Shivaji was the king of people and equal treatment to all religion was given. While waging war, he never thought war from religious perspective but in defending his empire and his people. This is the reason he had a support of all sides to maintain empire from any external aggression. When jazia tax was imposed, it was Shivaji who gallantly stood against and at the last Aurangzeb forced to accept him as king (Bureau 2018).

### **3.3 Modern India**

Modern India is a secular country. In fact, secularism in modern India is the product of her own histories. Like in the past, this country is so diverse in terms of social, religious and linguistic. So opting for secular state had been the natural outcome of it. People of all walks of life find their home in this country and get protection in all spheres without having discrimination on the basis of any backgrounds. In the post independence, constitutionally every citizen of this country has been guaranteed that the fundamental rights cannot be taken away at any cost. More than fundamental rights, there are many other provisions and protections given in this constitution of India for its citizens.

On the question of whether India is a secular state or not, Rajiv Bhargava says secularism we talk has an origination from western countries and it has been developed in the society which was homogenous composed by Christians. So separation of church and state is the main on which secularism is defined. But with the passage of time and space meaning change naturally and secularism is not exceptional. Therefore India has its own distinct model of secularism in which though having separation of religion and state yet strict is not applied. This is also not there in western countries too. In American model, there is a mutual exclusion and in France, there is one-sided exclusion. Moreover, he says that Indian secularism should be understood in Indian context than western context as social fabrics are so different from one another. India

which is continent like country is so diverse that it is not simply the issue of church and state separation, rather there are many religious communities and India to find secularism in own context. So, it can still be said that Indian secularism has its own root and history on the basis of which secularism in India is quite unique and different which is not western and not Christian. In Indian model, secularism means religious co-existence, inter-religious tolerance and equal respect for all religions, “sarva dharma sambhava” (Bhargava 2007).

Secularism as concept is very deep rooted in the history of India and since ancient time, people of this country had been practicing different religion and rulers of this nation had stayed away from imposing any religion by forces rather religious freedom had been granted to the people. From Ashoka to Harsha and Akbar to Shivaji and the leaders during and in the post independence, secularism has been one of the important issue and they have dealt with it cautiously and while they had their own religions and practicing but no any forces have been applied to proselytize in particular religion. There was also tradition of tolerance among religions because of the policies of the state. The idea on which India stands is the sarva dharma sambhava where religions are treated equal and no particular religion is adopted as official religion and moreover no any particular preference is given to any. It is this Sanathan dharma which kept this diverse India despite having lots of difference. The history of secularism in India begins with the protest movement in the 5<sup>th</sup> century B.C. The three main protest movements were by Charvaka a secularist and materialistic philosophical movement, Buddhiism and Jainism. All these three rejected the notion of Vedas and any importance of beliefs in deity. However it was in the 18<sup>th</sup> century the idea of secularism started having impact in India. Seeing the situation of India and having their motives of perpetuate their dominance, British came up with the idea of personal laws of different communities as a part of their divide and rule policy (Dash 2017).

On the issue of origination of secularism, Shabir Khan says that secularism has been originated from western countries and G.H. Holyoake is known as the one who used the term secularism and it means separation of church and state. While state remains neutral, it ensures all citizens to hold any religion. But the situation of India is different and has its own context and India meaning of secularism is to recognize each person as equal and background of social, religious and political of any citizen hardly matters for political gain. So, when secularism is defined from Indian context, it simply means



having no official religion and equal treatment is given to all irrespective of any background. This is not the new things in India; rather secularism has a long history. Ashoka the Great and Akbar the great have been some who practiced the notion of secularism. The spirit of Indian secularism has also been strengthened and deepened by freedom struggle movement of India. Person like Sir Feroz Shah Metha, Govind Ranade, Gopal Krishan Gokhale, Raja Ram Mohan Roy via his Brahma Samaj, Dayanand Saraswati helped to inculcate spirit of secularism. They never have developed anti-pathy towards the faith of others while attempts had been made to purify the wrong traditions grew in Indian society. While drafting popularly known as Nehru Report in 1928, Pandit Motilal Nehru quoted, “there shall be no state religion for the commonwealth of India for any province in the commonwealth, not shall the state, either directly or indirectly, endow any religion any preference or impose any disability on account of religious beliefs or religious status”. The secular ideology in the modern India has been advocated by Gandhi and Pandit Nehru. Secularism to Gandhiji has been on the basis of commitment to the brotherhood of religious communities based on respect and truth while Pandit Nehru’s secularism has been on the basis of scientific humanism and hinted with progressive view of historical change (Khan 2016).

With the country got independence, until 42<sup>nd</sup> constitutional amendment of the constitution and inclusion of the term “secular”, there was neither the preamble nor any article of the constitution had direct reference of the term secularism. Number of efforts has been made for the inclusion of this term but little favour was given with the framer of the constitution. However saying so, it should not be misunderstood that India did not wish to go for the secular state, rather founding father of this country had full faith in the secular ethos of this country and number of provisions have been highlighted which gives focus on the idea of secularism. First this country is secular because though majority of the population of this country is composed of Hindu religion but no any special status and preference is given to it and on the eyes of law, all religions are treated equal. Article 25 clearly says that freedom of conscience and free profession, practice and propagation of religion. there had been general consensus in the constituent assembly of professing and practice of religion but on propagation term was something had been in discussion and some not in the favour of using it however majority did not hold the same view and subsequently it has also been included in it. Second thing is that no any tax for the promotion of religion is highlighted in the article

27 shows the character of the secular state. It ensures that no person shall be compelled to pay tax to promote any religion and state will not interfere in it. However, communities who believe in any particular religion may pay for imparting religious education and it shall also be voluntarily and not by any coercive force. Third character of the secular in the constitution of Indian constitution is that religious education can be imparted in the educational institutes which are wholly funded by religious groups. This case has been explained and classified in article 28 and in first two where educational institutes are funded and administered by government, no religious instructions and teaching will be there but in the third one where educational institutes funded by trustees and religious groups, religious instruction is allowed in it (Dash 2017).

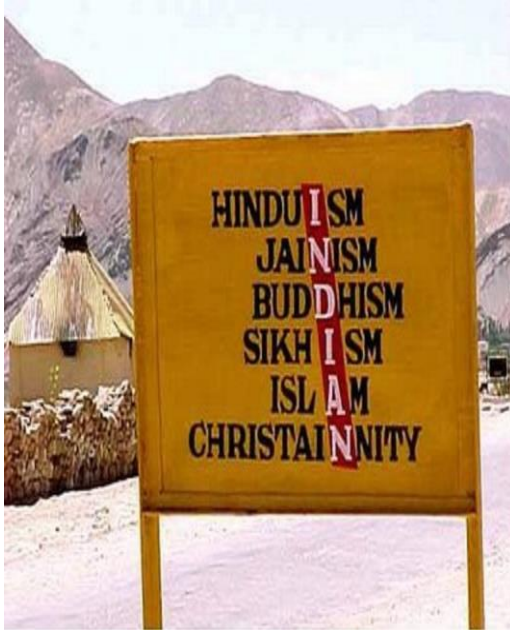
Secularism term for which development, credit has been given to the European countries by the scholars and writers but it must not be forgotten that concept of secularism had not only preached but had been in practice for immemorial times. Ashoka though he embraced Buddhism, yet he had never forced any of his subject to follow the same. Continuing the tradition, Pandit Nehru was the strong supporter of it. He visualized that if India wanted to progress and united, then secularism is must as it's the only way the diverse India can live together. Secularism is not the negation and condemnation to any religion but to respect all religions and conducts of the state. In India, there is equal treatment to all religious groups and enjoy all rights and duties in the public life. Mulana Azad eulogized concept of secularism and his identity and said, "I am a Muslim and I feel proud that I have inherited the glorious traditions extending over 1300 years. I am not prepared to allow its least part to be lost with all these sentiments I possess another sentiment which has been produced by the realities of my life. The spirit of Islam does not prohibit it. On the other hand, it directs me this way, I feel proud that I am Indian, I am a part of the indivisibly united nationality of India". So, learning from the past national movement struggles, separating country on the name of religion, having a rich culture of unity in diversity, India opted for secularism and equal protection to all religion is given to all religions through various provisions of the constitution (Singh 2008)

While drafting preamble of the constitution in the constituent assembly, discussion was held on whether secularism term to be inserted in or not. It took most of the time and agreement and disagreement on using the term had been shared. H V Kamath began the discussion on that day moving an amendment to begin the preamble by the phrase, 'In

the name of God'. Shibban Lal Saksena and Pandit Govind Malaviya also moved similar amendments. Responding to this move, Kunzru's objection that in invoking "the name of god, we are showing a narrow, sectarian spirit" Pandit Malaviya argued that it was not anti-secular for the preamble to begin with the expression such as "By the grace of the Supreme Being, lord of the universe, called by different names by different peoples of the world" since it was clear that not any particular religion's god was being sanctified. There had been another group who was not in the favor of using these terms since these are against the spirit of freedom of religion of the constitution. Other group stood with the notion that religion is the issue of personal choice and in this matter collective wills ought not to be imposed. Purnima Banerji who said that reference of God ought not use in the constitution since that may give an impression to the constitution a sacred depend on the vagaries of democratic voting. She even suggested Kamath not to put us to the humiliation of having vote upon god. Radha Krishnan's speech on the objective resolution on December 12, 1946, asserted that "nationalism, not religion, is the basis of modern life the day of religious states are over. These are the days of nationalism". Speaking for the minorities rights, Ambedkar said that any power sharing issue is taken by minority is perceived as communalism whereas when majority is talking about power sharing, this it is called nationalism. It is in this context it is essential for the safeguards of minorities in the constitution of India. Separate electorate has been abolished and reservation based on the religious lines has been abolished. In the constituent assembly, all possible things which are in the interest and betterment of this nation have been done. However, on using either god or people in the preamble of the constitution, suggestion from both sides has not been completely approved and focuses was given on the realization of being citizen of this country and secularize the education system. So at the last, after having so much debate and discussion, the term secularism has been avoided (Jha 2002).

Secularism which has been enshrined in the constitution can't be viewed from the western interpretation of secularism. Indian secularism should be understood in the context of the provision of the constitution of 1949. It guarantees its citizen freedom to profess, practice and propagate any religion and state is neither to partial towards any religion nor promotes any religion. Indian secularism not only grants freedom of religion to individuals, but also provides community rights where freedom of establishing religious institution and manage their affairs are granted. Constitution

prohibits discrimination on grounds of religions and ensures legal and social equality to all by law. Moreover freedom to minority is also granted to establish and manage own religious and educational affairs in teaching own scripts, language and culture so that preservation could be done. So the glance of the provision of the constitution unfold that the “question of secularism is not one of the sentiments, but one of law. The secular objective of the state has been specifically expressed by inserting the word ‘secular’ in the preamble by the constitution (42<sup>nd</sup> amendment) Act 1976, secularism is a part of the basic structure of the constitution”. There is no provision in the constitution in making any religion ‘established church’ as some other constitutions do. D.D,Basu writes at this juncture and says, “this itself is one of the glowing achievement of Indian democracy when her neighbors such as Pakistan, Bangladesh, Sri Lanka (Cyclone) and Burma uphold particular religions as state religions”. Indian constitution does not build a wall of separation between state and religion but state is non-partisan in its relation to its citizen no matter what religions citizen belongs to. Thus, the state does not have any particular religion to profess, practice and propagate in India (Kumar 2006). Constitution of India has been adopted a system of political philosophy that all types of religious faith and worship are given equal status and it has been accepted that public education and policy should be carried out in the absence of sentiments of religions. Nehru was of the view that secular state is need of the hour and it means equal protections to all religions and state is not to favour any religion at the expense of others. Gandhi views that religion is something which is personal and it should not be merged with politic and national affairs. Secularism which means separation of church and state in the western countries are not the same in India. Rather than focusing on separation of church and state, focus in India is given on inter-religious equality which is crucial to the Indian conception of secularism. It specifies that state to stay away from awarding or penalizing to any individual on the name of religious backgrounds. In fact India accepted secularism to help the encouragement of tolerance of religions and cultural co-existence. It is also fact that India first has not used the term “secular” while constitution was adopted though spirit of secular state is explicitly evident from article 25-30. The term “secular” was added only after 42<sup>nd</sup> Constitutional Amendment Act of 1976 when the Preamble of the constitution was once amended (Mir March 2017).



While travelling home (Ladakh), on the way via National Highway 1 Srinager to Leh, this is the broad at the road side has been found which has so much to say on Indian secularism.

Message via this acronym 'INDIAN' broad is that this country is diverse in terms of religion and the beauty of this country is that all these religions are recognized and grant equal treatment constitutionally. By identifying and granting equal rights to all religion; this country is named as 'Indian'.

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The difference in Indian secularism is mainly three points. First secularism of India uniformly opposed suppression of women and Dalits within Hinduism and it equally oppose to the prejudice against women in Muslim and Christian community of India and the probable threat from majority over the rights of minority communities. Secondly, secularism of India not only deals with the individual's religious freedom but also with community's religious freedom. Example is that individuals have a right to profess and practice any religion as per his/her conscience but at the same time rights to establish and maintain own culture and educational institutes. Third point is that secularism of India has kept the room for state supported based religious reforms for maintaining and promoting liberty and equality amongst all citizens. For example article 17 which abolish the un-touchability and practicing it in any form is punishable. Apart from this untouchability, there are instances where abolition of child marriage and lifting the taboo on inter-caste marriages which have been sanctioned by Hinduism in the earlier phases. (Mir March 2017).

Speaking on the question of how people view the state supported based religious reforms in India, Dolma said that there should be a reforms supported by state and this has been much needed in India because of the fact that caste laden and multi-religious society. If state does not take any step, then chances are like sections of people in the society even after country got independence, may not able to enjoy the liberty and equality. So in order to avoid intra-religious and inter-religious domination, initiatives

of the state to legislate laws are in the interest of well beings of this country (Dolma 2019)

India is the one country amongst all South Asian Association Regional Association (SAARC) country who adopted secular state unlike other neighboring countries. Spiritually and officially other countries like Pakistan, Maldives and Bangladesh adopted Islam, Sri Lanka and Bhutan adopted Buddhism and Nepal adopted Hinduism. Constitutionally India has no official religion and therefore India is secular state. However, it has adopted its own unique concept of secularism which is fundamentally different from the concept of American and French. Despite having basic principles of secularism when constitution was enacted but the term secularism was not included in the constitution of India. It was the well planned to avoid the misgiving that India is also adopting western concept of secularism. After twenty five years India incorporated in the constitution via 42<sup>nd</sup> constitutional amendment act 1976 and reads like Sovereign, Socialist, Secular, Democratic and Republic (Mahmood 2006).

Secularism in west surfaced as a protest movement of the oppressed against the theocratic state for individual liberty. As capitalism and trade has been expanded, bourgeoisie and merchant capitalists popularized the idea of secularism although minorities were left segregated from the European states and that intact its theocratic notion. Secularism as a notion which stands for the separation between religion and state has been approved by early Indian National Congress but it underwent changed with the influence of colonial policies and response of diverse sections of Indians to colonial rule. Identity based on religion during British rule was important to secure privileges in government that has been based on the western liberal political ideas and with the country got independence, secularism meaning has acquired to treating all religions equally (Roy 2006).

India is constitutionally a secular state but “wall of separation” between state and religion neither have in law and nor in practices. Both religion and state can cooperate and intertwined each other so long as it comes under the legally approved and judicially settled parameters. Secularism does not mean to take away the religion from state and society but rather constitution of this country demands equal treatment to all religions regardless of any backgrounds. Some of the general provisions in the constitution of India are: article 14 says, “The State shall not deny to any person equality before the

law or the equal protection of the laws within the territory of India.” Article 15 Clause 1 says, “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth, or any of them.” Article 15 Clause 2 says, “No citizen shall, on grounds only of religion . . . be subjected to any disability, liability, restriction or condition with regard to access to or use of various public places.” Article 16 Clause 2 says, “No citizen shall, on grounds only of religion . . . be ineligible for, or discriminated against, in respect of any employment or office under the State.” related with the religious liberty, fundamental rights chapter has explicitly clears in general terms. Article 25 clause 1 says all persons are equally entitled to “freedom of conscience and the right freely to profess, practice and propagate religion”. Article 26 says, “Every religious denomination or any section thereof shall have the right (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law”. Article 25 clause 2 says, “The State may, however, pass laws providing for “social welfare and reform,” and may also freely regulate or restrict “secular activity”—economic, financial, political, etc.—even though it may be traditionally associated with religion”. Article 27 says, “There shall be freedom as to payment of taxes for promotion of any particular religion—by virtue of which no person shall be compelled to pay any taxes where the proceeds are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religious denomination”. Article 28 clause 1 says, “No religious instruction is to be provided in the schools wholly maintained by State funding”. Article 28 clauses 1 and 3 says, “Those attending any State recognized or State-aided school cannot be required to take part in any religious instruction or services without consent”. Article 29 clause 1 says, “Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”. Article 30 clause 1 says, “Religious minorities are free to establish and administer educational institutions of their choice”. Article 30 clause 2 says, “Which shall not be discriminated against by the state in the matter of giving aid but article 29(2) says no institution maintained by the state or receiving aid from it is to deny admission to any citizen only on the ground of religion”. while fundamental rights are ensured, there are certain fundamental duties highlighted in the constitution of India via article 51A clause (e) and (f) says that every citizen is obliged to promote harmony and the spirit of common brotherhood amongst

all the people of India transcending religious, linguistic and regional or sectional diversities and to value and preserve the rich heritage of our composite culture whereas India is very committed to ethos of secular, issues like property and marital affairs are continued to be on the basis of religious based of personal laws that gives individual choice between secular laws and personal laws at parallel. Personal laws which have been made during British time have been amended in many ways and community from different religious groups like Hindu, Muslim, Christian, Jain, Sikh and Buddhist still subscribe those personal laws (Mahmood 2006)

Protection has been given to religious minorities in India at state and national level commission both statutory and non statutory that have been setup to supervise to enforce the legal and constitutional efforts. National level commission which is known as the National Commission for Minorities (NCM) has been setup by the Union Cabinet via Cabinet resolution in 1978. First it has been given a status of statutory and after fourteenth year's judicial power by the National commissions for minorities' act 1992. There are two more quasi-judicial nature based commissions have been established for the minorities in recent years and out of which three-member National Commission for Minorities Educational Institutions came into being under an act of 2005 and its function is to take care of the implementation of article 30 regarding educational rights of minorities which is enshrined in the constitution of India (Mahmood 2006).

Before secularism of India to understand, it is imperative to look into the diversity India is in terms of religious, linguistic and social. This country cannot be understood from the prism of western countries and no nation state prevails here in India like in western countries because this country is too diverse. The idea of separation of state and religion which is the meaning of secularism in western countries is not here in the country. India is composed of 35 states and union territories, out of which five states have more than 75million habitants. It is on the background of this diversity that constitution of India to be understood and the law governing connection between religion and state. During the formation of Constituent Assembly in 1946, challenge was to how diverse communities are to be represented and accommodated which could ensure equal rights and opportunities to the citizen of this country. The outcome of this was that secular state was characterized though the word "Secular" has been added lately via forty-second Amendment in 1976. The meaning of secularism is questioned and western scholars define it as separation of religion but the same cannot be applied



in India as country is not homogenous and even Hinduism which is the largest religion in India is also not in the organized way the Christianity does. Therefore India has its own understanding which implies having separation of state and religion and not strictly as meaning defines. Despite constitutional separation of state and religion exists in India, there are the room for state in India to take number of steps which undermine the task of religion in society. First reason is that there is every chance intra-religious domination which without state role cannot be done away with and moreover, welfare of the lower strata of the society to be look into and work for (Sand 2006).

Constitution was enforced from 26<sup>th</sup> January 1950 and the term 'secular' has been added in 42<sup>nd</sup> constitutional amendment act 1976. From the mid 1980s, the issue on secularism started taking in two polarized way in which one part is ascendant Hindu Bharatiya Janata Party and on the other hand self-appointed defender of secularism consist of congress party have lessened the stature and vitality of secularism. It has been disheartening to think of secular country which went through bloody partition on the name of religions and even during Gandhi who was leading national movement also acquired the feeling of religiosity. Society which is infused by religious feeling through politics of communal categories, Gandhi spiritual path for the truth in politics was largely taken as Hindu. The stands taken by Pandit Jawaharlal Nehru was different and felt that organized religion produced narrowness, irrationalism, intolerance, emotionality and superstitious. He was more to take scientific humanism and it was difficult for him to put in words before public. While having discussion with Andre Malraux, he confessed, "One of the greatest difficulties he faced was creating a secular society in religious country". Nehru and other more conservative congress leaders came to be appeared right after independence on the issue of taking decision to reconstruct ancient Hindu Somnath temple. Constituent Assembly focused on three things in the debate. First issue that prop up has been the minority rights on how their rights to be accommodated in the Hindu character with the constitutional secularity of state and even question on if terms like God be used or not in the constitution. Anyway, time has tested that India succeeded to maintain longer than the post colonial constitutions. Having a glimpse of the Indian sub-continent gives us an impression that India despite having ups and downs in maintaining it, yet maintained its secular character so far. Neighboring countries of India is taking different directions and religion has gained

much importance and declared to be official religion however in the midst, India stands strong enough to defend its secular ethos (Chiriyankandath 2000).

It is a belief of the Vijayan that there had not been secular tradition in India and during Ashoka and Akbar, there was perhaps some similarities of tolerance. After Mughals, British came in India and they were also not secular and they had their own religion. The concept of secularism has been imported by Nehru. Though the term “secularism” had not been inserted in the constitution of India while it was adopted on 26<sup>th</sup> November 1949, however, the framer of the constitution has in their mind what is meant by secularism. While participating in the debate of Hindu Code Bill, Ambedkar explained the concept of secular like “It (secular) does not mean that we shall not take into consideration the religious sentiments of the people. All that a secular state means is that this parliament shall not be competent to impose any particular religion upon the rest of the people. This is the only limitation that the constitution recognizes”. Like Ambedkar, Nehru and Gandhi also stood for secular country but in their own way. In a Secular state all religion is in one limited respect lower to state and separate from the state. In this respect, state views religion as another voluntary association which is based on common cultural, economic and social interest, Indian constitution explains secularism means not to discriminate people on the name of religions. In practice, the word ‘secular’ had come to mean neutrality by the government. Article 14, article 15, article 16 article 25 propounded the idea of sarva dharma sambhava. M C Chagla, an eminent jurist in his auto-biography “Rose in December”, has defined secularism as follows, “as a legal concept, secularism means equality before the law and no distinction between one and another as far as the application of law is concerned. It also means equality of opportunity and a refusal to classify into first class citizen and second class citizen”. Responding to this, C. Subrahmaniam eminent political leader and statesman, observed that secularism is something more than that and said, “It is an attitude of mind and quality of heart. It is the temperament, of outlook, even of feelings. You don’t think of a man as Hindu, Muslim or a Christian but merely as a human being. You make friend him as a human being” (Vijayan January 2017).

Constitution of India contemplated some of the points as distinguishing features of secular democracy. These are:

The state shall not recognise itself with any particular religion or state to be controlled by any religion

State while granting rights to profess any religion or choose to follow including even those who do not believe in religion, no any preference to one over another be given.

State shall not give any discriminatory treatment to any person on the basis of the religious belief.

