

**Perception of Indian Students on Conflict between Freedom of
Expression and Religious intolerance**

**– A Case study of Master degree students in Varanasi: In the context of
radical Islam and extremist Hinduism in Multicultural India**

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Title and subtitle: Perception of Indian Students on Conflict between Freedom of Expression and Religious intolerance – A Case study of Master degree students in Varanasi : In the context of radical Islam and extremist Hinduism in Multicultural India	
<u>Abstract:</u> <p>Currently, tussle between freedom of expression and religious intolerance is intensely manifested in multicultural Indian society through censoring books and movies by the state and victimization of writers, film director by the radical Islamist and Hindu religious groups. Against this background, this study explores perception of Hindu and Muslim graduate students in Kashi Vidyapeet University, Uttar Pradesh Varanasi, particularly on the conflict between freedom of expression and religious intolerance. This study particularly focuses on major interrelated aspect of this situation- tension between freedom of expression and religious intolerance and violence. This study investigate hypothesis that Indian government protect religious sensitivities at the cost of freedom of expression. Conceptually, author approaches the tension between freedom of expression and religion by applying a contextual approach of secularism and multiculturalism. This research applies qualitative research methods specifically in-depth interviews and desk research. In order to examine perspectives of students, interview and narrative analysis was conducted in the light of domestic laws related to freedom of expression and principles of secularism and multiculturalism. Findings of this study demonstrated that to manage conflict between freedom of expression and religion in multicultural Indian society secularism needs to be contextualized, and freedom of expression is not absolute when it comes to preserve religious harmony in a secular Indian society.</p>	
Key words: Hindu, Human Rights, India, Muslim, Multiculturalism, Religion, Secularism.	
Number of words: 26, 162 (text only)	

DECLARATION

I certify that this is all my own work. Any material quoted or paraphrased from reference books, journals, internet, etc. has been identified as such and duly acknowledged in the text or foot/end notes. Such sources are also listed in the bibliography. I have read the College's policy on plagiarism and am aware of the penalties for plagiarism.

I have retained a copy of my work.

Signed:Name: Amit Kumar Singh

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ABBREVIATIONS

BHU- Banaras Hindu University

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social and Cultural Rights

CERD- International Convention on the Elimination of All Forms of Racial Discrimination

IPC - Indian Penal Code

MGKVP- Mahatma Gandhi Kashi Vidyapeet

NCERT- National Council of Educational Research and Training

NGO- Non Governmental Organization

PVCHR- People Vigilance Committee on Human Rights

UDHR- Universal Declaration on Human Rights

UN- United Nations

LIST OF FIGURES AND TABLES

Figure 1.1 Varanasi in India map

Figure 1.2 Map of Varanasi

Figure 1.3 Research design strategy, answering research questions

Figure 4.1 Research evolution process

TABLE OF CONTENTS

	Page
Abstract.....	ii
Declaration.....	iv
Acknowledgement.....	v
Abbreviations.....	vi
List of Figures and Maps.....	vii

CHAPTER ONE: INTRODUCTION

1.1 Background.....	1
1.2 Hindu fundamentalism and freedom of expression.....	2
1.3 Islamic fundamentalist and freedom of expression.....	3
1.4 Is domestic law a problem?.....	4
1.5 Challenging law-voices from civil society.....	5
1.6 Protecting religious sensitivities at the cost of free expression.....	6
1.7 Rational of the study.....	6
Figure 1.1 Varanasi in India map.....	7
Figure 1.2 Map of Varanasi.....	7
1.8 Reasons to choose the topic.....	8
1.9 Objectives of research problem.....	8
1.10 Research question.....	8
1.11 Scope of the Study.....	9
1.12 Unites of Analysis.....	9
1.13.1 Research Design and Methodology.....	9
1.13.2 Sampling.....	9
1.13.3 Data Analysis procedure.....	10
Figure 1.3 Research design strategy, answering research questions.....	10
1.14 Linking data to proposition.....	10
1.15 Structure.....	11
1.16 Ethical guideline.....	11

1.17	Limitation and challenges of the study.....	11
1.18	Limits to generalization.....	12
1.19	Significance of the study.....	12
1.20	Operational definition.....	12

CHAPTER TWO: LITERATURE REVIEW

2.1	Managing multicultural religious conflicts through secularism.....	15
2.1.1	Contextual secularism.....	17
2.2	Public sphere Public reasoning and Political deliberation- In the context of secularism..	20
2.3	Towards new theoretical framework contextual secular-multiculturalism.....	23
2.3.1	Indian contextual multiculturalism.....	24
2.3.2	Indian contextual secularism.....	24
2.3.3	Indian contextual secular-multiculturalism.....	25

CHAPTER THREE: RELIGIOUS PROBLEMS-SECULAR SOLUTIONS: RIGHT TO FREEDOM OF EXPRESSION AND THE RIGHT TO FREEDOM OF RELIGION AND BELIFF IN THE SECULAR INDIAN CONTEXT

3.1	The Right to Freedom of expression.....	26
3.2	The Right to Freedom of religion or belief.....	27
3.3	Tussle between Freedom of expression and religion.....	28
3.4	Restrictions on free expression- Tolerating religious intolerance in India?.....	30
3.5	Conclusion.....	33

CHAPTER FOUR: RESEARCH METHODOLOGY

4.1	Research design and methodology.....	34
	Figure 4.1 Research evolution process.....	35
4.1.1	Justification of data collection techniques.....	35
4.1.1.2	Interviews.....	35
4.1.1.3.1	Other source of information.....	36
4.1.1.3.2	Documentation.....	36
4.1.1.3.2	Archival record.....	37
4.1.1.3.3	Electronic data.....	37
4.1.1.4	Sampling.....	37
4.2	Narratives.....	38
4.3	Data analysis process.....	39

CHAPTER FIVE: CASE STUDY ON PERCEPTIONS OF THE INDIAN STUDENTS ON THE CONFLICT BETWEEN THE FREEDOM OF EXPRESSION AND RELIGIOUS INTOLERANCE

5.1 The narratives of the Hindu students.....	41
5.2 The narratives of the Muslim students.....	50
5.3 Thematic categorization- Thematic analysis and Personal Observation.....	53
5.3.1 Emerging themes from the narratives of Hindu students.....	53
5.3.1.2 Freedom of expression has limitation.....	53
5.3.1.3 Justified government censorship on free expression.....	54
5.3.1.4 Religious intolerance against the freedom of expression is increasing.....	55
5.3.1.5 Tolerant Hindu-Intolerant Islam.....	56
5.3.1.6 Violence, religious enmity and human rights violations.....	56
5.3.1.7 Communal politics is responsible for conflict.....	57
5.3.1.8 Freedom of expression is vital bringing social and religious reformation.....	58
5.3.1.9 No religion is beyond criticism.....	58
5.4.1 Emerging theme from the narratives of Muslim students.....	59
5.4.1.2 Increasing religious intolerance in India.....	59
5.4.1.3 Freedom of expression comes with limitation.....	59
5.4.1.4 Religious sentiments cannot be offended.....	60
5.4.1.5 Justified governmental censorship.....	60
5.4.1.6 Growing Hindu radicalization.....	61
5.4.1.7 Limited critique for religious reformation.....	61
5.4.1.8 Violence in not justified in Islam.....	61
5.4.1.9 Violence and disintegration of national unity.....	62

5.4.1.10 Need for dialogue and protest within the rule of law	62
5.5 Personal observations.....	63
5.5.1 Hindu students.....	63
5.5.2 Muslim students.....	63
5.5.3 Similarities in narratives.....	64
5.5.4 Differences.....	65
5.5.5 Repetition in narrative.....	65
CHAPTER SIX	
6.1 Discussion.....	67
6.1.1 Indian contextual secular-multiculturalism.....	67
6.2 Answering research question.....	68
6.2.1 Research question No.1.....	68
6.2.2 Research question No. 2.....	70
6.3 Problem with contextualizing concept.....	71
6.4 Analysis.....	71
6.5 Conclusion.....	74
Bibliography.....	75
Appendix.....	80
Appendix 1: Letter of Consent.....	80
Appendix: 2 Interview guidelines.....	84

Chapter I

Introduction

1.1 Background and justification

This chapter provides a background and justification for this research on conflict between Freedom of Expression and Religious Intolerance in India in the context of radical Islam and fundamentalist Hinduism. Rationale for the study and statement and conceptual framework is discussed. In addition, objectives and methodology for this research have been laid out. This Chapter concludes by elucidating the significance of this research.

Ongoing tussle and tension between freedom of expression and religious intolerance is manifested globally, particularly in multicultural Indian society, where censoring books and films by the state and victimization of writers, film director, painter by the radical Islamist and Hindu groups is well noted¹. Consequently, contemporary conflict between freedom of expression and religion have resulted in communal violence, heightened censorship, and swayed the Indian society along the religious lines.

India's government adopted secular democracy and religious pluralism. The Indian Constitution guarantees religious freedom and mandates the government to treat all religions equally. However, the tension between the right to freedom of expression and the desire among many people to prohibit blasphemous or so called religiously hurtful speech (or expression) has become a focal point of conflict between religious groups and free thinkers. Thus, multicultural Indian society have become problematic where anyone can be punished for voicing his or her opinion on the basis of "to excite dissatisfaction against the government," "promote disharmony," "prejudicial to national integration," and expressions that are "lascivious," "intended to outrage religious feelings," or defamatory (Imposing Silence, 2015, p.13).

Indian Constitution not only empowers media and free thinkers, but also those who are religiously offended, where they can pursue criminal charges against editors and reporters. Particular concern is the Article 295A and Article 298 in the Indian Penal Code (hereafter IPC). Both laws have been turned around to hurt most those people who exercise their right to free speech as individuals living in a secular and free country. The IPC 298 and 295A provisions have resulted in the arrest and/or harassment of many writers, journalists and academics. In addition, use of violence and fatwa is also being used to suppress the freedom of expression. With Prime Minister Narendra Modi's right-wing Bharatiya Janata Party in

¹ <http://www.nytimes.com/2013/02/06/opinion/indias-limited-freedom-of-speech.html>

power, extremists and fundamentalist forces have been emboldened to suppress free expression and dissent².

1.2 Hindu fundamentalism and freedom of expression

Forces of fundamentalist Hinduism along with fundamentalist Islam is posing serious challenges to the freedom of expression and liberal voices in India. Hindu fundamentalist have succeeded in threatening (in court of law and in public by means of intimidation, physical violence and killings) publishers to withdraw publication, exerting pressure to censor films deemed offensive to their political agenda, and silencing any critical voices contesting the Hindu religious myths and legends. The Hindutva forces are actively contesting and trying to limit the liberal space for those having different religion and alternate sexual orientations. Those in power use not only physical force but also erase alternative interpretations and silence those who subvert, critique and dissent to ensure their version of history and religion prevails³.

Due to Hindu fundamentalist books such as Mahachaitra by H.S. Shivaprakash, Dharmakarana by P.V. Narayana, and Gandhi Banda by H. Nagaveni, have been withdrawn from circulation and university syllabi⁴. Wendy Doniger's "The Hindus: An Alternative History" was accused of attacking Hinduism and sexualising Hindus and has been pulped under the pressure by fundamentalist forces. The fear of the mob is so palpable that even after a court order lifting restrictions on James W. Laine's book on Shivaji, bookshops are still unwilling to stock it (Tripathi, 2015, p.44).

Hindu fundamentalist not only used legal channels to censor the offensive narratives but also resorted to violence. Malleshappa Madivalappa Kalburgi and Govind Pansare, both outspoken critiques of blind religiosity, superstition, idol worship, and rational thinking have been murdered by Hindu fundamentalist for criticizing blind faith⁵. In addition, some fundamentalist forces asked to ban film, 'PK' and threatened famous painter Makbul Fida Hussain whose painting of Indian goddess has offended Hindu religious sentiments.

Alarmed by the attack and censor on freedom of expression and free thinking, editor of "The Hindu" (2013), wrote that "there is no denying the fact that fringe right wing groups have created an atmosphere of intolerance to outspoken writers and academics who question religious practices and myths, thereby putting pressure on freedom of speech and expression."

² <http://america.aljazeera.com/opinions/2015/1/perumal-murugan-indiahinduextremismbooksfreespeech.html>

³ <http://www.sarkaritel.com/religious-freedom-perception-of-tolerance-187638/>

⁴ <http://www.atheistrepublic.com/blog/sacharya/religion-freedom-speech-india>

⁵ <http://thediplomat.com/2015/09/hindu-extremists-creep-ahead-in-india/>

Delhi High Court has suggested that growing instances of religious “intolerance” have to be “nipped in the bud”⁶.

However, what is more alarming is the openness with which these radicals and fundamentalist forces operate in Contemporary Indian politics, where nationalistic and fundamentalist tendencies are pitching and posing serious threat to free thinking and freedom of expression.

1.3 Islamic fundamentalist and freedom of expression

Islamic fundamentalist is no less behind their Hindu counterpart. Film, books and free speech alike have been targeted in the court of law and in public. In the court, Indian Penal Code (IPC) 298, 295A, 153A⁷ have been invoked against free thinkers. In more informal ways fatwa, physical violence, and threats have been employed by Islamic fundamentalist. Due to fear of mob, many free thinkers choose to self-censor against Islamic fundamentalist. As Salil Tripathi noted, ‘the more dangerous trend is threatening, committing violent acts against writers and publishers, filing lawsuits in distant local courts, and demanding that the state take action against the writer (2015, p.43).

India banned the book Satanic verses in 1988 due to pressure from Muslim political groups. Famous book by Bangladeshi author Taslima Nasrin ‘Dwikhandita’ was banned in India for offending religious sensibilities of Muslims. Nasrin suffered a number of physical attacks following the publication of “Lajja”, before fleeing India. Accordingly, she earned the wrath of fundamentalist and radical Muslims of Bangladesh and India because she had written against female oppression in Islam⁸. Under pressure from Islamic radicals, Indian government refused to grant her citizenship.

Vishwaroopam, a film directed by ace film maker Kamal Hassan, was banned in movie houses. Muslim groups in Tamil Nadu claimed that the film would hurt Muslim

⁶ <http://www.financialexpress.com/article/india-news/delhi-high-court-dismisses-pil-against-aamir-khans-pk-says-nip-religious-intolerance-in-the-bud/31455/>

⁷ Section 153A(1)(a) criminalises “words, either spoken or written, or by signs or by visible representations or otherwise, [that] promot[e] or attemp[t] to promote, on grounds of religion, race, place of birth, residence, language, caste or community, or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities

⁸ All India Muslim Personal Board (Jadeed)" offered 500,000 rupees for her beheading in March 2007. The group's president, Tauqeer Raza Khan, said the only way the bounty would be lifted was if Nasrin "apologises, burns her books and leaves. Muslim leaders in Kolkata revived an old fatwa against her, urging her to leave the country and offering an unlimited amount of money to anybody who would kill her. https://en.wikipedia.org/wiki/Taslima_Nasrin

sentiments. Although the film was cleared by Central Board of Film Certification of India, state of Tamil Nadu gave orders to the theatre owners to not show this film⁹.

Shirin Dalvi, editor of an Urdu newspaper, was arrested for printing a controversial cover of French satirical magazine Charlie Hebdo. Dalvi was booked for outraging religious feelings of any class by insulting its religion with malicious intent under Section 295A of the Indian Penal Code¹⁰. Self-proclaimed Hindu Mahasabha activist Kamlesh Tiwari came under fire for making derogatory remarks against Muslims and Prophet Mohammed. Thousands of Muslims demanded for his death penalty¹¹.

Freedom of expression and religious freedom need protection from those who would meddle with them. However, in the Indian context, they seem not necessarily incompatible. Free thinkers normally face challenges at the two levels; either offender drags them (those who write books and make film\documentary) in the court of law or coerces them with intimidation, physical violence and social pressure. In this regard, Indian law empowers the offended. Wendy Dognier (Author of banned book in India-The Hindu: An Alternative Story) commented, “The real adversary of free speech in India is the empowerment of the offended.”

1.4 Is domestic law a problem?

Despite its Constitutional commitment to free speech and expression, India’s legal system makes it surprisingly easy to silence free thinkers. Wendy Dognier believes, ‘Indian law jeopardizes the physical safety of any publisher, no matter how ludicrous the accusation brought against a book.¹²’ Imposing Silence, (2015, p.4) a report on India’s freedom of expression, highlighted its concern on frequently invoking censorship in India. In fact Indian law makes it easy to censor especially if someone disagree on the sensitive subjects such as, “national integration,” “maliciously” insult religion, or foster “enmity between groups”.

Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression as a fundamental right. However, According to Article 19(2), freedom of expression is subject to “reasonable restrictions ... *in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order,*

⁹ Kerala saw an unlimited release of the film, although some Muslim outfits were reportedly arrested by the police of Kerala for disrupting screenings. In Thiruvananthapuram, a group of Social Democratic Party of India (SDPI) supporters took out a protest demonstration to the theatre complex. https://en.wikipedia.org/wiki/Controversies_related_to_Vishwaroopam

¹⁰ See more at: <http://indianexpress.com/article/india/india-others/urdu-newspaper-editor-arrested-over-reprint-of-hebdos-prophet-cartoon/#sthash.F7q42LWh.dpuf>

¹¹ <http://www.thehindu.com/opinion/op-ed/malda-mob-violence-why-so-many-politicians-love-a-riot/article8108145.ece>

¹² <http://www.sarkaritel.com/religious-freedom-perception-of-tolerance-187638/>

decency or morality....” The overbroad phrasing of these limitations gives the state extensive powers to justify curtailments and unduly restrict freedom of expression (Imposing Silence, 2015, p.11).

Blasphemy, which is criminalized by s.295A of the IPC, is defined as expression that is “*intended to outrage religious feelings of any class by insulting its religion or religious beliefs.*” These laws also control the religious and political narratives and cases of obscenity.

Section 153A attempts to preserve “harmony” between a variety of enumerated groups by barring speech and several other acts. Violations of s.153A are punishable by imprisonment of up to three years and/or a fine¹³. On the basis of blasphemy, promoting enmity, Public Mischief, Obscenity, Cyber-Offences, Criminal Charges and Civil Suits can be brought against anyone. In addition, government also regulate (prone to censorship) electronic media through Cinematograph Act, 1952 and Cable Television Regulations.

Once free thinkers are charged with any of the above mentioned offense, it’s quite challenging to fight the case in the court of law because of the unreasonable delay, judicial corruption, police corruption and expensive court fees involved in the legal proceedings. In this case, the ‘process becomes the punishment’ (Imposing silence, 2015, p.32). Punitive sanction and vague and overbroad laws, to certain extent, discourage the right to freedom of expression.

Against this background, it has become quite challenging to freely express one’s opinion and exercise freedom of expression, especially when rise of hegemonic nationalism and religious fundamentalism is threatening critical voices in India. Rajeev Dhavan (1987, p.19) expressed his concern: ‘A new communal politics has [e]merged, [one] devised to intimidate writers, artists, researchers and ordinary people into silence under pain of violence ... this kind of moral censorship has become a fact of everyday life in India’.

