

# The Implications of Pseudo Secularism and Human Rights in India

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**Abstract-***This Article analyses the implications of pseudo secularism and human rights in Indian polity. The Constitution of India clearly states the principles, their implications and instructions for construct a civil society that effectively safeguards the human rights of all persons regardless of their religious beliefs. It promotes secularism that does not oppose religion; rather, it actively supports religious practices while ensuring that no particular religion is given preferential treatment over others. Unbounded intimidations to secularism would result in the infringement of human rights in Indian society, the destruction of Indian Secularism itself and ultimately the national disintegration. The essence and provisions of the Indian Constitution advocate for a person's freedom of conscience and protection of their fundamental right to choose a religion*

**Constitution, Secularism, Pseudo Secularism, Human Rights, Religion, Vote bank, implications**

## Introduction

The real context of Secularism in India is severely threatened, the concept of the secular ideas and human rights to be debated in this Article, mainly to research the implications of Secularism of India with human rights in India particularly the mode of pseudo-secularism and it's misused by politicians for vote bank. With the Indian Constitution, human rights and Secularism in India is considered and their threats to it are examined.

## The Indian context

India has witnessed communal riots at different times, including before, during, and after the period of independence. The bifurcation in 1947, which accompanied independence that fuelled passions and brought death and destruction to thousands, if not millions, belonging to the minority and majority communities.<sup>1</sup> Since that time, communal riots of lesser scale have occurred from time to time. Brutal killings that ensued following the assassination<sup>2</sup> of Indira Gandhi in the 1984 riots and these were repeated after the Godhra incident in 2002. The State was seen facilitating the violence unleashed on both the occasions<sup>3</sup>.

There is evidence indicating that India's secular values have been diluted, as seen in the pogrom in Khandamal where a violent mob of communalists destroyed property and took lives. Minority groups have faced atrocities based on their religious beliefs, with radical groups in Karnataka attacking and destroying property under the guise of protecting Indian culture. Religious minorities have also been targeted by acts of terrorism, such as in Gujarat<sup>4</sup>. Law enforcement agencies have often ignored the suffering of victims and failed to bring perpetrators to justice, neglecting their constitutional duties. These agencies have prioritized following orders over upholding the law.

It is a matter of sadness and shame that even some state governments have neither defended minority groups and individuals from aggression nor have they protected their fundamental rights as guaranteed by the Indian Constitution<sup>5</sup>. Time and again, the false charge of "forced conversions" is made against the minorities. Often, the fundamentalists who make these fraudulent charges then indulge in physical violence against such groups. The frequency of such happenings has increased and such occurrences also take place in other Indian states. Against the background of such unlawful activities, atrocities and violence, the freedom and safety of minority groups and persons are seriously endangered. Through these happenings, a gradual erosion of values and safeguards found in the Indian Constitution is taking place and the noble ideals enunciated in the preamble and the guarantees specified in the articles of the Indian Constitution are gradually being disregarded or ignored. The Indian Constitution anchored in Indian Secularism affirms unambiguously the fundamental, human rights of every person. Awareness of these rights enshrined in the Indian Constitution and the way of life it upholds and supports, lead us not only to appreciate the constitution's articulation of Indian Secularism, but also to identify and suggest actions to counter successfully the threats to it.

## Indian secularism and emancipation

Indian Secularism was meant to benefit all sections of Indian society. It was surely meant to empower the subalterns in the country. As a secular state, India offered opportunities but for the marginalized (e.g. Dalit's, Tribals, etc.) it offered a promise of future well-being. That promise has still to be fully redeemed. The particular types of people who constitute today's middle class in India have access to education, urbanization, industrialization, etc<sup>6</sup>. For the weaker sections and other disadvantaged groups, the success of Indian Secularism will be in enabling them to transform their lives and live with human dignity. There is need for a social and subaltern location for secularism in the Indian context. The pseudo –secularist bias tends to keep the ideal of secularism tied to a mere relationship between state and religion. Communal upsurge is part of the game plan of some of the erstwhile hegemonic powers of the country that grow insecure at the growth and rise of the subaltern class. In order to be a substantive ideal and practice, secularism must endeavour to locate its discourse also in subaltern life contexts, and explore the possibilities of emerging as an ideal symbolizing emancipation. An empowering secular civil society must be open to the role of religions. The liberative potential

of religious traditions must be enlisted in the efforts to enhance civil society. Indian Secularism can act as the catalyst that allows the liberative, not the oppressive, aspects of religion to assert themselves.