State shall be equal to every citizen to enter any public office and equal treatment is guaranteed in which freedom of religion is not limited to individual and communities but also extended to foreigners. This point is underlined by the Supreme Court in *Ratilal Panchand Vs state of Bombay* is of special interest because of the substantial number of foreign Christian missionaries in India, some of whom are exclusively engaged in propagating their faith among the adherents of other religions. The court held that article 25 guarantees, “Every person in India shall have the freedom of conscience and shall have the right to profess, practice and propagate religion, subject to restrictions imposed by the state on the following grounds like public order, morality and health, other provision of the constitution, regulation of non-religious activity associated with religious practice, social welfare and reforms, throwing open of Hindu religious institutions of a public character to all classes of Hindus” (Vijayan January 2017).

Secularism is supposed to get unity amongst diverse elements of the society but unfortunate part is that community of both majority and minority is dissatisfied with it and in fact credibility of secularism has been declined. However without the commitment from leaders like Nehru and Patel, there was no chance of experiencing parliamentary democracy or secular nation to this country. Constitution of India clearly states to the world that though the founding father of the constitution has not agreed to use the term secular in the constitution of India having fear in mind that secular term may be perceived by people as anti-religious or irreligious in the line of western understanding and there had been fear that constitution is removing the moral and ethical aspects of religious principles which are significant for the governance of this country. However, this issue has been rectified with the insertion of secular term via 42<sup>nd</sup> constitutional amendment act in 1978. However today it is disturbing to see that Indian secularism is seriously being questioned in recent times. Since country got independence Hindu Rashtra ideology is openly talking about. It is also interesting to note the quote Pandit Nehru once on Hindu Rashtra goes like:

It may sound very nice to some people to hear it said that we will create Hindu Rashtra etc. Hindu are in majority in this country and whatever they wished will be done. But the moment you talk about of Hindu Rastra, you speak the language which no other country except one can comprehend and that country is Pakistan because they are familiar with the same concept. They can immediately justify their creation of an Islamic nation by pointing out to the world that we are doing something similar. Hindu Rashtra only mean one thing and that is to leave the modern way and get into a narrow, old fashioned way of thinking and fragment India into pieces, those who are not Hindus will be reduced in status. You may say patronizingly that you will look after the Muslims or Christian or others in Pakistan they say that they will look after the Hindus. Do you think that any race or individual will accept for long the claim that they are looked while we sit above them (Godbole 2016).

### **3.4 Challenges to the Indian Secularism**

India has a long history of secular state, inculcated secular culture by national freedom struggle fighters through different stages and inserted character of secularism in the constitution of India though the term itself has been added via 42<sup>nd</sup> constitutional amendment act 1976, is facing new challenges today. History which India has and dreams that framers of the Constitution envisaged is passing through tough time. So, questions and apprehensions are being raised if India remains a secular state which is claimed to be. Therefore it is imperative to look where all things are going wrong which really challenge the idea of secular India.

While constitution was being framed, there had been two visions about the secularism in the constituent assembly. First, it was the western interpretation of wall of separation between religion and state. Second, it was the demand that equal treatment to be given by state to all religion. After passing through lots of debate and discussion, it was the second point (equal treatment to all religion) is given prevailed in India. However trend which is going in India is questioning if India even should be secular. There is a one union minister of state for Skill Development & Entrepreneurship Anant Kumar Hedge said some month ago that those who claimed to be secularist have no identity at all. Therefore people should be known by their community as Muslim, Hindu, Sikh and Lingayat etc. He also added that though secular term is in constitution and has respect for but still hinted that it will be changed as many other things have been amended (Parthasarthy 2018).

Despite having constitution with lots of provisions which give protections to all communities irrespective of any background, yet the reality is however disheartening as minority as well as majority are entirely disenchanted with the working of secularism. In spite of becoming secularism bolstering strength, it led communities a sense of alienation. This feeling was born by the series of failure in important areas. Hindu community feels that it is Hindu only who is targeted and all sense of reforms are brought in Hindu only and in other communities particularly Muslim community was not reformed for the appeasement politics. The voice of liberal and reformist movement in the Muslim is being suppressed. Moreover, conversion by Muslim and Christian missionaries particularly in rural areas and those under below poverty lines and unjustified protection given to minority educational institutions. Another glaring part is that religion and politics is not separated in India. Tragedy like Sikh riots in Delhi, Godhra and other cities of Gujarat 2002 and now banning of cow-slaughter leading to curtailment of freedom of the person what to eat and how to behave and freedom of profession. Equally other crimes related communal riots have been leniently handled by state and commission and committees are set up but nothing much come out of as hardly any action is taken. All criminals are moving free hands and they are getting protection under the state and governments (Godbole 2016).

Demolition of the Babri Masjid not only brought sharper criticism and brought down low the relation between Hindu–Muslim and the serious question raised was whether different faiths could live together any more now. Moreover demolition was perceived by non religious people to be the frontal attack on the idea of secular constitution of India. The ferocity with which Hindu militants challenged the constitution of India left many wonder of religious and non-religious can co-exists together anymore. Attack on the secularism however is not the new in the post independence India. The BJP in many earlier incarnations had challenged it persistently. Grievances against it have been expressed by many intellectuals and other groups ( Bhargava 1998).

After independence, secularism was adopted though has a history from ancient period. Secularism originated from European countries and it entered India through Benthamite radicalism. Nehru was very vocal for the idea of secularism and he condemned the use of religion for political gain. He concretized it in India by giving legal and constitutional dimension through constitution of India. He believed in the separation of religion and state and condemned all those communalism either Muslim or Hindu. He

stayed away from all religious festivals to avoid any misunderstanding amongst people. After the death of Nehru, the fundamental forces are raising their heads in the country and religion is exception to this. The nation is facing aggressive fundamentalism. The secularism is in danger because of religious militancy in the today's India. Number of communal riots broke out especially northern India engulfed in it. Those who claim to be supporter of secularism are seen approaching Imam Bukhari to vote to certain political parties. In Mizoram, elections are fought on the name of Christianity. For the political interest, country is divided into minority and majority. This developed the sense of separatism in the minority. If life of the people from all walks of life are not given protection or government fails to protect, then secularism will become mockery. Constitution has developed secular state but it has failed to establish secular society. In the race of getting in power, if Mandir and Masjid are used more, then lesser the country has a chance to remain secular. The success of the secularism in India will depend on the inculcating the sense of Indian first and then attitude of live and let live (Singh 2008).

More dangerous part of Indian secularism is that despite "secular" is affirmed to be the basic structure of the constitution of India, yet secularization of society remained an unfinished work. Religious feeling not only direct our style of thoughts, it is reflected in the administration, participation in religious functions and politics asking for votes on the name of religion. To come in power, political parties use religion. In comparison of past parties, political parties in the today's India don't hesitate to foment communal violence if their interests are served. To prove this, political parties attempt to implement different laws to different communities producing dissatisfaction amongst all the communities. More risky part is that when minor girls are affected or raped, not any political party come forward and help to deliver justice just because they don't want to interfere in internal affairs as they claim to be secular (Mohan 2014).

Mir was of the view that challenge secular state is facing is partially a product of British policy of "divide and Rule". During British rule, people had been divided on the name of religion to ensure its rule over India for long. Right after independence, this country had to deal with antagonistic relation and create a space for every community under the umbrella of secular state but somehow even in the independent India, religion remained a determining factor. Lack of adjustment amongst communities turn to communal violence sometimes and eventually does not permit secularism to get priority

over their political interests. Election in India has traditionally been guided by the appeal to people on the name of religion, languages and caste. By broadcasting different plans favoring specific communities, principles of secularism are openly violated by political parties. While distributing tickets to contest election, background of any candidates are checked and then gives ticket which pose one of the greatest threat to secularism in secularism in India. On education too, while state is imparting secular based education and does not permit religious teaching in education system administered by state, yet it is strongly being felt that religious teaching should also be imparted. So the questions are raised if state should provide religious teaching or permit in the educational institution to include religious things in the syllabus of curriculum (Mir 2017).

Questions are raised on the recent developments and the threat to secularism by Menon asking how possibly head of the religious organization has been appointed as Chief Minister of the secular India in Uttar Pradesh. While Yogi Adityanath has been appointed for the Chief Ministership post, he had been the head of the priest of Gorakhnath Math. It won't be wrong to say that there is no any country in the world where except Iran, there is not any place even Pakistan where priest is declared to be appointed as head of the government in the secular state. Becoming of him as chief minister of Uttar Pradesh is the perfect example of marriage between religion and politics in this country (Menon 2017).

The constitution of India which came into force in 1950 have developed so much provision in the constitution to end injustice all around and grants legislation power to give equality for the marginalized sections especially Dalits which is constitutionally known as Schedule Caste. Nonetheless discriminations and injustice against Dalits and marginalized sections continued because of the cultural impunity and lack of political will at administrative level to implementation of the rule of law and guarantee freedom to all in engaging in the society. This impunity has engulfed which includes Dalits, religious and gender minorities and Adivasis. Overtime the "upper" castes' animosity towards these above tribes and castes extends to the Muslim and Christians who are some of the largest religious minorities because historically Dalits have been converted in to these two religions in order to avoid exploitations in Hinduism. Historically, caste system has its origination from Hindu religions and other faiths either directly resist such caste practices or they give alternative faith in which dignity of the life can be

experienced and safeguards from violence. Dr. B.R.Ambedkar The architect of the Indian constitution himself fought against this caste system and he chose to embrace Buddhism and asked others to follow the same. That spill over enmity towards these religious minorities persists even before India's freedom. Those socially, politically and religiously representing Hindu "upper" castes persistently demonized Sikhs, Christians and Muslims of India after partition on the basis of religious lines, anything happen with Hindu minorities in Pakistan; it exacerbates inter-religious tensions in India (Accountability 2017).

While there are good number of stories where inter faiths accord among the masses, however demonizing persistently to the minorities often led to communal violence designing to give effect to the particular result in the local and national elections. In the last decades, politico-religious ideology has been developed by Hindu supremacists that are known by the name of Hindutva which is different from Hindu religion. This Hindutva ideology is becoming a rallying cry for frequent attack on both the communities in India. Violence on mass level against Muslim is killing of 2000 Muslims in Gujarat state. This is the same case with the Christian too where Christians are targeted on the name of converting Adivasis people in Christian and those who have been converted are also targeted. Rashtriya Swayamsevak Sangh (RSS) which was formed in 1925 had been non-political party and have been anti-minorities with the goal of creating state of Hindu began to rise under Bharatiya Janata Party (BJP) now under the leadership of Prime Minister Modi, attack and atrocities against minorities have increased but culprits are roaming around and immediate action which should be taken is being deferred. Even the law enforcement agencies are under the control of political parties seems helpless. State is apparently becoming associated in growing hate agendas. The "international Religious Freedom Report" of the U.S Department of State came in August 2016 notes event of "religiously motivated killings, assaults, riots, coerced religious conversions, actions restricting the right of individual to change religious beliefs, discrimination and vandalism. Incidents included assaults on missionaries, forced conversions and attack on churches, schools and private property. Attacks by Hindus on Muslim were due to alleged cow slaughter and their traditional livelihood selling beef." The figure released by BJP government shows that violence against minorities has risen up and incidence against religious minorities rose up to 17% in 2015 over the last years as 97 people have been killed and over 2,200 have



been injured. Furthermore incidence report on violence such as harassment, torture and lynching by cow protection militias and anti-conversion related data are not tracked by government. States like Uttar Pradesh, Bihar, Maharashtra, Madhya Pradesh, Karnataka and Gujarat have significance instances of communal violence. The government of India did not demonstrate a sense of necessity to sufficiently prompt and efficiently prosecute perpetrators of human rights violations against members of minority groups. If anything, perpetrators are protected by government (Accountability 2017).

Law enforcement agencies are seen as responsible for many cases since there are number of detentions unlawfully and torturing, giving inhuman and cruel treatment in police custody, extrajudicial killings, harassing human rights defenders on behalf of political executives, apprehending innocent on the name of terrorism and fabricating stories against them by destructing witness are some of the glaring issues before this country. Despite attacks on Muslims and Christians have been increased by Hindu vigilantes, yet police throughout India are being pulled to take actions against them and even unfortunately the victims who approach the police stations are wrongly charged against them and frightened them. Reports of The U.S Department of state states that bribery in the security forces and police has “contribute to ineffective response to crimes, including those against women, children and members of STs or SCs; and societal violence based on gender, religious affiliation and caste or tribe.” As per the report prepared by The Hindu Newspaper, approximately 36,000 cases have been registered against the police with National Human Rights Commission (NHRC), autonomous statutory body, during 2015-16, “a figure that experts say is highly under-reported.” It has also been found that merely 94 FIR have been registered in 2015 against the police for human rights violations, according to data from the National Crime Records Bureau (NCRB) (Accountability 2017).

On December 2016, legislative assembly of the Himachal Pradesh has passed the Himachal Pradesh Freedom of Religion Bill 2006. It is claimed by the state government that by enacting this law, religious conversion is to be prevented which has been carried out by the use of inducement and force. This bill was passed into law on February 2017; the act is replicated on the law of anti-conversion in other Indian states. This is ironic in a way that it was the congress party who was in power and passed this bill to prevent anti-conversion who mostly sought secular credentials. Other states which are also in the same nature include Orissa, Madhya Pradesh, Chhattisgarh, Arunachal

Pradesh and Gujarat. Of these, Orissa and Madhya Pradesh have gone to frame rules under their respective acts while approval has been given in Himachal Pradesh. Chhattisgarh which was separated from Madhya Pradesh in 2000 inherited Madhya Pradesh's acts and rules passed an amendment in 2006. In Rajasthan, state legislative assembly passed Rajasthan Freedom of Religion Bill 2006 but assent to the bill was withheld by the then state governor, then it was sent to president of India but it was repealed. There is undoubtedly has no ground to convert any by any violence or equally through illegitimate means of coercion. These are the direct violation of the constitution of this country which ensured freedom of religion by own conscience. But this anti-conversion is far more dangerous as it has no solid ground on which conversion shall be prevented and chances of discriminatory abuse in their application. The terminology used in the legislations transforms them from protector to violator of the constitutional rights. The definition of conversion in Himachal Pradesh, Orissa, Madhya Pradesh and Chhattisgarh acts is as follow, "conversion means renouncing one religion and adopting another". The word of Gujarat act is slightly different, providing that, "'convert' means to make one person renounce one religion and adopt another religion" (centre 2008).

All the anti-conversion legislations prohibit acts of conversion in the following terms: "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by inducement or by any fraudulent means, nor shall any person abet any such conversion". Legislation prohibition was supported by Hindu nationalist Bhartiya Janata Party (BJP) the Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP) collectively the "sangh parivar". Supporters of this legislation argue that these laws are proposed to ban conversions or attempted conversions that are effectuated by force, inducement or fraud. They argue that conversion at present is high and these laws are intended to criminalize such act of conversion. Therefore anti-conversion laws are presented to protect for the safeguards of religious freedom. Critics of these laws view that these laws are framed by the sense of pro-Hindu nationalist insecurities which is hostile towards other religious minorities. Particular objection of these laws are that the language used in the laws are too ambiguous and there are every chance that these laws may be used by government officials to take the benefits of this ambiguous laws against minorities. This issue is very important in the midst where religious based violence is increasing. Force and allurements which has been added in all the state legislative anti-conversion includes

bribing, presenting gifts etc but it is also not clear since certain level of offering practices are there in almost all religion. So, now in such ambiguity, selection of person and target will be easy in it. Supreme Court judgment in 1977 of Rev Stainislaus vs State of Madhya Pradesh which decided the constitutional validity of the Madhya Pradesh and Orissa anti-conversion legislations remains the key judicial statements on the validity of anti-conversion laws. These two states reached in Supreme Court in the backdrop of being alleged violating article 25 of Indian constitution. It has been cropped up and challenged on the ground that religious issues are not the state subjects therefore state has no authority to regulate beliefs of the people. So, Supreme Court held the stand of Orissa and Madhya Pradesh valid in the exercise of the state government power to maintain public order. However it is disheartening to see the term “propagation” has been widely discussed in the constituent assembly and inserted it with good intention to broaden the space of freedom of people under article 19 and article 25. But it has been sidelined by Supreme Court and upheld the Orissa and Madhya Pradesh anti-conversion laws (centre 2008).

India calls itself a “secular” country but its concept of term is totally different from the comparable American concept of secularism which separates religion and state and also the French model of secularism where neutrality of state towards religious belief and complete isolation of religion from public space. Constitution was framed by constituent assembly and enforced on 26 January 1950 but India was not declared to be secular though character of it has been highlighted. It took twenty six years to use the term secular in the constitution when it was inserted in the constitution of India via 42<sup>nd</sup> constitutional amendment in 1976 following the national emergency was imposed. In the significant case of S R Bommai vs Union of India (1994) constitutional matters and its secularism has been widely discussed. Justice Kuldeep Singh who had been nine member judges bench wrote, “whatever the attitude of the state towards religions, religious sects and religious denominations; the religion cannot be missed with any secular activity of the state”. Certain attempts have been made to clear secular state and stronger but failed. Constitution forty fifth amendment bills in 1978 proposed to define the expression of “secular republic as a Republic in which there is equal respect for all religions.” Eightieth Constitutional amendment bill in 1993 sought to authorize parliament to prohibit associations and parties that encourage religious cacophony and to debar members who involve in such misbehavior but both the attempts have been

failed because of certain technical grounds. So now there is every challenge is being raised like article 290A of the constitution of India is violating its own secular fabric of the society. Under this article 290A, one religion was particularly favored by providing funds to maintain the Hindu temples in the former princely state of Travancore in Kerala (Cheema 2017).

Cow is considered as sacred in Hinduism and article 48 of the constitution restricts the cow slaughter. As of now in India, 24 states out of 29 states have banned the cow slaughter and those who find guilty of shall be subjected to fines, imprisonment or both. Cow slaughter had been the continuous source of conflict between Muslim and Hindu and Dalits and this banned is called as “food fascism” by the religious minorities. Eating beef has been significant source of nutrition for many religious communities like Christian, Muslim and Dalits and these communities are dealing with these businesses. This ban on cow slaughter was challenged in court. In 1958, Mohammad Hanif Quareshi vs state of Bihar, a group of Muslim butchers challenged the constitutional validity on the ground of the violation of the fundamental rights guaranteed by the constitution of India under article 14, 19(1) (g) and article 25. However, the court referencing provisions of cow protection under article 48 of the constitution-determined “that a total ban on the slaughter of cows of all ages and calves of cows is reasonable and valid and is in consonance with the directive principles laid down in the article 48 of the constitution”. In 2004, lower house of the Indian parliament sought to total ban on cow slaughter in nationwide. The problem with the cow protection law is that such issues get mixed with the anti-Muslim feelings. This can be sensed from the example of killing of Mohammad Akhlaq by Mobs in 2015. He has been pulled from his own house and was beaten to death by angry mob just for the allegation or suspicious that beef has been stored by him and accused have not been penalised yet. Besides this, now it is getting difficult to transport cows across state lines. The traders are from disadvantaged Muslim or Dalit communities. Across India, right wings group by the name of Gau Rakha Dal (Cow Protection Front) began to own their group and these groups are armed with many tools and patrol major cities and highways and attacking people who are transporting cows or beef even sometimes beaten to death (Cheema 2017).

There is another issue of assimilation of Sikhism, Buddhism and Jainism into Hinduism under the article 25 of the Indian constitution. Article 25, sub-clause 1 of the Indian

Constitution guarantees that “subject to public order, morality and health, all persons are equally entitled to freedom of conscience and the right to freely to profess, practice and propagate religion”. However, its sub-clause 2 (B) and its corresponding explanation II is considered controversial. While explanation I states that putting on and carrying Kirpan will be considered to be under the ambit of profession of Sikh religion, Explanation II in sub-clause 2 (B) states, “Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion and the reference to Hindu religious institutions shall be construed accordingly”. This is controversial because of the fact country being multi-faith state; India seems to be concerned about the social welfare of only one religion i.e. “Hinduism” and its religious institutions. Explanation II has led to other discriminatory laws against these religions including the Hindu Succession Act (1956), Hindu Marriage Act (1955), Hindu Adoptions and Maintenance Act (1956). These laws are considered to force legal assimilation of these religions in Hinduism rather than recognizing them as different religion. Government of India constituted the National Commission to Review the Working of the Indian Constitution in February 2000 under Justice M. N. Venkatachaliah and this commission recommended to omit the clause II of the article 25 and article 25 (b) is reworded as follows, “providing for social welfare and reform or the throwing open of Hindu, Sikh, Jain or Buddhist religious institutions of a public character to all classes and sections of these religions”. But this suggestion has not been adopted by government. Moreover in terms of personal laws, minorities are being discriminated. Any person from Sikh, Buddhist and Jain who wish to have court marriage has to be done through the Hindu marriage acts. Muslims and Christians have their own but these communities are yet to have their own though they claim to be different from Hindu community. Through an amendment to the Anand Marriage Act passed by the Indian parliament –legislation that proceeded India’s independence from the United kingdom-Sikhs should be given an opportunity to register according to their own marriage act which is there by the name of Anand Marriage Act which is separate from Hindu Marriage act. In 2012 amendment provides that Indian states should introduce regulation to enable registration of Sikh marriages under the Marriage Act. However, except Haryana, no other state has taken any step regarding and still need to register under the Hindu Marriage Act (Cheema 2017).

Tamil Naidu's controversial law on anti conversion has been characterized into two ways. On one hand there is a group who are in the support of having such laws with the thinking that absence of such laws will go unnoticed if forced conversion take place. On the other hands those who are opposing this law consist of minority communities who felt that such laws will violate the freedom of religion particularly propagation enshrined in the article 25 of the constitution of India. While people will be polarized on the issue of this yet the more cause to concern is the nature of Indian democracy which also gives the larger context of majority or minority community to form opinion. This conversion issue has never been supported in the history of legislation. Even before independence, though British India did not have such anti-conversion law, certain laws like ban on conversion was enacted in princely states like the Raigarh State Conversion Act 1936, the Patna Freedom of Religion Act of 1942, Sarguja State Apostasy Act 1945 and the Udaipur State Anti-Conversion Act 1946. After independence, parliament has taken up for consideration in 1954 the Indian conversion (Regulation and Registration) Bill and later in 1960 the Backward Communities (Religious protection) bill, because of the lack of support, both had to be dropped. Minority commissions have opposed to the proposed freedom of religion bill of 1979 because of this bias was visible in that bill. However, Laws have been enacted by Orissa and Madhya Pradesh by the name of the Orissa freedom of religion act 1967 and Dharma Swatantraya Abhiniyam in Madya Pradesh in 1968. Similarly laws have been enacted in Arunachal Pradesh freedom of religion act 1978 that prohibit proselytizing from one religious faith to another by means of force, fraudulent. The recent one is from Tamil Nadu ordinance has been promulgated on the prohibition of forcible conversion of religion by the governor of Tamil Nadu in 2002 and eventually it has been adopted in assembly and these acts give definition of government, conversion and indigenous faith, inducement and force. Now conversion by force has been made strict as it may need to face cognizable offence under Indian Penal Code sections 295 A and 298 which say hatred and purposeful intention to hurt the feelings of others in a penal offence punishable by varying period of imprisonment and fines. It has been evident in the early of 1967 that conversion has not just been with forceful one but conversion to any religion especially Christian and Islam other than Hinduism. In the case of Orissa and Madhya Pradesh, punishment would be double if it happen that minor, women or person belonging to Schedule Caste and schedule tribe community is converted. Reasons being states are coming with such enactment of laws are that there is a foreign

hands in proselytizing poor and low caste. In the case of the much agonized over Meenakshipuram conversion; the evidence has been presented by the Home Ministry to support that there is a foreign hand for conversions. Nonetheless there are number of reports including the Regional Director of the SC/ST Federation which says that conversions take place because of the protest against the humiliations of untouchability suffered by minorities. In Madhya Pradesh, one in which state enacted anti-conversion law decades before, nun and two priests are reported to be imprisoned on the charge of forceful conversions by Rajgarh court. This case happened despite the fact that written communication has been sent to District Magistrate, the Sub-divisional Magistrate and SO (police) that it's not the case of allurement rather voluntarily religion has been changed (*TOI*, August 22, 2002). Validity of this case lies somewhere and if it is the case, then Orissa and Madhya Pradesh has not filed single case under that anti-conversion law in the last few decades (Fernandes, 1999). The true thrust for knowing conversion of religion to one another shall remain contested and it might never be set up one way or the other and reality lies somewhere in between (Anant 2002).