1.5 Challenging law - voices from civil society

Civil society have been critical to these laws since under present law, a person could be ‘chilled or gagged’ if he/she attempt to initiate a public debate that will modify people’s perception (Swamy, 2015). Bhartiya Janta Party leader (Hindu Nationalist Party) Subramanian Swamy has challenged before the Supreme Court various provisions of the Indian Penal Code (Sections 153, 153 A, 153 B, 295, 295 A, 298 A, 298 B and 505) dealing

¹³ <http://www.pen-international.org/the-india-report-imposing-silence/>

with offense of hate speech. These were referred in penalizing people for expressing their views even within the bounds of reasonable restrictions¹⁴.

Consequently, Supreme Court has agreed to examine the constitutional validity of penal provisions for hate speech. In addition, Supreme Court quashed Section 66A¹⁵ as unconstitutional clarifying the balance between the right and its narrow constraints. However, supporters claim that restrictions on free speech serve to maintain societal harmony, and public order.

1.6 Protecting religious sensitivities at the cost of free expression

Religion has consistently played an important part in Indian politics and society. India is religiously, ethnically and linguistically diverse. Among major faiths are Hindu, Muslims, Sikh, Buddhist, Jain, Parsi, etc. Preserving communal harmony among this religious pluralism is of prime importance for Indian government. Yet, from Timur's invasion in 1398 to the Gujarat riots of 2002, the country has suffered many tragic episodes of religio-political violence¹⁶.

However, tension between the right to freedom of expression and religion arises when critical voices against religion deemed offensive get gagged/punished by government and/or religious fundamentalist. When government steps in such conflict, it is ostensibly to protect communal harmony and public order. Keeping the volatile Hindu-Muslim relation, government take prompt action against any threat (imagined or real), to protect religious communal harmony as earlier mentioned examples have showed.

However, while existing laws and regulations aim to prevent sectarian violence, its vagueness can be used by groups to shut down free expression. Thus, it is a challenging task for Indian government to balance religious harmony with the right to freedom of expression.

1.7 Rationale of the Study

Indian government restricts freedom of expression (e.g. banning books, movie, painting, social media) to avoid hurting religious sentiments, to gain political mileage and to protect religious harmony and public order? However, this restriction has divided the Indian

¹⁴<http://timesofindia.indiatimes.com/india/Subramanian-Swamy-challenges-hate-speech-law-in-SC/articleshow/47776651.cms>

¹⁵ Section 66A defines the punishment for sending "offensive" messages through a computer or any other communication device like a mobile phone or a tablet. A conviction can fetch a maximum of three years in jail and a fine. - See more at: <http://indianexpress.com/article/india/india-others/explained-article-66-a/#sthash.Jdyj9YLI.dpuf>

¹⁶ <http://berkeleycenter.georgetown.edu/resources/india>

society along the religious lines and consequently has resulted in violence and increased censorship. It would be interesting to note that India performed abysmally low 140th in the list of 180 countries in the World Press Freedom Index 2014.

This study would be academically interesting, timely and relevant in communally sensitive Varanasi (North Indian city) since there is very limited study on this subject in this specific context. Varanasi is a hotbed of strong nationalist and religious feelings. It would be interesting to explore the insights of young Indian students who belong to two major religions (Hindu and Muslim) of India; and to investigate their concern (and engagement) related to the conflict between freedom of expression and religion specifically to the role of their religious leaders in such conflict. There is also a gap in the knowledge related to what religious students think towards freedom of expression in secular India. This research intends to bridge this gap.



Figure. 1.1

Varanasi in India Map.

Source- Varanasi Org.

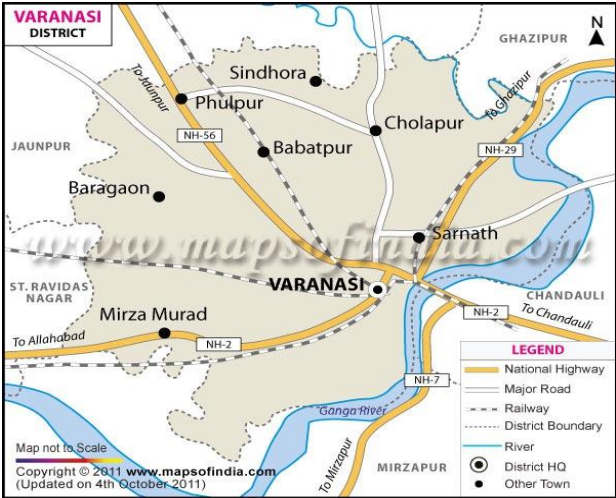


Figure 1.2

Map of Varanasi, Area 73.89 Sq. Km., Population-1322248(1991 Census)

Source- Official website of Varanasi

Varanasi- also known as Benares, (Banāras [bə'na:rəs], or Kashi (Kāśī ['ka:ʃi], is a North Indian city on the banks of the river Ganges in Uttar Pradesh, India, 320 kilometers (200 mi) south-east of the state capital, Lucknow. The spiritual capital of India, it is the holiest of the seven sacred cities (Sapta Puri) in Hinduism and Jainism, and played an important role in the development of Buddhism. In the Hindu faith, it is the holiest of all of its cities; In addition to its 3,300 Hindu religious places, Varanasi has 12 churches, three Jain temples, nine Buddhist shrines, three Gurdwaras (Sikh shrines), and 1,388 Muslim holy places¹⁷. However, Varanasi is one of the most communal violence prone cities in India and gained notoriety for Hindu-Muslim riots.

1.8 Reason to choose the topic

This study does not claim to fix the problem. Study most likely to draw attention of world community on this issue since problem (conflict between free expression and religious intolerance) is omnipresent and hinges upon the ongoing tussle between human rights and religion particularly in a secular state where solution seem illusive. Literature review (Chapter II), reveals that a lot of research has been done on this subject (but more serious reflections needed among academic community in contemporary times). However, rising level of religious intolerance in India again bought this issue in lime light and pushed me to do serious fundamental explorations on this topic as solution to the problem of conflict remains elusive.

1.9 Objectives of Research Problem

1. To challenge the dominant theory of secularism in light of Indian multicultural conflict between freedom of expression and religious intolerance
2. To evaluate perception of Hindu and Muslim Indian students on ongoing conflict between freedom of expression and religion

1.10 Research Question

1. How does the Hindu and Muslim Indian student perceive the conflict between freedom of expression and religious intolerance in India?
2. Can a theory on Contextual secularism deliver a better theoretical framework for how to practice freedom of expression in multicultural secular India?

¹⁷ https://en.wikipedia.org/wiki/Religion_in_Varanasi

1.11 Scope of the Study – Scope of this study were students studying at Kashi Vidyapeeth University, Arya Mahila College and Al Jamia Tus Salafiah in Varanasi. Interviews were conducted to selected students of the university. Theoretically, concerned conflict between freedom of expression and religion is examined through Contextual secularism.

1.12 Unites of Analysis – The unit of analysis is viewed through interviews with students in relation with their opinion on government’s treatment in managing religious intolerance against freedom of expression.

1.13.1 Research Design and Methodology (For detailed information, See Chapter IV)

This research has employed qualitative research methodology tools such as in-depth interviews, semi-interviews in order to understand and broaden the scope of understanding of students’ world views, thoughts and behavior. In order to answer my research questions, I have chosen to interview 13 students. I have selected semi-structured interview due to its flexibility comprehensible respondent’s point of view and respondent’s detailed answer (Bryman, 2012, p.469-471).

Source of information- Literary references is documented in understanding the issue.

1. Documentation
2. Archival Record
3. Electronic data is used since it is an invaluable source of scientific information (Bryman, 2012, p.113).

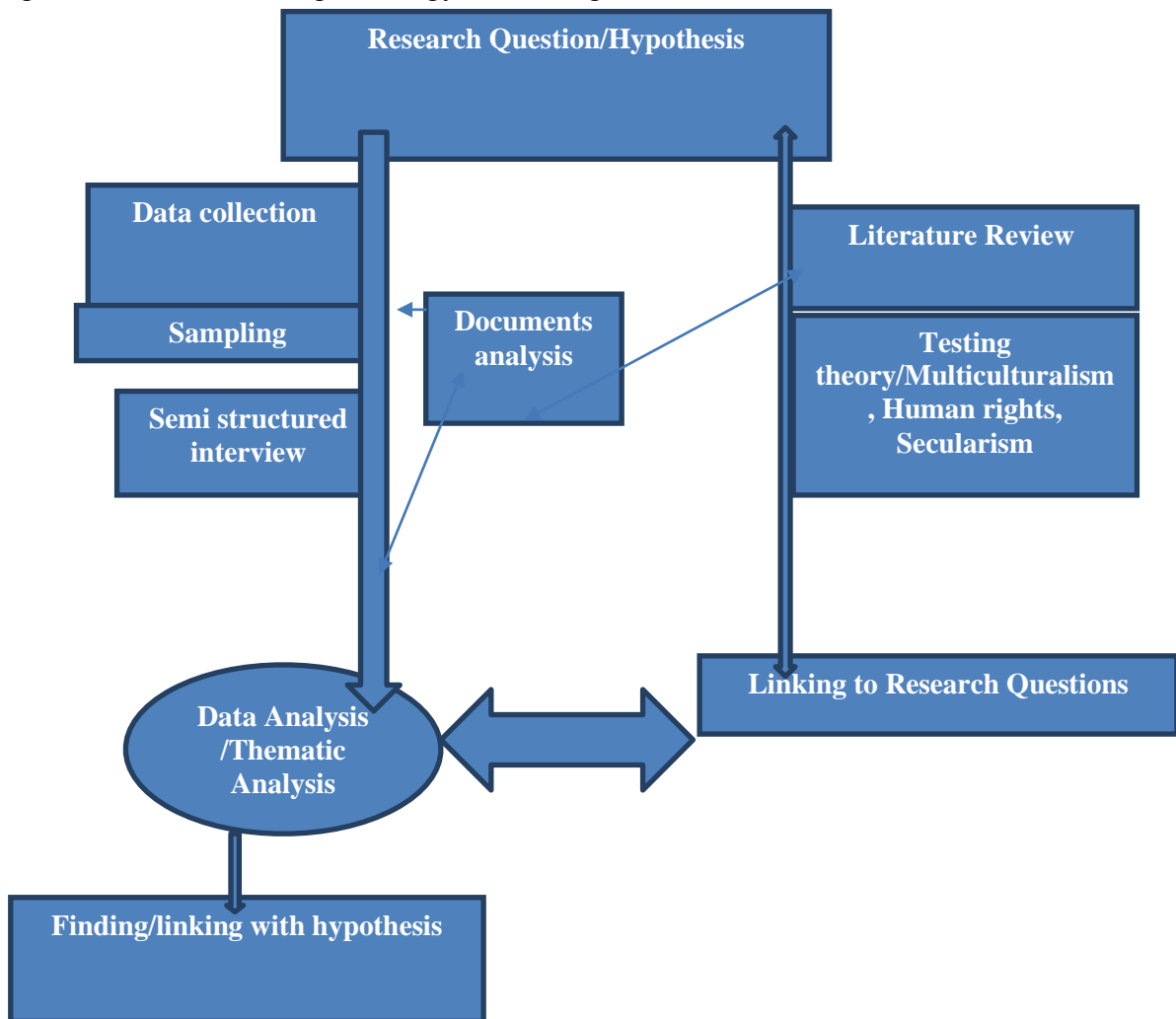
1.13.2 Sampling

My approach towards sampling for this study is purposive sampling which centered on selecting units and guide towards my research question. The reason I choose this particular university’s students because it is politically active and located in a communal violence prone area (detailed information in Chapter IV). In addition, students in concerned universities are known for their strong religious orientation and political participation is relevant for this research.

1.13.3 Data Analysis procedure

This study generate plethora of data and one of my crucial task is to link theories (as mentioned above) with research questions. Grounded theory as a general strategy of qualitative data analysis is applied.

Figure 1.3 Research Design Strategy Answering Research Questions



1.14 Linking data to proposition

This study has analyzed known theories about the links between theories of secularism, multiculturalism and concepts related to human rights principles in relation to the right to freedom of expression. Along with testing the theoretical basis of contextual secularism and contextual multiculturalism, this study has established these links through the Indian government's management of religious diversity in managing communal conflict.

1.15 Structure

This study comprises six chapters. Chapter one introduces the background, justification and significance of the research. It focuses on research questions, ethical guidelines, limits and challenges of this study, and a brief introduction about research strategy. Chapter two discusses relevant literature review and conceptualization of theoretical framework with focus on secularism and multiculturalism linking it to the research questions.

Chapter three presents the debate on religion vs. human rights and highlights the conflict between freedom of expression and religious intolerance. Chapter four outlines the research design, methods, steps and justification for data collection techniques, interview guidelines and sampling procedure used in carrying out the study. In chapter five, data is presented and analyzed, while Chapter six focuses on the conclusion, discussion and answer to research questions of the study.

1.16 Ethical Guideline

Principles as suggested by Diner and Crandall (1978, cited in Bryman, 2012, p.135), harm to participants, informed consent, privacy and deception is dealt with utmost concern in research process. Interview or any participation in research was taken only upon informed consent and data protection was given utmost priority (Bryman, 2012, p.140). Confidentiality of information and informants is maintained in order to ensure their safety. The researcher fully informed the respondents about the study and the risks involved. In addition, the decision of the informants not to answer question(s) was respected.

1.17 Limitation and Challenges of the Study

Small sample size, sensitive political situation in India, limited time to conduct field work and analysis of data, limited resources at disposal, and unseen bureaucratic hurdle during the fieldwork is some elements that affected the progress of this study. Currently, academics, students, and social activist working on issue of intolerance in India are being considered anti-national by majority of religious nationalist Hindus and they have to face hostilities at various levels. In fact, this has become (facing hostilities) my primary challenge while interviewing some journalist and some Hindu students. Second challenge to this study was the short period of time for conducting interview due to the long holidays at that time. This has extended my field work time for one more month.

Author's position- Being a Hindu, and conducting critical analysis on Muslims may have some elements of biases however, since being an outsider can provide an unbiased view as well.

1.18 Limits to generalization

Findings are temporally specific and are only applicable to the researched population (Bryman, 2012, p.205).

1.19 Significance of the study

Importance of this study lies in its current relevance, global and local. In Indian context, this study is highly significant in contemporary political scenario when forces of nationalism and fundamentalism are on rise and this reflects very often in the tension between freedom of expression and religion manifested in violence, increased censorship and religious divide among Hindu-Muslims relations. Apart from academic contribution at theoretical level, findings of this study have potential to influence government and NGO and passing of a policy related to human rights and multiculturalism. In addition, outcome of this study can be used for advocacy, promotion and protection of concerned human rights and religious tolerance.

1.20 Operational definitions

1.Fundamentalism - This study has referred word 'fundamentalist' characterized by negative trait; 'fundamentalism' in the sense of 'militant rejection of secular modernity characterized by the advocacy of strict conformity to sacred texts as type of militantly conservative religious movements (Encyclopedia Britannica). Marty and Appleby viewed fundamentalism primarily as the militant rejection of secular modernity. They argued that fundamentalism is not just traditional religiosity but an inherently political phenomenon. Marty and Appleby also contended that fundamentalism is inherently totalitarian, insofar as it seeks to remake all aspects of society and government on religious principles¹⁸.

2.Free thinkers - Person who forms his or her own opinions about important subjects (such as religion and politics) instead of accepting what other people say¹⁹, includes writers, film makers, painters, social workers, leaders etc.

3.Extremist - belief in and support for ideas that are very far from what most people consider correct or reasonable, the quality or state of being extreme²⁰

¹⁸ <http://www.britannica.com/topic/fundamentalism>

¹⁹ <http://www.merriam-webster.com/dictionary/freethinker>

4. Radical - Having extreme political or social views that are not shared by most people, favoring extreme changes in existing views, habits, conditions, or institutions associated with political views, practices, and policies of extreme change, advocating extreme measures to retain or restore a political state of affairs

5. Hindu - A follower of Hinduism

6. Islam - The religion of the Muslims, a monotheistic faith regarded as revealed through Muhammad as the Prophet of Allah

7. Multiculturalism - struggle for political mobilization, the policy and institutional outcomes to the forms of accommodation in which differences are not eliminated and washed away, but to some extent recognized (Modood 2013, p.36).

8. Muslim- A follower of the religion of Islam.

9. Public Order-The term “Public order” covers a small riot, an affray, breach of peace or an act disturbing public tranquility. “Public order” is something more than ordinary maintenance of law and order. Reasonable restriction on the exercise of right to freedom of speech and expression “in the interest of public order” is much wider than “for the maintenance of public order”. Such an interpretation could give the government a vast reservoir of preventive and others powers. Virtually everything could be deemed to be “in the interest of public order”.

10. Policy: A policy is a deliberate and usually careful decision that provides guidance for addressing selected public concerns. Policy is also a decision-making process that helps address identified goals, problems or concern. Policy development entails the selection of a destination or desired objectives. (Torjman, 2005, p.4)

11. Religions- Religions are particular, concrete, historical, communities with members, practices, and boundaries. It is also, the belief in and worship of a superhuman controlling power, especially a personal God or gods.

12. Hinduism- A major religious and cultural tradition of South Asia, which developed from Vedic religion in India. Hinduism is practiced primarily in India, Bangladesh, Sri Lanka, and Nepal. It is a diverse family of devotional and ascetic cults and philosophical schools, all sharing a belief in reincarnation and involving the worship of one or more of a large pantheon of gods and goddesses²¹

²⁰ <http://www.merriam-webster.com/dictionary/extremism>

²¹ http://www.oxforddictionaries.com/definition/english/hinduism#Hinduism_2

12. Fatwa- a ruling on a point of Islamic law given by a recognized authority

Chapter II Literature Review

For a better theoretical understanding about conflict between freedom of expression and religious intolerance in India, it would be relevant to explore principles and concept through which India seeks to manage such issues. In this context, concept of secularism, and multiculturalism would help in comprehending why Indian government functions in a certain manner and how these principles shape young minds of Indian students.

Secularism and multiculturalism are inherent in Indian Constitution. There have been significant amount of study on topic undertaken, however, there is still gap in knowledge. There is scarcity of well researched study on this particular topic. Nevertheless, analyzing various points of views to related topics constitutes vital aspect of this research. Researched topic or social phenomenon can also be well explained through theories of public sphere\reason (Ralws) and political multiculturalism. Prominent theorist such as Ralws, Hambermas, Bhiku Parekh, and Tariq Modood has contributed significantly on this subject. Their views would be cited in this study while conceptualizing the issues with empirical connotation.

It would be Herculean task for any multi-religious; multi-ethnic nation to prevent and control societal conflict and manage communal harmony while respecting freedom of expression. India is a vast multi-religious, multi-ethnic and multi-linguistic society and prone to communal tension and violence among its diverse population particularly Hindu-Muslims conflict. Modern history of Hindu-Muslim conflict originates from British rule and has continued until now.

2.1 Managing multicultural religious conflicts through Secularism

During the first decade of the twentieth century, social orthodoxy in India and anti-colonial political space were monopolized by Hindu cultural revivalists. Congress leader Mahatma Gandhi explicitly subordinated the freedoms of individuals to broader cultural and spiritual concerns with the revival of Indian civilization as well as the “sentiments” of religious groups, in line with the emerging discourse of “Indian secularism”. In addition, Gandhi was also concerned with enmity between Hindu and Muslims.