## Indian Secularism and Pseudo-Secularism

Fundamentalist forces brand Indian Secularism as 'pseudo-secularism'. They argue that the Indian Constitution, while holding on to universal citizenship rights, unnecessarily tampers with these rights by entertaining concessions for minority religionists, and this amounts to a violation of the universal rights of the citizen. These concessions are seen by such forces as the appeasement of minorities.

Those who refer to Indian Secularism as pseudo-secularism do not approve of structures (e.g., personal law, minority rights) to ensure that minorities are not discriminated against because of culture, language, religion, etc. However, in 1950 after much discussion, the Constituent Assembly decided that minority rights should be factored in the constitutional guarantees to make possible a level playing field for all Indian citizens<sup>7</sup>. With these rights, minorities would enjoy freedom of conscience, human dignity and the opportunity to be educated and pursue careers like the others. The case of Indian society being pluralist has already been noted. Greater awareness has come about regarding the multi-cultural, multi-ethnic, multi-linguistic and multi-religious nature of society. Indian Secularism respects such diversity because of the importance it attaches to freedom of conscience and choosing one's religion.

## The interdependence of secularism, pseudo-secularism and human rights in India

Following the partition of India in 1947, the community was permitted to uphold its personal laws to reassure Muslims. However, these laws are prejudicial toward gender equality. In the mid-1980s, the Shah Bano case highlighted this issue. The case was not unique in independent India, nor was the Supreme Court's ruling on maintenance for divorced Muslim women a first in judicial history. This brought attention to the need for reform in personal laws to uphold gender justice<sup>8</sup>. The 1980s saw a controversial court decision and the passing of the Muslim Women's Bill, sparking strong resistance from the Muslim community, especially from patriarchal groups<sup>9</sup>. The protest was fueled by the Hindu right's mobilization in the mid-1980s. Despite the reasons, the Muslim community's unprecedented protest had significant political consequences.

Feminist protestors and the Hindu religious right found common ground in opposing the Shah Bano case, advocating for a Uniform Civil Code to ensure women's rights. While the religious right argued more strongly for this, it was evident that their aim was to prioritize majoritarianism over gender justice. Despite this, many Indians were swayed by the argument for a Uniform Civil Code<sup>10</sup>. Those defending minority rights faced challenges as they were perceived to be on a weaker side in protecting cultural and community identities.

Secularism for the founding fathers of modern India meant fostering peaceful coexistence among different faiths, not irreligious atheism. Mahatma Gandhi sought unity among diverse religious groups during the freedom struggle in the 1920s, leading him to embrace the principle of sarva dharma sambhava, or the equality of all religions. This principle recognized the importance of religion in people's lives and aimed to unite them in a mass movement against colonialism. In contrast, India's first Prime Minister, Pandit Nehru, viewed secularism as a separation between religion and the state, acknowledging the danger of religious biases in politics<sup>11</sup>. Nehru believed in the freedom of religion and conscience, emphasizing equality among all religions. Despite their different approaches, both leaders recognized the need for inclusivity and understanding among India's diverse religious communities to build a united nation free from religious prejudices.

Nehru believed that the word secular did not mean being opposed to religion but instead referred to a state that respects all faiths equally. He emphasized that a secular state should provide equal opportunities for all religions, without favoring one as the state religion. This concept for Nehru encompassed three key ideas: freedom of religion or irreligion for everyone, equal treatment of all faiths by the state, and the state not being aligned with any particular religion. Ultimately, Nehru's interpretation of secularism promoted tolerance, equality, and non-discrimination among different religious beliefs<sup>12</sup>. Secularism in India promotes equality among all religions, ensuring no group can impose its beliefs on others. It guarantees equal treatment for both majority and minority religious groups. This unique interpretation of secularism emphasizes not just acknowledging faith but also treating all faiths equally. This concept has been reinforced through legal and political frameworks, with the understanding that secularism means respecting all religions equally.