As the government is going to amend the citizenship act 1955 by presenting bill in the monsoon session of the parliament, this is to be comprehended critically with the changes proposed by government. Since 2014, be it in election campaign and thereafter government is trying hard to table that bill and grant citizenship to religious minorities facing persecution in home countries like Pakistan, Bangladesh and Afghanistan. This move came in the picture when two NGOs filed petition in 2012 pleading that Hindu and other minorities who are facing persecution in the neighbouring countries and fled to India should not be bracketed with illegal migrants and sent back to their countries under Assam Accord. Matter came up in the hearing of Supreme Court and since then it has become a national issue. With the observation that problem of religious minorities coming from Bangladesh was not confined to Assam alone. Making this amendment to act became a major electoral plank in 2014 general election and in 2016 when Assam Assembly election was to happen. The Citizenship Amendment Bill of 2016 has been presented in Lok Sabha and presently it is in the joint parliamentary committee to scrutinize it. However this bill itself is very controversial in a sense it is akin to Israel's Law of Return where only Jews from all over are allowed to take citizenship in Israel and somehow it directly rejects the plurality of society. This is the same case going to happen with India if this bill turns into act. The logic which has been forwarded is also

questionable on the ground that if government is concern about the persecution of the minorities in the neighboring countries, then why not Muslim has been included. There are neighbors like China and Myanmar where minority Buddhist and Muslims are targeted, even in Pakistan, Ahmedi and Shia sects are targeted but government is silent about it. Therefore if country stand by the secular ethos enshrined in the preamble and constitution of this country, then there is every possible reason to ponder over and maintain the plurality of this country (Maheswari 2016).

Thousands of people have been protesting in Assam against this move of Citizenship Amendment Bill 2016 as this proposal has a plan to grant citizenship to Hindu foreigners. Protestors are of the belief that this move would threaten the existence of the indigenous people of Assam and Assam will become a dumping ground for Hindu Bangladeshis. According to this Citizenship Amendment Bill, it seeks to grant or allow illegal migrants from certain minority communities in Afghanistan, Bangladesh and Pakistan eligible for Indian citizenship by amending the citizenship act of 1955. Communities specifically mentioned in this bill are Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities coming from Afghanistan, Bangladesh or Pakistan to not be imprisoned or deported and the minimum years of residency in India to apply for citizenship to be lessened from at least 11 to 6 years for such migrants. The Bill however does not extend to illegal Muslim migrants. Assam in particular is not happy with this move because of the fact that this Bill contradicts the Assam Accord of 1985 which clearly states that anyone who entered India illegally after march 25, 1971 would be deported but this Amendment proposes to grant citizenship to illegal migrants and Assam shall be affected the most from. Therefore people are protesting against this move (Biswas 2016).

Assamese People are of the opinion that BJP is trying to destroy the ethnic identity of this region through this Citizenship Amendment Bill 2016 because of the fact that there is strong perception amongst people that it's trying to destroy the composite culture through this controversial bill and massive anti-immigrant sentiment similar to that during the bloody Assam agitation of the early 1980s is building up. This bill overrides the Assam Accord of 1985. They have given appeal to the people to raise at this hour of "national crises" and save the Assamese and their land, language and culture. At the same time appeal is being done not to make this issue between Assamese and Bengali Hindus. Sabha chief Paramananda Rajbongshi said "The Bengali Hindus share



bonhomie (friendliness) with all local communities and we all should be careful to keep it undisturbed. The people of Assam are against Hindu Bangladeshis who entered Assam after March 24, 1971 and not against Hindu Bengalis as a whole,” there is rise of perception that in Modi government’s move is an attempt to consolidating Hindus in the Muslim Majority of twelve districts but he said that Assam does not want Hindu immigrants for protection. So in short, protest from all walks of life in Assam is going on against this bill. (Mazumdar 13th May, 2018).

The release of the National Register of Citizen (NRC) in Assam containing names of 1.9 crore citizens out of 3.29 crores applicant, has brought up questions about the contested idea of citizenship in India and its evolving nature. This is for the first time Assam is coming up with the idea of national register of citizen and the most recent draft of 2016 is seen as new chapter in addressing the influx from Bangladesh. This citizenship issue in Indian context is however not a new issue even in intensive discussion had been held during Constituent Assembly. Remark by Dr Ambedkar on citizenship issue is like, “I do not think that any other article has given the drafting committee such a headache as this particular article”. Having not much elaborated in constitution, article 11 of the constitution has empowers parliament to decide on the permanent law of citizenship. As per this article, numbers of amendment have been initiated. Citizenship act of 1955 addressed much confusion and made right of blood as primary form of citizenship. Likewise in the same line, citizenship amendment bill 2016 need to be viewed from the same perspective; however question should be asked if this bill gets passed because of the fact that people from Hindus, Jain, Parsi and Buddhist facing religious persecutions in Pakistan, Afghanistan and Bangladesh shall not be treated as illegal immigrants and so these sections of people from these mentioned countries may get citizenship of India. Second thing is that period for naturalization which any applicant for Indian citizenship has been reduced to seven from twelve years. The logic behind having fixed twelve years means equipping any individual about language and culture of India before becoming citizen of this country, but it has reduced to seven years. This bill also sparked the debate around religious biased manner in which preferential treatment is given to those who are coming from Muslim majority countries. It must be cleared that they are not given citizenship instantly but they are being made eligible for citizenship. Government of the day holds the view that this exception was created because these are minorities facing persecution

and fleeing to India. while the plight of these communities are taken positively but the question of why not with Rohingya Muslim from Myanmar, Ahmadiyya Muslim from Pakistan and Uighur Muslim from China are yet to be answered and this issue has been looked down. This particular criterion was criticized by the opposition and BJP's ally Asom Gana Parishad in Assam. The only country which has such law is Israel who allows Jews to migrate in Israel as per the Law of Return. So questions are many and answers are less if India is following the path of Israel. To the government who is in power, this particular issue has been a part of election campaign 2014 and now this bill is the joint parliamentary committee and this is yet to see if this bill gets passed (Katyal January 10, 2018).

Legitimate concern has been raised to the prospect of secularism of India as Hindu right wings political power has been expanded and consolidated. Sustained assault to the secularism of India has become quite apparent while criticism of secularism could be found at the colonial time. During 1980s and 1990s, Bhartiya Janata party led public campaign advocated that because of the practice of secularism, it has led to the appeasement of Muslim. This party also further said that secularism has not been good to the democratic political system of India as it institutionalized the vote bank politics and said attempt should be made to develop positive secularism by replacing the negative secularism. 2014 election campaign has been the departure of secularism in the politics of India. BJP Prime Minister' nominee for the first time in the history of India made sustained attack on the notion of secularism in India in meeting after meetings. Even in Bulandshahr, he said that idea of secularism kept the Muslims poor. There are also occasions where he spoke about diversity being strength of India without acknowledging historical diversity of India as project of polity. This is the fault in the understanding of diversity in Hindu rights. Union Home Minister Rajnath Singh while inaugurating the debate on intolerance in parliament on November 26, 2015, said that the term secularism have become a abusive one now because of the misuse of the idea of secularism. Hindu right is apparently keen to remind everyone that father or architect of the constitution of India did not find essential to highlight the term 'secular' in the preamble of the constitution. This word 'secularism has been added following the national emergency country imposed by Former Prime Minister Mrs Indira Gandhi and Rajnat Singh got specific to say that Ambedkar was reluctant for the term secularism. While Ambedkar spoke about secularism and asked all not to add word in constitution

saying future generation will decide to the use of socialist but silent on secularism. Even though did not speak up on secularism, secularism to Ambedkar is to grant equality and human dignity and regarding his view on secular political culture is to give liberation of the human beings from all kind of man-made inflicted sufferings on the name of religion (Rehman 2016).

Though country is moving towards secular life from religiosity, yet evidence is shown that religious beliefs of the people remain intact in the society. Rather than declining, supernatural elements are revived and revitalized. So India is moving towards de-secularization. Puja mondal while writing on problems of secularism in India, she has seven points which highlight the problems of Indian secularism. First she says that there is a problem in Uniform Civil Code. It was an attempt to bring national identity and common citizen in the post independence of India, but unfortunately no any progress has been made in and now even it appears to be more problematic than any time in the past with minorities are raising their voice and any issues country has been facing have been cornered as personal law. Second problem is growing trend of mixing politics and religion is hampering the development of secular state. In the post Pandit Nehru, responsibility lies on the next leaders after him, but unfortunate part is that post Nehru leaders have been not intellectually liberated and they focused more on the neo-traditional orientation, lacking the appreciation for the secular state and as a result Indian leadership failed to develop rational and scientific temper and moreover no progress could have been made to separate politics and religion in India. Third problem is the failure of the government in evolving just economic order. People in India are losing faith the secular ethos as government of the day since independence failed to realize the essential requirements of the people and this perpetuate poverty in India. Fourth problem is that confusion among people especially with minorities about “Hindu” and “Indian” as leaders of this country celebrate many rituals like Bhoomi puja, breaking of coconuts on inaugural and auspicious occasions, performing of ‘aarti’. All these are the manifestation of Hindu culture to non Hindu communities. Of late efforts have been made to equate culture of Hindu as national culture by the sizeable sections of society. This is probably the expression of “Hindu backlash”, which is deemed to be the product of the rise in Muslim and Hindu fundamentalism. Such inconsiderateness to the sentiments of minorities demolished the trustworthiness of the secular profession of the state. Fifth problem is the perception of the minorities.

Besides educations and jobs, discrimination and prejudices are felt in the matter of inter group conflict and violence. There are number of examples where administrative machineries of the state do not work without partiality especially during communal riots and persons who are the guaranteeing law and order in secular state be likely to victimize group of minorities. Sixth problem is the defective system of education which rather than teaching and inculcating children secular ideas in their mind, mutual respect and cooperation amongst all, it encourages them to think in particularly way especially in community basis. Seventh and last problem according to her is the distortion of the constitutional and democratic constitution. While constitution was framed and the aspiration it had for inculcating secular ethos have been distorted in many ways like constitution does not permit to use religion for self interest via public office but quite often we find leaders openly using all to attract public and garner support from them. This communalizing politics hindered the growth of a true secular polity envisaged by this country (Mondal n.d.).

India which is one of the largest state since independence, having diverse population from all walks of life including diverse religion, have developed a secular based constitution is in threat today with the challenges from many sides are propping up. Number of provisions which highlight the diversity of this country and protections given to them is in question today. Here both the minority and majority is in the state of confusion what secularism implies and this illusion are there because there is no complete separation of religion and politics, widespread communalism has been continued and are taking lives of innocent and prohibiting of cow slaughter leading to the restriction of freedom of sections of society and even including trade whose survival relies on selling meat. Apart from all these issues, more threat to the idea of secularism is the way communal politics are being played. Despite having no separate electorate in the post independence and instructions being given by election commission who conducts elections in India, yet political leaders are using religion quite often and communalize people for their own self-centered goal while ignoring the greater concern of this country. This polarization has not been confined to any religious difference, but caste and region also comes at the fore front and votes are demanded from people on these grounds. Today popular trend in this country is that leaders join festivals and try to promote particular festivals and ceremonies for their own interest therefore people in large have huge confusion between 'Hindu' and 'India'. As a result

of this, the credibility of secularism is declining. Secularism which does not allow individual to be interfered but there are number of instances individuals are targeted because of their belief and food habit. Dadri's mob lynching to one Muslim man by Hindu mob just because they thought that he is having cow meat is one the example how freedom of religion under article 25 highlighted in the Indian constitution has been violated. In states like Andhra Pradesh, Bihar, MP, Delhi, Maharashtra, U.P, Karnataka etc have banned on cow's slaughter and justification is given on the ground of the religious sentiments of the Hindus but sun ban is not keeping with secularism and democracy. So there is a need of deep circumspect what stands by secularism in India because if one-fourth of the population of this nation feels alienated, deprived and unwanted. So this country remains to make a great deal if in real sense secularism to become a way of life of Indian democracy (Humtsoe 2016).

Some of the pertinent threats secularism of India and freedom of religious belief and practices that are facing in India are: first and foremost is quietening rationalist thinkers like Narendra dhabholdkar, M.M. Kalburgi and Govind Pansare. Second challenge is regular criticism of Nehruvian secularism, third challenges is packing of institutions with rightist elements and those who are known for their secular approach are removed from their posts or end their terms. Fourth is denying jobs in Mumbai Company saying "we don't hire Muslim". Fifth challenge is that demands are being made by Vishva Hindu Parishad to construct Ram temple soon and the last one is denying of houses for rent to Muslims (Mustafa 2016).

Speaking on the challenges of Indian secularism, Dolma said that there are few major problems, they are like majoritarian politics and undermining the rights and freedom of minorities, second is rise of ethnic nationalism growth over civic nationalism in India, third thing is lack of education amongst people and the chances of getting them misguided and last one is the politicization of the religious sentiments and this eventually may go to any extent to damage the basic fabric of this secular state (Dolma 2019).

## CHAPTER FOUR

### **Comparison of Russian and Indian secularism: Alternative model to western secularism**

In this chapter, a comparative study of Russian and Indian secularism is discussed widely. In the first phase, similarities of the Russian and Indian model of secularism have been explained. There are grounds at which resemblance could be found in both these two Asiatic countries. First both these countries are socially and religiously diverse and second thing is both Russia and India has a constitution which is based on secular principles that too interestingly has spiritual interpretations unlike the ideological one in western countries. The third similarity is that both these countries having religious diversity ensures not only about the individual freedom of religion but also grants community-based freedom of religions. In both countries, there are provisions constitutionally to impart religious educations and state grants funds for those religious educational institutions. Another area is dominant communities in both countries have an attitude towards minorities which are suspicious. Lastly, in both the countries, there is a strong bond of religion and religious composition influence the decision making policies of the government.

In the second phase, a detail discussion is widely made in the area of difference in the secular model of both the countries. There are interestingly a good number of areas where both though claim to be secular, yet in content, have number of cases Russia and India differs. First, difference is that both the countries have different history and understanding about secularism. Second with time, the constitutions have been amended and constitutional secularism in Russia is in question with the traditional and non-traditional religion has been distinguished and moreover religious groups and religious organizations have been made whereas in India, constitutionally India become more secular now with the declaration of secularism as a basic structure of the constitutions. Third is preamble can be compared where Russian preamble did not mentioned any religion when drafted in 1993 but with amendment, specific religions have been mentioned and questions are being raised on it. Moreover preamble of Russia is not considered to be the part of the constitution. In the case of India, in the preamble, implicitly it was secular when drafted originally but with amendment, explicitly secular term has been added. Moreover, preamble of India by having

judgments from the Supreme Court, preamble has been declared to be the part of constitution. Fourthly, area of comparison is the way in which national holidays on holydays are celebrated. In Russia, other than Easter day on 7<sup>th</sup> January, there is no national holiday in Russia from religious perspective. Other religions which are there in Russia have no national holidays to celebrate their holydays whereas in India, at least there is one national holiday to almost all major religions in India and no discriminations have been made in this case. Fifthly, in Russia dominant Orthodox religious community supported the Yeltsin and now Putin over others in election campaigns, whereas situation in India is different. Winning landslide congress victory in the 1980s and Bhartiya Janata Party winning in 2014 shows the fragmentation of people and dominant community patronage-based works less in India.

In the third phase, detail accounts on the challenges faced by both these two Asiatic countries are examined. Despite so much detailed contents and composed secularism in own situations, yet these countries are not free from challenges. The first challenge is that the dominant communities in Russia and India are pressurizing political leaders to amend laws in favour of their own religion. The second challenge is that there is a rise of dominant religious communities in Russia and India in the name of nationalism, morality and identity which directly rejects the plurality and diversity and above all constitutional commitments of ensuring freedom of religion to all groups of people. The third challenge is that this dominant religious card is being used by governments for influence on international affairs as foreign policy. Russia is using Orthodoxy at the international spheres for legitimacy whereas India is using Hindu religion.

## **Similarities of Russian and Indian secularism**

### **4.1 Socio-religious diversity**

Russia is diverse in many ways such as presence of different cultures, religions an even civilizations and the uniqueness of Russia is that those all diverse are composed of its own indigenous people unlike in western and United States of America. Probably there is no any other nation which has diversity as Russia and people are living together peacefully for centuries (Kemalov 2012). Speaking on the different model because of its religious diversity, Safronova said that although term secularism is used there in Russia, yet the western model can't be replicated as Russia is the multi religious country where different religious groups exist in. Furthermore, not only individual right

are ensured but the community-based rights are also recognized in Russia. In that way, in no way, Russia at any time can be in the line of western interpretations of secularism and Russia has its own cooperative and inclusive model of secularism which is more than mere separation of church and state (Safronova 2019).

Russia is diverse in religion with the Orthodox Christianity is the largest professed religious community and other religious faiths like Muslims and Pagans are there. Constitution of Russian Federation in 1993 recognized the diverse religious faiths and freedom to conscience has been ensured and even the 1997 constitutional amendment also grants freedom of religions in Russia. Under this 1997 amendment the different thing is that role of the Orthodox Church in consolidating Russia has been recognized and respect to Islam, Judaism, Buddhism and Christianity and other religion is granted and declared them as an inseparable part of the historical heritage of the people of Russia. As per the law, any religious organizations shall be deemed to be traditional who have already been there in Russia before 1982 and each religious group has to provide their testimonial and re-register yearly for 15 years and until these conditions of fifteenth years, they need to stay without having much rights (Wikipedia, Religion in Russia n.d.).

Russia is quite diverse in religion. Approximately 100 million people of Russia claim themselves to be the followers Orthodox Christian though majority of them are not the regular churchgoers. Second largest minority religious community is Muslim and they are made up of 14-23 million mostly live in the Volga-Urals region and north Caucasus though their presence is in almost all region. The Buddhist community is composed of 1.5 to 2 million and they live in the Buryatiya, Tuva and Kalmkiya and these places are traditionally known as Buddhist regions. Protestant sect of Christianity is the second-largest community from Christianity sects. There are Catholics, Jews and other religious communities. As per the report shared by Human Rights Ombudsman Vladimir Luken's annual report in 2017, around 22,956 religious organizations have been registered by the Ministry of justice (Wikipedia n.d.).

Demographic reality acknowledges the vast ethno-religious, ethno-racial and ethno-linguistics diversity of the country and in fact, diversity of India is its national assets. Religious diversity has been the product of immigrants from different corner of the world who came to India and brought their religious traditions and culture made India'



diversity is a proverbial one (Bhattacharyya, 2003, 153). Therefore, India is considered as one of the very diverse countries in terms of religion with a considerable number of Hindu (80%), Muslim (13.4%), Christian (2.3%), Sikh (2.1%), Buddhist, Jain, Parsi, Bahai and Ahmadi populations (census 2001). Four major world religions, Hinduism, Sikhism, Jainism and Buddhism originated in India, while other religions like Judaism, Christianity, Zoroastrianism and Islam landed in first millennium and formed the region's diverse culture to foster multiculturalism in India beyond doubt. Hundred years ago, Parsis had left their home country Iran in order to practice their Zoroastrianism in peace in India. India has given a shelter to the persecuted and refugee of all religions and all people of the world and this is one of the testimonies of Indian multiculturalism. Moreover, India is an ethnological museum. The presence of so many racial groups made it a difficult task to identify the ethno-racial groups in India. India has always attracted a variety of migrants from various part of the world. Most of them never went back to their original habitats. As a result, a process of admixture had taken place with the local population resulting in a colorful mosaic of human affairs. Further, its ethno-racial diversity is so rich that within one region we can find many ethnic groups divided according to their primordial traits like language, religion and social practices. Owing to India's rich linguistic diversity, it earned the sobriquet as a veritable tower of babel. In the words of A.R. Desai, "India presents a spectacle of museum of tongues". It is a country with no less than 1,652 spoken languages and several hundred dialects. The dialects of a language so many that even villagers in a locality many find it difficult to understand the speeches of their relatives living a hundred miles away from them. There are newspapers in 123 different languages publishes books in twenty-four languages and air news bulletin daily for duration of over twenty four hours in sixty-six languages. In spite of diversity, unity has been maintained among all of us as a common thread of Indian-ness that is the rich common cultural heritage and geographical unity in India. It has been found since time immemorial that the noblest expression in the thoughts of our sages and poets. The entire country was referred by the common name Bharat Varsha and emphasis is given on the oneness of the country and its people (Maharana 2010).

#### **4.2 Constitution based on secular principles**

There is a number of evidence that depicts that Russia is a secular state and it is highlighted via articles which reflects the secular ethos of the Russian constitution.

These are: Article 1 of the constitution says, “Russia is a democratic federative law governed state with a republican form of government”. In the article 2 says, “Man, his rights and freedoms shall be the supreme value. The recognition, observance and protection of human and civil rights and freedoms shall be an obligation of the state”. Article 3 says, “The source of power in the Russian Federation shall be its multinational people”. Article 14(1) explicitly says that Russian Federation shall be a secular state and there shall not have religion in particular which has been adopted as official. Article 14 (2) says, “Religious association shall be separate from the state and shall be equal before the law”. Article 28 ensures freedom of conscience to every religion including right to profess individually and collectively or profess no religion at all shall be guaranteed and provides freedom to choose and spread religions and convictions as per the law. Article 80(1) says that the president of the Russian Federation shall be the head of the state. Article 80(2) says, “The president of the Russian Federation shall be guarantor of the constitution of the Russian Federation, of the rights and freedoms of man and citizen. According to the rules fixed by the constitution of the Russian Federation, he shall adopt measures to protect the sovereignty of the Russian Federation, its independence and state integrity, ensure coordinated functioning and interaction of all the bodies of state power” (constituteproject.org 2008) Article 80 (3) says, “according to the constitution of the Russian Federation and the federal laws the president of the Russian Federation shall determine the guidelines of the internal and foreign policies of the state” (n.d.). When asking what ways Russia is secular state, Kristina and Liudmila responded saying that Russia is secular because of the official documents and constitution declares to be secular state. Administration does not discriminate people on the ground of religion and even not any religion is asked during any official work (Kristina and Liudmila 2019)

In a way constitution of Russia and USA begins with the preamble, India too has preamble of the constitution. It goes like:

We the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizen. JUSTICE, Social, Economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do hereby, adopt, enact and give to ourselves this constitution” (Goel 2018)

Indian constitution adopted such a political philosophy and system where all types of religions be treated equally and there shall not have discrimination on the basis of any religious faiths and religious sentiments shall not be introduced while public policy and public education is conducted. Nehru was of the view that secular state is need of the hour and it means equal protections to all religions and state is not to favour any religion at the expense of others. Gandhi views that religion is something which is personal to individual and it should not be mixed with politic and national affairs. Secularism which means separation of state and church in the western countries are not the same in India. Rather than focusing on separation of state and church, focus in India is given on inter-religious equality which is central to the Indian idea of secularism. It specifies that state to stay away from awarding or penalizing to any individual on the name of religious backgrounds. India as per its history, has adopted system where religious tolerance and cultural co-existence to be promoted. It is also true that India first did not use the term “secular” while constitution was adopted though spirit of secular state is explicitly evident from article 25-30. The term “secular” was added only after 42<sup>nd</sup> constitutional amendment act 1976 when preamble of the constitution was once amended (Mir 2017).