For the sake of managing vast multicultural Indian society and to prevent potential sectarian violence (particularly between Hindu-Muslim), it has become vital for newly liberated Indian State to be seen neutral thus, ‘political neutrality’ has become the guiding principles, which to certain extent, led to Indian secularism. The word ‘secularism’ first

appeared on the American scene in 1870 as a key term and very often in its polemical sense of anti religion. The Supreme Court of India defines secularism as a “more than a passive attitude of religious tolerance; it is a positive concept of equal treatment of all religions,” (Mohammad, 2006. p.388).

India is a secular country. Not in the sense of strict separation of Church and State as in the United States or as Oxford dictionary defines- not connected with religious or spiritual matters²². However, western concept of secularism has certain limitations, if applied in the Indian context as some scholars have objections on secularism being western character; incompatible to indigenous world-views: deeply insensitive to religious people (Rajiv Bhargava, 1994, p.2). Bhargava is uncomfortable with idea of enforcing secularism in its absolute western form on India, as, he argues, ‘it may not be suitable in a religiously-ethnically diverse society where religion and indigenous style is a way of life.’

However, Tylor (2011, p.36-49) consider secularism as the response of the democratic state to manage diversity and secular reason is a language that everyone speaks and can argue and be convinced in. Chatterjee (1994, p.1773) has argued for a different relationship between state and civil society-at least in the matter of religion. Thus, India, follow a modified version of secularism (Bhargava refer it as a sort of Contextual Secularism) to cater its cultural-political space; widening broader space for religious affairs within the secular political structure.

However, I believe contextualizing/modifying concept of secularism in Indian context could open danger to nation sliding towards a theocratic state which could limit role of secular- minded intellectuals in public sphere and privilege clergy class. Unclear/blurred relationship between State and religion is also an invitation to undue intervention in private religious affairs of the communities by the State.

Conversely, Eminent Indian communist Historian, Professor Romila Thapar (2015, p.38) supports only limited role of religion in public sphere. She pointed out the role of religion in public sphere affects the possibility of a secular democracy. Thapar also accused current politician for the propagation of extreme religious nationalism and the state alike. Though Romila Thapar’s statement is very relevant in current Indian nationalist political scenario, however, it is also, more or less applicable to former Congress party government (was in power for 60 years) who have applied censorship according to the their political needs and cowed down to religious fanatics-fundamentalist to submit their demands to ban critical

²² <http://www.oxforddictionaries.com/definition/english/secular>

voices. No wonder, Congress party has been blamed for minority appeasing as it is apparent in ban on Satanic verses and Lazza.

However, in Peter V. Deer's (1996, p.300) opinion, a nation can only be modern if it is secular, and nationalism has to be connected with secularism to be modern. For Peter, religious nationalism is growing in India in form of a religious movement as Thaper has observed, too.

Nonetheless, problem with Thaper and Deer's hypothesis (secularism is best for modern nations) is they ignore multicultural reality of a nation where thousands of people speak different languages, belongs to entirely diverse ethnicity, and guided by different ethical and religious values. Due to lack of education and huge gap in income level and poverty, peoples' thinking shape in a way that may not follow secular principles in a strictest term.

In addition, in Southeast Asia particularly in India, religion is an all encompassing experience for many people and is the foundation for well-being (Jha, 2011, p.6). Thus, separating religious/indigenous thinking in public sphere could be violating people's (believers) democratic right to participate in public affairs. Some Indian scholars have argued that religion cannot be separated from public life in India; believers and atheist can live together peacefully provided secularism is contextualized to the particular socio-cultural society.

2.1.1 Contextual Secularism

Bhiku Parekh (2006, p.195) stated that there is a no single model fit for all nations. He suggested to every multicultural society to devise its own appropriate political structure to suits its history, cultural tradition, and range and depth of diversity. In this context, Indian method of managing religious diversity, to certain extent, is responsible for the birth and growth of Indian Contextual secularism- conceptually distanced from its western counterpart and suitable for India's multicultural needs.

Thus, we need to see this kind of secularism in a particular context, thus, to certain extent; I am in agreement with Bhargava's 'Contextual Secularism'. Contextual secularism advocates state-intervention for sake of substantive values (1994, p.25). Bhargava (1994, p.3) has argued that complete secularization of society is neither possible nor desirable.

Bhargava idea of Contextual secularism allows politics to keep a principled distance from religion institution; Contextual secularism secure a dignified life for all; prevent discrimination on grounds of religion, check religious bigotry and manage frenzied inter-religious and inter-communal conflict that threaten to plunge societies into barbarism, or carry

them into an escalating spiral of violence and cruelty (1994, p.22). The merit of Contextual secularism is that it tries to achieve the purpose behind secularism by grasping that between total exclusion and complete fusion lie many forms of separation. Bhargva believe that intermingling of religion and politics is permissible as long as it helps meet their objectives but if any forms of blending defeats their aims, then their amalgamation must be restrained (Ibid). The precise form of these restraints cannot be decided a priori but must be worked by each society. Each society must work its own version of secularism.

His idea on Contextual secularism shares conceptual proximity with Tariq Modood's moderate secularism. Tariq has advocated for religious accommodation of European Muslim minorities in strict secular states of European nations. Tariq Modood (2007, p.72) has argued for an accommodative model that respects religion that goes beyond both toleration and even civic recognition.²³

Bhargva (1994, p.9) propagate a principled distance must be maintained between religion and politics, which could reflect a 'commitment to some version of political neutrality' and the mutual respect between religion and politics. In the strategy of principled distance, the state intervene or refrain from interfering depending on which of the two better promotes religious liberty and equality of citizenship; State must ensure inclusion or exclusion into politics be guided by non-sectarian principles consistent with a set of values constituted of a life of equal dignity for all.

Nevertheless, idea of 'principled distance' appears profoundly problematic. Practically, this creates confusion on the part of government since there is no clear demarcation of principles between state and religion. So called idea of 'principled distance' also open ways for manipulation from political parties particularly religious-nationalist who could suppress secular values if they come to power.

Chateerjee (1994, p.1771) has described three principles of secularism (as a liberal-democratic doctrine), "First, to protection of all religion (certain basic rights), second is the principle of equality which requires that the state not give preference to one religion over another; the principle of neutrality - known in US constitutional law as the 'wall of separation' doctrine, viz, that the state not involve itself with religious affairs or organizations."

Principle of neutrality is questionable in Indian context. As this Case study has revealed, minority students blamed Indian government for favoring majority population over minority. In a country where political and bureaucratic system is primarily run by eighty percent of Hindu population, it would be logical to think that political interest of religious

²³ <https://www.opendemocracy.net/tariq-modood/moderate-secularism-european-conception>,

minorities may not be safely guarded and this could lead to discrimination, as study also have proved (Singh, 2013, p.55).

However, Taylor (2011, p.50) considers state neutrality is basically a response to diversity that has trouble making headway among secular people in the west, who remain oddly fixed on religion as something strange...this attitude has a political ground (religion as threat), but also an epistemological one (religion as a faulty mode of reason).

On the same line of argument, Mahmmod Saba (2009, p.837-8) also, have questioned the manner of conceptualizing the conflict between secular necessity and religious threat. In her words, “this dichotomous characterization depends upon a certain definition of religious extremism, often amassing a series of practices and images that are said to threaten the secular liberal worldview.” She suggests that to get over the current secular religious-impasse any political and intellectual discussion must critically rethink the epistemological and ontological assumptions that undergird these norms.

Nevertheless, arguments are made about secularism that democratic state must be expected to protect cultural diversity and the right of people to follow their own culture. This is why precisely Indian Constitution allowed minority to retain their personal laws and undertook not to change these (including the right to maintain their religious institutions and funding from the state) without their consent if fact, laws have passed banning bigamy among Hindu but not among some minority communities²⁴.

Reasons for such differential treatment are complex; as Parekh (2006, p.192) reflects that state cannot remain indifferent to the iniquities of some of these laws and needs to insist on certain basic principles of justice.

Nevertheless, Indian style of Contextual Secularism is reflected in government policies, when it changed Hindu personal law quite significantly. Polygamy was made illegal; the right to divorce was introduced; child marriage was abolished, animal sacrifices within the precincts of the temple were prohibited, devadasi dedication was abolished; temple entry rights for Harijans were introduced; and temple administration was reformed (Chateerjee, 1994, p.1770-5).

Even Muslim leadership in India has not shunned state intervention altogether though Muslim family affair is governed by their Personal Law Code (Ibid, p.1772). Contrastingly, Bilgrami (cited in Harihar, p.154) has questioned the constitutional protection for the

²⁴ Article 29 (1) says that any section of the citizens of India having a distinct language, script or culture of its own shall have the fundamental right to conserve the same. This means that if a cultural minority wants to preserve its own language and culture, the state cannot by law impose on it any other culture belonging to the local majority. Both religious and linguistic minorities are protected by this provision.

“personal laws” of the Muslims in India, as such personal law restrict individual rights and autonomy. Bilgrami fear is justified in Khan v. Shah Bano Case (1985 SCR (3) 844)²⁵, where a Muslim women’s human rights were ignored by government just to respect Muslim personal laws and to appease minorities for political gains.

Bhargva believe (2004 p.23), “Constitutional protection for the personal laws are outcome of the contextual secularism which reflect ‘political neutrality’ and ‘mutual respect between religion and politics”.

Conversely, John Rawls and Thomas Nagel, argued against principles of State neutrality questioning notions of state impartiality and religious toleration to other areas of moral disagreement (cited in Chatterjee, 1994, p.1773). As Chatterjee (Ibid) commented, in case of religion, the existence of fundamentally divergent moral values in society would imply there is no rational way in which reasonable people might resolve dispute, and since state should not arbitrarily favor one set of beliefs over another it must not be asked to intervene in such conflicts.

Conversely, I would argue here, in some cases of non-intervention in religious private affairs of minorities State could be complicit in human rights violations leaving vulnerable groups such as women, children and disabled on mercy of discriminatory religious laws. Therefore, in order to protect human rights of weaker groups, State’s intervention is justified as Bhargava also affirms.

Nevertheless, above examples have proved India do not strictly follow policy of non-intervention in religion as Western secular state, rather, pursue a form of contextualize secularism to manage multicultural religious tension, equality, and intolerance, and to regulate public sphere-particularly in controlling and regulating free expression in public sphere.

I intend to ground this study in the context of contextual secularism though it is difficult to maintain sufficient analytical distance from the increasingly vocal western discourse on secularism.

2.2 Public Sphere²⁶, Public reasoning and Political Deliberation– In the context of Secularism

Concept of ‘public sphere’ that recurs in discussions over freedom of expression and state control, derives from the German sociologist Jürgen Habermas’ classic treatise on how

²⁵ https://en.wikipedia.org/wiki/Mohd._Ahmed_Khan_v._Shah_Bano_Begum

²⁶ private sphere is simply the familiar liberal concept of a realm of thought and action that is protected from the coercive power of the state and that involves the concepts of limited government, liberty of conscience, and the separation of church and state (Evan Charney, Political Liberalism, Deliberative democracy and the Public Sphere, American Political Science Review Vol. 92, No. 1 March 1998)

the growth of discursive spaces in Europe...enabled the transition from a feudal representative government to a form of governance in which the authority of the state could be subjected to critical discussion. However, the Indian public sphere grew forth in a different way (Kathinka. 2010, p.126).

Habermas favors a conception of public sphere that relies on fair procedures that guide public deliberation, but do not restrict citizens' participation. While Rawls argues citizens ought to provide public justifications for political positions, Habermas leaves open the types of reasons that can be provided in the informal public sphere (cited in Yates, 2007, p.181). Habermas is able to defend an inclusive and open-ended process of public deliberations in which the modernization of consciousness is a mutually recognized learning process, his conception of the public sphere, emphasize the ideal of equal participation rights in open public discourse.

For Habermas (2005, p.333) the boundaries between secular and religious reasons are fluid. In *Religious Tolerance- the Pacemakers for Cultural Rights* (2004, p.15-18), Habermas calls for self-modernization of religions. Religious citizens may contribute reasons for political positions in their own terms while acting as members of an informal public political sphere. They must however accept that when it comes to law making, those reasons can be translated into secular counterparts and may serve as source of justification.

Habermas argues that secular and religious citizens should share an equal burden in trying to understand one another's reasons in the informal public sphere, thus, both religious and secular citizens ought to share the burden of splitting their identities (cited in Yates, 2007, p.887). Habermas, on the one hand, pushes the boundaries of public discourse by challenging secular citizens to grapple with the "profane truth content" of religious statements while, on the other hand, urging non-religious citizens to embrace the realities of a "post-secular" world that must learn to accommodate the continued existence of religion as a force in public life (Sheddy, 2009, p.4).

However, Rawls's idea of 'duty of civility' demands citizens to share the burden of separating their political views from essentially religious while holding government officials accountable who violate public reason (1997, p.765). For Rawls, public reason, which establishes norms for democratic discourse, applies to a limited domain but, rather, within a more restricted sphere... (Cited in Charney, 1994, p.1997).

The public reason in its strictest form precludes appeals to particular comprehensive moral, religious, or philosophical doctrines in the public sphere (Rawls 1993, 10, 214-8)²⁷. For Rawls, the free exercise of religion remains a "private" right of individuals (although it is a right most often exercised by individuals as members of various groups) (cited in Charney, 1994, p.99).

However, Rawls's doctrine prevents religious citizens from having a 'religiously integrated existence' forcing them to make a sharp division between reasons that they link closely in their minds.' Rawls comprehensive theory, in Indian context, does not appreciate its multicultural reality and diverse opinion. For ordinary Indian citizen, it would be extremely challenging to separate their religious-moral values from entering into public sphere where most of social-political dialogue occurs, thus, nearly impossible to keep religious matter totally into private realm of life.

Bhikhu Parekh (2006, p.307-11) opinion differs from Rawls and Habermas. He noted, "political deliberation is *contextual* and *culturally embedded*, is never wholly cerebral or based on arguments alone, and no single model of it fits all societies. He blame (Ibid) Rawl's theory of public reason for rationalist bias, homogenizing and taking a one-dimensional view of public reason, assimilating the political to judicial reason, and unwittingly universalizes the American practice. Parekh is equally critical to towards Habermas whose "discourse ethics fails to appreciate the depth of national diversity; takes a narrowly rationalist view...ignores other forms of reason, takes a homogenous view of political arguments (2006, p.341)."

Taylor (2011, p.46-50) also is critical of Habermas position on religious discourse. Taylor sarcastically thinks, 'We are condemned to live an overlapping consensus'.

I support Parekh line of thinking. In conceptualizing a western discourse such as secularism and multiculturalism, even discourse of human rights in Indian context needs reframing, (of such concept) keeping cultural and regional particularity in mind as some relativist theorist also suggests. Thus, applying Rawls and Haberman concerned theories in Indian context, requires serious conceptual adjustment as they failed to appreciate hugely diverse religious and ethnic values of Asian society. In this context, Parekh (2006, p.310-11) expressed that "political deliberations also shall be judged for its moral, epistemological and community-sustaining role since all arguments are articulated and conducted in a particular

²⁷ According to Rawls, Public reason involve an adherence to general principles of reasoning, criteria of relevance, and rules of evidence-"accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions of science when these are not controversial" (Rawls 1993, 224-5)

language, thus theories of political deliberation, such as those of Rawls and Habermas, remain unrealistic.”

Grounding above theories of secularism in the Indian context, I support Parekh who argued that political deliberation is contextual and culturally embedded, thus culture and concepts need to be contextualized.

It would be relevant to explore theories on which Indian response to this conflict is based; and also to build theoretical grounding- an analysis of concept used in this case study is pertinent.

2.3 Towards new theoretical framework of Contextual Secular-Multiculturalism

State-religion relations in every country are in constant flux; as a result legislation or case law affecting countless aspects of religious life, and nature of their relationships can have significant implications for more general human rights implementations (Durham, 2011, p.360) as it is apparent in the Indian Cases.

Though, nature of State-religion relationship remains vague, as we have observed in Indian case where government has devised ad-hoc policies originating from theory of secularism and multiculturalism. Ironically, all concerned western concepts (secularism and multiculturalism) have been contextualized- to meet nation's multicultural requirements and needs. Uprooting Western principles and applying in a very different Asian context has its own pitfalls. This (blurred State-religion relationship) however, have resulted in restrictions on freedom of expression and intrusion in religious sphere, and Indian government in many cases, seems (as cases suggest) favoring religion over the freedom of expression.

In my opinion, In Indian context, even, right to free expression is contextualized and compromised. Heath (2006, p.7) correctly pointed, there is no such thing as freedom of speech in a broader sense because all speech comes from the limitations of a *cultural context*, expresses a *particular* perspectives and represents *specific* interest thus in my opinion freedom of speech is contextual. Heath statement is quite true to the Indian multicultural context where concerned theories and policies are in state of flux and determined by the 'multicultural context' rather than on established theoretical model.

India response to religious intolerance towards freedom of expression has been on ad hoc basis. Such policies dealing with this kinds of conflicts have been inconsistent; thus, a disoriented policy framework and lacks of grounded theoretical approach has been resulted in the restrictions on the freedom of expression (as this paper argued) and balance seem heavily tilted towards in favour of religion.

2.3.1 Indian Contextual Multiculturalism

Many prominent proponents of multiculturalism, including Bhikhu Parekh, Joseph Carens, and James Tully, describe their multicultural political theories as “contextualist.” Multiculturalism is concerned with particular kinds of cases (e.g. involving cultural diversity) characteristic of specific kinds of contexts (e.g. countries containing indigenous or national minorities or experiencing immigration). But it has also been suggested that the way in which multiculturalism is concerned with cases and their particular context is special (Levy, 2007; Murphy, 2012, chap. 9, cited in Lægaard, 2014, p.259-60). Modood describes “the best multicultural political theory,” on which the argument draws, as “not a priori but contextualist”.

Context is relevant in the sense that it determines the kinds of cases to which arguments or theories aim to apply (Ibid). Parekh (2006: 267) notes, ‘political dialogue occurs within a particular society with a particular moral structure, history and traditions...society’s operative public values provide the context and point of orientation for all such discussions’.

Indian response in managing its cultural diversity and originating tension between human rights (the Right to Freedom of Expression and the Right to Freedom of Religion and Belief) and religion has been influenced with Indian policy of recognition and policy of cultural accommodation. It has been argued that at the heart of the resolution of many ethnic conflicts in India lies a set of so called multicultural state policies (Bhattacharya, 2003; Balsekar 2009, p.21).

Balsekar has categorized India as a thick multicultural country which grants extensive group rights and cultural protection to any section of citizen in its Constitution. Balsekar (Ibid) cites Gandhian multicultural arrangement which was inherently informal, based on particularistic and contextual accommodations of difference rather than Universalist precepts.

For Parekh, Indian constitution has well respected and accommodated its diversity and plurality. Thus, in a sense, Indian government follow a type of contextual multiculturalism- which shares close similarity to the western type of multiculturalism. Indian constitution is the only multicultural document, and most of the multicultural policies were made and contextualized under the influence by history of sectarian conflict in British ruled India.

2.3.2 Indian contextual secularism

Rajiv Bhargava (1994, p.25) has termed Indian type of secularism as contextualist secularism. Contextual secularism advocates state-intervention for the sake of substantive values which in his opinion values human rights and democracy. It was primarily to tackle this problem

(Hindu-Muslim sectarian violence and to maintain religious neutrality) the Indian state excluded religion on contextualist (political) grounds (Ibid, p.23). The dominant justification of the policies and practices of the Indian state was done by appealing to contextual secularism of the principled distance variety; exclude religion for some purposes and include it to achieve other objectives, but always out of non-sectarian considerations (Please details- Chapter VI- Section 6.1 Discussion).