## Indian civil society and its implications of secularism, pseudo-secularism and human rights

India is currently undergoing significant human rights experiments that are focusing on secularism and human rights implications. The granting of civil and political rights in the Constitution has empowered groups to mobilize on various issues and demand social and economic rights. Since independence in 1947, groups have been fighting against social and economic inequalities through persistent social struggles against entrenched systems of domination.

Since the 1990s, campaigns for the rights to food, work, health, education, and information have emerged, aiming to elevate Directive Principles of State Policy to rights status. These campaigns focus on social goods provision but do not address power or resource redistribution or structural changes. Instead, they reveal gaps in policy conceptualization, flaws in policymaking, and challenges in policy implementation. Through peaceful means like public hearings, rallies, sit-ins, research, advocacy, and lobbying, some campaigns have influenced policy formulation and increased funding. However, others have not received a response from the Indian government, underscoring the failure to achieve the social policy objectives laid out in the Constitution<sup>13</sup>. Civil society in India has urged the government to uphold the Constitution's goals. Despite this, there are few civil society organizations monitoring human rights violations, highlighting the need for more watchdog activities. In India, the success of secularism depends on civil

society upholding human rights principles, while few fundamentalists distort religion for their own agenda. The presence of civil society groups advocating against human rights abuses is crucial for strengthening human rights efforts in India.

### **Implications of Anti-conversion in India and human rights**

Secularism and human rights are closely tied to the Indian constitution and human rights modalities, including the prohibition of conversions. Anti-conversion acts aim to prevent any person from forcibly or fraudulently converting someone to another religion, or aiding such conversions. Supporters argue that these laws target conversions done through coercion, deception, or bribery. Despite being framed as protecting religious freedom, these laws actually restrict it and violate rights safeguarded by international agreements and the Indian Constitution.<sup>14</sup>

Anti-conversion laws in India are regulated by Articles 25-30 of the Constitution, with Article 25 being particularly relevant. This article mirrors Article 18 of the Universal Declaration of Human Rights, stating that individuals have the right to freedom of conscience and to freely practice and propagate religion, subject to certain limitations. The Constitution also allows for laws regulating activities associated with religious practices and promoting social welfare and Hindu religious institution access for all.

The Constitution protects individuals' freedom to have any religious beliefs, but the freedom to practice religion is not unlimited. Anti-conversion laws and international agreements recognize the right to peacefully share religious beliefs. International Covenant on Civil and Political Rights (ICCPR) Article 18(1) states that everyone has the right to freedom of thought, conscience, and religion, including the freedom to adopt a religion or belief of their choice and to manifest it in worship, observance, practice, and teaching.

The UN Human Rights Committee emphasizes the broad scope of freedom of religion, including worship, practice, and teaching. This encompasses preparing and sharing religious texts. The right to freedom of thought and religion is profound and extensive. Restrictions should only be imposed when directly related and proportionate to a specific need. Any limitations should be exceptional.<sup>15</sup> India's numerous anti-conversion laws appear to favor Hinduism and challenge secularism. This erosion of secularism and religious tolerance risks escalating inter-religious tensions. India must reaffirm its dedication to religious tolerance and secularism amidst these challenges to avoid further conflict.

### **Opposing Threats to Indian Secularism and human rights**

All citizens must defend Indian Secularism by safeguarding human rights, civil liberties, and the right to practice any faith. It is crucial to oppose threats to individual freedom, freedom of religion, conscience, and uphold the principles of the Indian Constitution for the benefit of all citizens. Simultaneously, it is important to combat superiority attitudes toward other faiths within our communities. Acknowledging and respecting different religions shows God's diverse revelation. Education programs should incorporate brief accounts of Indian history to reveal the manipulation of history by hate groups inciting communal violence.<sup>16</sup> They should critically analyze and expose the collaboration of various right-wing economic and military forces across religions that fuel hatred for their own gain. People of all backgrounds must learn to critically interpret media coverage of communal tensions and manipulation tactics used by economically powerful classes and corporate interests. Interfaith groups are necessary to dismantle cultural paranoia and promote unity and love through new metaphors. Religious groups should educate members on different religions' positive societal roles. Fostering dialogue among Indian religious groups promotes unity and solidarity. Conflicts arise from personal interests, not true religious teachings, leading to hatred and violence.