The secular objective of the state has been specifically expressed by inserting the word ‘secular’ in the preamble by the constitution (42<sup>nd</sup> amendment) Act 1976, secularism is a part of the basic structure of the constitution. There is no provision to be able to adopt religion as established church as some other constitution does. D.D. Basu writes at this juncture and says, “This itself is one of the glowing achievements of Indian democracy when her neighbours such as Pakistan, Bangladesh, Sri Lanka (Cyclone) and Burma uphold particular religions as state religions”. Indian constitution has not built a wall of separation between religion and state but state is non-partisan in its engagement with citizens irrespective of religions they belong to. Thus, the state does not have any particular religion to profess, practice and propagate in India (Kumar 2006).

### **4.3 Secularism with spiritual interpretation**

Petro found three main reasons how church demands its share in Russian Federation. First support is the conditional whether government policies to permit individual to live righteous as per the understanding of church. Second church rejects the principle of secularization of society and seeking reverse of it and the last one is that the church does-not take itself as one constituency amongst many but see itself as the soul of society. When state speaks on values of the present day of Russia, church speaks the values of society and its historical existence. As of now, state has given church free reign to change social more through public institutions like media, films, and educational curriculum and military, in response to this, church supports state at the time of election and all. The level of support could commensurate from the President Medvedev in February 2011 called, in contemporary Russia; church is the largest and most authoritative social institution. So, there is no clarity how modernization is to proceed in Russia. (Petro 2012). Asking on the importance of church in Russian state, Professor Dubiansky said that church is important in Russia and in term of spirituality, it has a big role to say and church and state relation is welcome in Russia by public. However, little problem these days is that church is becoming more like official religion which constitutionally though it is not (Dubiansky 2010).

In the plural society like in India with the multiplicity of creeds, culture and religion, the idea of democracy could not survive or less it could have flourished unless India adopted the principle of secularism. Therefore, by the 42<sup>nd</sup> constitutional amendment act of 1976, the term “secular” has been added in preamble of India. Secularism in preamble is better understood as “dharma-Nirapekshta” means indifferent to religion in general. Articles in the constitution have been used for inculcating the values of secular state and many steps have also been taken to ensure equality amongst all people. Article 17 is the glaring example of it and it ensures that intra-religious dominations and exploitation would not be tolerated. Here the concept of secularism in India is not same as of western interpretation of secularism which infers anti-religious ideology that it cannot be applied to multi-religious India. Therefore India concept of secularism is neither in favour of religion not indifference to religion but equal respect to all religions. Religion is not excluded in the Indian context of the secularism and contrarily it breeds peaceful religious co-existence. In other words, in India secularism means giving equal opportunity for all religion and appeasement for none. While

having these so, special protections are also given to minorities via articles 29 and 30 and the constitutional remedy via article 32 is common to all so that no discrimination be felt by any citizen of this country. In term of ensuring freedom and equality amongst the citizen of this country, fundamental rights have been explicitly mentioned in the constitution of India under the articles 12-32. These rights are not only recognized by the constitution of India but assured by the honourable Supreme Court and High Courts. Recent innovation of Public Interest Activism and judicial activism broaden the scope of fundamental rights and judiciary is playing a proactive role in delivering justices to every citizen of this country via any litigants for public interest is entertained and sometimes court also takes suo-moto action after reading newspaper (Maharana 2010).

Some of the main reason how India can truly be called secular state are: first there is no national language contrary to what many believe Hindi as official language mentioned in the constitution of India. Having linguistic diversity in mind, the framers of the constitution prudently avoided making any language as official language. There are national song, national flag, national bird, national animal even national calendar but do not have national language. As a result, even after seventy years of India's independence there is absence of national language. Instead eight schedules were added to the constitution to indicate the importance of every regional language which today stands at twenty two (Maharana 2010).

Responding to the question of how India's secularism is spiritual in comparison to western model during interview, Rasool said that India's secularism is broad and spiritual in a sense that there are article 25 which ensures profess, practice and propagate unlike in western countries. Moreover in India, the meaning of secularism is like equal treatment to all religions and to experience this equality than just separating all religions from state. Many instances, state and religions support each other in the interest of society as a whole and moreover religion is reformed with the support of state legislations in India (Rasool 2019). In India, religion is considered as something to do with faith and there is a separation of religion and state and have equal distance in practice whereas in west they have a concept but not in practice (Ladol 2019).

#### **4.4 Wider scope of secularism**

In the constitution of Russian Federation which has been framed in 1993, there are number of provisions like in article 14, 28 and 80 which guarantees the freedom of religion to individuals. Here in the federal laws which came into existence after the constitutional amendment in 1997 widely touch to the wide range of community rights. Article 6(1) of the Federal Law talks about the religious associations which shall denotes any voluntary association of citizens of the Russian Federation, other persons residing permanently and legally in the territory of the Russian Federation, set up for purposes of joint profession and propagation of faith characterized by features answering the said purpose, viz.: - religious denomination; first is performance of services of worships, other religious rites and ceremonies; second is teaching religion and religious education of its followers. Article 6 (2) of the federal laws says, “Religious associations may be set up in the form of religious groups and religious organizations”. Article 6(3) says, “It shall be prohibited to set up religious associations within the bodies of state power, other public bodies, governmental agencies and bodies of local administration, military units, governmental and municipal organizations”. Article 6 (4) say, “The formation and activities of religious associations whose objectives and actions are at variance with the law shall be prohibited” (Federal Law, NO. 125-FZ OF SEPTEMBER 26, 1997) n.d.).

In the same way, article 7 (1) of the federal law talks about the religious group and says, “Religious group under this Federal Law shall mean any voluntary association of citizens set up with the objective of joint profession and dissemination of faith, carrying on its activities without the registration with the state authorities and without the acquisition of capacity of a legal entity. The premises and property required for the activities of the religious group shall be provided for use by such a group by its members”. Article 7(2) says, “The citizens that have formed a religious group with the intention to further transform it into a religious organization shall inform the bodies of local administration of its formation and the start of its activities”. Article 8(1) talk about religious organizations which shall mean a voluntary association of citizens of the Russian Federation, other persons, residing permanently and legally in the territory of the Russian Federation, set up for purposes of joint profession and dissemination of faith that has been duly registered as a legal entity. Article 8 (2) says, “Religious organizations shall depending on the territorial spheres of their activities be divided into

local and centralized”, article 8(3) says like Local religious organization shall mean a religious organization consisting of no less than ten persons not younger than 18 years old that permanently reside in the same locality or the same town or village settlement and Article 8(4) says that Centralized religious organization shall mean a religious organization consisting as per as its charter of no less than 3 local religious organizations. Article 8(5) says, “The centralized religious organization whose structures have operated in the territory of the Russian Federation on legal grounds within no less than 15 years shall at the time of filing by the said religious organization an application requesting for government registration, be entitled to use in its names such words as ‘Russia’, ‘Russian’ and their derivatives”. Article 8(6) says, “The religious organization shall also mean an agency or an organization set up by the centralized religious organization in accordance with its charter that pursue the objective and possesses the features specified under Item 1 of Article 6 hereof, including a governing or coordinating body or agency as well as the establishment of a professional religious formation” (Federal Law, NO. 125-FZ OF SEPTEMBER 26, 1997) n.d.)

The scope of the secularism in India is wider because India’s model not only cares about the individual rights but giving community rights and protections. First under article 17 of the Indian constitution, untouchability has been abolished and it is punishable if find anyone practicing it in any forms. Dr Ambedkar had a vision that society should be liberated from blind and ritualistic adherence to only traditional superstitious faiths without rational basis found expression in article 17. Parliament has been empowered to make law regarding this and the Untouchability (Offence) Act, 1955 has been enacted as per the law and has been modified and renamed as protection of Civil rights Act, 1955 (Basu 1960). Article 29 of the constitution of India says, “protection of the interest of minorities in which it provides that any section of the citizens residing in any part of India having a distinct language, script or culture of its own, shall have the right to conserve the same”. Moreover, it says, “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, race, caste, or language. The first provision protects the right of a group while the second provision guarantees the right of a citizen as an individual irrespective of the community to which he belongs.” Article 29 provides protection to both linguistic minorities and religious minorities.

Nonetheless, the Supreme Court held a view that the scope of this article should not necessarily be confined to minorities but it can be extended to all sections of society. This issue props up because of the fact that words like “sections of the citizens” has been used and that comprises of both majority and minority (Laxmikanth 2016). The sum total of the above provision makes our state more secular than even the United States of America. The secular nature of our constitution has been further highlighted by inserting this word in the preamble, by the constitution (42<sup>nd</sup> amendment) act, 1976. A word of caution should, however, be uttered in this context. What is meant by secularism or the safeguards of the minorities are exhaustively explained in the article 25 to 30 and its allied provision (Basu 1960). Article 30 says, “Right of minorities to establish and administer educational institutions”. Article 30(a) says that all minorities will have the right to set up and manage educational institutions of their choice. Article 30(b) says, “The compensation amount fixed by the state for the compulsory acquisition of any property of a minority educational institution shall not restrict or abrogate the right guaranteed to them”. 44<sup>th</sup> amendment act of 1978 has added the provisions of protecting the right of minorities in this regard. Article 30(c) says no discrimination shall be made in granting aid against any educational institutions handled by minority. Thus this article 30 is limited to the rights of minorities (religious and linguistic) and this has not been extended to other communities in a way article 29 does. Nonetheless nowhere in the constitution of India minority has been defined what it constitutes. Article 30 comprises of the minority rights to give education to their children in their own language. Broadly there are three educational institutions’ first type is the one which seeks recognition and aid from the state and second is the one which seeks recognitions but not the aid and third type is the one which does not seek both recognitions and aid (Laxmikanth 2016).

Responding to the question of how community rights especially minorities are enjoyed in India, Scholar Rasool said that India secularism is something more than western interpretation and India model of secularism accommodate community rights while ensuring individual rights. There are different provisions in the constitution like article 15 which prohibit discriminating people on the name of religion, race and sexes. Article 29 and Article 30 ensured that distinct culture, scripts and languages on community levels are preserved. So in that way, the Indian model is more than negative interpretations (Rasool 2019).



#### **4.5 Provision for imparting education**

Article 5(1) of the federal law says that every citizen of Russia shall have right to get religious education at his option collectively or individually and Article 5(2) says, “It is the responsibility of the parents or those who are acting as parents of children to educate and inculcate faiths and freedom of conscience”. Article 5(3) says that religious organizations shall be entitled acting in accordance with their charters and subject to the laws of the Russian Federation to set up educational establishments. Article 5(4) says, “Religious education to the children shall be given outside the framework of educational curriculum by religious organization with the request of the parents or those who are acting as parents and with the consent of the children” (Federal Law No. 125-FZ Of September 26, 1997 n.d.).

Article 19 deals with the institutions of professional religious education and article 19(1) says:

Religious organizations shall be acting in accordance with their charters have the exclusive right to set up establishments of professional religious education (religious educational establishments) to train ministers of religious worship and religious personnel.

Article 19 (2) says:

Establishments of professional religious education (ecclesiastical educational institutions) shall be registered as religious organizations and shall receive a government license for the right to engage in the educational activities. Institutions of professional religious education (ecclesiastical educational institutions) may realize, on the basis of the licenses, educational curricula in conformity with the requirements of the federal state educational standards and, in the event of the obtaining of state accreditation, issue in the established procedure documents of the state pattern on the relevant level of education. The state status of an institution of professional religious education (ecclesiastical educational institution) (the type, kind and category of the educational institution determined in accordance with the level and focus of the educational curricula realized by it) shall not be established in its state accreditation.

Article 19 (3) says that the citizens taking studies at full-time departments of the establishments of professional religious education enjoying a government license shall have privileges envisaged under the laws of the Russian Federation (n.d.).

In India, article 28 deals with the freedom of attending religious instruction or religious worship in certain educational institutions. So first article 28(1) says that there shall not have any religious instruction in educational institutions which are wholly maintained

by state funds and secondly article 28(2) says that nothing in the clause (1) shall apply to an educational institution which are maintained by state but have been set up under the trust which requires religious instructions be given in such institutes. Last and the article 28(3) say:

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 any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto Cultural and Educational Rights (Article 28 in The Constitution Of India 1949 n.d.).

Responding to the question of if any support is extended to religion by state, Dolma said that though there is no constitutional obligation to the state to support the religious educational institutions, yet there are number of stories where religious educational institutions get support. Other than this, the state supports to the religious pilgrimages like in Haj subsidy and Amarnath Yatra and they are all good (Dolma 2019).

#### **4.6 Dominant community's approach towards minorities**

Violation of rights of the Muslim community is in the Russian Federation, especially where they are in minority find difficulties to get permit to build Mosques. St. Petersburg is an example of it and the Muslim community has not been allowed to open a Mosque there. Moscow has a Muslim community estimated to 2 million and has four mosques but still, it was said not enough to serve 2million people and Muslim community told USCIRF that they should have Mosques in each region of it. As of now constructions of 15 Mosques have been denied by officials and Sochi (a site of Olympic Game 2014) is an example of it. Salafis in the North Caucasus and in other areas too are viewed as “overly observant” said to have been apprehended, arrested and killed for religious extremism. Suspected persons link with extremism were raid, arrested, put in jail and tortured. Memorial Human Rights Centre (MHRC) comes with the report that 100 individuals have allegedly connection with Islamic group at-least and they were detained in police raid under extremist law. In the north Caucasus and Dagestan, Human rights Watch reported that Salafi individuals are targeted as a suspected supporter of rebellion. Speaking on the expulsion of five girls who were wearing Hijab in Stavropol region, president Putin publicly recommended the Russian students to wear uniforms. By December 2012, these multi-ethnic regions are supposed to have

school uniforms and bans on the dress code which is related to religion. (USCIRF January 2013).

There are reports that worshipping places of Muslim have been attacked. Some of the examples are like on 14<sup>th</sup> October 2005, Sergiyev Posad in Moscow Oblast was attacked and local leaders from Muslim community ArsanSardriyev was reportedly beaten severely. A statement given by the council of Muftis of Russia said that some skinheads armed with back up bars and spades entered into the Masjid and beaten its visitors. Attackers also have shouted slogan like “Russia for Russians and there is no place for Muslim in Russia”. Similar attacks have been carried out throughout 2005 and in August police were investigating the reports as hooliganism. Slogans of anti-Muslim were spread on the Mosque of Penza and property of it was broken. In September, local Muslims were harassed by Nizhny Novgorod who assembled to remember the victims of Beslan Terrorist attack on the one year anniversary of attack. Those who attacked them also shouted slogans like “Beat the Muslims and Save Russia!” and “Russia is for Russian”. In Syktyvkar, Mosque was reported to have been burnt in December (LeGendre 2006). In Kostroma in the Russian federation, Imam Ulugbek Abdullah and his wife were assaulted by two youth on 26 April 2007 because they were wearing distinct Islamic dress clothing. Suspected attackers subsequently were detained by police. Imams who are considered as religious heads said that there again had slogan from that attacker saying “go back to your Muslim country” and this was also reported from investigator from Department of the Interior Ministry of Kostroma Oblast that they were shouting nationalistic slogans, nevertheless they were not charged in the reference of anti-Muslim motives (Tad Stahnke 2008).

Jews are in Russia victims of many harmful discrimination and violence which drew from the public mind-set about the centuries long anti-Semitism. During election time, communist and nationalist parties give a public statement an anti-Semitic and literature on anti-Semitic are largely sold without any restriction in Russian book stores and Kiosks. Anti-Semitic manifestation in which public officials (Members of Duma) were also involved is known as the “letter of 500”. These seven pages which were signed by 500 people and subsequently by 1500 tell the story of how Jews are targeted in Russia. It reiterated that many of the ancient anti-Semitic slanders claimed that the Jews were doing a practice of ritual murders. On the occasion of the 60<sup>th</sup> anniversary of the liberation of Auschwitz, the document issued on Duma stationary condemned Judaism

as it is against Christian and inhuman whose practices widen to ritual murders and called the prosecutor of Russian general to investigate into banning Jewish religious and community group. Moreover, Jews were also blamed to target their own community. SOVA which is a NGO in Russia, provide data on minority atrocities and had documented 27 incidents of anti-Semitic attacks on the property and people in 2005. Rabbi Alexander Lakshin an American citizen was reportedly attacked by a group of seven teenagers who had just left Jewish community centre in Marina Roscha district in Moscow. He badly wounded in that accident. People not only attacks the religious sites of Jewish and its people but it extended to Jewish civic centres, shops and restaurants are also targeted. On 30 June 2005, two attackers wearing gas masks shouted anti-Semitic slogans and attacked a kosher food store in Moscow's Marina Roshcha district. A Jews community centre was targeted in Syktyvkar, the Republic of Komi in March 2005. In many cases, police were reported to be called but refused to file a case against attackers. However, police actions have also been reported and situation has been improved in anti-Semitism (LeGendre June 26, 2006). Attacks which took place against Jews in 2006 has appeared in large scale as the largest attack in which eight people were injured by skinhead armed with the hunting knife burst in Moscow's main Synagogue. Anti-Semitic and anti-immigrants youth groups emerged in Russia in recent years and they are more like a soccer fan club and lean to political parties. YitchockKogan a chief of Synagogue's told via telephone that the group who attacked Jews were shouting "Heil Hitler!" and telling the people at the ground "I came to kill" They protested against immigrants and Jews in Moscow in November 2006. Though police did not find attackers any links with any groups who involved in such acts earlier, yet there is news that attack was being investigated as a hate crime. These attacks on Jews were condemned by all authorities to other religious groups (Kramer 2006).

There are reports from representative of religious minorities which says that while national government speaks out against incidence of violence but local political leaders choose to stay silent on that violence. Civil society and religious minorities stated religious minorities are increasingly feeling insecure under the present government as violence against non-Hindus at individual and religious places of worship are being targeted. Authorities have not taken enough concrete steps against those persons who are creating a sense of fear amongst minorities. Mohd Ansari who

has been the former Vice-president of India expressed a feeling of uneasiness and insecurity creeping in amongst Muslim in the country. Ministry of Home Affairs reported that 296 conflicts between religious communities took place in India which resulted in killing 44 and 892 injured (Jha 2018).

There is a statement by one Muslim man saying “In so many ways, I feel reduced to a second class citizen in my own country, only because of my Muslim identity. I fear we are losing every day the India we love”. This echoes the life of minorities in India especially Muslim. On one hand, there is a constant fear of being profiled as a terrorist, tortures unfairly, denial of bail and biased investigations, trial and extra judicial killing, on the other hand, daily basis of discriminations in all sections of public services keep them in the state of despair and poverty. There are number of instances where youths from Muslim community find it hard to get a room in the Hindu dominant locality. Suspicious against them is not only the issue of discrimination, victimhood or injustice, but this is the challenges to the basic values of the Indian constitution which consist of democratic, secular, fraternity and rule which is equal before the law. Something which is threatening about the wellbeing of the particular community is the question of the idea of India itself which is known for tolerance and co-existence (Mander 2016).

#### **4.7 Socio-religious composition and decision-making policies**

In socio-religious composition of Russia, around 80% of the populations are from Orthodox Christianity, Muslim with 15-20% population are the second largest followed by other communities. Being a dominant community, Russian Orthodox community influences in the decision making policies of the government in many ways. Blittargues that Yeltsin and Yuri Luzhkov the mayor of Moscow equally supported the project and contributed largely to get it successful. One TV channel reasoned for supporting this project is to take support from church in the 1996 presidential election. This is what exactly happened though church could not succeed in lobbying to enact favorable laws; Patriarch Aleksey blessed Yeltsin publicly before he embarked in election campaign. Yeltsin consequently called Aleksey to share a dais at oath’s ceremony and invited a number of questions on the nature of the relation between state and church. Initially church was not clear how to respond to the Chechnya war but soon within less than two month came out so openly to defend the action of government and even encouraged youth to recruit in army to defend motherland. Furthermore, when 1996 presidential

election was going to hold, church and state alliance was so noticeable. Both involved in developing such because from both sides, there had been strong interest. On one side state wanted highly respected institution which bring unity in people and get support and on the other hand, church wanted to revive its lost identity. So, both entered in some kind of alliance and during presidential election, church campaigned for Yeltsin candidature and appealed people to choose right candidate. While swearing in ceremony of Yeltsin was underway, Patriarch was also invited and shared a dais though this time it was a direct violation to the constitution of 1993 (Blitt 2008).

Ram Mandir has been the issue during Lok Sabha general elections since 1996 and it has been consistently taken into manifesto of Bharti Janata Party. The origin of this issue has been like in 1992, Ram Janmabhoomi movement was launched and that ultimately led to demolition of Babri Masjid. 'Mandir Wahin bayenge' has been the slogan given to the masses by BJP and since then this issue remains unresolved. Every time when elections come near, this issue props up and BJP strongly commit to build it in future. In the 2019 general election too, election manifesto of BJP reads like, "We reiterate our stand on Ram Mandir. We will explore all possibilities within the framework of the Constitution and all necessary efforts to facilitate the expeditious construction of the Ram Temple in Ayodhya." So it can be said that dominant community sentiments is taken care of to win the heart of masses to cast their vote in favor of (News18 April 8, 2019)

All the anti-conversion legislations prohibit acts of conversion in the following terms: "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by inducement or by any fraudulent means, nor shall any person abet any such conversion". Legislation prohibition was supported by Hindu nationalist Bhartiya Janata Party (BJP) the Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP) collectively the "sanghparivar". Supporters of this legislation argue that these laws are proposed to ban conversions or attempted conversions that are effectuated by force, inducement or fraud. They argue that conversion at present is high and these laws are intended to criminalize such act of conversion. Therefore anti-conversion laws are presented to protect for the safeguards of religious freedom (centre 2008).

## **Differences of Russian and Indian Secularism**

### **4.8 Histories of secularism in Russia and India**

Russia has a history of strong state-church relation where both respect one another. There has been a depth of state-church cooperation without much intrusion in the internal affairs of both state and church. In relationship, the state seeks from church encouragement and prayers for the public prosperity where church seeks support from state to create a condition of love, peace and prosperity of citizens. In the 20<sup>th</sup> century, Russia has passed through three models of secularism. The first model was the integration model where church had been a part of the state. Second model is Pluralism but it was short-lived with the February revolution of 1917 and the third model is the separation model which Russia experienced during soviet period and the separation was very hostile and religion was somehow suppressed. The second phase of separation started after Soviet Union's collapse in the 1990s which is based on the western model of ideological pluralism, freedom of conscience and equality of all religions. Some way or the other, many countries experienced more than one of these models. The constitution of Russian Federation framed in 1993 addressed the relation between religion and with a number of provisions developed to give protection to all religions. Some of the important issues highlighted via articles are: Article 13(1) says, "Ideological diversity shall be recognized in the Russian Federation", and article 13 (2) says, "No ideology may be established as state or obligatory one". Article 13 (5) states that as the creation and activities of public association whose aims and actions are aimed at a forced change of the fundamental principles of the constitutional system and at violating the integrity of the Russian Federation, at undermining its security, at setting up armed units and at instigating social, racial, national and religious strife shall be prohibited. Article 14 states, "The Russian Federation is a secular state and no religion may be established as official state religion and religious association shall be separated from the state and shall be equal before the law". Article 15(4) states:

The universally recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.