2.3.3 Indian contextual secular-multiculturalism

India, on one hand, follows a 'principled distance' in State-religious affairs (employing Contextual secularism), while on the other hand, manage religious conflict and harmony and practice contextual multiculturalism. In line with prior discussion, there is a theoretical framework emerging - through which complex interaction between state, human rights, and management of religious diversity and conflict (under discussion) can be approached, namely Concept of Indian contextual secular-multiculturalism.

To achieve the research goal of this study, I shall approach concerned conflict through concept of Indian contextual secular-multiculturalism. This Conceptual framework is employed to explain how and why State responds towards religious intolerance in particular manner. Seen through this conceptual framework, interviewed student's perception on researched conflict helps develop a better understanding. Case study and resulting analysis is conducted in the line with this conceptual framework and a link will be established with the conclusion. (See Chapter IV, V and VI).

In relation with reviewed literature, next chapter will discuss the conflictual relation between human rights and religion, along with highlighting relevant domestic legal framework on the Right to Freedom of Expression and the Right to Religion and Believe.

Chapter III

Religious Problems- Secular Solutions: Right to Freedom of Expression and the Right to Freedom of Religion and Belief in the Secular Indian context

This chapter discusses domestic legal framework related to the right to freedom of expression and the right to religion and belief in Secular India. In addition, chapter highlights debate on the tussle between human rights and religion in the secular Indian context and seeks to answer why India prefer religion over freedom of expression. Chapter deliberates as how Indian government manages its religious conflicts within secular framework.

3.1 The Right to Freedom of Expression

Article 19 of the Universal Declaration proclaims the right to freedom of expression, which includes freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers." International Covenant on Civil and Political Rights in Article 19 sets forth the right to freedom of opinion, expression and information. Paragraph 1 asserts the absolute right to hold opinions "without interference".

Article 19(1) (a) of the Indian Constitution guarantees freedom of speech and expression as a fundamental right. According to Article 19(2), freedom of expression is subject to "reasonable restrictions ... in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence." Article 19(2) lists further exceptions that exceed the scope of the International Covenant on Civil, Cultural and Political Rights (ICCPR), to which India is a state party.

Section 153A (1)(a) of the Indian Constitution is the most pertinent to freedom of expression and for the maintenance of harmony. It criminalizes,

"words, either spoken or written, or by signs or by visible representations or otherwise, [that] promot[e] or attemp[t] to promote, on grounds of religion, race, place of birth, residence, language, caste or community, or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities."

Section 153B proclaim that,

"Anyone who insinuates that people of particular religious, racial, linguistic or regional backgrounds cannot be loyal to the Constitution or be legitimate citizens, shall be similarly punished"

Section 295A states that,

“Anyone who, through words, signs or visible representations, insults with malicious intent another group’s religion or religious beliefs shall be punished with up to three years’ imprisonment and/or a fine.”

Sections 295, 295A and 298 IPC deal exclusively with “religious harmony”.

However, the overbroad phrasing of these limitations (such as Public order) gives the state extensive powers to justify curtailments and unduly restrict freedom of expression²⁸.

Kathinka notes, (2010, p.164), “India has exceptionally strong protection against infringements and provocations linked to community memberships with pronounced ascriptive characteristics. Despite the ease with which this heterogeneity is usually dealt with in everyday life, India has experienced some horrendous instances of collective communal violence (1984 Sikhs riots, Godhara riots in 2002) and censorship on free expression”.

However, provision of strict law does not absolutely hinder communal conflicts and deter people to disturb communal harmony or using hate speech. Nonetheless, provisions of law works as a preventative measures and in many cases is able to prevent impending violence originating due to reckless use of freedom of expression such a censorship on Satanic Verse has demonstrated.

3.2 The Right to freedom of religion or belief

The primary sources of law on freedom of religion or belief are Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (OHCHR).

In the Indian context, there is no state religion in India. Constitution originally had no reference to secularism. The 42nd Amendment in Indian Constitution added the word, ‘secularism.’ Constitution emphasizes on religious freedom, freedom of conscience, equality and non-discrimination.

The provisions relating to “Right of Freedom of Religion” in the Indian constitution are;

²⁸ The term “Public order” covers a small riot, an affray, breach of peace or an act disturbing public tranquility. “Public order” is something more than ordinary maintenance of law and order. Reasonable restriction on the exercise of right to freedom of speech and expression “in the interest of public order” is much wider than “for the maintenance of public order”. Such an interpretation could give the government a vast reservoir of preventive and others powers. Virtually everything could be deemed to be “in the interest of public order”.

Article 25. Freedom of conscience and free profession, practice and propagation of religion;

Article 27. Freedom as to payment of taxes for promotion of any particular religion;

Article 28. Freedom as to attendance at religious instruction or religious worship in certain education institutions.

Indian Constitution guarantees that all persons can enjoy the freedom of conscience and have the right to entertain any religious belief and propagate it (Article 25). All religious communities are guaranteed freedom to manage their own affairs in religion, acquire and manage property and establish institutions for religious and charitable purposes (Art.26). The Constitution, however, makes it specifically clear that these guarantees for religious freedom will not preclude the State from introducing social reforms by law or from “regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice²⁹.” As discussions in the chapter II related have also showed (see Chapter II).

In recognition of the nation’s religio-cultural diversity the Constitution entitles every section of citizens in all regions of the country to conserve its distinct culture, language and script, imposing at the same time on all citizens a fundamental duty “to value and preserve the rich heritage of our composite culture.”³⁰ However, there is no provision in the Constitution directing the State to remain neutral to religious issues; nor does it specifically ask the State to cooperate with the religious communities in respect to their faith affairs (Mohmood, 2011, p.389).

Indian State is not at all prevented by law from playing a role in the affairs of religion and controlling religious narratives in public sphere which have harmful effects on freedom of expression³¹. One of the reasons for Indian government to restrict free expression is people’s sensitivity towards religious feelings (As case study concluded). Other reason is that high possibility of sectarian violence as India has history of communal tension and wants to avoid further partition of the country at any cost. Thus, discussed laws and regulations intend to protect social harmony more than the Right to Freedom of expression in Indian constitution.

3.3 Tussle between Freedom of Expression and Religion

²⁹ Art. 25 (2)

³⁰ art. 29 (1) and 51-A (f).

³¹ In a public statement Penguin Books noted that, “[T]he Indian Penal Code, and in particular section 295A of that code, will make it increasingly difficult for any Indian publisher to uphold international standards of free expression without deliberately placing itself outside the law.” *Imposing Silence*, p.15

India is a member of various UN treaties and Covenants, thus, along with its Constitutional duty, India have legal obligation to protect and promote all human rights including The Right to Freedom of Expression. However, discussed cases of censorship (See Chapter I) suggests, Indian government prioritizes religion over human rights of free expression. This particular conduct of the Indian State is also rooted in global debate in relation to tussle between human rights and religion in a secular society.

Ideology of religion and of human rights differs in its source, base of authority, forms of expression, and substantive norm. Human rights are all about liberty, autonomy, democracy whereas religious ideals are conformity to God's will, to divine law, to religious authority and to hierarchy. The human rights idea today is part of an ideology of constitutionalism, which includes commitments to the rule of law and popular sovereignty.

Witte and Green pointed out (2012, p.17) "While human rights norms encourages pluralism and diversity, many religious bodies requires orthodoxy and uniformity. While human rights norms teach freedom of expression and petition, several religions teach duties of silence and submission".

In my opinion, human rights and religion complement each other. Some religions started to see human rights as natural rights rooted in natural law, and natural law is religiously inspired. Their (values) interchange have been increased in global world and are utmost important to maintain communal harmony in plural society - particularly in society where religion is a way of life, and where human rights norms are still at the nascent stage (or yet to establish its credibility among civil society, human rights skeptics, government official such as in India). Religion in India has been a way of life since ages, but human rights as western modern legal concept is relatively new. Thus, for effective management of multiculturalist pluralistic society, it is necessary that human rights and religion to be seen as a unified part of same societal cosmos.

However, Louis Henkin (2000, p.237) is concerned about how religious fundamentalist movements in different parts of the world are intolerant to other denominations within their own religion as well as other religions. They either seize or join political power. This is what happening in India where, not only Hindu fundamentalism is in direct conflict with human rights of freedom of expression, but also disrespect the human rights of minorities such as Muslims and Christians while using its political clout. In India, fundamentalism is in direct conflict with the concept of western human rights.

Nevertheless, it is undeniable that religion has been, and still is, a formidable force for both political good and political evil, it has fostered benevolence and belligerence, peace and pathos of untold dimensions. Nonetheless, proper response to religious belligerence is not to

limit religion to private sphere, rather to conform those religious teaching and practices that are most conducive to human rights, democracy and rule of law as Witte and Green suggests (2012, p.15).

The rights of religion consist an inherent part of rights of speech, press, assembly, and other individual rights as well as ethnic, cultural, linguistic and similar associational rights. No system of rights that ignore this cardinal place of religion can be respected or adopted.

An-Naim supports a legal system with a pluralistic mode of interpretation that respects ‘the right of the local community to be the living frame of interpretation for its own religion and its normative regime (1995, p.233-40). Concepts like human rights have interlocking legal and religious dimensions. However, An-Naim is against the idea of centralized legal system enforcing rights on different cultures without respecting its plurality.

However, religious status system where State recognizes the jurisdiction of religious system (Millet system) typically in the area of family law and inheritance, represents a notable advance in the direction of religious tolerance. India is a case in this point.

Finally, it can be said religion explains and comforts, provides spiritual meaning to life and supports tradition whereas human rights supports human dignity and advocates for a humane condition where religious person can peacefully achieve some of their goals, though not all. However, to certain extent, I agree with Louis Henkin (2000, p.239), who believe idea of human rights is an essential idea and religions should support it.

3.4 Restrictions on free expression - Tolerating religious intolerance in India?

This study specifically highlighted the government censorship apart from sporadic mention of religious group’s tactics to pressure writers, film directors and freethinkers. Discussed cases of restrictions on freedom of expression by religious groups in Chapter I have demonstrated that freedom of expression is indeed under pressure from government agencies and fundamentalist alike. A conflict between human rights and religion is unfolding in various ways, laws being manipulated to repress secular voices, violence is spread against liberal forces even in some cases, government seem supporting religious-nationalist fundamentalist over free expression of civil society .

However, most alarming trend is cases of intimidation and violence against free thinkers. (See, Chapter I). Salil Tripathi (2015, p.43) is more concerned about the dangerous trend of violence being committed against writers or publishers, religious-fundamentalist groups filing lawsuits in distant local courts, and demanding state take action against rationalist thinkers and social workers. In my opinion, these factors also led to self-censorship and egg government on to impose censorship and curb freedom of expression.

Kathinka (2003, p.173-5) considers that these kinds of censorship affects artistic expression (as in Rushdie's case) and affects academic as in James Laine's case. However, in most cases, government, under pressure from fundamentalist Hindu and Muslim groups or Individuals, ban the object consider offensive to religious sensitivities, on the pretext of maintaining public order, public harmony and possibility of violence. Indian Historian Romila Thaper (2015, p.xxviii) has ascertained the root cause of offending religious feelings is a "bid to assert power and control over some crucial aspects of civil society..." Similarly Balseker (2009, p.26) has argued mobilizing against offensive materials allows religious-nationalist groups to signal their credibility as a vote bank for politicians.

Narratives from case study also confirmed that religious-nationalist groups intend to assert their control and power, resort to censorship demands and in many instances mobilize people, and organize mass violence against those who dare to express themselves freely and offend their religious-fundamentalist hegemony. As far as offending religious sentiments is concerned, Binderup (2007, p.411) made an interesting point. He thinks, anger displayed in third world countries, either simply feigned in order to publicly prove one's religious fervor or manipulated by clerical or secular agencies for political reasons... and to the diverted effects of deeper socio-economic and political frustrations".

One of the cause of growing intolerance against the freedom of expression is submitting to the colonial view of Indian history and society that encouraged the emergence of religious nationalism of right wing Hindus, as Thaper has suggested and also confirmed by Peter Deer (1996, p.262-3)³². However, such accounts ignore the fact that it is not only Hindu nationalist groups who demand censorship in India. As the opening section of this research showed, the ideological range of the actors who demand censorship in the wake of offense is broad indeed, suggesting the need for a more encompassing explanation of the phenomenon.

Nevertheless, not everyone believe that India's freedom of expression is restrictive. Kathinka (2010, p.172) a prominent Norwegian scholar on India, appreciates India's efforts to protect religious harmony. However, she believe that in India, balance point tilts heavily towards public order, respect, and recognition - which is manifested in restrictions of the right to freedom of expression in favor of religious harmony and submission to religious fundamentalist groups. Interestingly, in similar direction, Balsekar (2009, p.24) has pointed "censorship out of respect for a group's cultural sentiment in effect is a manifestation of that group's substantive political empowerment".

³² The Colonial project of classifying Indian communities provoked religious nationalism.

To maintain public order, possibility of violence and riots, and religious harmony, Indian government often submit to demands of the religious fundamentalist restricting free expression. Nonetheless, threats of violence, intimidation cannot be used as pretext for ban as Supreme Court (S. Rangarajan Etc vs P. Jagjivan Ram on 30 March, 1989) has held in Rangaranjan Case³³.”

Sorabjee (The Hindu, 2013) noted, ‘It is noteworthy that the Supreme Court endorsed the celebrated dictum of the European Court of Human Rights that freedom of expression guarantees “not only views that are generally received but also those that offend shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no democratic society.” Dhavan (2008) also argues that the existence of ‘law and order’ problems is not sufficient to ban a publication.

In addition, strictness of India law to protect from expressions that cause religious offence, regardless of the perpetrator’s intention, runs the risk of cutting short passionate but publically important debates. When speakers, including both those supportive of religion and those deeply critical of religion in general or a specific religion, are fearful about the consequence of speaking their minds, an important public debate on an important social phenomenon is stifled. Due to the ‘chilling effects’ of legislation that restricts freedom of expression, people may self-censor because they fear the possibility of litigation.

Prohibition of freedom of expression may result in an infringement of civil liberties such as – free expression and speech. This could have adverse political effect on Political awareness and expression, legitimate criticism and scholarly analysis of religion, humor and artistic expression.

In Indian context, the above social phenomena has been exactly observed where public intellectuals and civil society is afraid of being critical to religious nationalism, to debate liberal view, and hesitate to share critical comments on religious activities for fear of retribution.

Consequence of the conflict, along with violence and restrictive free expression is communal discord of Hindus and Muslims. They have been entering into cultural sphere with religious nationalist-extremist creating the stereotypes of both religion and the positions of liberals within both community became weak.

³³ The Court noted, “it is the duty of the State to protect freedom of expression. The State cannot plead its inability to handle the hostile audience problem. It is its obligatory duty to prevent it and protect the freedom of expression.”

However, Barry (2001:31) suggests that, religious fanaticism is whipped up by non-rational means, and the only way in which it is ever likely to be counteracted is by making people ashamed of it.” Barry suggestions, to some extent, could be fruitful to deal with religious extremism, however, he completely ignores religious sentiments of people thus, application of his idea could aggravate deeply rooted conflict in multicultural society where for majority of people, “religion is a way of life”.

On the same token, Binderup (2007, p.413) also thinks that to live an autonomous life, free expression must not be curbed by moral restrictions, and public moral pressure against offending the cultural beliefs and sensitivities shall be ignored.

3.5 Conclusion

In above discussion, it is apparent that Indian Law concerning freedom of expression and social-political system favors protection of communal harmony over free expression. Too much terms and condition imposed on exercise of freedom of expression in Indian Constitution discourages critical minds to voice their opinion against hegemony of religion in Indian society - as various cases discussed in this chapter has showed. Loopholes in law is open for blatant misuse by religious-national fanatics, thus, in Contemporary India, freedom of free expression, to some extent depends upon the whims and fancies of anyone who feels offended.

This chapter has provided an overview of domestic legal framework related to the freedom of expression and religion, highlighted debate between human rights and religion and discussed religious intolerance against freedom of expression in Indian context.

Chapter IV

Research Methodology

This chapter is an attempt to justify the appropriateness of my particular approach related to my research question, including justification of research methodology, data collection, sampling procedure and narrative analysis.

4.1 Research Design and Methodology

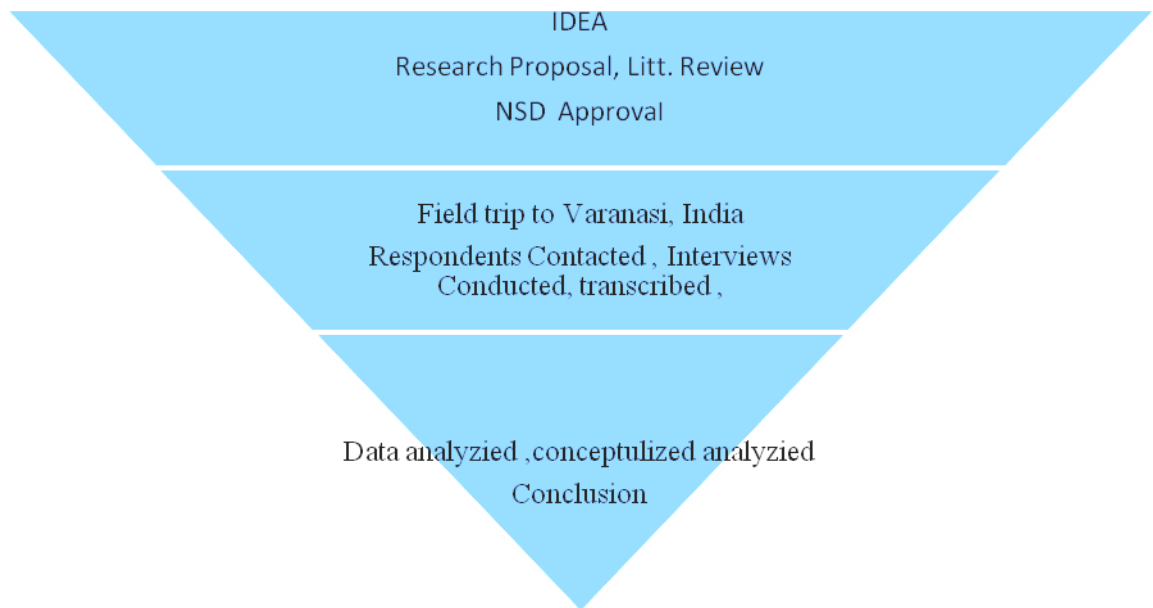
Research design shows how I collected data and conduct data analysis. Research design would illustrate the research process, causal connections between variables, approach to general population and conceptualizing the social phenomenon under investigation.

Research Design Overview

Below is step by step description of evolution of my research project.

- a. A literature review was carried out on the ‘Conflict between Freedom of expression and religious intolerance in Indian context of Radical Islam and Extremist Hinduism’ within the broad area of secularism, multiculturalism, human rights and religion, particularly on ongoing political debate in India.
- b. A research proposal was submitted to my university college, I got approval from NSD (Norwegian Social Science Data Service) to proceed with the research. The NSD approval involved filing in an online application to confirm adherence to criteria put forth for the collection of personal information. The interview protocol and the informed consent were uploaded as well.
- c. Field work was carried out in Varanasi, in the Indian state of Uttar Pradesh. Hindu Respondents were accessed through Varanasi based NGO (People Vigilance Committee on Human Rights). Muslim respondents were contacted through the dean of the Islamic University in Varanasi.
- d. A total of thirteen semi-structured interviews were conducted to nine (9) Hindu and four (4) Muslim students including two female Hindu students.
- e. Subsequently, data were transcribed, analyzed and presented and discussed in next chapter.

