

During colonial rule in India, England was not a secular country with a Jeffersonian wall of separation between church and state. Instead, the Church of England was the established church. The “Act of Supremacy” enacted in 1534 declared that the monarch was the “Supreme Head of the Church of England”. The Archbishop of Canterbury and other high-level church officials were appointed by the government. New monarchs were crowned by a senior member of the clergy, and senior bishops were represented in the House of Lords. Much of this remains true today. How, then, did the idea of secularism take root in India, which derives many of its institutions and practices from England?

Initially, the East India Company (EIC) got itself intricately entangled with the administration of religious institutions. Temple employees were appointed by government officials. Royal salutes were fired from the batteries of Fort St. George in Madras, at the celebration of Pongal, and at Ramzan. Under the orders of the public officer of the district, a religious offering was made at temples for a good monsoon. Laws were enacted which said that the “general superintendence of all lands granted for the support of mosques [and] Hindoo temples” was vested in the colonial government.

All this annoyed Christian missionaries and members of the clergy in England and India who put pressure on the government. Consequently, in 1833, the Court of Directors of the EIC sent instructions to the colonial government outlining its policy towards India’s religions. The Directors wrote that all “religious rites” that were “harmless... ought to be tolerated, however false the creed by which they are sanctioned.” However, they wrote: “The interference of British Functionaries in the interior management of native temples, in the customs, habits and religious proceedings of their priests and attendants, in the arrangement of their ceremonies, rites and festivals, and generally in the conduct of their interior economy, shall cease.”

It was in this manner that the seeds of secularism were sown in India. The colonial government was directed to disentangle itself from “superstitious” Indian religious institutions, because Indian religions were considered heathen and false. However, the Church of England in India was still established for a long time.

The wall of separation between temple and colonial state in India was achieved in 1863, when a law was enacted which said that it would no longer be “lawful” for “any Government in India, or for any Officer of any Government” in his official capacity, to take over the “superintendence of any land or other property” belonging to a “Mosque, Temple, or other religious establishment”, to take part in the “management or appropriation of any [religious] endowment”, to nominate or appoint any trustee in a religious institution, “or to be in any way concerned therewith”. Referring to this law in the legislative council, the Lieutenant Governor of Bengal said that it would “rid” the government of a “burden”.

However, this colonial vision of secularism was rejected by India’s founding fathers. After the Government of India Act, 1919, Indian legislators came to power at the provinces. Indian political leaders enacted the far-reaching Madras Hindu Religious Endowments Act, 1926, which virtually took over the management and administration of Hindu temples in the province. It established “boards” appointed by the government. Temple trustees had to furnish accounts to and obey the instructions of the boards. Temples’ surplus funds could be spent by the boards themselves, on any “religious, educational or charitable purposes not inconsistent with [their] objects”.

The entanglement of the government with religious institutions in India would be impermissible in the U.S. The first amendment to the Constitution there prohibits Congress from making any law “respecting an establishment of religion”. In the Constituent Assembly, B.R. Ambedkar drafted an establishment clause which said that “[t]he State shall not recognize any religion as State religion.” K.T. Shah’s draft said that the government would be “entirely a secular institution”, which would “maintain no official religion [or] established church”. If these clauses found their way into the Constitution, the Madras Hindu Religious Endowments Act, 1926, could possibly have been found unconstitutional.

Then, something odd happened. In April 1947, the sub-committee on fundamental rights in the assembly discussed the establishment clause, and K.M. Munshi and K.M. Panikkar promised that they would re-draft it, “so as to provide for those cases where religion is already accepted as a State religion.” A few days later, when the sub-committee presented its report on fundamental rights, the establishment clause unceremoniously vanished. Later, H.V. Kamath tried to move an amendment in the Constituent Assembly to introduce an establishment clause into the draft constitution to the following effect: “The State shall not establish, endow, or patronize any particular religion.” However, his amendment was put to vote and rejected.

The Supreme Court has allowed governments to heavily regulate Hindu temples on the theory that the freedom of religion does not include secular matters of administration which are not essential to the religion. Sometimes, the court has perhaps gone a little too far since the line between integral religious practice and non-essential secular activity is often hard to draw. For instance, though the government cannot interfere with rituals and prayers at temples, it can regulate the amount that temples spend on such things. Even the appointment of priests in Hindu temples has been held to be a secular activity, which the government can regulate.

In a letter written in 1802, President Thomas Jefferson advanced the idea of a “wall of eternal separation between church & state” in the U.S. The wall of separation between temple and state in India was first constructed by a colonial government which wanted to distance itself from religions that it considered heathen and false. That wall was then pulled down by Indian leaders who felt that government entanglement in religious institutions, especially Hindu temples, was essential, even in a secular state.

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