Article 19 states:

State shall guarantee the quality of rights and freedom of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, and membership of public associations and also of other circumstances. All forms of human rights on social, racial, national, linguistic or religious grounds shall be banned (Miroshkova 2014).

As far as India is concerned, secularism has been the life's breath of the Indian politics and it can hardly be imagined politics of India in the san of secularism. Secularism term did not emerge in India like it was the case in Europe which was a result of struggle against the authority of the church. Secularism term emerged in Europe and since then carried within itself an atheistic trend and implied certainly a sort of indifference to religion and this has been further intensified due to increasing consumerism and materialism. But here in India religion has been at the central stage and thus secularism had never been considered as something negative and antagonism to religion. In India, the meaning of secularism stands for the philosophy of granting equal treatment to all religions including all regional faiths traditions. When Indian National Congress was formed, there was a fear that that secular character would be dubbed as Hindu party by non-Hindu parties. Keeping this in mind, an attempt was made to bring the character of the party as inclusive which was reflected in the appointment of three presidents from different communities, first Badruddin Tyebji a person from Muslim and W.C Banerjee a Christian and Dadabhai Naroji from Parsi Community. In this way, Congress got support from all these communities from the date of establishment. Even a religious person like Ulema who were struggling against British Rule appealed people to join Congress. So Indian secularism is more multi-religious than any struggle against any religious authority for that matter and this is how it reflects the inclusive character of secularism in India. Right after independence, the idea of secularism has been nurtured and developed a meaning like protection to all religions by state while state itself without adopting and promoting particular religion (Ali 2007).

India felt the need of adopting secularism to avert any untoward incidents and maintain tranquillity amongst all communities and at the same time, religious affairs are kept distant from influencing the government policies. In 1975, the constitution of India was amended and the secular term was inserted into it. The right to equality before the law was guaranteed to every Indian citizen. The state further ensures that there shall not have discrimination to citizens on the grounds of religion, race, caste, sex and place of birth. The Constitution guarantees the equality of opportunity in public employment



according to article 16. Article 17 says, “Practicing un-touchability in any form is made punishable”. Freedom of conscience and religion to all citizens is in article 25(1). Now from the judgement of KesvanandaBharti case, secularism has been declared as the basic feature of the constitution and it can’t be changed in any form. Yet secularism as such is not defined. So, India interprets this constitutional principle in two- ways, first ‘*dharma nirapekshata*’ and second is ‘*sarvadharmasamabhava*’. Former means neutral towards all religion and sarvadharmasamabhava is a state is to take all religion on the same level or ground. Both words are different from the western concept of secularism. Unlike western, India is a diverse country; partly there is no single ecclesiastical authority from which secular authority needs to be wrested. So the state is left with developing and defining concept and practices of the secular state (Rajagopalan 2003).

#### **4.9 Amendment of the constitution and its impact**

Though the country has adopted secular and democratic government and the constitution has been formed with Great Spirit to defend the rights of all individuals and conscience of the people but over a period of time, many changes came in theories and practices in government. Promises which had been made while framing constitution in 1993 have been violated. Curanovic argues that relation between church and state improved in many ways in the post-soviet collapsed. This relation was possible because both have interest to achieve. On one side state wanted to build up national identity and support from the public since church is one of the trusted institutions in Russia whereas, on the other hand, church wants to revive its lost identity during soviet government’s persecution. This started taking place from the late 1980s and it has continued since then. While the framed constitution declared to give protection to all religious and even non-religious rights, it was the orthodox Christianity who first who disagreed to it. Many religious groups were proselytizing one another and church had a great concern. So with the help of other traditional religions, church approached to state and sought protection for the traditional religions. 1997 new law was the result of it. It’s the Orthodox Church who benefited from all sides. In order to foster the national identity, church and state started using many religious symbols and have declared some national holidays such as on the date when Orthodoxy came in Russia and Christmas day. Furthermore, the state provides financial support to the church in many ways (Curanovic 2013).

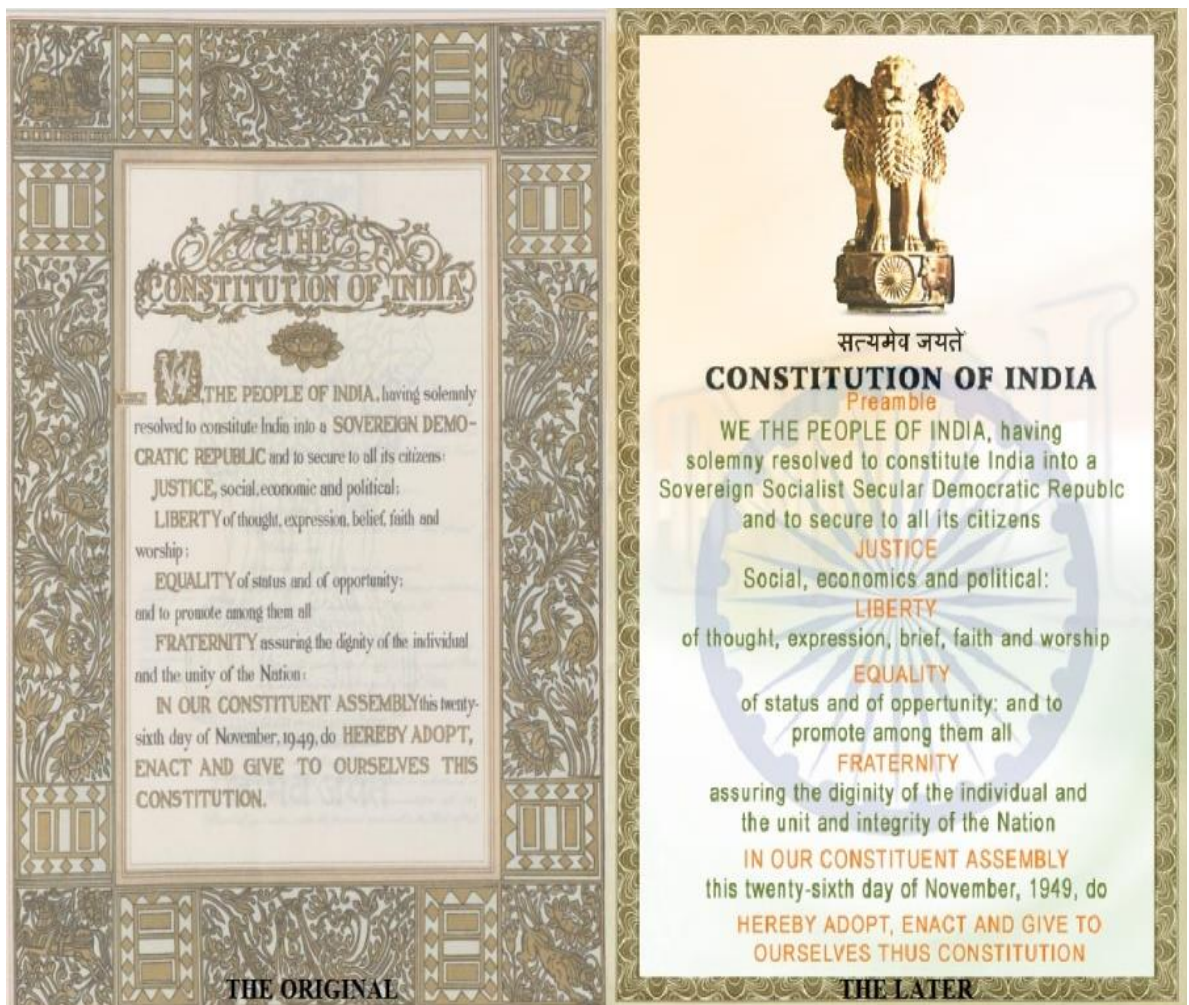
On the issue of how church and state relation are in depth, Baklinshi says that Russia banned the advertisement of abortion law and surrogacy on the on-going efforts to stem the country's declining population. It has been persistent demands from Orthodox Church and termed all these practices as "mutiny of God". Church has mobilized public in a larger way and asked people to inculcate the Orthodox's values such as caring family and human lives. Church even demanded on complete ban on abortion and revives the traditional family life (Baklinski 2013). Mackinnon has every reason to say that church and state have not much distinction now since especially in Putin era, church and state work together all the time and there is no difference. Putin who was known for liberal at the initial stage become conservative now and he takes help from church in need of time calling Russia has a historic civilization and imbibes all its values are an important part in the people of Russia. Church also supports him in number of ways. Though church did not accept quietly that Putin is someone like a son of God, yet Putin is fine with whatever status he has and working on. Other ways to see the depth of state relation with church is a ban on the advertisement of abortion, surrogacy, talking about gay rights and so on. From church side, Patriarch come out publicly on television and appeal not to protest against Putin and called his era is "miracle" for Russia (Mackinnon 2014).

On constitutional amendment and coming up the issues of traditional and non-traditional religion, Dubiansky cleared that this term traditional and non-traditional religions are vague and there is no clarity what they mean. In public discourse these words are used but have not been defined what exactly mean by these words (Dubiansky 2019).

During the British rule, many myths of the Hindu traditions began to lapse. Due to the interaction of the Indian with the British, the traditional character of the religious-based state had been faded away and as a result of which India ultimately geared up to build the secular character of the state after the independence. As India attained independence, framer of the constitution had a big responsibility of shaping the country and it was the general consensus to develop a secular nation but wisdom of practicing it was not left only in the hands of framer of the constitution but on the wisdom and nobility of the people in this free nation. Therefore having such deep understanding about and its implication, the term "secular" in first hand had not been inserted in the preamble which is the introductory of Indian constitution. However, the framer of the

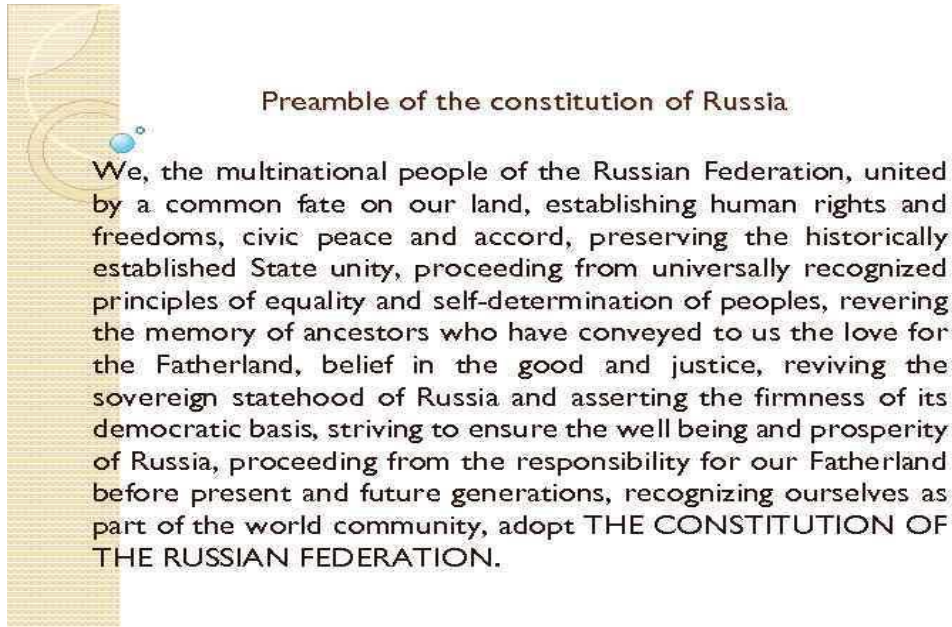
constitution had clarity in his mind that they meant secular state. Dr Ambedkar the father of the constitution said in 1951 in parliament, “it (secular state) does not mean that we shall not take into consideration the religious sentiments of the people. All that secular state means that this parliament shall not be competent to impose any particular religion upon the rest of the people. This is the only limitation that the constitution”. Formally the word, ‘secular’ has been added in the constitution of India following the constitutional amendment in 1976. Clarifying the stands on Indian secularism, M.V. Pylee says, “the concept of secular state envisaged by the constitution is that the state shall not make any discrimination whatsoever on the ground of religion or community against any person professing any particular form of religious faith”. There shall not have any religion as a state religion and no religion and no individual on the name of religion will receive any preferential treatment from the state. (Kumar 2006).

#### 4.10 Constitutional amendments and the status of the preambles



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Concept of secularism has been interpreted by Supreme Court from time to time. In the KeshvanandaBharti Case judgement, Supreme Court came up with the doctrine of “basic structure of the constitution” in 1973 and in S R Bommai judgement, Supreme Court declared “secularism” as the basic structure of the constitution (Malik 1998)



The constitution of Russian Federation the words, URL: <http://present5.com/the-constitution-of-russian-federation-the-words/>

As per the new laws of 1997, four religious organizations got the level of traditional religions and are fixed in the federal law “on freedom of conscience and religious association” which was adopted. When preamble of the country was presented, there have been two clauses which changed the spirit of the previous constitution drafted in 1993. The preamble of the Russian Federation reads like “the Federal Assembly of the Russian Federation... acknowledging the special role of Orthodox Christianity in the history of Russia, and in the establishment and development of its spiritual culture....respecting Christianity, Islam, Buddhism, Judaism and other religions, that comprise the inalienable part of the heritage of the Russian people, ...adopts the present law” (Kovalskaya 2013).

On the other hand, constitution of country strives for the commitment to “freedom of the conscience and religion. In other words, secular principles are taken into consideration and read like: “the Russian Federation is secular state. No religion shall be established as state or obligatory. Russian association shall be separated from the

state and shall be equal before the law” (article 14). “Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with others any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them” (article 28). Hence, the opinion of that society was taken into account by constitution which is interested in defence of secular ethos and gives respect and protection to the freedom of conscience and religions. However, at the same time clauses and law’s preambles are referring more to the religious organisations that presented in Russia’s territory for more than fifteen years reveals how the another part of society heading to disseminate new religious movements from the late 1990s. While all these changes are taking place, one can make some sense that there is a deep influence of Russian Orthodox Church in formulating and implementing the policies of the state. There was a statement too from a lawyer Anatolii Pchelinstse who was part of the working group on the law of 1997 that preamble of Russian Federation got changed in the personal intervention of Patriarch Alexii II the head of the Orthodox Church. In the letter which was texted by council of Bishops of the Orthodox Church to state Duma chairman Gennadii Selexnev in 1997 states like “particularly pitiful is that the present federal law ‘on the Freedom of Religion’ and the draft amendments to the law fail to acknowledge the fact that the Russian Orthodox Church over the course of a millennium has shaped the historic, spiritual and moral face of the Russian people and that the overwhelming majority of believers belong to this organisation”. One thing is very clear now how church forced the government to bring up with such laws in 1997. However the term “traditional religion” though is used by all has not been legally defined in the constitution and in any official documents. It’s merely a word which is used in the political discourse about religion in Russia. For instance, a meeting was held by Putin a Prime Minister of the Russian Federation on 12 February 2012 with Patriarch of Orthodox Church and other traditional religions. Apart from delegates from church, delegates from the council of muftis, the Russian Association of Islamic Consent the Russian Old Believer Church, the Catholic Bishops Conference, the Federation of the Jews Council of Russia, the Spiritual Board of Muslim, Buddhist traditional Sangha, Muslim Coordination Centre for the North Caucasus, the Russian Union of Evangelical Faith Christians, Armenian Apostolic Church, and many others also attended the meeting, but it was not clear how traditional religions were to be understood in the real sense (Kovalskaya 2013).

#### **4.11 Celebration of holydays as national official holidays**

One thing which may strike our mind for a moment is the way state officially celebrates some important days relating with the history of the Russian Orthodox Church as holidays. On 7 January Russia celebrates Christmas and there is a public holiday on this day. People who belong to Orthodoxy enjoy a lot. The reason for having a different date than on December 25 is that Russia claim to follow the Julian calendar (a traditional calendar). This Christmas day started celebrating from Yeltsin period and brought controversy from all sides but Russia remain strict to it and continued celebrating Christmas since then. Moreover, Russia celebrates Day of Baptism of Rus as a historic day. Again there is a public holiday on this day. This official holiday was declared on 30 May 2010 and first celebration took place on 28 July 2010, which was the 1020<sup>th</sup> anniversary of baptism of Rus. This day is celebrated with auspicious in a sense that Prince Vladimir was baptized and he adopted Christianity as state religion (Varganov 2010).

In the Russian Federation, there are number of official holidays where except Orthodox Christmas is celebrated on January 7 which is more to do with the Orthodox Christian, there are no other official holidays related to other religions. Criteria for the classification of festivals/holidays which are highlighted by Professor Anna are: First, attitude of religion, second, festival venues. Third, is social class structure, social roles and division of power. Fourth is an important moment in personal life. Fifth is season. Sixth is scale and importance. Seventh is repeatability, financing the event and form of organizing. Eighth is structure of the festival visitors and guests, theme and the last is the geographic situation and the historical situation of special events. On the basis of her lecture, it clearly depicts that there are number of official holidays including Easter day by Orthodox Christianity on January 7 apart from New year on December 31-Jan 1, Defender of the Fatherland Day, March 8 is International Women Day, on May 1-2 there is Labor Day, May 9 Victory Day, June 12 Russia Day and November 4 People's Unity Day and so on, but there is no official holiday all over Russia on the name of other religious communities and other communities have only one Easter Day and rest for their own auspicious days, they can take leave if they wish to celebrate. Even if there are holidays mentioned without specific dates, religious holidays are just mentioned to traditional religions (traditional religions mentioned in 1997 amendment act) as it has not been official holidays but religious holidays. So it raises the question

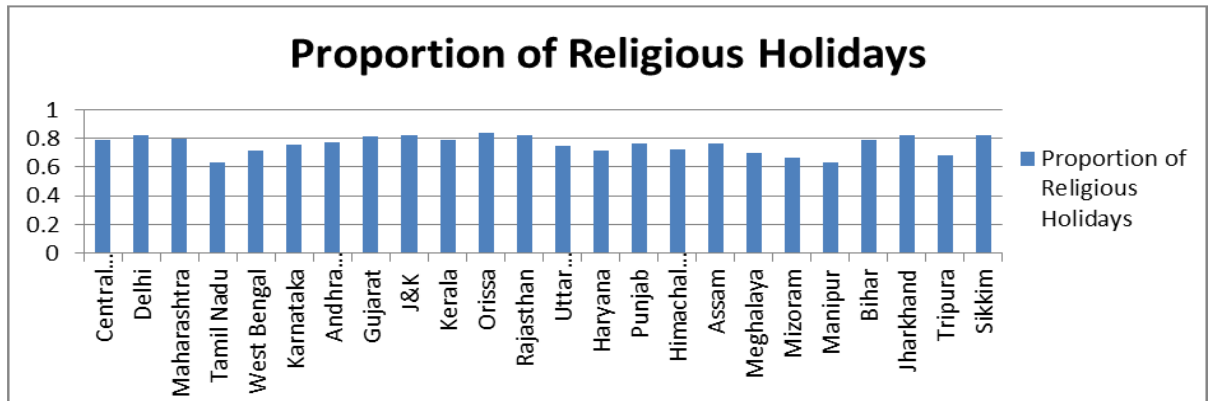
of how minorities or other communities are being treated and their rights are being recognized under the umbrella of secularism (Bochkovskaya 2018). In yet another article written by Anna, she raised the issue of controversies erupted on the celebration of secular holidays like “Victory Day” which some media wrote about it as ‘immortal Regiment’ and controversies are like it is called a first, “quasi-religious cult” secondly, it is called completely artificial organization, third is holiday full of aggression, fourth is mandatory patriotism, fifth is remembrance movement hijacked by politicians and the last one is a river of the pictures of dead from Russia’s sacred war’. Sometimes traditions on which holidays are celebrated claim to have long history turn out to be recent ones and in some cases, they are invented one. Some of the examples are, June 12: Russia Day (celebrated from 1992 to 2002 as the Day of Adoption of the Declaration of the National Sovereignty of the Russian Soviet Federal Socialist Republic and since 2002, Day is celebrated as Russia Day). November 4: People’s unity Day (proposed by the interreligious Council of Russia in September 2004 and officially introduced in 2005 as a substitute for November 7: ‘recoding’ the soviet calendar). November 7: New status since 2005 (this day is celebrated as a memorable date: Day of October Revolution of 1917). In short, it is clear that any Day is being celebrated and having holiday on these days is not purely based on traditions but some of them are invented (Bochkovskaya 2018).

In India, the case is very different and due importance has been given to all individuals and community to avoid non-alienating public culture. Constitution of India has given the right to each individual to observe their religious practices, and to minorities, rights are granted to establish their own educational institute. Educational institutions run by minorities may get funds from state if state desired. It’s not the constitutional obligation but somehow support can be lent to minorities to minorities schools. List of public holidays is listed by the government that provided due consideration to all religious communities. Minimum one day holiday is granted to all major festivals or events for each religious community and effort has been made to design national symbols (such as the flag and the national anthem) in a way that spares no any communities (Mahajan 2017)

There is an interesting finding of examining the proportion of religious holidays to total gazette holidays to know how secular state India is. The highest number of holidays is in Delhi and Tamil Nadu is having the least as per the table below mentioned. There is



less number of holidays in North-Eastern states; however, the reason being having highest and less number of holidays have a basis of religious-based diversity (Borate 2011)



(Neil 2011)

#### 4.12 Dominant communities support to particular parties

On the issue of secularism of Russia Federation, Knox beautifully explained how there is a connection between church and state. He asserts, “Orthodox Church is the powerful symbol of Russian statehood, tradition and culture”. Discussion is regularly held on the role of it in the past as well as in the present context. Politicians in Russia strongly feel that church is one of the strong allies and can’t ignore and as a result of it, patriarch of church and head of the states appear publicly and they share dais many instances from Yeltsin to Putin. On the other hand, church also has the interest to return to the Byzantine symphonic ideal, under which it envisage the double rule of the ecclesiastical authorities and the temporal both worked together in the equal footing and there is no issue of subordination of one another. These are the reason how the constitution is amended many instances and create a favorable environment to Orthodox Church. Some of the privileges church is enjoying are special status under 1997 ‘on freedom of conscience and Religious Association’, renovation of Moscow’s Cathedral of Christ the Savior, financial supports extended by state and state-church collaboration under Putin government speaks the volume of support church enjoys Here the question is on the issues of other communities rights. Their rights are in stake and all the issues country face are being interpreted from the window of church (Knox 2003).

In the case of India, there is a different case. Throughout election after election, there are good numbers of example where dominant party say Hindu community kept



shifting their support. 2014 general election has been an example of how people shift their support to parties on the basis of their performances. Indian National Congress Party which had been one of the dominating parties in the national politics in India managed to win only double digits and BharatiyaJanata Party (BJP) which had not been much there in national domain won an absolute majority under the leadership of Prime Minister Narendra Modi. Though caste and religious-based politics are reality of Indian politics yet the 2014 general election in which giving majority support to BJP after Indira Gandhi got once in 1980 are the explicit reflection of the dynamism of public preference and orientation in India (Vaishnav June 23, 2015).

#### **4.13 Legality of the preamble in both the countries**

Here the ambiguity is that first the term “traditional religion” which is commonly used in speeches and statements since then has not been mentioned in the preamble of the Federal Law. The status and role of religions (Christianity, Islam, Buddhism and Judaism) which have been singled out in preamble remained unclear. Moreover the “other religion” that is also specified has never been defined in the federal law. Preamble also has no legal importance and one can’t approach to the court. So in short, there is confusion on what all meant by the traditional and non-traditional religions in Russian Federation’s Law. (Kovalskaya 2013). Unlike America where the law is what judges say, Russia does not have judicial review. As once the law is enacted, judges cannot overrule or declare null and void or declare unconstitutional. Supreme Court of Russia has only legislative initiative and may submit its conclusion conceding the interpretation of laws. The view of the Supreme Court is always taken into consideration by lawmakers in Russia Federation (judicial review n.d.).