Figure 4.1 Research evolution process



4.1.1 Justification of Data collection techniques

4.1.1.2 Interviews

This research has employed qualitative research methodology. Qualitative research can be conducted through a variety of data collection techniques. According to Marshall and Rossman (1999, p.38) data collection can be classified into four types (a) participation in the setting, (b) direct observation, (c) in-depth interviews, and (d) documents analysis. Selection of research method is guided by the researcher's epistemological and methodological perspective. In my case, I reviewed theoretical perspectives drawing upon relevant literature related to secularism and multiculturalism. In addition, empirical data was derived from the respondent's perception on the conflict between freedom of expression and religious intolerance in the context of Radical Islam and extremist Hinduism in India. Furthermore, I conducted semi-structured interviews for data collection.

Qualitative interview as a method of data collection allowed me to understand and broaden the scope of understanding of my respondent's worldview, thoughts and behavior. I have selected semi-structured interview due to its flexibility. Also, it is easy to understand deeply respondent's point of view and to get detailed answer. Furthermore, it offers researcher the possibility to reformulate questions, clarify statements and include additional information.

However, there are some problems involved in interviewing respondents - unexpected interviewee behavior, environmental problems, intrusion of own biases and expectations in dealing with sensitive issues.

For purpose of answering my research questions, I have applied interview as my primary method for gathering data. Interview allows obtaining an in-depth understanding of my respondent's attitude and perspectives on the researched subject. Focus of interview was guided by three broad questions- Is Freedom of Expression under jeopardy due to religious intolerance from radical element of Hindu and Muslim; How does a student perceive the conflict between freedom of expression and religious intolerance?; and What are the opinion of students on the consequence of the conflict between freedom of expression and religious intolerance?.

After initial phase of literature review, another set of questions related to the domestic laws on the freedom of expression and religion was added since legal information provides a better understanding of this research. Qualitative interview method provided me an opportunity to exchange views and perspectives and ask follow up questions to get better understanding of complex topic emerging from the interview.

Interview questions implicitly touch the theoretical foundation of this research (conflict in multicultural society, cultural accommodation, and religious tolerance) and research questions. Using interviews as research instruments offered students at the Kashi Vidvapeet University, Arya Mahila Degree College and Al-Jamia Tus Salafiah (Deemed University) to voice out their opinion on the ongoing conflict; role of free expression and religion in their lives, and their own definition of terms such as fundamentalism, freedom of expression, intolerance, and secularism.

The guide approach was used ensuring the same general area of information is collected from each respondent. A total of 13 qualitative interviews with respondents are conducted at University Campus and their residence. Respondents are divided in two categories- four Muslim graduate student and nine Hindu graduate Males student (including Two Hindu Female student).

Interviews are transcribed. Information obtained from interviews is corroborated with other sources.

4.1.1.3 Other source of information

4.1.1.3.1 Documentation - Documentary evidences is gathered from various sources such as administrative documents and newspaper clippings. This set of documents is used in conjunction with other sources of information such as interviews. To select quality

documents, criteria as suggested by J. Scott (1990, p.6) namely, authenticity, credibility, representatives and meaning were followed.

Official documents due to their credibility and clarity is used (as suggested by Scott) in this study. Newspapers, magazine and films are another potential source for scientific analysis for this study (Bryman, 2012, p.552).

4.1.1.3.2 Archival Record- such as survey data, maps of geographic places is used in conjunction with other source of information. Since archival records is used to produce for a 'specific purpose', the condition will be appreciated in order to interpret the usefulness of any archival records.

4.1.1.3.3 Electronic data is used since it is an invaluable source of scientific information (Bryman, 2012, p.113).

4.1.1.4 Sampling

My approach towards sampling for this study is purposive sampling which centered on selecting units and guide towards my research question. As Bryman (2012, p.418) said, "In purposive sampling approach, sampling is conducted with reference to the goals of the research, so that units of analysis are selected in terms of criteria that will allow the research questions to be answered."

Reason I choose particular university's students because it is politically sensitive, academically vibrant, and located in a communal violence prone area (Kashi Vidyapeet University, Varanasi, India). All interviews were conducted in the university campus in Varanasi. Interestingly, current Prime Minister of India, Mr. Narendra Modi, hails from Varanasi. In addition, Varanasi is a hotbed of strong nationalist and religious tendencies.

Thirteen students were interviewed. Seven Male Hindu, Two Female Hindu and Four Male Muslim student (There was no Female Muslim allowed to study Islamic university). All Hindu respondents were master degree students whereas all Muslim students were at under graduate level student (III and IV year) since there is no Islamic university in Varanasi offering Islamic studies at master level. Hindu respondents were the students of political science, mass communication, social work, education whereas Muslim students studied Islamic religion.

Sampling sizing was determined assuming that theoretical saturation will be achieved in the data gathered. However, in case theoretical saturation not gained, number of respondents will be increased or decreased to balance the information redundancy (Onwuegbuzie and Collins, 2007, cited in Bryman, 2012, p.425).

Hindu respondents were accessed through the local NGO (People Vigilance Committee on Human Rights, hereafter PVCHR). For Muslim students, permission was granted after consultation with the principal of the college. Two universities were consulted for Hindu student's interview. Seven male students from Kashi Vidya Peeth University and two female students from Arya Mahila Degree College were interviewed. In addition, four Muslim students from Al-Jamia Tus Salafiah (Deemed University) were interviewed. Former two universities are dominant with Hindu students and influenced by strong religious nationalist feelings whereas later, is considered a seat of conservative Islamic learning (Islamic religious laws) with majority of Muslim students.

During first phase of interview, research questions were conducted with two female and two male students. As consequence, some guide questions were modified and simplified in order to ensure clear understanding and relevant answers. In second and third- the last phase of interview, no changes were made to questions. Each interview took approximate 30-35 minutes. Prior written consent were taken for the interview.

No recording was done keeping the sensitive nature of the research. Notes were taken during the interview. Interview was conducted in Hindi (local language of respondent and researcher). Before interview, brief introduction of current socio-political situation were given to the respondents orally. Main purpose of interview was to obtain students opinion related to the conflict between the freedom of expression and religious intolerance in India.

4.2 Narratives

Narrative contents were categorized under various themes related to this research. Researcher attempted to remain as descriptive as possible and utilized sections of participant's narratives to verify the themes. Coffey and Atkinson (1996, Cited in Bryman 2012, p.584) argue that a narrative should be viewed in terms of the functions that the narrative serves for the teller.

Narration is one of the important human activities, contains people's perception their own meaning derived from lived experiences, it offers data that have already been interpreted by narrator before researcher even reaches data analysis phase of the research process (Pavlish, 2007, p.29). Reissman stressed that personal narratives are valued because they are rooted in time, place and personal experience (1993, cited in Pavlish, p.29).

The aim of narrative interviews is to elicit interviewees' reconstructed accounts of connections between events and between events and contexts (Bryman, 2012, p.584). Narrative analysis, then, is an approach to the analysis of qualitative data that emphasizes the stories that people employ to account for events.

4.3 Data Analysis process

Theoretical principal for qualitative analysis is based on the perception that respondents have experience of reality. This study has generated plethora of data and one of my crucial task is to link theories (as mentioned above) with research questions. Grounded theory as a general strategy of qualitative data analysis is applied by putting relevant theory in to data - in this case theory on secularism, multicultural theories and human rights principles.

To achieve this goal, I have adopted an approach (for data analysis) which Bryman (2012, p.420) has called generic purposive sampling and Glaser and Strauss (cited in Bryman, p.420) termed as theoretical sampling - an approach to qualitative data analysis also known as grounded theory. Grounded theory as a general strategy of qualitative data analysis is applied. It has become by far the most widely used framework for analyzing qualitative data. It has been defined as ‘theory that was derived from data, systematically gathered and analyzed through the research process. In this method, data collection, analysis, and eventual theory stand in close relationship to one another (Strauss and Corbin 1998 cited in Bryman, 2012, p.387).

Thus, two central features of grounded theory are that it is concerned with the development of theory out of data and that the approach is iterative, or recursive, as it is sometimes called, meaning that data collection and analysis proceed in tandem, repeatedly referring back to each other. Products of different phases of grounded theory are concept, category, properties, hypothesis and theory (Bryman, 2012, p.570).

However, grounded theory had been criticized for following reasons; it is time consuming, it is somewhat doubtful whether grounded theory in many instances really results in theory. Grounded theory is still vague on certain points, such as the difference between concepts and categories (Corbin 1998, cited in Bryman, 2012, p.573).

As a process of reviewing data, coding was done and categorized in to emergent themes. In grounded theory, different levels of coding are recognized (Brayman, 2012, p. 568). To make sure concept fits well with indicators, categories are generated through a constant comparison of indicators and conceptualization, examination and organization of respondent’s interviews. This process is continued until theoretical saturation (when data no longer generate new theoretical understanding) is reached.

A thematic analysis is conducted in light of theories being tested. A theme is a category identified by analyst. It relates to research question and provides researcher a basis of theoretical understanding (Ibid, p.580). When searching for themes, some points such as repetitions, metaphors and analogies, similarities and differences, linguistic connections

would be taken into account as Ryan and Bernard says (2003, cited in Brayman 2012, p.580). Afterwards, relationship between emerging data and hypothesis is explored which may provide a basis for theoretical understanding and fill the gap in knowledge.

To put into action, I have classified similarities, differences and emerging consistent patterns among respondent's interviews. This process is grounded into the concept gained through literature reviews such as secularism, multicultural theory of cultural accommodation, and principle of freedom of expression. During the thematic categorization process ahead, I synchronized my analysis - gathered through respondent's data and knowledge gained through literature review with existing theory.

This chapter illustrated research methodology for this study. Next chapter focuses on research data and analysis.

CHAPTER V

Case study

This chapter presents case study of narratives, thematic analysis and personal observations. It also provides better understanding of findings of this study.

In following section, narratives are given, followed by thematic categorization and analysis linking with conceptual framework and research questions.

5.1 The narratives of the Hindu students

1. Male Hindu respondent

Educational background – Master Degree, Political science,

Institution - Kashi Vidayapeeth University, Varanasi (hereafter MGKVP)

Indian government does not give importance to any specific religion. But, when it comes to clash of opinions in between two religions (Hindu and Muslim) then conflict occurs. People may get easily offended if films or books hurt their religious sentiments. Film Censorship board gets pressure (from people). Usually people voice their opinion on religion at local level (at personal level). However, when they (people) highlight their ideas through books and films publically (on controversial religions matter), then some people and government (India) may get objections on it and pressure them (on those voicing their opinion).

There is religious intolerance against freedom of expression. However, in such cases ,(conflict) politics (politics of vote-bank) is often involve.

Hindus are usually free to criticize their religion, however, if someone else (from other religion) critiques their religion they may get offended. Often some political parties takes sides in such matters (to gain political mileage) and complicate the issues. If Hindu's gods/goddess or culture are offended in the production (books/films/paintings) then Hindu fundamentalist groups protest against such move (to defame religion). Hindu fundamentalist party in such matter supports their main political mother party (in this case, Bajarang Dal, Vishva Hindu Parishad support their political arm -Bhartiya Janta Party).

Such conflict (between freedom of expression and religious intolerance) results in violence. Sometimes curfew being imposed (to control violence). Enmity also increases between religious groups. Such conflict is cause by many human rights violations...In religious matters (dissenting voices on religion), due to threat and violence; (by fundamentalist groups) we have limited freedom of expression.

Censorship is justified if religious sentiments are hurt. Religion is a matter of faith and cannot be proved right or wrong on the basis of logic. Faith cannot be ridiculed. Such as, Cows are holy to Hindus. Hindu still take holy bath in river Ganga even if this river is much polluted... We cannot criticize religion publically because it may hurt religious feelings and it may result in violence... Indian constitution provide freedom of expression as a fundamental rights. However, if it contradicts to freedom of religion, then freedom of religion supersede. In matter of the critique of religion, freedom of expression is limited.

I am affiliated with a religious organization but never have participated in such activities (protesting or supporting ban).

2. Male Hindu respondent

Educational background- Post Graduation in Journalism and Mass Communication.

Institution- MGKVP, Varanasi

India is a country of many religion and cultures. Our life is guided by religion. Hindu religion is known for its toleration. We are able to tolerate everything (criticism of religion) up to certain extent. When there is a conflict (between freedom of expression and religion), it is mainly due to politics (political manipulation for vote gain).

In some instances, some movies and books are critical (to our religion) with intention to social reformation, it is (this type of movie) well received in educated classes of people (mainly intellectuals) but not among masses or ordinary person. In this country there is some religious intolerance against freedom of expression. Some political leaders instigate (intolerance) people to gain political benefits.

Every religion has some fundamentalist elements, they cannot tolerate criticism (against their religion)... they (followers) may be following their religious ethics strictly. We cannot call them radicals (intend only to Hindus). There is no radical element in Hindu religion. Some people might be religious fanatics. However, if one person using his freedom of expression offend majority of people, this cannot be accepted.

Some Islamic cleric misinterpret Koran and misguide people for their own benefits. Radical elements have increased in Islam. Even a friendly criticism (of Islam) is not possible. A small cartoon of Mohammad (Prophet Mohammad) can easily offend Muslims. They can be aggressive and violent (towards the criticism of their religion).

Majority of people suffer (due to conflict). Some people have died in Charlee Hebdo shooting incidence in Paris. They had nothing to do with this conflict. Such conflict restrict the people their freedom (by silencing them, murdering them), some people create terror to terrify other people. They want to enforce their radical ideology on everyone.

Books provide personal insights or special knowledge of a writer (on our religion). But, some writers may unduly (with ill intention) highlight weakness of religion. In such cases censorship is justified...I agree on government censorship. India is a diverse country (multicultural), it represents unity in diversity. However, some people can be trouble makers. Thus, in order to maintain communal harmony and to prevent violence censorship is justified...I did participate in such movement. There was a murder of a writer (Marathi writer Kalburgi in Maharashtra). I participated in protest movement to condemn his killing.

In order to bring reformation in religion, we shall be able to criticize it. Debate (on religion) is necessary. We must accept merits of religion and reject demerits and its weakness. Indian constitution provides strong safeguard to freedom of expression. A person can peacefully express himself. There is no hindrance on the right to freedom of expression in India...I am influenced with the ideology of certain political organization.

3. Male Hindu respondent

Education- PG in Journalism and Mass Communication

Institution- MGKVP, Varanasi

India is a country of many religions and cultures. Such conflict occurs due to political reason. There are no personal (individual) motives in such conflicts but only political gains (by political leaders).

Books and films reflect the reality of society. There shall be no intolerance against freedom of expression. However, some radical elements are intolerant (against criticism of religion). A common person is nothing to do with such conflict. Quite often such thing happens due to politics...There are no radical elements in Hindu religion. Current Indian Prime Minister Narendra Modi represents Hindu nationalist party. Some people (Muslims) may be afraid of him. But, people still have freedom of expression, anyone can say anything what one wants (criticize) to the Prime minister.

Majority of Muslims are fundamentalist (at global level). These fundamental elements could impact on the freedom of expression. Charlie Hebdo shooting incidence in Paris have proved this fact...It is common people who always bear the brunt of such conflicts. Small traders lose their business. Those who instigate such conflicts do not get affected or harmed by such incidence (in negative term).

Violence against freedom of expression in context of the criticism of religion is absolutely wrong. Due to aggressive and radical behavior of some religious organization, division among people is increasing. Examples of such cases can be seen in ban on Pakistani

singer Gulam Ali by the Shiv sena (Hindu fundamentalist organization in Maharashtra) in Mumbai. Due to these forces (Radical Hindu Org.) his concert was shifted to Delhi.

Films and Books show demerits and merits of society of our religion. These medium of expression educate people on various aspects of religion. So they shall not be censored. However, if some parts/portion of books or films offends religion or hurts religious sentiments, then it can be censored.

If films and books insight communal hatred or unduly criticize religion, then it shall be censored. India is a country of various religions and cultures, so communal harmony must be maintained. Some people provoke communal hatred due to monetary gain...Though I have never participated in such movement. But, I believe we shall be able to criticize demerits of religion and highlight its merits as well. We must learn good things from other religion...If you criticize our own religion, some people may get offended. This shall not happen. India is said to be a tolerant country, but this so called tolerance is absent (in current India)...Indian laws protect freedom of expression and people can say anything they want.

4. Male Hindu respondent

Education- M.A. Political Science

Institution- MGKVP, Varanasi

Some religious fundamentalist are trying to enforce their ideology on people, thus, they might create hindrance in freedom of expression. However, it is necessary to have debate on the conflicting issues focusing on freedom of expression and religious intolerance. But violence cannot be justified although in some cases, fundamentalist groups may have some valid points to protest (against offending production). They have right to follow and propagate their religion.

I do not see any religious intolerance against freedom of expression in India. Recently, we have seen writer returning their awards on intolerance issues in India. However, they are able to do so because they have freedom of expression. India is the most tolerant country where everybody can feel safe. .

Radical Islamist does not like Prophet Mohammad to be portrayed. Islamist radicals oppose cartoon (of Mohammad). Radical Islam is similar to Hindu radicals. They (Islam) want to follow Islam as it is but they are more intolerant compare to Hindus. Due to lack of education among Muslims (in India,) radicals Muslim clerics could easily instigate Muslim masses, mobilize them which could lead to violence...Consequence of such incidence results in violence and loss of innocent people's life... those who start this violence usually do not get

affected but such incidence affects mainly innocent people who have nothing to do with such conflict.

Fundamentalist groups could twist facts and misguide people on such issues showing people they are custodian of Hindu culture...no religion is beyond criticism and no religion is complete. It's important to reform religion in tune with the time...religion must change with the time.

Sometimes, Indian government censors such things (offending/controversial production) due to political reasons. Government does it (censor) to avoid criticism from opposition party, also government wants to protect its own interest (by submitting to radical groups to censorship). I am in favor of such censorship.

I have used my freedom of expression to criticize our religion in context of Cast discrimination and about poor situation of women. I am also critical to radical elements in our religion and... wants to bring social reform...If I have opportunity, I would criticize things I do not like in religion. I express my opinion fearlessly.

I am not especially aware about the (Indian) law (affecting freedom of expression in negative manner). To my knowledge, Indian laws (concerning freedom of expression) protect freedom of expression. Although, there are some terms and conditions attached with it. I think Indian laws promote freedom of expression in correct manner; otherwise, people could misuse it. I do not support absolute right of freedom of expression...I am used to affiliated with R.S.S. (Rastriya Swam Sawak Sangh- Hindu nationalist group). This organization promotes nationalism among people. I do not remember my organization taking action to censor books and films.

5. Male Hindu respondent

Education- Master of Philosophy, Political Science

Institution M.G.K.V.P

India is a country of many religion and cultures. We have freedom of expression. Sometimes we are critical to some elements in religion and sometimes there may be conflict between freedom of expression and religion, and religion may be intolerant towards it (freedom of expression). Few fundamentalist groups are of opinion that freedom of expression can hurt religion sentiments.