### **Religious fundamentalism and human rights in India**

In recent years, there has been a concerning rise of fundamentalism in India and other places, including the growth of religiously fundamental political parties.<sup>17</sup> This trend threatens future communal relations. To protect minority rights, India must uphold its democratic and secular traditions. Different approaches to secularism and human rights in India may be needed to combat religious fundamentalism and communal violence. Encouraging eclecticism within the existing framework can support the coexistence of secularism and human rights. Embracing diverse perspectives can enrich debates and strengthen the concept of universal human rights, ultimately promoting a safe environment for diversity worldwide.

Religious fundamentalism poses a significant threat to secularism and human rights in India, characterized by a rigid adherence to religious beliefs and a rejection of modern societal norms. This ideology endangers fundamental human rights such as freedom of expression, information, religion, and the right to life. Pseudo-secularism is often used to discriminate against minorities<sup>18</sup>. To combat this threat, it is crucial for individuals, governments, international organizations, civil society, religious leaders, and educational programs to work together to eliminate religious fundamentalism from society.

### **IMPLICATIONS OF PSEUDO-SECULARISM AND HUMAN RIGHTS IN INDIA**

The debates around Secularism and Pseudo-secularism are enduring in India. But slight pursue and look, Pseudo Secularism is mollification of a certain opinion or group for narrow immediate social and political gains. Pseudo means false. Secularism means that the government or entities should be separated from religion, religious beliefs. Every person has a right to preach, practice and propagate any religion of his/her choice. Pseudo secularism is a hallmark of Indian politics, where non-secular trends in the face of a pledged secularism. This term highlights perceived double standards in how different cultural groups are treated. Pseudo secularism started from the Khilafat Movement in 1917. It is believed that Mahatma Gandhi first used this concept when Muslims were fighting against the British for their war against Turkey. In recent times, pseudo secularism has garnered more support and recognition.



Today, the term "secularism" is frequently used in murky politics to serve the interests of key players. In India, Left and Centrist parties claim to be the "Guardians of Secularism," labeling Right-wing parties as "Communal". While, rightists consider their opponents as 'Pseudo Secular' with an 'Anti-Hindu' ideology. Both parties are engaged in vote bank politics. They often change positions to maintain votes and power. This may cause offenses against religious groups. Clarity in thought and action is essential to protecting the unity and integrity of the country.

## Secularism vs. Pseudo Secularism

### Equating Lord Ram and Babar:-

Closely linked to the politics of "minorityism", indeed providing a justification, is the distortion and perversion that has taken place in the concept of secularism, which undermines India's cultural identity. The "Ayodhya Movement" has attempted to compare Rama and Babur were sought to be equated in the name of secularism. This has led to long-lasting tensions in the community. This misinterpretation of secularism denies India's cultural and civilizational heritage. The term "secularism", often used by politicians in India, emphasizes the importance of removing biases and prejudices to understand secularism objectively. It acknowledges that secularism is not exclusive to any political party and is not opposed to "hindutva".

It is ridiculous to that the Congress party claim that they are the exponent of secularism and is its monopoly. They label anyone who supports them as 'secular', while those who support the BJP are deemed communal. By allying with the Congress, even someone previously considered communal can be rebranded as secular. The true secularism is not about labels or affiliations, but about being unbiased and fair towards all communities. Secularism should be evident in actions, not just in self-proclamations. The secularism should be based on an impartial and objective approach, devoid of any bias towards any particular religion, creed, or caste.

As Dr Manmohan Singh said of his governance 'the test of the pudding is the eating of it'. The test that the Congress is secular must be seen in its secular governance. In the same manner, the Indian National Congress party's secular government, which encompasses inclusive policies and programs that are equal for everyone, irrespective of caste, religion, or location, should be assessed to strengthen its secular claims. A genuine secular party won't govern with hidden agendas. Although congress party presented a secular image, its policies were designed to garnering the Muslim votes. This strategy was motivated more by power lust than by true secular principles.

There can be who feel that the yardstick of Minority is valid because it denotes weakness—less clout, constantly under the threat from the majority etc and hence calls for special protection, and concessions. Scheduled caste leaders preserve the oppression and poverty in their own community to keep their energy. While history suggests conflict for rights, the perpetuation of poverty and oppression beneath modern-day scheduled caste leaders like Mayawati and Late Ramvilas Paswan family indicates deeper problem in India.