In the case of India, question has been raised whether preamble is an introductory part of the constitution or is it a part of the constitution and there have been number of judgments from the Supreme Court of India. First Berubari case came into being via which though highlighted the significance of the preamble but it categorically rejected that preamble is a part of constitution. In 1973, another judgment came into being in the name of KeshvanandaBharti case which reversed the earlier judgment and declared that preamble is the part of constitution. Moreover, it has also been cleared that since it has been a part of the constitution, it can also be amended like any other parts of constitution (Goyal 2014).

## **CHALLENGES**

### **4.14 Pressure of Dominant community in amending laws**

Papkova in his article argues that there has been a long demand from church in relation to state. Church had four major demands before state to fulfill. Four demands are like first is the introduction of chaplaincy in armed forces; second is admissibility of religious instruction in public schools (through the framework of “fundamentals of orthodox culture” course); third is restitution all properties including church which had been confiscated during Soviet period and restore the lost status in the Russian Federation and the last one is to enact a law which restricts foreign missionaries in order to maintain its long-time historical orthodoxy. In the last part of restricting of foreign missionaries to proselytizing public, church got success in it and “freedom of conscience” was revised in 1997 and restricted law was passed apart from facing criticism from all sides. In rest of the demands, state has a different stand and until now no major changes brought in constitution rather state maintained its secular character. However the situation started changing dramatically from 2008 in favor of the church’s rising political influence. Papkova also asserts that there are two key events took place in Russia. First is the presidential power has been transferred formally to his hand-picked Medvedev from Putin, second is unparalleled armed conflict in Georgia where for the first-time tanks of Russia were crossed from the border since the collapse of Soviet Union and one more important thing is changes in the Patriarch following the death of Aleksii II. Patriarch Krill informally started influencing over the administration on state. This is a moment where nature of church and state relation brought so closer which could-not be imagined during former Patriarch. During the period of Medvedev, federal state began now to give back all the pre-revolutionary ecclesiastical properties to the church and Russian Orthodox Church is perhaps going to be the largest landowner in Russian Federation which earlier Yeltsin and Putin were reluctant to do so (Papkova 2007).

Church has been safeguarded in number of ways constitutionally in secular democratic Russian Federation. Fulfilment one of the Orthodox Church’s demands of restricting foreign missionaries under new law of 1997 got church an upper hand to work on many issues including national identity was one of the most important parts in it. Though while demanding government to come with restrictive law, all traditional religions

(Buddhism, Islam, Judaism and Orthodox Christianity) on the name of preserving its own religions on the grounds of the role which played in shaping present Russia, yet the Orthodox Church gets special privileges. Pro-church policies endorsed to give major concessions which Krill predecessor have been trying to get such support from states for years. However, single most revealing recent development is that United Russia which is headed by Putin and Medvedev allowed Orthodox Church to review or comments and suggestion on the legislative pending bills in Duma. This consensus has been developed after the Patriarch and United Russia party held meetings. Although it was assured by deputies that church will not lead the circumstances which panic public at the same time Isayev offered that before Duma come up with any legislation, preliminary consultation from church will be taken in order to stay away from a mutual misapprehension Boris Nemtsov a former Deputy minister criticized this move saying this agreement deviates from the Russian constitution principles. They can hold discussion with whomsoever they like to but there is a constitution which separate religion and state and the present move of commenting on legislation procedure is the violation of constitution (Blitt 2010)

In 2013, Member of Parliament (MP) came in the support of a proposal to amend the constitution of Russian Federation and sought to set up Orthodox Christianity as a national constitution basis. MP Elena Mizulina who is recognized for the pro-life stance and conflict with the leaders of the LGBT community suggested amending the constitution of Russia and stressing exclusively on the role of the Russia Orthodox Church in the history of Russia and said that Christian values should be protected through amending constitution include preamble saying “Orthodox Christianity is the basis of the national and cultural originality of Russia Federation”. It got support from other participants who represent the majority caucus of United Russia and the communist party caucus. She was talking completely about reviving of traditional Christian values be it a family, banning on surrogacy and LGBT (Today November 24, 2013).

Here in India, Hindu religious groups headed by Rashtriya Swayamsevak Sangh and Vishwa Hindu Parishad organised rally or “Dharma Sabha” to demand the construction of Ram Mandir at Ayodhya. There are people from all walks of life reached at JantarMantar and they demanded to build Mandir soon. Many of them expressed anguish against the present government saying that they voted to BJP in 2014 election

because this party talked about building Temple there but in those four years this government has not taken any initiative for this issue. Though still claim to have faith in this government but warned that if any steps are not taken to construct building Mandir, then they may stop supporting this party (Ghosh December 9, 2018). One Hindu religious leader Sadhvi Saraswati said that ordinance should be passed to construct Ram Mandir at Ayodhya and it has been claimed that Hindus are being treated as an alien in their own land. She questioned why Hindu sentiments are being ignored and they are treated as alien. Though this Ayodhya Mandhir case is in Supreme Court and judgment is yet to come, but it provoke youths from the Hindu community to buy swords than spending money on buying expensive mobile phones (PTI December 15, 2018)

#### **4.15 Teaching in schools and its controversies**

The teaching of orthodoxy in public schools is also becoming reality in Russia Federation which any religious teachings had been completely banned during the soviet period. This new curriculum of teaching orthodoxy in public schools reflects Russia's continuing struggle to define what is meant by Russian or national identity and the question like what should be the role of religion in shaping Russian identity. There is criticism from other communities rejecting the notion of teaching orthodoxy in public schools. This protest against teaching reached at peak when the two noble literates also joined and sent a letter to Putin on growing clericalization of Russian society. But Orthodox Church were strict on saying that teaching orthodoxy is a cultural and not a religion and moreover teaching of it would not force any communities to learn rather it says that all communities should learn its own religious teaching. Putin generally not reluctant to overrule any local authorities but this time he skirted this issue. He said that he is keen that children learn all religion in general especially traditional religions according to 1997 laws. But he shares dais publicly with the patriarch of church and appears publicly though he said that Russia should find-out some common acceptable ground to the entire society. (Levy September 23, 2007)

In 2013, President Vladimir Putin signed a bill that creates new requirements for the public education system in Russia which includes mandatory to religion to be taught especially basic religious class. Public Radio international's the world stated that it has been for twenty years and expressed gratitude Orthodox Church for pushing this

demand though the teaching of religions in schools would be different from the model envisaged by church. Public in Russia which is composed of 70-80 percent of Orthodox Christianity followers is not happy with this new law. Natalia who is parent and orthodoxy said that religion is a private matter and it should be taught in family and continued in church. This is the reason secular ethics courses are taught with the aims of helping children and developing honesty and other qualities. (Bulletin February 2013).

In India, students those who are studying in schools and having affiliation with Central Board of Secondary Education which is popularly known by CBSE and Kendriya Vidyalayas (KVs) is likely to have to study Hindi language as a compulsory subject up to 10<sup>th</sup> standards with suggestions of a Parliamentary panel in this regard getting the presidential agreement. Ministry of Human Resource Development has been directed to work with the state government to consult and to make efforts to make Hindi language compulsory up to 10<sup>th</sup> standard. This suggestion has been made in the 9<sup>th</sup> report of the committee of parliament on official language. Last year three language formulas have been suggested by CBSE where apart from English, any other two languages can be added up (PTI 2017). However, this presidential order did not go well with many states where Hindi is not being taught as a subject especially in the South Indian States. Deputy leader of Trinamool Congress Saugata Roy says that this is an attempt to implement the BJP's majoritarian idea which is based on the slogan of, "Hindi, Hindu and Hindustan" and said, "The centre should have been more cautious before implementing the decision in non-Hindi speaking states". MK Stalin from Tamil Nadu DMK party says, "The centre has previously imposed Hindi on highway name-boards and newspaper advertisements. Even the teacher's day is called Guru Purnima. I warn the centre not to sow the seeds for another anti-Hindi agitation" (TNN April 20, 2017 ).

#### **4.16 Rise of dominant communities in Russia and India**

The relations among these "bearers of dominant values" in Russia, however, have sometimes been troubled. Historically, on the source of tension among the various confessions has been dominance of the Russian Orthodox Church as the prime religious authority. For several centuries the church remained the only legitimate religious institution that possessed the administrative tools needed to standardize, regulate and

represent popular religion. In this capacity, the church retained a special status as the backbone of the “Third Rome” mentality for most of the Tsarist era. In the post-Soviet era some scholars interpret the strengthening of the Church as the gradual establishment of a new national ideology a form of religious nationalism based on the hegemony of Russian Orthodox Values. As one of the Pussy Riot protesters assertively claimed, the Russian Orthodox Church intends to reclaim a monopoly power on talking about God in Russia (Bulat Akhmetkarimov 2017).

One more glaring part which should be highlighted here is that United Russia which is headed by Putin and Medvedev give space to the church to comment and suggest on the legislative acts pending in the Duma and this has been made possible after having a various meeting between the United Russia party and church. They can hold discussion with whomsoever they like to but there is a constitution which separate religion and state and the present move of commenting on legislation procedure is violation of the constitution (Blitt 2010).

The close relation between church-state is very explicit from the way state gives special treatment and privileges to church. Some of them are: firstly, there is a flashing Blue Light on Patriarch automobile. Under the 2006 decree of the government, fewer than one thousand cars belong to official are supposed to equipped with special flashing light, but Patriarch is not official yet he has this flashing blue light. Secondly, federal court marshals entered in a deal with church and state used church to mobilize the public on the importance of fulfilling the debt of state. What was done here is that church came-out publicly by appealing all the debtors to pay the debt and by stating that otherwise they will go to hell. State used church even to convey the message that unpaid debt is the same as theft in Christianity. It was for the first time that Russian Orthodox Church mixed up sermonizing with public policy. Thirdly, construction of the new summer residence near the Black Sea resort city of Gelendzhik commenced at the time of Aleksey. This becomes one of the issues in Russia. In 2003, it has been discovered by local residents that land granted to Russian Orthodox Church is situated on forestland protected land under Russia’s land code in 2001. As par the article 101, permission can be given only on the exceptional cases to anyone for use. But Russia Federation agreed to do so without caring about the environment issue and constitutionality (Blitt 2010).

Responding to the question on if church-state cooperation is supported by the public in Russia, Janvijay said that church and state relation is good and both are working together in many areas on the name of national identity and public don't have any opposition for it. This became imperative with the collapse of the Soviet Union because there had been a gap right after and this gap is being filled by church (Janvijay 2019).

Right after independence, the issue before the government was to build up the Somnath Temple. Government of that day headed by Pt. Nehru opposed funding it since religious issues is personal and no support should be supported to a particular religion but soon question raised on the credibility of Indian secularism as President of India agreed to join for the inauguration which was against the advice of the government. Second thing is that in 1980s communal politics started rising up and two major incidents took place. First is the case of Shah Bano where the government got the reverse of Supreme Court judgment and BJP got chance to allege congress tricks of appeasement politics of minorities. This brought the case of the Ram temple issue to be made a political plank. These two cases somehow undermine the secular notion of the state. Party which is in the power at centre and in many states become strong critic of secularism by asserting Hindu nation and western concept of secularism is not compatible to the ethos of India saying that the history of India is very different from western countries. RSS parent organization of BJP-VHP- ABVP etc. right from the beginning for Hindu Rashtra based on the Holy Scriptures. It is specifically this scripture Dr Ambedkar who was struggling for equality criticized it. Prime Minister of this country Modi said in 2014 election that, "I am a Hindu and I was born in a Hindu family, so I am a Hindu nationalist". And BJP believes in Hindu nationalism and it is creating confusion related to the Indian constitution. There have been many talks and speeches by union ministers expressing desires to amend constitution particularly the term "secularism". In 2017, Yogi Adityanath stated, "the word secularism is biggest lie in India" (Puniyani August 15, 2018).

#### **4.17 Dominant religious and its influence on foreign policy**

Relation of church and state in Russia not only become a matter of concern in the domestic policies but also in the formulation and execution of the foreign policy of Russian Federation which is against the ethos of secular constitution. Church like government actively takes concern of every international development and implication

not only in the neighboring countries which at one point had been under the USSR but also extended to all parts of the world. Patriarch of church in Russia enjoys the ear of Russian Foreign Ministry in formulating and influencing the foreign policies of Russia. Most of the efforts of Russia Orthodox Church managed through its department of external church relation (DECR) which main task is to maintain and promoting relation with local Orthodox Churches and non-Orthodox religious communities. In practices, this department functions as a foreign ministry which hosts ambassadors, travels extensively and interact with United Nation (UN), European Union (EU), and many other international organizations. The objectives of church policy are diverse like government's foreign policies (Blitt 2011).

Russia's National Security Concept (NSC) has gained attention because of its extraordinary stress on the need for "spiritual renewal" since 2000. NSC is of the view that Russia is facing a problem from dual threats. First internally there is a decline of spiritual values which leads to stress between regions to centre and the second thing is a threat from external in sense regions which support and incline more towards Russia culturally but facing problem from other cultural and religious expansion. In order to defend Russia from such threats, NSC called for the protection of spiritual, cultural and moral legacy in the government foreign policies to challenges the negative influence from other religious organization and missionaries. (Blitt 2011)

In 2008, Medvedev government released a revised National Security Strategy (NSS) proposed to replace the previous National Security Concept (NSC) which was formed by Putin in 2000. Analysts were of the opinion that it's nothing but a signal to opening the new stage of continuation of Putin's strategic vision. In 2009, ROC and United Russia expressed its desire to join this NSS to defend Russia from any internal and external threat and then to develop the model of modernization as par the value of Russia. So in other words, it is clear that Russia is promoting relation with church in the name of spirituality, cultural values, and historical role of it to develop a relation with other countries globally (Ibid).

The relation between church and state has a long history and both share concern about every issue domestically as well as globally. So ROC has a certain interest to cooperate state in various issues at the international sphere and executing the foreign policy of Russia. Patriarch Krill speaks on the religion and diplomacy at the Diplomatic



Academic by the Russian Ministry of Foreign Affairs since 2009 that there ought to have three directions of state-church cooperation in terms of foreign policy in Russia. First is to get back all the lost properties after the revolution of 1917. Second is to protect the rights of compatriots abroad including religious believers and the third and the last one is jointly working with state towards the protection of the multi-polar world. However, officially both claim to be independent and support the secular state proposed in the constitution. Yet church clears one thing that it can't work as opposition against the administration. Interestingly when an international issue comes up, both voice becomes one and work closely even church accepts to be used by state politically for the interest of the state. Such as the case of Iraq and Palestine, state could-not go and get updates because of the fact the Russia could be internationally criticized but it was church who went and collected a number of issues and has constantly criticized western military intervention especially after 9/11 and in the case of Palestine, church having a relation with Palestine and state with Israel could save Russia from international criticism. Moreover, Russia has been a big power in resolving the Palestine-Israel conflict (Petrenko july 2012).

Joseph S Nye coined the term "Soft Power" which includes a whole range of issues such as medical facilities, education, language learning, Diasporas, support for the electoral procedures and religions. States with the religious identity get in where it needs in their external engagements and even some countries began to forge regional grouping on this basis. Organization of Islamic Countries is one such example of regional groupings formed in the name of religion. To India, harnessing cultural linkages have been a popular aspects of soft power. India's first Prime Minister who is credited to lay the foundation of the foreign policy of India has not used religions to promote her foreign policy knowing the fact that India is a secular state. Present Prime Minister Narendra Modi stressed more on the cultural aspect of soft power in redefining India's foreign policy. Such as Yoga, Ayurveda, the Indian Diasporas and religion have come to acquire an important place in this regard. Hinduism and Buddhism have been used greatly to promote national interest in the Indo-Pacific region and the next neighbourhood. In Prime Minister's foreign itinerary, temples and monasteries visits come at the front. There are apparently conscious efforts informally at highest political levels that BJP and RSS an ally of BJP encourage Nepal the only other dominated country-to reacquire Hindu identity for its state. In the same way, Modi visits many

other Islamic countries, but Islam has not been made a tool to promote her foreign policy. For that matter, not only this government, but all successive government did not give much importance on Islam as a part of its foreign policy. The reason being why Islam is ignored and not used for promoting her foreign policy is that Islam is not homegrown religion and it is the religion of invaders. But the truth is that more India expand the horizon of using its foreign policy via adopting Islam too, India may win the heart of many and national interest may get promoted (Muni June 29, 2018).

Prime Minister of India Modi's visit in Nepal in May 2018 is being seen as using the Hindu religion as a way of connecting with Nepal. Prime Minister of India spent his two-day visit mostly at the southern part of Nepal, visiting and offering prayers at the major pilgrimage sites including Janaki temple, Mukinath Temple and Pashupatinath temples. Janakpur temple is considered as one of the holiest places as it is the birthplace of Sita (a wife of Lord Ram). In his address to the public, Prime Minister of India often reiterated the historical-cultural linkages between the two countries and stated that India has shifted its policy from a hard policy of blockages to the soft policy where the relation with the neighbours will be developed by highlighting religious and cultural linkages. He said that India wanted to develop and progress relation with Nepal using soft power such as religion and culture (Adhikari 13 May, 2018).

#### **4.18 Minority status and its challenges in Russia**

This is one of the biggest problems before all the religious communities in general and non-religious group in particular. This registration is to do at both local and federal levels and this has created difficulties to the religious group who had not been registered before this law. Majority of Religious organizations have been registered under constitutional court and the law of federal officials. But religious groups which have been in Russia for a long and were not registered before 1997 are facing problems. There are numbers of condition before them. Though constitutional court decision came in 2002 and cleared those active religious organizations who have registered before 1997 won't deprive of any registration problem but on the ground, situation has been improved. Especially at the local level, official deny register to the religious group and come up with a number of condition before it gets done. Moreover 1997 laws gives number of limitation like one should have been in the Russian Federation for 15years to get register, there should have 10 Russian citizens while applying for registration. If

some religious group wishes to apply for central religious organization, again they should have been in Russia for 15 years then can work on their wishes to be. One more thing is that if any religious groups who got a status of the religious organization can't use the term "Russia or Russian". The reason Russia court gives behind registration process is more of social security and prevent from act like rising of extremism. Though "traditional religion" status is granted to Buddhism, Islam, Judaism and Christianity and the special role of Orthodox Christianity was recognised in shaping the Russia culture, heritage and statehood under 1997 law, yet state develop more close relation with church and grant subsidies in many fields. Russia Orthodox church has also signed an agreement with government ministers on guiding principles, be it on public education, religious training to army personnel and enforcement of laws. (may 1,2008).

This new law of 1997 created three religious communities called religious group, religious organization and central religious organization and the status and privileges vary from one to another. It says that the group who is not registered can worship and disseminate its teaching to own followers but can't engage in any other things. Those who are registered are to re-register at the national and local level annually. Certain groups especially protestant churches and new religious organizations are reportedly asked by Ministry of Justice officials and ask them to give additional data like passport details, financial documents, personal addresses and information on its activities. These laws permit officials to get court cases. Sometimes this rule helps officials to ban the activities of certain religious activities which are the violation of Russian law. Even the religious organizations who registered before under the liberal law of 1990 law have been asked to re-register by 31 December 2000. They were required to register both in local and federal levels simultaneously which take times, efforts and legal expenses. Registration which has been applied at federal level get done by federal official and constitutional court but local administrative authorities sometimes delay or refused to execute these rulings(USCIRF Annual Report 2011-The Commission's Watch list: Russian Federation). This fifteen years of register and re-register process embarrassed many religious movements in Russian and they lodged complain in the constitutional court of the Russian Federation and claimed that these are the violation of the constitutional principles and against the freedom of conscience and religions but all these procedures continue even after (Bayov 2005).

20,200 religious communities have registered on 1 January 2001 in the Russian Federation out of which 479 groups had been registered for the central religious organization and 19,005 was done as parish congregation, 334 as monasteries, 264 as religious office and 479 of groups had been registered as the central religious organisation. Communities who registered in majority were Orthodox Church; its number is around 10,913 in all, Muslims were in 3,048, evangelical Christians were 1,323, Baptists were 975, Adventist 563, Old Believers were 278, Roman Catholic were 258, Jewish Communities were 197 and so on. Other small religious communities have also been registered and the examples are Jehovah (330) and Charismatic church congregation (51). There was no complaint from any communities regarding registrations at the federal and local level in Russian Federation but in practical it's plainly apparent that the federal Ministry of Justice has not been able to control local level departments which led to face abuses and discrimination during registration especially by religious minorities (Mcnamara 2002).

Another major problem which religious minorities are facing is the denial of visas to all religious missionaries. President Putin conceded in Kremlin while meeting the human rights commission on international Human Rights Day that there is a big gap between the constitutional guarantees and with the real-life opportunities in Russia but Putin apparently was not willing to bring changes and was stricter in upholding the rule of law in Russia. Denial of visas to the foreign religious missionaries started from November 1997 and it has continued since that year. This visa denial applies to almost all religious communities. There is estimation from the US Representative Chris Smith and US Senator Gordon Smith in late December 2002 who published an article in "Washington times" noted that undeniable adversity visas denial has been causing almost all religious communities. Some of the statistics are from 1997 to 2003; it includes 54 Protestants, 7 Catholics, 3 Mormons, 3 Buddhists, 15 Muslims and 2 Jehovah's witnesses. Moreover, it's not only about the issue of visas, but also reduction of visas extension from 12 to 3 months. The setting quotas for a number of foreign workers were also made complicated under the Russian Law which came into effect from 2002. Actually, it was the general practices to decide how many priests or any religious personnel are to be invited under the internal affairs administration but this has been tightened under this law. Apart from this when any missionary visits Russia, then they were monitored suspiciously if they were to be espionage of other countries.

Many religious groups are suspected as western spies in Russia. These are the reasons why visas are denied to foreign religious personnel (Elliot 2003).

Worshipping place like building and renting a room has been another difficult problem that large number of religious communities are facing particularly the religious communities who had been declared as non-traditional religion are at main target. There are number of instances that buildings of Catholics, Protestants have been confiscated by governmental officials. The Muslim community is also not free from this issue though they are declared to be a part of traditional religion yet they encountered complications to get permission officially to open and maintain the religious site (Mosques) especially in Moscow and other big cities. One of the recent examples is the city of Sochi where the 2014 Olympic Games were held which has Muslim population in large numbers and they requested government to open Mosque officially but it was continuously denied by authority (April 28, 2011). In Russia, one can pray or worship in a way one wish and even friend can also be invited, but in case if religion belongs to groups from disfavored religious minorities, they may face problems in public square. It's difficult that any land could be bought and rented for religious activities (Uzzell 2004).

Religious Hindu community which was legalized in 1988 is not experiencing religious liberty in Russia. There are a number of problem before it. Construction of temple and Gita which is considered as a sacred book of Hinduism in it was a big issue before it. Krishna community nightmare started in 2004 when its temple situated in Begovaya Street was destroyed to make high rise of construction under the urban development plan. A patch of land was offered to International Society for Krishna Consciousness (ISKCON) by the city government in Leningrad sky Prospect, but this agreement was dissolved following the protest of Russian Orthodox Church on the ground that it's a place where thousands of Muscovites were crushed to death during the coronation of Tsar Nicholas II in 1896. Then the government offered another plot of land but was again in vain when it was taken back from it. There is a report that ISKCON spent around 70 million rubles on it this time but the government withdrew its stand and withhold with it. In response to this, the Moscow Mayor's Office claimed that it was cancelled because there had been a mass protest by residents. This temple construction has been a big issue before Hindu community. Member of ISKON says that building up of temple is not a cultural one for them but it's a cultural value amongst Hindus

residing in Russian capital. The religious sacred book of Hinduism “Bhagavad Gita” was banned for a while on the allegation as extremist in nature and said this book inspire religious hatred. Russian Orthodox Church and Muslim particularly a major group call ISKCON a “totalitarian sect” and has nothing to do with mainstream Hinduism (Radyuhin 2013).