There are some fundamentalist elements in Indian society. We can see some intolerance against freedom of expression...India is a mix of modern and old values, thus, some people support it and some people oppose it (freedom of expression).

Some fundamentalist Hindu groups such as Shiv Sena, Bajrang Dal may affect (through their violent activities) freedom of expression. Their actions may terrify writers and affect their creativity limiting their freedom of expression...There are some radical forces in Islam too. Tasleema Nasreem through her book (Lazza) tried to highlight demerits (unequal situation of women and sexual abuse) in Islamic religion. She was attacked by such radical forces...Rather than reforming religion, these elements are creating a fear of climate so people are afraid to express themselves. Salman Rushdie had to flee country due to such radical elements.

Due to this conflict, people are afraid to express themselves. They think (while expressing), they might hurt other people's religious sentiments. Due to such situation, reformation in religion has become difficult. Creativity is punished; innocent people have to suffer unnecessarily. Climate of fear and rise of religious fundamentalism is on rise in some segments of the society.

Few religious groups may be easily offended if they think their religion is being depicted in poor light which is in my opinion is not right. Without fair criticism of religion and free expression, a society cannot progress. If writers and film directors are terrified, this will affect their creativity and work of social reformation...Criticism (of religion) can be made provided that it is (criticism) based on logic...fair and logical criticism. We must be prepared to reform our religion.

It is the duty of government to maintain communal harmony; however, not all the things can be censored. Government must seek opinion from people before censoring so called offending/controversial material. Government shall not be biased when restricting freedom of expression. Sometimes government may have political reasons (ulterior motives) for censorship. Thus, government must act in good faith and in neutral manner. I justified censorship to protect communal harmony...I think most of laws and regulation (related to freedom of expression) are able to safeguard the rights related to free expression effectively...it is necessary to protect national interest.

6. Male Hindu respondent
Education- Master of Education,
Institution - M.G.K.V.P.

India is a country of diversity where many religions and culture coexist peacefully and live in harmony. (Thus) their religious sentiments shall not be hurt. Such things (offending/controversial) shall be censored. Our faith must not be hurt. We can use our freedom of expression to the extent where someone's feelings shall not be hurt...Indian constitution grants freedom of expression to everyone. There is no religious intolerance

against freedom of expression in India...Hindu religion is religion of tolerance. If our religious sentiments are hurt, then it must be protected. Sometimes Hindu fundamentalist hinder people expressing dissenting opinion. However, if such things (so called offending production) hurt our pride, we must oppose it.

Islam is promoting radical fundamentalism. In Islam, people cannot criticize their religion. If Ulema (Muslim cleric) say something, Muslims must accept it without questioning. Lack of education is also cause of it (growing Islamic radicalization). Uneducated people often mislead by Ulema. Political parties also support radical groups for political benefits.

India is a multi religion and multi-cultural country. Such conflicts can lead to riots and violence. It can create conflict between religious groups leading to violence...Some film directors make movies to create controversy. People's protest (against such film) is natural. I justify such violence if "it" hurts religious feelings or make fun of it. Among Hindu religion violence is limited (compare to Islam).

Our religion can be criticized if it intends towards religious reformation. We shall accept such critiques...I support government censorship to protect communal harmony. Sometimes, government censors to stop growing religious fundamentalism.

There shall be logical discussion among all religions for mutual understanding. We shall be able to criticize religion freely. I do not fear criticizing religion publically. Indian Constitution grants freedom of expression. However, Constitution restricts this freedom if used to hurt religious sentiments of people. I am not member of any religious organization. But I am member of a political party.

7. Male Hindu respondent
Education- M.A. English Literature
Institution M.G.K.V.P

Indian constitution has granted freedom of expression but sometimes (this right) surpass its limits. Freedom of expression and freedom of religion go side by side. If freedom of expression hinders others freedom, then it shall be suspended.

We are free to express our opinion. But, it's difficult to be critical towards Islamic religion. They (Muslim) are more intolerant towards freedom of expression (comparatively Hindus). However, there are religious intolerances in this country. Some Hindu religious groups can be intolerant (towards freedom of expression) too. They do not give priority to developmental issues but just focuses on volatile religious issues.

Some Hindu fundamentalist groups such as R.S.S. (Rastriya Swam Swayak Sangh) claim to protect Hindu culture, they are promoting aggressive Hinduism dividing people on religious lines. Such organizations in current times reflects government stand (hard line

attitude towards free expression since current government of Narendra Modi, Bhartiya Janta Party is a nationalist party). Hindu fundamentalist groups are hands in glove with tacit support from ruling B.J.P. intimidate writers/film directors and those who are critical to Hindu religion.

Muslim fundamentalist organization is working in same manner as Hindu fundamentalist...they (Muslims) are intolerant towards criticism against Islam. Salman Rushdie and other such writers have lost their freedom of expression due to the intimidation of religious fundamentalist groups). They create a climate of fear...Islam is more intolerant towards its critics (comparatively Hindu religion). Wherever there is a so called anti-Islam materials coming to public, there is much propaganda against it.

Consequence of such conflicts is fear. Film directors are scared and afraid to deal with sensitive religious issues. Due to this conflict, people are divided on the religious lines.

I have watched movie p.k. (controversial movie to some Hindu groups), there is nothing objectionable (as some Hindu fundamentals asserted). I do not mind criticism of my religion if it intends to bring some religious reformation or social change. However we are endowed with reasoning and able to analyze such creations offending our religious sensibilities.

I do not support government's censorship. Government shall not invoke censorship (laws) to ban books/films/paintings on the pretext of protecting communal harmony. Sometimes, politics are involved in such cases...however, in some cases, government is right to ban so called religious offending materials. Writers and film directors must be careful while highlighting/criticizing religious issues as such things can easily insight hatred and violence.

I am critical towards social evils originating from religion, thus, I criticize religion for this purpose. Among friends I raise such issues (criticizing religion). My intention towards this is bring religious reformation by its critiques...I do criticize my religion and I have no fear expressing my views...Government shall not censor everything (so called religious offending creations). I am not aware about such laws.

8. Female Hindu respondent

Age 25

Education – M.A. Political science

Institution – Banaras Hindu University

Government needs to protect freedom of expression but need to be sensitive towards religious feelings of people. Religious and conservative groups are trying to impose their ideology on society...we need to support freedom of expression...we need to counter those

radicals (their ideas and actions)...There is a religious intolerance against freedom of expression.

R.S.S. and such Hindu fundamental groups are able to influence current B.J.P. (Bhartiya Janta Party)...They are pressuring government. R.S.S., Hindu fundamentalist party, opposes western values. R.S.S protest against Valentine's day (a western culture prevalent in India). Such Hindu fundamental groups hold strong influence over society. Islamist fundamentalist groups oppose the rights of women. They are the one who are against freedom of expression such as books and films such as Lazza (a book by Taslima Nasreem, banned in India).

Both Hindu and Muslims fundamentalist groups work in a similar way (by putting pressure on government and producers of such material). Such conflict violates Constitutional rights (freedom of expression). Few months ago, a student was sent to jail for criticizing a political leader...

Such fundamentalist (Hindu and Muslim) groups does such things (use of violence to threaten those express dissent/criticize religious values)...freedom of expression cannot be repressed...even if writers are killed (by radicals)...this (free expression) cannot be stopped...I think my religion can be criticized for right purpose. However, those who criticize it, shall not carry any biases (towards my religion). A book can be read from various perspectives. People interpret books according to their understanding.

I agree with government censorship...government have to justify its actions (to opposition party). Quite often, government works under pressure (to ban) and censor such things to appease radicals to get their political support. I am not totally aware about related laws.

10. Female Hindu respondent

Education - M.A. Sociology

Institute – Arya Mahila Degree College, Varanasi

When religion is criticized and debated, conflict is a natural outcome. Religions have some values and principles. When we go against it, then protest is bound to happen. There is religious intolerance against freedom of expression in India. Fundamentalist forces are against free expression...There are radical Hindu groups such as Shiv Sena in Maharashtra. They quite often criticize those dissenting against established norms of religion which create and propagate conflict. Radical Islam does same things. They really impact free expression negatively.

Religious animosity and violence is outcome of such conflict. Riots also happen. There shall be debate on issue rather than violence...Violence cannot be justified. Freedom of expression must be respected. Things must change.

Religion can be criticized. Government censorship is justified. In order to protect religious feelings, censorship is justified. However, to censor something, there shall not be ulterior motives. It shall not be for political purpose (for government).

5.2 The narratives of the Muslim students

1. Male Muslim Respondent

B.A. II Year, Islamic Studies

Institute Al-Jamia Tus Salafiah (Deemed University), Varanasi

No one shall be allowed to hurt religious sentiments in the name of freedom of expression. We (Muslim) cannot tolerate criticism either of Prophet Muhammad or Koran. However, other religious Islamic scholar can be criticized. Same parameters can be applied to other religions...There is religious intolerance against freedom of expression. Some people criticize religion in order to gain popularity. We are open for logical dialogue (on Islam) but cannot accept undue criticism of our religion.

There is growing radical Hinduism threat to freedom of expression. These groups (radical Hindu's) disturb religious harmony and sentiments of people. It shall not be allowed to happen. They disturb communal harmony of all religious community.

There are no radical groups of Muslims in India. But we peacefully protest against things which hurt religious sentiments. It is our right to protest (against offending religious objects). Freedom of expression has its limitation and it shall not be misused...Islam is against violence. Those who are involved in such violence don't represent Islam. Because of such violence people tend to associate Islam to violence and, innocent Muslims also suffer.

Even if our religious sentiments are hurt, there shall be no use of violence and threat against those who practice their freedom of expression...They shall be banned (offending objects/expression) because they hurt religious sentiments and we do not like them.

Indian government is biased in imposing censorship. They follow double standards. Government sometimes is motivated by religious and political reasons...There can be logical discussion on our religion. We must speak our mind either in private or public in what we believe.

2. Male Muslim respondent

Education B.A. III, Islamic Study

Institute – Al-Jamia Tus Salafiah (Deemed University), Varanasi

We have freedom of expression but some group (Hindus) of people hurt religious sentiments by abusing this freedom. Non-Muslim sometimes hurts our religious feelings (indicating to Kamelesh Tiwari, a Hindu Leader speech) along with Muslims such as Tasleema Nasreem and Salman Rushdie. There is religious intolerance increasing in India against freedom of expression (invoked example of Amir Khan). Under current government, intolerance has increased towards people using their freedom of expression... Social media is full of sarcastic remark/abusive comment against our religion.

Hindu fundamentalist groups (shiv sena, R.S.S., V.H.P.) propagate violence and preach intolerance against Muslims and other minorities...There is no Muslim radical groups in India. Fundamentalism is all about following our religious guidelines/principles. However, whenever Muslim's religious feelings are hurt, then we protest. Religious matters are sensitive and cannot be hurt. All Muslims must be fundamentalist so they can be a good man.

One can protest within legal framework. But violence cannot be justified....religion does not justify violence...We have freedom of expression but it must not be abused. Freedom of expression has its limits. We cannot hurt religious people sentiments but we cannot use threat and violence against those who practice freedom of expression...Freedom of expression cannot be abused to hurt religious sentiments. Freedom of expression has its limits. Religion is a sensitive issue and it must be handled with care.

Government sometimes use censorship to achieve political and religious goals (political benefits) they have ulterior motives to suffocate freedom of expression...I wrote some articles with intention to reform religion, to bring some changes in condition of women in my religion...I don't have specific knowledge about Indian law.

3. Male Muslim respondent

Education- B.A. III Islamic Study

Institution Al-Jamia Tus Salafiah (Deemed University), Varanasi

Freedom of expression allows all people to express their feelings...Islam does not allow people to hurt feelings (of other people). People must express their feelings without hurting other's sentiments...I agree, there is 80 percent religious intolerance in India (against freedom of expression). Whatever the religion, cannot be disregarded... slandered. We cannot say bad things about other religions (using our free expression). There must be a decent way to criticize without hurting people's feeling. Freedom of expression must have some limitation.

A woman was sent to jail for criticizing Bal Thackeray (Radical Hindu leader). She was just expressing her opinion (on face book) that Mumbai shall not be shut down (due to the death of a radical and highly controversial leader)...It is wrong to say that there is

radical Islam in India...there is no radical view of Islam prevailing in India. We can counter (anti-Islam opinion) and protest (against those who malign Islam) through our writings. Violence is not justified in Islam. We need to dispel misconception about Islam...

Consequence of such event often results in religious enmity and hatred between two religions. Unity is strength of India. This (unity of communities) can be shattered by such incidence...Violence cannot be justified. There can be no end to violence and peace can be lost.

If government thinks that a book or film is not beneficial for the people, government can censor it. Government can select books and films (particular part) to censor. Creator's needs to be sensitive towards religious sentiments...if such things are found to hurt people's feelings...it (book/films) must be banned. However, historical books (those written by secular writers) shall not be banned.

Government is biased against Muslims... Government apply double standards...if such things (criticizing Islam by books/films) hurts Muslim's feelings, government usually won't take any action...Indian laws are being manipulated by government for its own benefits (for political reasons, vote bank politics).

I condemn violence. I have used my freedom of expression to promote cause of Islamic female education (in Friday prayer at Mosque in Varanasi)...I have criticized dowry system (in Islam— Men supposed to pay money and gifts to woman to marry) and spoke in support of women inheritance rights. I do not fear expressing my opinion on my religion.

4. Male Muslim respondent

Education B.A. III, Islamic study

Institution – Al-Jamia Tus Salafiah (Deemed University), Varanasi

Religion (religious feelings) cannot be attacked. Books and film (on religion) can be made...but it must not depicts religion in poor light and its weakness...because for believers, a religion is complete...we have freedom given in religion...there is religious intolerance against freedom of expression in India. There are some bad people in every religion. Powerful people in India can misuse their rights...India is a secular country and everyone can express his or her opinion. But, it (freedom of expression) has limitation. Those who do not understand religion (Islam) do such things (criticize or defame religion). Due to such events, India has to incur loss and many common people suffer.

There are individual Muslims (and Muslim political party) who do such things (violent protest). There is radical Islam in India. Islam does not support violence. In fact, some Muslim political parties work to protect freedom of expression (on behalf of Muslims). There

are political parties, such as *Quiami Ekta Dal*, *Ulema Council*, *All India Majlis-e-Ittehad-ul Muslimeen (AIMIM)*³⁴. These parties' works as a political pressure group.

Consequence of such conflict is violence, government censorship, riots, curfew and loss of innocent people's lives. Person promoting freedom of expression- writers, film directors, may lose their job and may be socially boycotted. Unfair and biased media coverage may provoke religious hatred between Hindu and Muslims... Some laws and regulations may be breached (due to consequence of this conflict).

Action must be taken within legal framework. Justice must be sought through legal framework. There shall be a group, consist of various religious leaders, to monitor and control offensive religious expressions in society.

I do justify government censorship. However, there can be debate on Islam except Prophet Mohammad and Korean. Any research on Islam must be done with pure academic intention. And findings of such studies cannot be mocked upon in media.

India is a multi-religious country. If there is negative comments-criticism on religion, then government shall censor such things to maintain communal harmony. However, government should not ban all books considered offensive, except only those books considered extremely offensive to religion....I wrote an article to criticize Kamlesh Tiwari who made sarcastic comments to Prophet...We shall respect fundamentals' principles on religion, but we can criticize other things.

5.3 Thematic Categorization – Thematic analysis and personal observations

5.3.1 Emerging themes from the narratives of Hindu students

These themes were dominant during the interviews and I picked them due to their immediate relevance to the research questions.

5.3.1.2 Freedom of Expression has limitation

Most of students felt that right to freedom of expression could not be absolute. 'Rights' comes with responsibility. Thus, free expression shall not be allowed to provoke, offend or hurt religious sentiments. Keeping the multicultural nature of Indian populations, most of student voiced their concern over misuse of free expression- particularly for political gain and economic benefit by some social elements.

However, one student supported absoluteness of free expression and opposed any restrictions on it. Most of students said that freedom of expression can be

³⁴ https://en.wikipedia.org/wiki/All_India_Majlis-e-Ittehadul_Muslimeen

restricted to protect communal harmony. Few students believe that faith cannot be ridiculed, in the name of free expression, sacred symbols to Hindu such as Cow, River Ganga cannot be mocked upon. In matter of critique of religion, freedom of expression is limited as believed by most students. However, there was diversity on opinion on this issue.

Above opinions are reflected in numerous cases where Hindu and Muslims religious nationalist groups forced author and publisher not to publish book due to so called religiously offensive nature of the book, such as the case of Wendy Dogniar and James Lane (See chapter I).

Above narrative showed, in Indian multi-religious society, a tyranny of majority could wreak havoc upon minority (people with secular views). Majority of religious believer could torment those who believe in secularism and human rights of free expression. Most interesting is the (in narrative) disregard to secular values and free expression by many of the students, Hindu and Muslims alike.

Much stress were given on ‘responsibility’ rather than asserting ‘right’ as it is apparent in putting restrictions on using freedom of expression. India, though, is not theocratic state, but respondents still wants government to prioritize religion over secularism and human rights. This fact also connects this particular narrative to growing intolerance related to violence currently occurring in Indian society against liberal and secular elements. No wonder action of Indian government towards free expression reflects opinion of majority on religious behavior.

5.3.1.3 Justified government censorship on free expression

Most of the students justified government censorship to protect religious harmony and public order invoking multi-religious, multi-ethnic and multicultural nature of the country. Some students think government censorship is necessary to counter troublemakers in every religion and to prevent impending violence.

Some students were skeptical about government’s motive to censorship and blamed it to the political motives and manipulation in political-interest. However, few students did not support government censorship, they believed that only in very sensitive cases offensive materials can be censored and only few parts (books\films) can be censored, not all. To stop trouble makers, to prevent violence, to maintain social- religious harmony, censorship is justified by many students.

This narrative somewhat supports government's action in censoring religious offensive material. This point could be worrying for a secular democratic nation (India in this case) who constitutionally claims to protect fundamental rights and secular values. In this type of scenario, where a state government is swayed by anger (real or imagined) of religious-nationalist groups, the possibility to discuss some moderate outlet in public debate due to fear of political correctness and legal sanction tend to suffocate and discourage open discussion in a liberal democratic society. Discouraging open discussion could also led to violent underground extremism as Binderup suggests (2007, p.409).

5.3.1.4 Religious intolerance against the freedom of expression is increasing

Majority of students described trend of growing intolerance against freedom of expression. Their primary concerns were growing religious Hindu fundamentalism, their political link and strong ideological influence on current ruling party (Bhartiya Janta Party-Hindu Nationalist Party). Most of them showed concern over physical violence and intimidation by Hindu religious-nationalist groups such as Shiv Sena in Maharashtra, Bajarang Dal and Rastriya Swayamsevak Sangh (RSS) against proponents of free expression such as writers, social workers, film directors and anyone who dare to criticize or defame Hindu religion through their works. Many students directly related increasing power of Hindu fundamental forces to political support from current ruling nationalist party therefore, simultaneously its negative impact on free expression. However, some students think religious fundamentalism works in a same manner as Hindu and Muslim alike.

Some students related reasons of religious intolerance to 'enforcement of particular ideology and to controlling the lives of citizen. However, one student see religious intolerance as a response to hurting religious sentiments. He think there is no religious intolerance in India and fundamentalist may have some valid points in protesting. Most students felt there is a climate of fear in the country regarding free expression.