The Indian Constitution is the only constitution in the world that has put in black and white our sins of omission and commission against the Scheduled Castes and has urged all the governments to change this situation. But after many years, Indian people still stand on the same plane and fault the nation for having deprived the Scheduled Castes of their rightful share. The benefits of the reservation policy—both in education and in employment—did not reach the most deserving scheduled castes (this has been hijacked by the creamy layer), such as the "Pallars," "Pariyars," and "Arundhatiyars." It is not that the SC leaders are unaware of it, but they are least bothered to see that the reservation policy benefits reach all. This problem superimposed the most backward and backward castes. The concept of minority means being powerless economically, politically, and socially. In some countries, minorities face constant disadvantage and threats from the majority. In India, minority is strength. Except for the numerical size, the minority concept does not have the other concomitants.

In India the Congress is seen as secular, while the BJP, on the other hand, is seen as communal. Concepts of secularism and communalism change instantly with political affiliation. The branding of Modi as communal and a murderer is a bit stale. Embracing secularism is a straight forward transition. The ideas of secularism and communalism in India today are evident in the present political scenario.

## Secularism and Pseudo-Secularism in Indian Politics

Secularism is one of the most abused words in Indian politics. Secularism in a political and social context is a belief in the separation of the state (government and government agencies) and the religious beliefs of the people. The Founding Fathers did not add the word "secular" to the Constitution because of the prevalence of religion in India. They allow various religious groups to it ruled civil matters using its own code of laws. In 1976, Indira Gandhi amended the constitution to add the words "socialism", "secularism", "honesty" and "to promote brotherhood among all". However, Gandhi did not adopt a uniform civil code. This tradition continues to this day.

### False Portrayal of Indian History

The most historians from Jawaharlal Nehru University and Aligarh University, who are pseudo-secular Marxist and anti-Hindu (and of course anti-national), discredit the ancient historical traditions of Bharatvarsha. For them Karl Marx, Lenin, Stalin and Mao Tse Tung are the real sons of the Indian soil; Swami Vivekananda, Sri Aurobindo, Bipin Chandra Pal, Lala Lajput Rai and other great nationalist leaders who pleaded for time-honoured Hinduism Sanatana Dharma do not belong to India. They fail to grasp the essence of India's history, believing it lies in the evolution of its national life rather than wars and conquests. The knowledge of ancient Bharatvarsha is mostly derived from the work and writings of Western historians and indologists, leaving the true soul of

India unexplored. Efforts were not made after-Independence to update education system according to national ideals, leading to valuable recommendations from commissions being ignored due to lack of political will. The adopted curriculum insults cultural heritage and heroes instead of fostering pride and respect.

### **Deliberate Demeaning of Hindu religion**

Marxists have no qualms when attacking Hindus, but they are very sensitive about attacking Islamic and Christian religious and social practices. We rarely hear any words from the Marxists to liberate Muslims and Christians from their rigid, fundamentalist and non-compromising dogmas. Can anyone think of one speech wherein Marxists have expressed a word against Talak, (divorce), polygamy, child marriage and Jihadi terrorism of Muslims as well as coercive religious conversion, and deceptive propaganda of Christians? Marxists and their cohorts are relatively clear what they want to achieve in India. They want the destruction of Hindu civilization and establishment of a proletariat Marxist state. For the last seventy five years, Marxists are working hard to realize their misguided and dangerous goals through positive sounding slogans such as 'inclusion', 'human rights', 'feminist empowerment', 'classless society', and 'women's rights'. With these positive sounding words, Marxists call for the destruction, in every possible way to deconstruct Hindu thoughts and bring down the Hindu culture.

### **Political leaders to peddle self-deception and self-delusion as realistic**

The prime focus on resilience in politics leads to the promotion of self-deception and self-delusion as realistic. The Islamite media, leftist intellectuals, and alienated academicians turn to pseudo secularism and irrational tolerance and use institutionalized tolerance as a recipe for moral uncertainty. They exploit labels like tolerance and minority rights for political gain, presenting fraudulent Islamic preachers and terrorists as symbols of tolerance. Former Punjab Director General of Police K.P.S. Gill made the point that India was being ruled by pseudo-secularists who did not have the will to fight terrorism.