Banning on the translation of “Bhagavad Gita” issue was initiated by the state prosecutor in the Siberian city of Tomsk because it found this as “extremist”. This trail brought very negative attention from within and outside too. There was a protest and even Indian parliament was also closed and protested against the banning of Bhagavad Gita on the issue of extremism. Nevertheless, the ISKCON followers 15,000 living Indian in Moscow claim that majority religious group has proposed state to take up and ban on. This shows the level of religious intolerance in Russia. In the exclusive interview with CNN-IBN, Alexander Kadakin who was Ambassador of Russia to India said that government can’t influence the court, however, he accepted the fact that that there are some madness which must come to be an end. He said, “It’s not the Russian government who started the case but some pity people living in the beautiful city of Tomsk who initiated it. Government has nothing to apology for and government could intensify its reiteration of love and affection and highest esteem our nation has for Gita” (Times December 12, 2011). However, this case was dismissed by the Russian court. The lawyer Alexander Shakhov who represented the movement in tomsk commented on the decision of court by saying this decision reflects that Russia is becoming a democratic society (BBC December 28, 2011).

Russian Federation faces big challenges to deal with religious minorities and there are number of laws via which minorities are targeted and marginalized in many ways. Over past decades, Kremlin enacted laws and policies which not only restrict the freedom of religions but also targeted them. Extremism law which was enacted in 2002 and amended in 2007 is a glaring example of how religious communities are targeted particularly Muslim community in Russia. Though it applies to all the religious communities Muslims are especially targeted. In 2007, Russia banned on the Russian translation of 14 Koranic commentaries by Turkish theologian Said nursi. It happened or did on the ground of “extremism and exclusivity” and 15 of his readers stood for the trail on extremist charges related to ban materials. Five persons out of fifteen have been jailed for three years. There is a protest from Muftis saying that it’s a revival of

ideological control and it's not acceptable in the democratic society. There is a report that 65 Muslim texts have been banned which had been issued by "literally all Islamic publishes in Russia" (swett 2012).

On 4<sup>th</sup> February 2013, President of Russia Putin delivered his speech on the rising tension of minorities in Duma (parliament of Russia) and quoted,

In Russia live Russians. Any minorities from anywhere want to live in Russia, work and eat in Russia should speak Russian and should respect the Russian laws. If they prefer to Sharia law, then we advise them to go that places where this law is a state law. Russia doesn't need minorities but minorities need Russia, and we will not grant them any special privileges or try to change our law to fit their desires, no matter how loudly they yell 'discrimination'. We better learn from the suicides of America, England, and Holland, France if we are to survive as nation. The Russian custom and traditions are not compatible with the lack of culture or the primitive way of most minorities. When this honorable legislative body thinks of creating new laws, it should have in mind the national interest first, observing the minorities are not Russian (Bashu 2013).

There are many instances where Jews community were targeted and victimized of partial treatment in Russian Federation. Anti-Semitism remains a big issue and it's a well-known throughout the history of Russia be in Tsar Period or communism period and the present Russian Federation. A Russia stand on anti-Semitism is even in 2000 ambiguous while anti-Semitism remains consistent with the level report of 1999. This is a major concern to the Jews community living in Russia and there are two broad reasons how all these are taking place. First is present-day Russian anti-Semitism is deeply rooted in the language and ideology of soviet anti-Jewish campaign and Russian society is yet to come out from this remedy and the second one is officials who are working in the law enforcement in Russia who are not working enough to control and combat this anti-Semitic atrocities and there is a lack of coordination amongst politician and officials to fight against this anti-Semitism domestically. Though many attacks on Jewish religious places and community may have been remained unreported, there are eighteen major attacks on Jews which were reported from different corner of Russia. Cases on which Jews was attacked are the religious and ethnic basis. The number of incident cases like vandalism of Jewish cemeteries and hate crimes has reduced from 6 in 1999 to 2 in 2000. Personal harassment to the Jewish has been increased in 2000 and six cases have been reported to Anti-Defamation League (ADL 2000).

Jehovah is a religion not exactly a Christian but its offshoot is Christian and they believe in the bible which is the sacred book of Christian. In Russian Federation,

religious freedom has continuously deteriorated especially through official use of anti-extremism laws which target the peaceful religious groups and individuals. Jehovah is one of the examples of it. Apart from the new law in the freedom of conscience and religion in 1997, Law on extremism was enacted in 2002 and later on it was amended in 2007 which no longer need the threat or use of violence. Numbers of Jehovah's religious textbooks have been banned from public life (USCIRF 2012). Speaking on the ban of this sect of Christianity, Vanino said that this ban has been imposed because of the fact that this sect is quite aggressive and it hurts the sentiments of others. There is an instance where a child is dying in hospital but doctors are not allowed to get a donation of blood because it is considered something good. In this way, their approach was radical and this had to be banned which cause law and humane treatments (Vanino 2019).

Protestants of Russia increased its religious services in living rooms as their priests are not allowed to construct churches. Getting a visa is very to visit Russia is very rare for the foreign religious missionaries. Forum 18 new services regularly spread anti-protestants feelings through its various websites which has a based in Oslo (Norway). Protestantism is still growing in Russian even after systematic target to get from government and Orthodox Church (Brooke 2013).

Buddhism in Russia like any other religious minorities is facing number of problems. Some of the important instances are that in 2009, Russia declared to accept the chaplaincy in the Army with the intention of helping soldiers to boost morally to defend country. As of now, there are good numbers of chaplains from the Russian Orthodox Church. But, when the issues come up of chaplaincy from other religious communities, then there is almost no share from others. Muslim community is the second-largest community which has only two mullahs as chaplaincy. Buddhist community soldiers in Russia have a share of 18% but there is no chaplaincy till 2012 (Goble 2012). Now in 2013, there is news that one chaplaincy from the Buddhist community has been appointed however looking at the representation of chaplaincy, there is more to be done (Interfax 2013). In the case of visa too, Dalai Lama who is revered by 1.3 million populations in the Buddhist dominated region was supposed to visit this place but his visa was rejected by Kremlin following the Chinese-Russian trade relation which was improved in many ways. So, since 2004, he has not been able to visit Russia (Brooke July 12th 2011). Buddhist community has no temple in Moscow till now. However,



there is news of two Buddhist temples coming up soon. One is at Poklonnaya Gora “Bow-down Hill” war memorial park where constructions of building for worship for the soldiers from different communities are considered important to remember and respect to the sacrifice ones. Discussion on granting a place has been decided to the Buddhist community for it however it is yet to be finalized. President Putin recalled the contribution of the Buddhist community in protecting Russia in many ways. Another temple is in Otradnoye district. Both the temples are to be built on the expense of donation receive from the community. Buryatia, Kalmkia and Tuva a dominant Buddhist community practices Monastic life, prevalent and the Gelukpa school of Tibetan Buddhism remain the main forms of religion in Russia (Ahmed 2014).

Responding to the question of if minorities are treated differently in the post-soviet period, Janvijay said that there are certain things which should be noticed. Since the 1990s, it is estimated that churches were built in central Moscow from 70 churches in the late 1990s to 600 churches were constructed. This is not the same story with the other communities. It is said that there have been demands from other religious communities to granting space to construct sacred places but they have not been allowed so far. Only a few religious places from minorities can be found in the central Moscow (Janvijay 2019).

#### **4.19 Minority status and its challenges in India**

Mondal was of the view that there are three main problems being faced by minorities in India. These three problems are first, problems of identity. Second is the problem of security and third third one is problem of relating to equity. In the first one he says that because of the socio-cultural and historical backgrounds, minorities are facing the problem of identity which gives rise problem of adjustment with the majority community. In second point, he says that being a relatively small community, sense of insecurity prevails in the life of minorities. The situation becomes serious when the relation of minorities and majorities are getting worse. In the third point, he says that minorities may remain deprived of the benefit of opportunities for development as a result of discrimination. Because of these things, a sense of inequity is developed by minority communities. There are some problems so far as Muslim community is concerned. Though India is declared as a secular country but in practices questions are

raised on it and it is like conversion to Islam and Christianity has been a controversial issue over the last few decades (Mondal n.d.).

During the election 2014, the communal tensions between Hindus and Muslims have been escalated and there is a report of 30 percent incidents increased in 2014 as compared to 2012. The Central government's Ministry of Home Affairs reported 823 incidents of communal violence in 2013 in which 133 people are reported to have been killed and more than 2000 people were injured. One of the worst incidents happened embroiled has been in September 2013 in Muzafarnagar district in Uttar Pradesh in which minimum of 60 people were killed. The altercation that killed two Hindus and a Muslim led to this big riot. During those riots, there are reports of women being raped and people from Muslim community were compelled to flee from their homes. Moreover in the aftermath of this violence, the state government failed to give basic aid to the displaced and even forcefully compelled to shutdown many camps where affected people were staying. Those staying in camps were in deplorable situation and all were not well. In a Supreme Court judgment, the state government was held responsible and was asked to take necessary steps to restore normalcy and inculcate a sense of security by properly investigating and penalizing those who were involved in it (Sifton April 4, 2014).

India is diverse in religion and in other aspects and though 80 per cent of the people follow Hindu religion but there is coexistence of other religions enjoying all celebration of diversity. Regarding the concept of minority, this term though used in the constitution of India but has not been defined anywhere but the status of minority has been given to many groups. Article 29 and Article 30 deals with the minority status in India but issues with the religious minorities, ethnic, racial, linguistic are some of the problems which exists almost everywhere. Minorities are facing two main issues in India and they are: first is the issue of prejudice and discrimination and the second is conserving their distinct social and cultural life. Some of the problems faced by the minorities in India are- the first problem of granting protection. Quite often the requirement of the protection is felt by minorities particularly when communal tension, caste conflict, observance of festivals and religious functions on the mass scale and disputes erupt in any part of India, security is sought from government of India and state government. Those who are in power find it quite tough to give protections to all religious minorities. On many instances, state and central government were criticized

for its failure to give protection to the minorities. Some examples are: Rajiv Gandhi was badly criticized by many saying that his government has failed to give protections to the Sikh community when communal violence took place in country aftermath of Ms Indira Gandhi assassination in 1984. The second example is that Gujarat government has also been criticized for its failure in giving protection to the Muslim community when communal riots took place in 2002. In the same way, the government in Jammu and Kashmir has also been equally criticized for its failure in providing adequate security to minorities especially to Hindus and Sikhs from militants (Dua n.d.).

The problem of lack of representation in civil service and politics are there with minorities. Though constitutionally equal opportunities are given to all, still minorities fail to explore those opportunities. The third problem is the problem of separatism. On the basis of religious names, separatist elements rise up and fight against state for separate statehoods. First, in Kashmir in the name of Muslim extremists who are seeking separate statehood for Kashmir and in Christian extremists in Nagaland and Mizoram demanding separate statehoods. Supporters of such demands are causing lots of disturbance and creating chaos in law and order in respective states. Moreover though country claims to be secular, no political parties are honest with its promise of secularism and religious issues have been politicized for their electoral gains. In the same way, secular issues are order problems are provided religious colors and political parties' wait for the opportunity to communalize and politicize for their due benefits out of it. Lastly, there is a problem in introducing the common civil code. One of the failures of any government until now has been the failure of the implementation of the uniform civil code. Many communal riots took place in India, yet the good thing is that India succeeded to maintain the secular fabric since independence (Ibid).

The citizenship (Amendment) Bill, 2016 has created uproar almost in all part of India but specifically in the North-Eastern part which held frequent protest against this move. The purpose of the bill was to grant citizenship to those Hindus, Sikhs, Jain, Buddhists, Parsis and Christianity who face religious persecution or fear of persecution in home countries of Afghanistan, Pakistan and Bangladesh. This is the drastic move from the existing one where specific religions have not been mentioned in citizenship act of 1955. The controversy erupted in North East side as this bill has been passed from Lok Sabha because they believe that these states will have the burden of illegal migrants and opposition parties also targeted government of the day to exclude Muslim

community from this bill in a way, Nepal and Sri Lanka did (Das 16 January, 2019). The government move is being criticized from almost all walks of life including those who are allies of NDA government. It is being alleged especially by Assam that the burden of the illegal migrants shall burden to the already fragile state but centre government is ensuring not allow to happen and burden of these migrants from those countries shall be shared by all states (Online January 08, 2019).

Diversity and traditional ethos of India has been marred by hostility on religious lines and hate among caste and many Dalits and Adivasis have suffered centuries of exclusion, marginalization and repression in the hands of upper castes. In this way, secularism which has been the basic structure of the constitution of India enshrined in the constitution and recognition of pluralism is being undermined. Therefore in 2016, Pew Research Centre positioned India in the worst 10 countries out of 198 countries in terms of social and religious freedom. Illegal detention, torture, fake encounter killing of detainees to open assault against individuals, their sources of livelihood and in many cases their places of worship have been the violation of the human rights of religious minorities. There are more than hundreds of Muslims who have been apprehended on the charge of terrorism, they spent so much money before they are acquitted, laws have been made to ban religious conversion, prohibiting having and eating beef meat in many states and limiting the role of NGOs in response to the forced proselytizing. In this case, the state has used all ways to normalize abuses overtime and animosity from upper caste on the lower caste, Dalits and Adivasis extend to Muslims and Christians. The reason for the rise of religious conversion is the attitude of the upper caste treatment to the lower caste and in order to leave the inhuman treatment, they choose to change their religions. (Accountability 2017).

The US commission of international religious freedom (USCIRF) noted in a report titled “Constitutional and Legal Challenges Faced by Religious Minorities in India” that the violation of the religious freedom is on rise and the religious intolerance has been on rise. Authorities of India via repressive laws, freedom of expression and silence critics are controlled. Amnesty International says, “Human rights defenders and organizations continued to face harassment and intimidation.” It stated that communal violence has increased in the states like Uttar Pradesh, Bihar, Maharashtra, Karnataka and Gujarat in which BJP is in centre rule over. There are allegations that while reports of minority issues are propping up quite often now, law enforced agencies like police

do not take swift actions rather helps the accused to run away from being caught. In the name of terrorism, there is again an issue where minorities especially Muslims are targeted, apprehended on the suspicious basis get tortured in the custody and getting them bail is also difficult. Moreover, with the coming of BJP in power since 2014, communal violence multiplied, organized way of attacking Muslims and Dalits for having or taking beef or cattle have been risen and even there are instances where Muslims were forced to chant “Bharat Mata Ki Jai” and those who refused to chant were thrashed and beaten up. Other than these things, Love Jihad, GaarWapasi has been news for quite sometimes. There are number of organizations which attack a person from Muslim having a relation with Hindu girls. Under this GaarWapasi, Muslims and Christians were reported to be converted into Hindu religions saying that their ancestors were Hindus and those who are Muslims and Christians now have been converted into Hindu by RSS. In Sikh religion case, it is a known fact that more than 20000 Sikh had been killed in 1984 riots but justice to them is yet to be delivered. During the election campaign Mr.Modi promised to form SIT for a thorough investigation, but as he came in power, he did not take it seriously. SIT was formed but it is alleged to be not transparent and quite slow (Accountability 2017).

Speaking on the challenges on secularism of India, Rasool says during an interview that there are many challenges and some of the main challenges are first vote bank politics where religion is used to gain the votes on the name of religions, the second thing he said is literacy rate is still low because of which people are too prone to get misguided by others and the third challenge is an ineffective justice system where many crimes on the name of religions are carried on and judiciary failed to delivered timely justices and forth challenges are identity politics, opportunistic approach by politicians and criminalizing politics are few main challenges today secular nation is facing (Rasool 2019). Responding to the same question Ladol said that there is a threat to constitution of India. People are being provoked on the basis of religion and seeking votes. Moreover, there is an imposition of majoritarian culture going on over minorities in many ways (Ladol 2019)

## **Sum up**

This chapter especially gives a great insight into how two Asiatic countries despite having a different history and social compositions can be compared in many ways and attempt are made to give an alternative model to the western interpretation of secularism. In the first phase similarities of these two countries have been found in which interesting part is that both Russia and India is quite religiously diverse, having constitutions on the basis of secular character that too has spiritual interpretations of secularism. The most noticeable part is that these two countries not only grants and recognize the individual freedom of religions but also at the same time community rights have been recognized and protected. Religious educations are imparted in different religious educational institutes. In both the communities, minorities are looked at suspiciously by majority communities and the last but not the least is that dominant community supports a particular party.

While trying to comprehend the similar, attempt has been made on what grounds difference of both the countries are to be done. So first of all, the difference has been found on the ground of history, meaning and practice of secularism in both the countries. Second thing is that amendment of the constitution and its impact on the principle of secularism. The third one is the way preamble which is introductory of constitution was changed with the amendment of the constitutions where significant change we get to see is that in Russia, it has been declared to be secular when the new constitution was formed in 1993 but with time, it deviates from the secularity though constitutionally it is still secular. On the other hand, India being so cautious about the use of term secular in the constitution, every attempt has been made to make constitution secular but it took a long time to use the term 'secular' in the constitution and it was inserted in 1976 with the 42<sup>nd</sup> constitutional amendment. Even gradually by declaring secularism as the basic structure of the constitution via SR Bhommie judgment 1994, secular character of the constitution has been cemented. Another difference is that socio-religious composition and impact on decision making policies of government has been made and lastly celebration of national official holidays in both countries has been studied.

In the last phase of the chapter, challenges of the secularism in both countries were highlighted. Some of the important issues highlighted are that first is dominant

communities in both the countries are pressurizing leaders to amend the laws in their favour, the second issue is that religious teaching in schools and its challenges, third is the rise of dominant communities on the name of nationalism, morality and identity in Russia and India, the fourth one is that using dominant religious cards and influence on international affairs as part of foreign policy and lastly status of religious minorities have been widely discussed in which findings in both Russia and India are quite alarming and there is a need for every step to restore what these two countries stand for and give a sense of security to every citizen of both countries. In short it would be said that this chapter speaks the depths of how the idea of secularism can be nurtured in different gardens, having different colors but still in their own way than the one which is in the garden of western countries. However, the challenges would be to how to keep own home ground flowers to be blooming all the time by safeguarding it from all kinds of storms, rains and heats.

## CHAPTER FIVE

### Conclusion

In this chapter, brief accounts of what I have found in all four chapters are discussed and then questions and hypothesis that have been set during preparation of my synopsis has been testified. This comparative study of secularism in Russia and India is going to be interesting and timely needed one because of the fact that these two Asiatic interpretations are being challenged as it deviates from the western interpretation of secularism. So doing this comparative study, attempt has been made to find alternative model of secularism to the western countries. This is imperative at the time when countries of the world are confused about how religion is to be placed while claiming to be secular. So these two countries have lots to offer as remedy for state-religion relation. Now, let's have a brief introductory of how all four chapters have been contented with.

In the first chapter, origination and historicity of secularism has extensively been discussed. It is believed that the term secularism has an origination in Latin words "saeculum" which means a fixed period of time say hundred years. Christian Latin used this term saeculum to distinguish the divinely eternal god and the temporal era of the world. Gradually its meaning got changed to anything which has to do with the earthly affairs rather than the spiritual. After the era of enlightenment, the term gained additional meaning as thinker reasoned out that the earthly affairs should be separated from religious issue and kept away from church control. Two primary examples are the distancing of capitalist economy and democratic politics from religion in the 17<sup>th</sup> and 18<sup>th</sup> century and 19<sup>th</sup> century freethinkers considered more about the future ideal society which could be one thoroughly secular. The term 'Secularism' has been coined by British Writer George Holyoake in a well documented. He used the term secular with the intention of promoting social order separate from religion. The idea of secularism stands on three basic principles. These are principle of liberty, principle of equality and principle of neutrality or wall of separation. Western countries and United States of America are believed to be the one who developed this concept of secularism follow these three principles. But then when it comes to Russia and India, these countries have their own way of dealing with the concept of secularism. Russia stands on its unique



position when it comes to secularism because of its historicity. Russia society has been very religious and since 998 AD when Vladimir embraced Orthodox Christianity and declared Orthodoxy as a part of state religion, there had been little difference between state and religion. It is believed that if state is the body, then religion or church is soul of the state. There is a history of working both church and state together for the interest of the greater cause of Russia. Russia got many ups and downs in its history and with collapse of Soviet Union, religion is on surge. Russia under the constitution that framed in 1993, state is declared to be secular and no any particular preference shall be given to any particular religion or adopt any religion as official. But with the time, in 1997, constitution has been amended and unlimited freedom of religion has been made limited freedom of religion and this amendment has distinguished between traditional and non-traditional religions. In the next phase, secularism of India has been discussed in which three predominant school of thoughts have been discussed. First the Left-centrist idea of secularism has been highlighted in which Nehru interpretation of secularism has been discussed. Second school of thought is on the base of Gandhi philosophy where it says religion in public life and politics is important because it helps to spiritualize and maintain ethical life in all. Third school of thought is cultural nationalist who believe that the idea of secular propagated by Pt Nehru on the basis of Martin Luther and Marl Marx ideas hasn't touched the heart of Indian masses. Therefore this cultural nationalist group has a feeling that rights of Hindus on the name of secularism have been undermined. They succeeded to convince the people that the secularism we talk about in India is pacifist policy towards minorities. Therefore it is being suggested to amend the present notion of secularism and seek reinterpretations.

In the last, challenges any secular state faces have been highlighted. First challenge to any secular state is the scope of educating public. On one hand, state takes the role in educating people but at the same time religion strongly feel that education based on culture, identity and morality is something which religion to teach and inculcate those norms and values. Second challenges is the scope of freedom of expression where state comes up with anti-defamation laws and criminal laws but at the same time blasphemy law is something which religion decrees. So again on these scope of freedom is also quite challenging since something which is not defamatory to state can be defamatory to religion. So question is which one to prevail that is also when. Third challenge is the religious clothes at the public space. Sometimes state requires neutral identity but it is

taken by religion as suppression of their freedom of having any dress. Fourth challenges are displaying the religious symbol in public space. Examples are like flag, anthem etc and the question is how to reconcile those historical elements and symbol with the secular state. Fifth challenge is the labor laws and in non-discrimination policies applies to religious entities and organizations. These areas should be taken into account because religious related activities need lots of workforce including granting jobs in it and how justice is served to them by granting religious autonomy. Sixth challenges are that there are many religious conscientious objection before state regulation is at stake especially ethical dimension of behavior and lastly scope of secularism itself – neutrality which is construed as something fundamental to state is contested in many instances and limitation of this neutrality applies only to certain areas of human activity.

In the second chapter, constitutional legal provisions and practices of Russian secularism has been extensively discussed. Russia which today we see has a history of evolution as state when religion also evolved. It was the period of 998 AD when Prince Vladimir embraced Byzantine Orthodox Christianity and since then religion has been important part of the Russia. In the 1700 AD, when Peter the great came in power, he was very much influenced from Western countries. Religion which had gained patronage from state has been separated and made subordinate to state. Peter the great legacy has been continued by Catherine and she was also strict in separation of religion and state and importance to public had been given.