Many students were equally concerned about growing Muslim fundamentalism and their response to restrict free expression especially use of violence, by means of fatwa and public intimation. Nearly all Hindu respondents were alarmed due to shrinking space in Islam for criticism and blamed it on the intolerant nature of Islam where dissent on religious matters cannot be accepted. Few students connected the

link between Charlie Hebdo shooting incidence and growing fundamentalist tendencies in Islam.

This narrative confirmed opinions of Romila Thaper and Rajiv Dhwan (Chapter III) who showed their deep concern over politicians supporting and propagating extreme religious nationalism, and to some state extent, state is also responsible. Narrative recognizes growing trend of religious-fundamentalist in Indian society. There is also emerging strong nationalism flowing among Indians. These combined forces (Religious-fundamentalist-nationalist) are currently working against liberal voices. They are active in suppressing dissenting opinion and quite often refer liberal voices as an anti-national.

In addition, intolerance by religious-nationalist groups suggests their desire in encroaching upon government power. Thus, enforcement of certain ideology by religious-nationalist groups manifest their open desire in power sharing and taking control over the lives of people in a non-democratic manner. This progress is certainly a challenge for a society based on secular-liberal democratic values.

5.3.1.5 Tolerant Hindu- intolerant Islam

Nearly all Hindu respondents narrated their religion 'tolerant' invoking the fact that India is a home of various religious and ethnic communities, and in Hindu religion, people is free to voice their critical opinion, whereas Muslims were blamed for intolerating dissenting voices especially those who criticizes Islam. However, some students see similarity in radical Islam and Hindu groups. Majority of students says there is no radical Hinduism. Many students said friendly criticism in Islam is not possible but in Hindu religion anyone is free to criticize religion comparatively.

This narrative typically represent a view where majority are seen as tolerant, just and civil, whereas minority are viewed as intolerant, violent and uncivilized. Though some scholars has referred India as a tolerant country- particularly Hinduism is seen as a tolerant religion. Comparing to the situation of minorities in its neighboring Pakistan and Bangladesh, India indeed appear as a tolerant country, however, consistent discrimination of Indian Dalits, minorities and riots tells different reality.

5.3.1.6 Violence, religious enmity and human rights violations

Nearly all Hindu students were of opinion that conflict between free expression and religious intolerance results in violence and increased religious enmity. Other significant consequence of this conflict noted by the student's were: public riot, curfew, violent demonstration and enforcement of religious ideology by fringe elements of the religious nationalist groups.

Majority of students felt that fundamentalist elements terrify liberal segment of society. People are afraid to express themselves thinking they might hurt other religious feelings... Creativity is punished in such conflict. Some students were concerned that film directors and writers could be afraid to touch upon religiously sensitive issue and those who dissent on majority views on are being pushed outside/sidelined from the public sphere.

Many students reported this conflict violates many Constitutional rights. However, one student thinks this *violence is a natural outcome of this debate* (between freedom of expression and religion) *and a climate of fear is generated to pressure dissenting opinion holder*. This fact is reflected in the increasing culture of mob violence against authors, film directors and those propagating dissenting opinion from majority and many scholars and activist has showed their concern over it (See Chapter III, section 3).

5.3.1.7 Communal politics is responsible for conflict

Majority of students blamed politician (both Hindu-Muslims) for instigating communal conflicts. One student said, common people have nothing to do with such conflict as one may not be aware of controversial book or film, such controversy highlight small issues and politician instigate for political benefits-provoking people to induce communal violence. However, few students held politician responsible for supporting Islamic political groups to appease minority (in this case Muslims) and stroking communal feelings and restricting free expressions to those who are critical to Islamic values.

These narratives reflect current and past reality in India. Communal politics is ingrained in Indian politics and becomes very much alive before election period. Politician including religious leaders are known to provoke people to gain political mileage, to strengthen their vote bank, and to increase their social-political influence. Electoral competition is said to encourage politicians to make illiberal appeals, especially in a context of ethnic politics- this fact is confirmed by Peter de Souza and E. Sridharan (2006, cited in Balsekar, 2014, p.194). Indeed, power seeking behavior of religious-political leaders to some extent is responsible for communal conflict.

Ordinary people in India hardly bother to read or see such books or paintings consider offensive to religious feelings. Majority of people do not have access or taste for that kind of reading or painting. It is fringe religious-nationalist elements\groups who blow things out of proportion, led mass mobilization, and attempts to broaden the mass base of their organizations during such conflicts. Balsekar (2014, p.197) has confirmed the same.

5.3.1.8 Freedom of expression is vital in bringing social and religious reformation

Many students think books and films reflect reality of the society, however they (books/films/painting) promote certain ideology. Free expression educates people. Without fair criticism of religion, a society may stagnate and fail in social reformation and social change. Role of free expression is critical not only in bringing religious reformation but also, in social transformation in new democratic country such as India.

Majority of students highlighted importance of freedom of expression in bringing social change and religious reformation in Contemporary India. Some of them related vital role of freedom of expression in creative productions and intellectual evolution of the society. Most of them were of opinion that critical debate is necessary for the development of society and free expression cannot be restricted until unless in rare cases; and free expression reflects merits and demerits of society. Thus, without fair criticism of religion, a society cannot progress. Nearly all students rejected use of violence to censor free expression. One student stressed, *'Even if writers and free thinker are killed, free expression cannot be stopped.'*

Above narratives showed a diversity in opinion when it comes to the absolute support for freedom of expression. Importance of free expression was clearly recognized and stressed. Specifically, vital role of free expression in bringing social-religious change was appreciated and highlighted. However, in the process of bringing social-religious change, sometime offensive criticism could be justified – since controversial cases arguably involved mocking and ridicule of religious culture. However, interestingly, Shreaya Jha (2011, p.31) noted that religion can also bring social change and reformation in society as it have been observed in Indian society.

If free expression is to function as an instrument for securing the equal opportunity of all for leading autonomous lives, it must be free expression that is not curbed by moral restrictions and public moral pressure against offending the cultural beliefs and sensitivities of others.

5.3.1.9 No religion is beyond criticism

Some student expressed that religion must change with time and critical analysis may have some genuine points for religious reformation. Majority of them

said that religion can be criticized if it intended to bring social change and reformation in society however, logical discussion is necessary for such criticism.

This theme highlighted in narratives is crucial for free expression especially those concern to bring change in society. Bringing everything within the purview of critical review widen space for free thinking and is a big step towards intellectual evolution of society.

5.4.1 Emerging themes from the narratives of Muslim students

5.4.1.2 Increasing religious intolerance in India

Most of students believed that Hindu fundamentalism is escalating. Islam is under the attack from such forces, and political leaders (Hindu) make sarcastic remarks on Prophet to gain political mileage. Some students expressed their anger over circulation of religiously sarcastic remarks on social media. Many students reported film star Amir Khan Controversy³⁵ as a growing example of narrowing space for free expression and increasing religious intolerance in India.

Muslim students were more pungent and shrill towards religious intolerance. However, intolerance for Muslims refers to verbal attack from Hindu religious-fundamentalist. It is well known fact that during election, Hindu political parties make religiously offensive remarks against Muslim in order to gain political benefits. In current nationalist government, it has become very common political trend for some political-religious Hindu leaders to offend Muslim sensibilities.

5.4.1.3 Freedom of expression comes with limitation

Nearly all Muslim students said the freedom of expression must not hurt religious sentiments and Prophet Muhammad and Koran is beyond any critical review. Most of students were opinion that some Hindu groups are abusing freedom of expression to hurt religious sentiments of Muslims. Many students complained about abuse of freedom of expression by Muslim authors such as Salman Rushdie and Tasleema Nasreen for stigmatizing Islamic values. Most students informed that freedom of expression shall be used without offending other's religious feelings.

³⁵ http://zeenews.india.com/news/india/aamir-khans-remarks-on-intolerance-stir-controversy-bjp-slams-film-fraternity-split_1825967.html

Muslim student's narratives reflected deep influence of religious values upon student's lives to the extent they are not ready to tolerate any critical review on Prophet Mohammad and on Islamic holy book the Koran. Narratives are also a reflection of the fact that some segments of Muslim society are completely guided by fundamental Islamic values – in this case, students' views represent religious-educational culture in Islamic madrasa (school).

So in the eyes of Muslim students Prophet and Koran are symbols of their utmost sacred identity and in the multicultural context, identities are shaped by partial recognition or non-recognition by others. In this case, criticizing Prophet and Koran is sort of non-recognition to Muslim identity and in Taylor's (cited in Murphy, 2012, p.80) word 'non-recognition or misrecognition can inflict harm since recognition is a vital human need'. Prophet is a sort of recognition of Islamic identity which must not be criticized because it could inflict harm to the sentiments of Muslim.

Freedom of expression comes with high price in a multicultural society like India. If communal harmony needs to be maintained and another separation of the Country has to be avoided, one shall avoid provoking such sentiments which is life and breathe for some communities.

5.4.1.4 Religious sentiments cannot be offended

All interviewed students said irrespective of religion, religious feelings must not be offended. Most students expressed their unanimity to ban religiously offensive expression (There was not a Muslim student who privileged free expression over religion). Most students narrated the sensitive nature of religion and thus, expressed that religious matters must be handled carefully. Many students believed religion cannot be disregarded and there must be a decent way of criticizing religion.

5.4.1.5 Justified Government Censorship

Some students justified government censorship. However, few of them complained about selective treatment of government when it comes to the interest of Hindus. Some students complained about double standards of government in applying censorship laws due to political reasons. Most students doubted genuine intention of government censorship. Many students justified censorship in the case of religious offense. However, one student expressed *historical books shall not be banned*. Few students blamed government for manipulating censorship laws in favor of Hindus.

All interviewees were in favor of government censorship. However, Muslim narratives reflected a suspicion towards government intention to censor and pointed to selective use of laws against minorities to curb their genuine free expression. Muslim student narrative's demonstrated a growing feeling of alienation, sense of hopelessness and loss of trust in government in protecting them from Hindu majority from offending their religious sentiments.

5.4.1.6 Growing Hindu radicalization

Many students worried about the increasing power of Hindu fundamentalist political parties which disturbs communal harmony and hurts Muslim religious sentiments. Some students expressed their concerns over increasing interfere in Islamic affairs and critical stances of Hindu religious-nationalist parties such as Shiv-Sena, Bajrang Dal, and Vishava Hindu Parishad who publically make antagonistic statements against Muslims particularly during national and regional elections.

Above facts are confirmed in many national, regional and local speeches given by leaders and members from above Hindu groups³⁶.

One student described the imprisonment of a girl for criticizing a dead Hindu fundamentalist leader. On her facebook, this girl criticized the forced shutdown of Mumbai due to the death of a radical Hindu leader³⁷.

Nearly all students denied the existence of radical Islam in India. However, Students Islamic Movements of India (SIMI)³⁸ banned terrorist Islamic Organization and radical Muslim political leaders like Akbaruddin Owaisi³⁹ clearly poses serious threat to communal harmony. Their existence proves presence of radical Islamic elements in Indian society responsible for creating hatred and provoking Muslims against Hindu. However, some students consider themselves fundamentalist, particularly those who are obedient to their religious laws and expressed that all Muslims must be fundamentalist.

5.4.1.7 Limited critique for religious reformation

³⁶ <http://indianexpress.com/article/india/india-others/undergo-internal-reform-to-control-population-vhp-appeal-to-muslims/>

³⁷ <http://indiatoday.intoday.in/story/2-mumbai-girls-in-jail-for-tweet-against-bal-thackeray/1/229846.html>

³⁸ https://en.wikipedia.org/wiki/Students_Islamic_Movement_of_India

³⁹ https://en.wikipedia.org/wiki/Akbaruddin_Owaisi

Most students considered Islam as a perfect religion. However, one student opined that Islam can be criticized for religious reformation and improved situation of women.

5.4.1.8 Violence is not justified in Islam

Nearly all Muslim students said there is no place for violence in Islam and those who resort to violence against free expression do not represent Islam. Some students suggested writing books to counter the myths of violence related to Islam. One student highlighted importance of Muslim political parties and religious groups working as political pressure groups countering the actions of Hindu religious nationalist parties working to defame Islam. Most of students believed that counter-action (against offending party) must be taken within legal framework; justice must be sought through legal framework. Few students proposed idea of establishing an interfaith-group, consist of various religious leaders, to monitor and control offensive religious narratives in Indian society.

Due to increasing global tendency of relating Islam to terrorism, students showed more cautious approach towards communal conflict and strongly condemned use of violence. In Hindu narratives stress was on 'toleration' whereas Muslim students were anxious to separate the link between Islam and violence.

5.4.1.9 Violence and disintegration of national unity

Nearly all students linked consequence of researched conflict with violence. Most of them believed that direct outcome of such event increased religious enmity in society and hostile attitude of different religious follower to one another. Disturbance in communal harmony and loss of peace is also reported. One student expressed that *Unity is strength of India. Due to such conflict Unity is weakened.* Many students linked conflicts' damaging impact upon small businesses. They also blamed biased media coverage which result in sowing the seed of hatred between Hindu and Muslims and provoking violence. Some students were concerned of disturbance of the rule of law and heightened sense of insecurity after such conflicts.

5.4.1.10 Need for Dialogue and protest within the rule of law

Some students expressed necessity for interreligious-dialogue to prevent communal violence, and to increase mutual trust and understanding. Most of them stressed that protest (if religious feelings are offended) must be registered within the legal measures. Many students highlighted need for logical discussion on Islamic principles.

Above narratives are similar to Bhikhu Parekh's (2006, p.340) idea about promotion of dialogues among multicultural society. To deal with multicultural conflict, interfaith dialogues are vital. Not only such dialogues help establish trust and faith among various religious-ethnic groups, but also bring diverse people together. On the one hand, dialogically constituted multicultural society privileges no particular culture and values. On the other hand, it does not suppress non-liberal values and culture.

5.5 Personal Observations

5.5.1 Hindu Students

The Hindu groups of students were primarily master degree students of journalism, mass communication, social work, political science, English literature, sociology. Most of them were from middle class and educated families. Due to ongoing political debate on issue of intolerance in India, they crystallized their opinions especially statement of actor Amir Khan which provoked strong response from hard core Hindus. Most of Hindu students have showed moderate nationalistic tendencies except for one student who have strong nationalistic-religious tendencies.

Most of Hindu students were aware about research topic. Female students do not showed strong nationalist tendencies. Most of them comes from urban background expect few from rural areas near Varanasi. Female students were equally informed on concerned topic.

All of Hindu students showed keen interest in participating in interview except for two students who showed less than average knowledge in the topic concerned. However, most of them were not strict religious practitioner except going to temples occasionally. Some of their responses were not influenced with their religious orientation. This group of students showed diversity in opinion. Most of them were open minded and have traditional and nationalist orientation.

5.5.2 Muslim students

Most of interviewed Muslim students lived in Islamic Madrasa (Islamic university hostel) hostel and followed a strict religious discipline and offered five times daily prayer in mosque (located in University Campus). All of them showed strong religious tendencies and political knowledge about the topic concerned. Most of them more or less followed same line of argument and expressed similar views. Only one student was unable to understand topic therefore could not express his views. During the interview, some of them appeared reserved. However, some were very open and active in communicating.

It seems their religious orientation provided them political meaning. Their worldview seems dominated by their religious motivations. Most students came from rural background. They were well informed about national debate on intolerance and political situation of Muslims and other minorities in India.

In interviewing students, I could sense authoritative voices of Hindu majority, and equal feeling of desperation in Muslim minority student's responses and sentiments. Fear of authority and religious hatred created by political leaders and powerlessness characterized their situation. They all voiced their concern over structural and political discrimination. Muslim students lived in close proximity to mosque. As a student, Muslim community seemed tightly knitted.

Role of religion in their lives seems to motivate and regulate their views compare to Hindu students. Muslim see fundamentalism as a religious obligation and a compulsion to live by it. For Muslim students, all Muslims are fundamentalist. (in the context of upholding belief in strict religious sense).

In case of Hindu respondents, fundamentalisms were seen laced with negative traits such as radicalism, terrorism, communal violence and imposition of sharia law. Hindu students, nearly of them, considered their religion 'a tolerant religion' whereas Islam were associated with intolerance and violence- which is in my opinion is general stereotyping of minority. However, many Hindu students highlighted insecure situation of Hindu minority in Pakistan and compared relatively better situation of Muslims in India.

All Hindu students spoke Hindi and Muslim students Hindi mix Urdu. Being insider, researcher was able to communicate with them fluently in their language, body language was observed and unspoken words were comprehended.

These narratives of students clearly illustrated ideological divide between Hindu and Muslim students; thus, their perception to researched conflict reflects polarized opinions. Current national debate and surrounding controversies on issue of intolerance also have played a major role in influencing their opinion.

5.5.3 Similarities in narratives

Both, Hindu and Muslim students were in support of restrictions on the freedom of expression if it offends religious sentiment. They equally supported government censorship on free expression, however, differed on the honest intention of government in application of

ensorship law. They noticed an increase in trend of religious intolerance against freedom of expression-particularly influence of Hindu religious-nationalist on the current government.

In addition, both groups of students, observed an increased climate of fear for those voicing dissenting opinion; and they uniformly blamed politician for aggravating communal conflict, dividing society on religious lines, and using communal conflict for political gains. Hindu and Muslim group of students noted consolidation of fundamental forces and dwindling of secular elements in society specifically those (students) who are vocal against religion and intense nationalism. Both groups observed violence and increased restriction on freedom of expression due to the concerned conflict.

5.5.4 Differences

Muslim students were absolutely against the idea of criticizing the Koran and their Prophet whereas for Hindus student's religion is not beyond any criticism. Hindu students blamed fundamental forces for religious conflict and violence including Islamic fundamentalism, however, for Muslim it is primarily Hindu fundamentalism responsible for conflict. For Muslims students, fundamentalism is a way of life, however, for majority of Hindu students fundamentalism is related to stagnating religious idea related to violence and terror.

Muslim students see fundamentalism as a solution whereas Hindu students term it as a cause of extremism. Hindu students noted role of radical Hindu religious groups in restricting free expression, however, Muslim student denied existence of radical Islam in India. Contrastingly, this is contrary to the fact I have mentioned elsewhere in this study. Nearly all Muslim students observed increased level of intolerance in public sphere whereas Hindu students were not unanimous on this issue.

5.5.5. Repetition in narrative

Following themes and words were frequently invoked by the respondents- increase of fundamental forces; religious violence and conflict; augmented level of intolerance; respect for religious sentiments; importance of freedom of expression in social change and religious reformation; dubious role of politician in creating conflict; government's real intention in applying censorship law; limitation of free expression, and justification of government censorship.

Narrative analysis have indicated an increased level of intolerance against freedom of expression, noted a sudden rise in religious-nationalist fundamental forces. This case study

pointed that freedom of expression in a multi-religious country like India is not absolute. Message is clear- in matter of critique of religion, freedom of expression is limited.

In secular and comparatively religiously homogenous society of Europe, there is broader space to practice freedom of expression, and degree of religiously offensive criticism can be much broader. However, in vast multicultural country like India, European model cannot be replicated literally without bringing chaos in society. (Indeed Danish cartoon controversy was a lesson for Denmark learned in a hard way not to underestimate religious sentiments of its minority). Thus, freedom of expression in relation to religiously offensive matter must be handled keeping the sentiments of the people. Nevertheless, academic and artistic expressions can be safeguarded by special provisions of law for the betterment of the society.