### **Minorities have fully exploited the rights**

The central government constitutes multiple commissions for minority education, welfare and reservations, as if all other unorganised communities do not belong to this country. Organized minorities in Kerala own more than 90 per cent of educational institutions and still demand all kinds of state benefits and bounties. This raises questions about fairness and equal opportunities for all citizens. This scenario vividly explains the relations and the tensions between the players of different religions and political affiliations in the area in question.

Muslims dominate schools and colleges, using special privileges to target Hindu students for psychological manipulation. Canceling classes on Muslim holidays creates fear and anxiety among young Hindus, making them feel unsafe in their own homes and workplaces. Hindus face economic pressure from Muslims, who deny them opportunities and seize their land and businesses. Government policy of Muslim appeasement, special privileges and financial aid exclusively for Muslims is what makes strategic threats of Muslims more harmful to Hindus.

### **Strategic Silence on Ethnic Cleaning of Hindus-Sikhs in Jammu and Kashmir**

A souvenir of the Jammu and Kashmir police released in 2003 and quoted by another senior officer, Joginder Singh (Pioneer, February 11) provides the facts on the damage done by terrorists in Jammu and Kashmir. According to the souvenir, between 1990 and December 2002 there were 56,041 incidents of violence including 10,093 explosions, 29,931 firing incidents, 5,561 cases of arson, 763 rocket attacks, 4,597 abductions, 229 cases of hanging to death, 275 arms snatching cases and 4,592 other acts of violence. During those 14 years, more than 30,000 civilians were killed and security forces seized 24,785 AK—type rifles, 9,387 pistols and revolvers, 58 carbines, 91 light machine guns, 6,865 kg RDX, 742 rocket launchers and the list grows. Worst, due to terrorism, 3.70 lakh Hindus and Sikhs were forced to leave the Valley and there has been total ethnic cleaning.

### **Proponents of Pseudo- Secularism**

The so called secular political outfits and the Media are two chief executants of this trend. The unprecedented and unchecked freedom enjoyed by the so called Secular Intellectuals and the Media has now reached a U-turn.

### **Instances of Pseudo-Secularism**

#### **Derogatory paintings of Hindu Gods and Goddesses by M F Hussain**

The Delhi High Court verdict on the issue of derogatory paintings of Hindu Gods and Goddesses by M F Husain, the court went in favor of the Minority defendant against the Majority's prosecution.

#### **The assassination of Hindu saint, Laxmananda Saraswathi in Odisha**

The assassination of a Hindu saint and sage in Kandhamal district, Laxmananda Saraswathi in Orissa, who was engaged for the betterment of the Tribal's was shot dead along with other 3 inmates of the ashram. When he was brutally murdered on Sri Krishna Jayanthi Day on 23 August 2008, the central government ignored it and forgot about the Indian Constitution. Similarly when Hindus get killed in Jammu and Kashmir every day, no such advisory is ever deemed necessary by the central government in respect of state government Jammu and Kashmir.

## Dharma and Secularism

Current tension in Hindu secularism allows for other faiths but not at the expense of Hindu identity. Dharma requires rejecting spiritual paths that seek destruction. We must rethink our approach and recognize the limits of tolerance. India's virtues of pluralism and tolerance stem from Vedic culture, not western ideologies. Secularism's relevance to India's unique civilization should not be questioned to safeguard its age-old virtues.

## Research Methodology

This article is in historical and descriptive approach, on the basis of books and articles. The descriptive method is intended to examine the interpretation and explanations of various international covenants related to secularism and human rights in India.

## Sources of Information

Primary sources:-Articles related to international covenants, various verdicts of Indian courts and available research documents.

Secondary sources:-The books and periodicals, articles published in journals and other publications and study reports.

## Conclusion

The present scenario of Indian polity the pseudo secularism misused by politicians against the minorities. The religious conversion and religious fundamentalist tendencies are growing much faster which may impede the secular way of human rights in India. The implication aspects clearly vindicate that the secular way of life coupled with human rights must enrich a better value-based society in India.

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