With time passed, though since peter, some kind of secularism existed in Russia, but relation between Church and Czars improved dramatically. So in the year of 1917, revolution took place in Russia and Czar was dethroned from power and political party which had been inspired from Karl Marx ideas formed government. This government formed by Bolshevik which has its own worldview about religion. Basically religion from state separated and secular approach was adopted but religions particularly church had been targeted badly. However it should not be forgotten that religion was used at different point of time when country was in crises. During Second World War, Stalin approached to church and took the support of church. Doing so, Russia saved from Second World War. Relation of church and state somehow improved during Stalin period but sooner as Stalin passed away and other leaders came in power, they continued to persecute religions badly and it lasted until Gorbachev came in power. As

he came in power, he publicly expressed his displeasure on the execution of religion during these Soviet periods. So he promised to grant freedom of religion via various reforms. At the last via perestroika, glasnost and democratization, reforms in political, economic, social and religion have been brought and restoration of lost freedom to religion have been started.

With the Soviet Union collapsed following the reforms, principle on democratic government was formed and religious freedom has been ensured. There are some important provisions in the constitution which reflects secular state. First, Constitution was finally drafted in 1993 and guaranteed to the rights and freedom of the conscience of people. Some of the important articles in constitution were: Article 14 of the Russian Federation proclaims that country adopts secular approach and no special treatment to any religion is given and all communities are equal before law. Article 28 says that everyone is guaranteed the freedom of conscience, freedom of religious worship including the right to profess, individually or jointly with others, any religion or profess no religion, to freely choose, possess and disseminate religious or other belief and to act in conformity with them. Article 80 states it's a constitutional duty of president to serve as a guarantor of the constitution and of the rights of the man and citizen. However, question arise on the nature and objectives of 1997 constitutional amendment which grants special privileges to Orthodox Church even from the declared traditional religions and the non-traditional religious rights are in stake and they are made mandatory to fulfill number of criteria to survive in Russia as a religious organization

There are federal laws which explicitly declare Russia as a secular state. Example is article 1 says that federal law regulates legal relationships in the field of human rights and the rights of every citizen to the freedom of conscience and faith as well as the legal status of religious association. Article 2 says that laws on the freedom of conscience, faith and religious association. Article 3 says the right to the freedom of conscience and faith, Article 4 is about the state and religious associations. Article 5 is about religious education, article 6 is about religious associations, Article 7 is about religious group, article 8 is about religious organization, article 9 is about setting up religious organizations, article 10 is about the charter of religious organization and article 11 is about registration of religious organizations with state authorities and so on and so forth.

After highlighting in what ways Russia is secular state, there are some challenges to the secular Russian Federation. First challenge is that church and state relations are getting closer year by year. Amendment to the constitution has been brought in and somehow the unlimited freedom of religion has successfully been made limited freedom of religion via 1997 constitutional amendment. Second thing is that right after this 1997 constitutional amendment, the distinction which had been created on the name of traditional and non-traditional religions is creating problems to religious community especially to the non-traditional religions. First four religions (Orthodox Church, Buddhism, Judaism and Islam) which have been declared traditional religion on the name of history and their role played in shaping the Russia as nation find some benefits but those who are declared non-traditional is facing problems. Second challenges are that anti Semitism and anti Muslim in particular and growing suspicious attitude towards minorities in general is going on. Minorities are considered as soul hunter in Russia. Above all according to Constitutional Amendment of 1997, registration has been made compulsory, conditions are many to non-traditional religions and other religious groups, and informally church is getting state support from state greatly.

In the third chapter, detail account of constitutional legal provision and practice of secularism in India have been discussed. In the initial stages, historicity of Indian model of secularism has been highlighted in which attempt has been made how Indian secularism is quite rich and distinctive that earn different position in the world. It is said that history of Indian secularism starts from Charvaka, Buddhism and Jainism which rejects superstitious, dogmas and rituals. Since then secular state has been flourished in India.

Ashoka from where history of secular India starts treated every subject equally and these practices get reflected from Ashoka pillar 7<sup>th</sup> and 12<sup>th</sup>. In the same way, Akbar the great was also the secular ruler. Ibadatkhaneh, Sulh-ikul and Din-i-illahi are the examples in what ways this religiously diverse country has been administered. Moreover, Shivaji has been another king of Maratha who had secular approach in India. Though he fought against Mughal, yet he didn't discriminate any Muslim on the ground of religion. Equal status had been given to all subjects. With the Mughal Empire started declining, British controlled India. British ruled over India for almost three centuries. Division of people (divide and rule) on the name of religion had been done badly in order to rule over India for longer time.

Country attained independence on 15<sup>th</sup> August 1947 after a long struggle from all walks of life however with no happy ending since country got divided into India and Pakistan on the name of religion. Pakistan was created on the name of Sunni version of Islam a homeland for Muslim, but India has been very cautious and determined to adopt parliamentary democratic government where religions from all walks of life to be respected and protected. So, with independence, India adopted constitution which contained the character of the secular state. Number of provisions reflects the secular character of the state. In 1976, constitutional amendment has been made and term like 'secular, socialist and integrity' has been added up in the constitution of India. The worth noticing part of constitution of India is that minority rights are highlighted and protections to them have been granted via various provisions.

It's been 70years since independence, India has succeeded to maintain its secular character of the constitution and polity however country has not been free from challenges and unfortunate incidents. There are challenges to the secular India. Minority of this country is feeling insecure. State failed many instances to prevent cases and deliver justices to minorities. Cases like Gujarat riots happened in 2002 in which more than 2000 Muslims had been killed, Sikh massacre took place in the heart of India (Delhi) in 1984 in which again more than 2000 Sikhs had been killed and in 2013 Muzaffarnagar violence took place where many Muslims killed and many were displaced from that place. So again in delivering justice, its taking so much time and allegations is also that rather than culprits book for those riots, government of different times provides protections to them. Moreover discrimination on the basis of religions is also not new thing in India. People are being targeted on the name of religions. Public space for religious confession is getting shortened. One example is that news is coming up from different corner that girl with hijab was not allowed to enter in UGC NET entrance examinations. Another challenge to the secularism of India rise of political parties on the name of religion like All India Majlis-e-Ittehadul Muslimeen headed by Asaduddin Owaisi is also dangerous because votes are demanded from public on the name of religions. In the same way, though Bhartiya Janata Party is not the religious political party but appealing public for vote on the name of religion is not less and Congress who claim to be secular too play pacifist policy to minorities many instances. Challenges are many but one most important is that the inclusive attitude of India is changing with the phenomenon of cultural, religious or linguistic superiority of one

over others have been sadly predominant in India. The status of adjustment of different religions and races are fading away and competing different communities and attempt to form country with the homogeneous religion. The idea of one religion, one language and one nation which is propping up is wounding the Indian secularism and this is for which India does not stand.

In the last fourth chapter, it is about Comparison of Russian and Indian secularism: Alternative model to western interpretation. This chapter first found the grounds of similarities in Russia and India how both these two countries have socio-religious composition on the basis of which distinctive character of secularism have been developed. In the second phase, comparison of theories and understanding of secularism in Russia and India have been done. This has been imperative because though similarities are in many ways, yet understanding and practice of secularism differ in many ways because of the fact that history, experience and influence from other different countries matters. In the last phase, challenges of secularism in both the countries have been elaborated in detail. These two Asiatic countries have distinctive, accommodative and inclusive character of secularism and most importantly ethical perspectives have been taken care of. However, Russia and India theory and practice of secularism is not free from flaws. Challenges to secularism have been highlighted and every significant issue has been incorporated into this chapter.

### **Research Questions**

Now, questions which have been set during preparation of synopsis are answered in the following lines and as these get done, then hypothesis which is central part in any research are also discussed and tested.

Q1. To what extent is the model of secularism in Russia and India inclusive and accommodative in character?

Russia and India model of secularism is inclusive and accommodative because of the fact that these two countries have wide meaning and scope of secularism beyond western interpretation of secularism. In western countries, secularism first means to give liberty and equality to individuals and principle of neutrality (wall of separation) is considered to be strictly practiced. There is not having any business between religion and state. Religion is considered as set of ideology than set of faiths. So, state does not

wish to interfere in the work of religion vice versa. Moreover, western interpretation of secularism does not recognize the rights of community and ethical dimension. But when it comes to these Eastern Russia and India interpretation of secularism, the meaning of secularism is vast. First both these countries talk about the liberty and equality of individual in a way western countries do but in the principle of neutrality, this two countries do not strictly follow this and these two countries not only have negative interpretation of secularism but at the same time positive interpretation of secularism where state may lend support to religions in many ways. Second thing is that Russia and India model of secularism not only talks about the individual rights but also recognize the community rights and various provisions have been developed to ensure freedom and equality on the basis of community. Third is that these two countries take interest deeply in the spiritual interpretation of secularism. Not only negative but positive interpretations of secularism where state extends support to the religious community and moreover legislation acts are enacted in order to avoid inter-religious and intra religious domination.

Q2. What is the role of religions particularly dominant religions in influencing the concept of secularism in Russia?

Russia has its own history when it comes to role of religion particularly dominant one Orthodox Church in defining secularism. When we look back at its history, then church and nation in Russia evolved together and there had been almost inseparable relation in the history but then Kings like Peter the Great did bring lot of changes in which church has been subordinated to state and state had a greater say in it. This trend continued during Catherine and even up to revolution broke out in Russia in 1917. Aftermath of revolution, relation between church and state changed drastically. Though promises had been made to maintain distance between state and religion but religions particularly church had been targeted badly and priests of all religions were tortured, killed and religious places were destroyed. Situation was very tough even for the survival of the religions. The interesting part is that religion was used when state was in crises for example World War Second. With the collapse of the Soviet Union, situation changed and freedom of religions has been ensured. In 1993 constitution was framed and constitution declared Russia to be secular state. During that time, religious institutions

particularly church had been in dilapidated and there was the need of state support in renovating the lost churches and other religious things. So, in 1996 election was held and Boris Yeltsin was declared winner and he was strongly supported by church. Right after the victory, Yeltsin was pressurized to create friendly environment to church and as a result of it, constitutional amendment of 1997 took place. Under this amendment, Russia which provided unlimited freedom of religion has been changed to limited freedom of religion. Since the Russian Federation came into being, church and state relation have improved a lot. There is interest of from both sides in improving relation since state wants law and order to maintain whereas church wants to restore the lost glory of Byzantine period while working under the constitution of Russia

Q3. How government in India engages with religions while upholding the constitutional recognition of secularism?

India which is another Asiatic country has her own way of understanding and dealing with the idea of secularism. It has a history of secular state being one of the diverse. It is believed that the origin of Indian secularism starts with Charvaka, Jainism and Buddhism and later on kings like Ashoka the Great, Akbar the Great and Shivaji had practiced secularism. According to them secular means while upholding own faiths, freedom is to be granted to other religious faiths equally. No subjects during those times were discriminated on the name of religions. So while India was under the Mughal rule, British ruled over India for almost three centuries and religion had been used to divide people and rule over. In 1947, India got independence with no good ending as country got partitioned on the name of religion. However India we have today framed constitution ensured that state is secular and no any official religion to be adopted. On the eyes of law, people from all walks of life are treated equally especially special protection has been granted to minorities via various provisions.

Q4. In what ways minorities in both the countries are enjoying their rights and have protections constitutionally?

Noticing part of Russia and India model of secularism is that while individual rights are granted and protected, community rights are also recognized and granted. In this context, first in Russia, minorities are constitutionally enjoying rights but in limited way. With the constitution came in to force in 1993, there had been unlimited freedom to the religious communities were there. Especially situation was quite favorable to the



minorities but with the time, dominant community Orthodox Church is said to have pressurized state to amend unlimited freedom of religion. So, in 1997 constitutional amendment took place where four religions 'Orthodox Church, Islam, Buddhism and Judaism' have been declared as traditional religion on the basis of historical role played in building Russia as nation. But then non-traditional religions are facing different treatment. Those who are religious organizations, they are entitled to get tax benefits and many but those who are just religious groups, then they find hard to survive. On the other hand, in India, story is quite different minorities are enjoying rights constitutionally. All religious communities are allowed to practice, profess and propagate religions. There are number of provisions in the constitution of India especially article 29 and article 30 is exclusively for the minority rights. Minorities get various supports and benefits from state.

Q5. What are the factors in Russia for developing cooperative model of secularism?

There are many factors that developed cooperative model of secularism in Russia. First Russia has a long history of church and state evolution together since 10<sup>th</sup> century AD. During that time, Kiev which is the capital of Ukraine had been the capital of Russia and since then Orthodoxy became a part and parcel of the Russia. It continued till 1700 AD and in 1700 AD, Peter the Great came in power and since he was the man very much influenced from western countries adopted secular state in which church had been subordinated to state and secular education had been imparted to public. This legacy continued when Catherine came in power right after him. This secular character though persisted, yet right after her, Czars who came in power extended their interest and support to church until 1917 Russian Revolution. Survival of the religion was very tough during this Soviet Period and persecutions of religions were at peak. But soon after the collapse of Soviet Union, religious freedom has been restored. Constitution of 1993 granted freedom of religion and secular state was adopted in which religion and state relation got separated. But it is being said that crime against people and spreading of various disease prevailed because of the absence of religion role in public. So in 1997, constitution has been amended that religions are allowed to play a role in the lives of public in order to give direction to the people. Politicians too in Russia have a deep realization that religion particularly church is an important ally of state and during

election, church is also used to mobilize public to support for the particular political parties (presently Putin enjoys the support of church during and aftermath of elections). In this way, this cooperative model of secularism have been developed in Russia for maintain ethics of the society intact.

Q6. What are the areas of comparing Russia and India model of secularism that gives different interpretation?

It is quite interesting to compare Russia and India model of secularism since meaning and scope is broad via which comparison is going to give another alternative model to the western interpretation. So, first comparison is on the basis of similarities be made. First both countries are quite diverse in socio-religious compositions and second thing is that both countries framed constitution and declared state is the secular state. Thirdly, scope of secularism of these two countries is vast as spiritual interpretations of the secularism are in practice which is beyond western institutional interpretation. Fourthly, these countries not only having negative interpretation of secularism but at the same time positive interpretation of secularism is propagated where state goes forward and environment is created to experience equal among all religious communities especially special protections to the minorities are given.

Now the comparison is on the ground of differences Firstly, while Russia used secular term in the constitution but with the constitutional amendment of 1997, many questions arise than simple answer Russia might be looking for, whereas India was hesitant at initial stage to use secular term in the constitution, but by adding in constitution via 42<sup>nd</sup> Constitutional Amendment 1976, India secularism become much stronger. Secondly, Russia has been historically inconsistent with the idea of secularism. First church and state was working together until Peter the great came in power. He developed institutional interpretation of secularism till revolution broke out. During Soviet period, again Russia stood at unique position where state separated religions from state but at the same time execution of religions were at high and survival was tough. With the collapse of Soviet, relation between church and state improved though state is declared to be secular. But India had been somehow consistent with spiritual interpretation of secularism from Ashoka the Great to Akbar the Great and in the post independence. Third comparison is the composition of dominant religious community. In Russia Orthodox Church is the organized religion but in case of India Hindu religion

is not that much organized and it has hierarchies. Forth is through constitutional amendment in Russia, religious communities have been divided into two camps on the name of traditional and nontraditional whereas India cement the idea of secularism more by inserting 'secular' in the constitution of India and equal treatment is given to all religions.

### **Hypotheses**

- Guaranteeing community rights while ensuring individual rights in condition of the diverse socio-religious composition of Russia and India resulted in the emergence of alternative model of secularism

Russia and India is quite diverse in terms of socio-religious ways and these countries began to nurture things in their own way to serve their purposes. Though the term secularism has been borrowed from western countries but these two countries have their own contents because of their social compositions. The content of secularism of these countries is something more than western interpretation. There are number of grounds Russia and India cannot replicate the western model of secularism and these two countries have more than western interpretation secularism.

First thing is the term secularism has its origination from western countries and it is the product of the clash between church and state. There had been domination of papacy and state over people in western countries so much. Notion of individuality was almost absent. So people from all walks of life started thinking and questioning about the social structure and the role of church into it. The era people started questioning and coming up with new ideas is called renaissance. This renaissance period gave a way to the western countries to have new social structure where temporal world and divinely world got separated. So the situation was like religion as a set of ideology has been kept distance from the activities of the state. The separation of state and church or religion has negative interpretation where religion does not have any role in the activities of state and cannot interfere in the activities of the state vice-versa. Having such so, western interpretation of secularism is more of the institutional and ideological in concept. Moreover, western model of secularism talks only about the individual rights and not about community rights because of the fact that when idea of secularism was taking shape in western countries, almost all western countries had been homogenous Christian countries and the issue was about church verses state. So community rights

issue has not risen up during those days. So, the western notion of secularism stands on three basic principles. First is Principle of liberty second is principle of equality and third one is principle of neutrality or wall of separation are there. Here it implies that state ensures individual liberty and equality to the citizens in western countries and religion has no role to play in the public institution.

Here in Russia and India, story is different and western model cannot be copied. First reason is that these two countries did not have a history of major clash between religion and state which was the root of emerging western countries secular. Rather there are stories of religious reforms with or without the support of state in Russia and India. Here in these two Asiatic countries, religion is not considered antagonistic or negative rather it has been the central stage in the lives of almost all people. Moreover, historically these two countries did not have homogenous rather these two countries have been full of diverse in social and religious compositions. The challenge of accommodating all these diverse religious groups have been turned in opportunity when rulers of these two countries started granting equal treatment and protections to all religious group. So, Russian and Indian secularism has different approach in understanding and practicing. It goes like

Russia and India secularism stands on broad meaning and scope even in three basic principles of liberty, equality and neutrality. First principle of liberty means not only individual liberty but it is also community rights especially minority rights are granted and protected. Principle of equality means not only about the principle of equality of individuals but also about equality of community rights. Moreover, principle of neutrality or wall of separation is where the Russia and India secularism is different from western model of secularism. These two countries have not only negative interpretation of secularism but also having positive interpretation of secularism in a sense that there is no clear cut separation of religion and state. There are many areas where religion and state works together while state is not adopting any particular religion as official and equal treatment to all religion is given to all. While working together, ethical dimensions of the public is equally taken care of and space for religions are given to inculcate moral values to citizens. In other words, these two Asiatic interpretations are not the product of the clash between religion or church and state, second thing is reforms in religions have been brought with or without the support of state in these two countries and third thing is these two countries have spiritual

interpretation of secularism over institutional or ideological interpretation propagated by western countries. Moreover, granting community rights and distanced principles earned distinct and sustainable secularism. These are the grounds where Russia and India grants an alternative model of secularism which is more than western model of secularism.

- The dominant religions in both Russia and India are becoming more assertive by combining religious ideology with issues of morality, nationalism and identity resulting in greater role of religion in politics.

In Russia, the dominant religious community is Orthodox Christian which consists of approximately 80% Russian populations with Muslim population composed of second largest minority and others religious minorities. In the similar way, there is Hindu religious community which composes of 80-85% population of India with Muslim population composed of second largest minority and others religious minorities. In both the countries, there is a long history of having these dominant religions existed and had become an integral part of respective countries while minorities still exist for a long time.

With the collapse of Soviet Union, Russian Federation adopted the constitution in 1993 and it is declared to be secular. It means there shall have freedom of religions to all religious communities and even to those who do not believe in religion but at the same time relation with state has been separated. Various provisions have been made in the constitution to ensure the freedom of religion in Russia. However, with the passage of time, it is said that crime against citizens of Russia rose up, HIV/AIDS have been spreading amongst people or unethical works exploded all around Russia and law and order got weakened. Moreover situation was like different religious denominations from different parts of the world were landing in Russia and proselytizing Orthodox religious community in particular and other religions in general into other religions. Indigenous religions particularly Orthodox Church got alerted from this religious conversion. So, Orthodox Church by taking the support of Muslim, Buddhism and Judaism approached the head of the state President Yeltsin and pressurized to create favorable situation. Patriarch of church expressed these issues and asked president Yeltsin to amend the constitution. Church basically was not happy with the constitution framed in 1993 and had wishes Orthodoxy to be declared to be integral part of Russia

Federation constitutionally, however church waited for the best time to do it. So until Yeltsin came in power in 1996, nothing much was demanded and even during election campaign, Patriarch of church enthusiastically campaigned and appealed people to vote Yeltsin over other political parties. In 1997, constitution was amended and unlimited freedom of religion has been amended and reduced to limited freedom of religion. First reason how this amendment happened was to restore morality of the people, restore law and order and maintain social fabric amicably. Second thing is church of Russia believes itself as something to do with the identity of Russia when state was passing through such crises. With the collapse of Soviet Union, Russia did not have new identity like any other republics, so, for the identity development, church exerted pressure to state in favor of church. Now identity of Russian Federation in many ways is being identified with Russian Orthodoxy. Third reason is that since Russia has a long history of evolving both religions and state together, then idea of nationalism issue also come. In certain protests, slogans like “if you are orthodox, you are Russian” are echoed in the streets of Russia. Interesting part to know is that state recognizes church as important ally and church is revered in many ways. State takes the help of church to restore and maintain the law and order in the Russia whereas church takes this opportunity in restoring the lost glory and want to replicate symphonic relations in different way. Church wants to promote good relation with state but without amending the word secular from constitution in order to avoid criticism from internals and externals. In other words, role of church and its assertiveness on many issues have been multiplied especially with the Putin came in power and almost in all sectors and departments, like defense, education, legislating acts, family issues, economics and even politically from church supporting to United Russia Party in all fields like campaign for the Putin during election time in formulating foreign policy of Russian Federation. So, on the name of identity, morality and nationalism, church succeeded to create favorable environment to Orthodox Christians. At the same time, space and freedom of the minorities are shrinking with the emergence of ethnic based identity and nationalism. These issues are being questioned on the ground of if dominant religion in Russia is taking control over almost every issue and undermining secular state.

In India, with the Independence, constitution has been framed on the basis of secular ethos. Number of provisions have been made to ensure that every version of religion to be able to practice in independent India and flourished under the secular country and

specifically minority rights have been taken care of. Until Pandit Jawaharlal Nehru was alive, no any religious organizations were allowed to come up in big way for political gain because despite knowing the sensitivity of people in religious issues, he was conscious enough about the implication of rising religious groups in the political fray. So he guaranteed all religious freedom to profess, practice and propagate but restricted sensationalizing the faiths by emerging religious groups in the political fray. But with the demise of Pandit Jawaharlal Nehru, no any political leaders emerged who continue the legacy of Nehru. Congress party in which Pandit Jawaharlal Nehru also had been part of at one point of time started adopting different approach and chances have been given to rise up right wings gradually in India. 1980s, there are two major cases which almost changed the basic fabric of what India dreamt of. First case is Shah Bano case in which Supreme Court highest court in India gave a judgment in favor of Shah Bano and asked her husband to pay the maintenances charges but it was overruled by congress party who was in power and came up with the “Muslim Women (Protection of Rights on Divorce) Act 1986”. This was contrary to the Supreme Court judgment and it became quite controversial since then. Second thing is the Ram Mandir issue which was raised by Bhartiya Janata Party and accused congress for playing pacifist politics. So, dominant cultural nationalist groups rise up with the feeling that their rights have been selectively ignored and too much importance and protection is given to minorities. They want to restore those rights and wish to create country based on Hindu way of life. Especially these days this issues are quite explicit and people from different walks of life are targeted when their behavior are not as per the norms and values of Hindu community in India. Hindu ways of life has become a national issue and deviation of their norms and values are targeted. They hold a notion that their Hindu rights are to be respected and those who are living in India should follow the norms and values of Hindu community. In this way, assertiveness of Hindu religious group is increasing and influencing different departments. National holidays are being renamed by the icon names from Hindu community who they believe that they did not get due importance in the history of modern India. Here in the midst, space and right for minorities are shrinking and questions are being raised on the increasing role of religious group in the public domains and governmental departments and the constitutionality of all those happenings.

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