Next chapter conceptualizes linking the findings of this study with research questions, followed by discussion, and conclusion.

Chapter VI

This chapter provides sections on Discussion, and Conclusion. In addition, a section is devoted on answering research question.

6.1 Discussion

In context of this study, conceptual analysis⁴⁰ reveal how a multicultural State manages to balance freedom of expression and demands of religious groups within the blurred framework of secularism and a theocratic state. Capturing researched phenomenon into conceptualization explains more clearly why State reacts in a particular manner and how and why Contextual secularism, theoretically, plays an important role in determining government's attitude towards freedom of expression and religion.

Indian style of secularism (Contextual secularism) does not focus on church-state separation (as in Western secularism) and preserving religious harmony is crucial to the Indian conception. It may allow some space to everyone but such freedom is usually limited including intervention in religious affairs and limiting the right to freedom of expression (NCERT, 2016, p.121).The particular secular character of the Indian state is established by the virtue of the fact that it is neither theocratic nor has it established any one or multiple religious. In addition, it has followed a policy of religious equality. This allows it either to disengage with religion in American style, or engage with it required (contextualization).

Indian secularism allows state must act as a facilitator by supporting liberal and democratic voices within every religion (Ibid). Discussed cases in this study have suggested in balancing religious harmony Indian secularism favour religion over freedom of expression. Contextual secularism justifies preserving harmony among religious diversity, and at least, in principle Contextual secularism seems compatible with secularism. However, in outcome of this situation- freedom of expression takes back seat (comparatively religion) as Norwegian scholar Kathinka (2010) also has confirmed.

6.1.1 Indian contextual secular-multiculturalism –

In concept of Indian contextual secular-multiculturalism, members of multicultural society is protected from victimization of religious followers whether its majority or minority. However, such concept neither privileges freedom of expression nor promotes religion, but

⁴⁰ Conceptual analysis clarify the meaning of concepts by employing logical devices and tries to discover the elements of a concept and how these elements are related. It also states the relations between certain concepts and the necessary and sufficient conditions of the application of given concepts (Strawson, 1992, .p.2-23).

try to create an overlapping consensus with intention to establish respect and social harmony (also influenced by Asian traditional values) in a vastly diverse society.

In Contextual Secularism, state intervention in religious and cultural practice are justified. Bhargva's and Parekh's theory support state intervention in religious affairs. This becomes even more important in situation of religious conflict or when fundamental elements try to enforce their ideology on liberal segments of society or disregard human rights principles.

In a multicultural society, Parekh (2006: 267) suggests a necessity to create a political dialogue where particular history, tradition and moral structure are considered based on 'society operative values.' Within framework of contextual-multiculturalism, a state is bound to respect and protect human rights of its citizen, minority and majority alike, fundamentalist and secularist. To counter intolerance from radical elements in society, and to maintain socio-religious harmony, public sphere shall be safe guarded.

Thematic narratives highlighted facts in a multi-religious and multi-cultural country like India. State cannot force strict separation between state and religion. Thus, to maintain communal harmony and to respect religious sentiments, *freedom of expression could be restricted*. Also, State could intervene in religious affairs. Parekh contextual multiculturalism supports this type (Indian management of dealing diversity) of state practice because it is rooted in a particular political culture, tradition, and diversity (2006, p.195).

6.2 Answering research question

Prior discussion and conceptualizing researched topic could answer as why students perceive researched conflict in a certain manner and why government response to such conflicts (in dealing with freedom of expression and religious intolerance) in a particular way.

6.2.1 Research question No.1.

How does the Indian student (of Kashi Vidyapeet University) perceive the conflict between freedom of expression and religious intolerance in India?

Students approach was reflected in conceptual framework. In student's perception, religion can tolerate offensive religious critique to a certain extent, but freedom of expression has certain limitations. A limit where religious sentiment cannot be offended such as, in Muslim's case Prophet and Koran is beyond critique and in Hindu' religion, river Ganga and Holy Cow can be critiqued with due respect. In India, primarily to tackle possibility of Hindu-

Muslim sectarian violence and maintain social harmony government applies censorship on religiously deemed offensive narratives - as Contextual Secularism also suggests.

In other words, majority of students see the fundamental tension between freedom of expression and religion suggesting there is an inherent conflict between human rights and religion. And in this conflict, religious values shall take precedence over liberal values of human rights.

However, nearly all students were against idea of violent activities of fundamental elements towards freedom of expression and were concerned government submission towards such elements. Contextual Secularism recommends regulating religious narrative in public sphere if it leads to violence. Government for some purpose can exclude radical religious principles as suggested by Bhargava (1994, p.23).

However, most of students justified government censorship on free expression. The concept of Contextual Secular-multiculturalism explained such responses. Not only Contextual Secularisms justify government action to censor freedom of expression to put *public frenzy* off public sphere, but also secular state is authorized to intervene in religious affairs of communities. In Contextual Multiculturalism, people's faith and respect for religion and culture is protected (from hate speech) because *political deliberation is culturally embedded* (Parekh 2006, p.307-11).

Also important is the fact that, to maintain a commitment to some version of political neutrality' Indian state follow a principled distance, as Bhargava (1994, p.9) refer it so religion and politics requires neither fusion nor complete disengagement. To maintain political neutrality Indian government usually is proactive to protect religious sentiments of religious communities (Majority and minority alike) as this case study has demonstrated.

In my opinion, India's response to tolerate religion over freedom of expression is a product of its unique multicultural situation where dialogues among communities is dialogically constituted and collective principles are generated within a particular moral structure-with a tight rope on narratives offending religious sentiments. Since political dialogue occurs within a particular moral structure of a society. This moral structure needs to be protected if state has to maintain multicultural harmony (Parekh, 2006, p.340). Also, censorship demand is deployed frequently as a strategy in Indian politics and it's a manifestation of the country's particular response to its socio-cultural diversity. This explains theoretical basis on which religiously offending narratives are banned even though it involves high societal cost.

Parekh stressed (2007, p.33) that all democracies need not be liberal or complete secular, but basic principles of democracy, such as universal franchise, free speech and basic human rights must be encouraged which can interact with wider religious culture⁴¹.

Concept of Contextual Secularism-multiculturalism captures the way Indian secularism and multicultural politics being applied to manage intolerance arising out of the conflict between freedom of expression and religion. This Concept was reflected in empirical data (in student's narratives). India is not complete liberal or absolute secular but still qualifies as the largest democracy in the world since it completes all requirement imposed by Parekh and Bhargva.

6.2.2 Research Question No. 2.

Can a theory on Contextual secularism deliver a better theoretical framework for how to practice freedom of expression in multicultural secular India?

While data analysis process Contextual secularism-multiculturalism emerged as a grounded theory along with various categories (of narratives); emerged grounded theory of Contextual Secular Multiculturalism, to certain extent, prognosis explained and developed a better understanding into the researched phenomenon, and is able to link with research questions. A clear link between concept, context and research questions is established in the light of grounded theory.

Contextual nature of Indian secularism allows India manipulate or intervene in the matter concerning conflict between freedom of expression and religion. Sometime Indian contextual secularism is coercive and that it interferes excessively with the human rights of freedom of expression. Indian government believe such conflicts are part of a multicultural society. However, government also thinks that religious reform should neither be brought by State or group coercion (NCERT, 2016, p.124). Thus, also implicit in Contextual secularism, that harsh criticism of religion or religious groups can be curtailed or restricted by government, if religious peace and harmony is threatened.

However, Contextual secularism does undermine rights over religion in this case freedom of expression. Within scope of Indian style of secularism, absolute freedom of expression is neither required nor possible- particularly in order to manage religious diversity

⁴¹ All democracies need not be liberal; classical Athens was not. Nor should they all be secular; Athens was not, Israel is not, and US democracy is heavily prone to religious movements. If we argue that a society should either be a full-blooded secular democracy or remain a theocracy, we foreclose other alternatives and give up on Muslim societies. As I argued, the best way to proceed is to identify and encourage those basic principles of democracy that can claim universal validity, and allow them to interact with and shape the wider religious culture (Parekh, Democracy and Intervention, 2007, p.33)

and harmony. A contextual approach of secular-multiculturalism, if could not complete eliminate, however, able to minimize the conflicts between religion and freedom of expression.

6.3 Problem with contextualizing concept

Problem with such contextualize concept is that in larger perspective, it raised serious doubts about the ability of a secular-multiculturalist policy of civic norms of cultural respect to sustain a stable and cohesive society. If people are required by civic norms to show respect for fellow citizens in virtue of the fellow-citizen's cultural affiliations (rather than their status as an equal individual citizen), then we will be moving in the direction of a society where citizens perceive society as split up in strictly separate cultural groups (Binderup 2007, p.410).

Nurturing liberal democratic reform could be a way to create stable and socially just societies. Nonetheless, society influenced by Contextual Secular-multiculturalism seems fearful to express free radical expressions thus, could failed to challenge established socio-religious norms and possibly could be complicit in perpetuating liberal values and lagging social-religious change.

Many political theorists of multiculturalism (e.g. Joseph Carens, Bhikhu Parekh, James Tully) describe their theories as 'contextualist'. But it is unclear what 'contextualism' means and what difference it makes for political theory. Another concern is that concept of Secular-multiculturalism though hinged on established political theories, may not be novel concept. And what difference this contextualism makes in practice is doubtful thus, this could be more controversial forms of contextualism.

6.4 Analysis

Conceptual analysis affirms that Contextual secularism and multiculturalism explains the theoretical basis on which Indian government manage the conflict between freedom of expression and religious intolerance. At the empirical level, categorical analysis emerging from the narratives to certain extent support the theory of Contextual secularism and multiculturalism. In my opinion, In Indian cultural and communal context, theory of absolute secularism is not feasible, rather, needs to be contextualized. At the special level, academic and artist must enjoy relatively broader space of free expression; they shall be protected from legal and physical threat from religious groups, on the general level, use of censorship can be applied in press and electronic media and public forums in the case of impending communal violence.

Though most of the students and literature review recognize that freedom of expression is under attack from religious fundamentalist, however, students' narratives recognized that freedom of expression is diminishing due to increasing religious-nationalist fundamentalism from Hindu and Muslim groups. Majority of them showed their concern towards restrictions on different form of free expression such as censorship on movies, and books.

However, they justified government's censorship with some reservation while on the other hand, condemned violent acts of religious groups towards writers and film directors. They noted violence by religious fundamentalism led to self-censorship and affected creativity of writers and free thinkers, and this is hindering religious and social reformation and could obstruct the intellectual development of the Indian society. However, literature which consist journal article, books and news papers analysis, reflected deep concern towards dwindling freedom of expression in India and noted a significant pressure against free thinkers such as social workers, authors and movie directors.

So far two facts are clear. First, majority of students favor religion over human rights of free expression. Second, concept of Contextual secular-multiculturalism to certain extent is able to capture researched phenomenon. Still, findings of this research due to small sample size, is applicable only in certain locations and situations.

However, in narratives, some voices raised in favor of religious and social dialogue (to counter the researched conflict and to protect social-religious harmony). Parekh also asserts vital need for political dialogue based on society operative public values in order to maintain multicultural harmony of the society. However, such political dialogue requires following political virtues of tolerance and mutual respect and concern.

Rawls, also demands Citizens- as a moral duty of civility- to apply idea of toleration in public reasoning. Thus, Citizens need to prioritize public good over his/her personal interest. Habermas argues that secular and religious citizens should share an equal burden in trying to understand one another's reasons in the informal public sphere, thus, both religious and secular citizens ought to share the burden of splitting their identities (cited in Yates, 2007, p.887). Habermas suggest religious citizens may contribute reasons for political positions in their own terms while acting as members of an informal public political sphere. They must however accept that when it comes to law making those reasons can be translated into secular counterparts that may serve as source of justification.

Above discussion provides clear solution in relation to the conflict between freedom of expression and religious intolerance. In order to establish a reasonable multicultural

democratic society - a society where human rights and religious values are equally protected and respected, two things are essential. First, ability to tolerate dissenting opinion, Second, minimum sacrifice on behalf of citizen, in form of equal burden sharing between secular and religious values among concerned population.

However, one fact is apparent that freedom of expression is under jeopardy due to religious intolerance in India as narratives and literature reviews demonstrated.

Majority of the students were in favor of protecting religious values over freedom of expression. Even government policies seem in favor of majority views of restricting freedom of expression to maintain social-religious harmony. This according to Taylor (2011, p.2) shall not occur in a secular state, since secular state shall not take side such as religion over against non-belief.

However, Larry Diamond (1999) sees it as a normal phenomenon (religious intolerance against freedom of expression) in a society whose "political culture" may not be especially conducive to the protection of civil liberties. This could be partially true in the Indian scenario where still the promotion and protection of human rights lie at the lowest on the political agenda, and civil and political rights is often disregarded by government agents.

In my opinion, student's narratives reflect a kind of a tyranny of majority where majority is religious and minority is holding secular values. Also, majority of narratives lack sensitivity for fundamentals freedom such as freedom of expression. Thus, in this kinds of society (people with diverse views), people need to tolerate opposing views. Tolerance also helps promote liberal values and maximize the protection of civil liberties such as freedom of expression.

Citizen's need to understand the idea pointed out by Habermas - "without sharing an equal burden of understanding one another's reasons, creation of a society where faith and reasons are equally respected and promoted, would be a challenging task". Moreover, goal of mutual recognition of another's right to believe differently than oneself requires a cognitive adaptation which requires toleration and sacrifice on behalf of citizens.

Toleration in listening and understanding each other's view and compromise of personal interest for the sake of stable reasonable democratic society is necessary requirement to prevent the conflict between freedom of expression and religious intolerance.

The Indian Supreme Court has asserted that prime importance of tolerance and respect for all communities and sects⁴². However, with a distinctly "Gandhian multicultural"

⁴² Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat and Others. [Civil Appeal No. 5469/2005], page 11 of 14

logic, the court put the onus of tolerance and compromise on individuals rather than on groups.

6.5 Conclusion

Balancing between communal harmony and respecting secular values could be a daunting task in a vastly diverse religious-ethnic nation such as India. Absolute secularism in the context of this study cannot provide a complete solution. So in the words of Charles Taylor (2011, p.48) “we are doomed to live in an overlapping consensus”. This study has demonstrated that compromises from secular and non-secular citizens are required for a peaceful multicultural society, particularly in the Indian context. In order to accommodate different and radical points of view, society as well as the State needs to be tolerant, and contextual secularism could be an answer in the mitigation of multicultural conflict, particularly between free expression and religion.

Multicultural nature of society, on the one hand requires, formulating policies based on respecting core principles of religions, on the other, the State needs to guarantee essentials of free expression, human rights and must provide a safe public sphere-unhindered and unrestricted from religious fanatics. Academic and artists must be able to express themselves freely. They should be free to ‘offend, shock or disturb’ if it is within their professional ethics.

Extremist elements are a threat to freedom of expression and a cause of instigating violence. They cannot be custodians of culture and shall not be allowed to control the lives of other people. Religious values are not a problem but their strict enforcement could be. Media and religious leaders need to play their role with utmost sensitivity to the public and to the nation. However, we cannot fully appreciate, neither, the Western secular model- where negative generalizations about religious minorities are taken for granted, nor Indian secularism- where the balance tips heavily towards public order and religious harmony leaving freedom of expression at the whims of fundamentalist religious groups. Worldwide, there is not one answer to solve conflict between freedom of expression and religion. The answer needs to be contextualized in the multicultural world.

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Appendices

Appendix 1: Letter of Consent

Name of the University: University College of Southeast Norway

Name of the College: Institute of Human Rights, Peace and Religion

Name of the course: MSc. Human Rights and Multiculturalism

Msc. candidate: Amit Kumar Singh

MSc. supervisor: Ådne Valen-Sendsta

Research Site: Varanasi city, India

- 1. Main Research Question:** How does the Hindu and Muslim Indian student perceive the conflict between freedom of expression and religious intolerance in India?
- 2. Purpose of the research:** The purpose of this thesis is to develop a better understanding about the perceptions of Indian Hindu and Muslim students related to the conflict between freedom of expression and religion, and to challenge the dominant theory of secularism in light of Indian multicultural conflict between freedom of expression and religious intolerance.

Specific Objectives are:

1. To analyze the perception of Indian Hindu and Muslim students regarding the conflict between freedom of expression and religious intolerance in the context radical Islam and extremist Hinduism, studying at Kashi Vidapeeth University, Jamia Tus- Salfia and Arya Mahila, Varanasi, Utter Pradesh.
2. To identify the reasons leading the religious intolerance against freedom of expression

You are invited to participate in this research project because your stories and perceptions will truly benefit the research in achieving its objectives.

There will be 13 participants. Project will be completed in six months.

If you decided to participate in the research project, you will be interviewed for 30 minutes,

Your privacy will be fully protected throughout the study. The content of the interview will remain confidential between you the respondents and me the researcher. Your name will be not be used in this research.

This research will be completed in September 2016.

If you have any questions about this research please feel free to contact Mr. Amit Kumar Singh on 0047 994 08890 or email at AmitSingh@student.hbv.no

You can also contact my supervisor Dr. Ådne Valen-Sendsta at ÅdneValen-Sendsta@hbv.no

I am aware of my rights to further information concerning benefits and risks from the research project and my rights to withdraw or refrain from the participation anytime without any problem. I consent the researcher' use of my private information obtained in this research, but do not consent to an individual disclosure of private information. The information will be presented as part of the research results as a whole.

I thoroughly understand the statement in the information sheet for this research subject. I thereby give my signature.

Participant's name.....Signature.....Date

Researcher name.....Signature.....Date

Appendix: 2 Interview guidelines

Note: Open Interviews was conducted. Follow-up questions were raised during the interview.

1. What is your opinion towards the conflict between freedom of expression and religious intolerance in India?
2. Do you think there is religious intolerance towards freedom of expression in India? If yes, state your reasons, if not, please justify?
3. What are the consequences of conflict between freedom of expression and religious intolerance in the context of human rights violations?
4. What is your opinion on radical Hindu group's protest (including violence, threat and demand for censorship) against so called religiously offensive books and films? How does it affect freedom of expression? Is there is such a thing called radical Hinduism?
5. Does radical Islam is threat to freedom of expression? If yes, how? If not, then how you justify some Muslims groups support (protest/violence/threat) to censors books\films deem offensive to Islam?
6. How the Indian law does affects freedom of expression? Are you aware of such laws?
7. Is freedom of expression under jeopardy due to religious intolerance, if yes then how? If not, state your reasons?
8. What is your opinion on religious groups using violence to restrict freedom of expression against writers\film directors?
9. Do you think censorship (book\film) is justified if deem offensive to your religion? If yes, then why? If not, state your reasons?
10. What do you think about Indian government censoring freedom of expression to protect religious harmony or religion from defamation?
11. Did you participate in the movement/procession in ban against censorship?
12. Did you participate in the movement/procession in support of religion if religion is defamed by freedom of expression?

13. Have you ever used your freedom of expression to criticize religion publically? If yes, then how did you cope up with strong reaction from radical elements?
14. Are you afraid criticizing your religion publically?
15. Anything you would like to say regarding this conflict and what would be your suggestions to solve this conflict?