

Symposium on Why Secularism has failed? On the harmful impact of Western misunderstandings on political and legal thinking in India

Organised by Development Foundation (DF)

On 14th November, 2014

A Brief Report

The symposium on ‘Why Secularism has failed? On the harmful impact of Western misunderstandings on political and legal thinking in India’, organised by Development Foundation at the Mythic Society on Friday, 14th November, 2014, was well attended by about 50 participants. After an initial welcome by Dr. Vinayachandra B. K., on behalf of DF, Sri Chaitra from Aarohi, introduced the chief speakers and the context of the symposium. He mentioned that, irrespective of the area that one is working in, in humanities and social sciences, one ends up encountering certain fundamental issues. The chief among them, being the problem of cultural difference and the way in which one culture describes the other. For example, when the Europeans came to India, they described the country based on their cultural moorings. It was not a description of how India was but a description about how they perceived India. Unfortunately, even after gaining political independence, Indians continued with the same kind of scholarship that was made available to them by their colonizers. Continuing this approach further, many systems like the legal system, secular ethics etc., that had their origins in a Western cultural context, were imposed on India often with little or even adverse effects. In this backdrop, he referred to the works of the chief speakers, Prof. Prakash Shah, from Queen Mary University of London and Prof. Jakob De Roover, from Ghent University, Belgium, as a demonstration of the problematics of the legal and secularist thinking in India today owing to their strong Western cultural underpinnings.



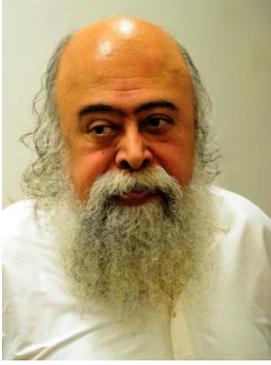
Prof. Prakash made a brief presentation on the legal system that is being practiced in India with reference to its origins from the British. He posed the question that if law was the product of culture then would we agree that British and Indian cultures were one and the same as we were still sharing the legal system of the British. He also raised some pertinent issues regarding legal transplants, i.e., when legal ideas from one culture are brought

into another culture etc.

Following this Prof. Jacob made a brief presentation on the idea of secularism that is being adhered to in India. He quoted a few examples from the Indian judicial proceedings where the jury failed to decide on what was ‘essentially religious’ in Hinduism and thereby arrived at arbitrary conclusions and judgements. He pointed out that when the conception of religion itself was foreign to the Indian tradition, then it would be a veritable challenge to decide if something was essentially religious or non-



religious.



Following the presentation there were a number of questions from the audience. There was also an intense discussion on the concept and practices related to the caste and jati systems in India, to which the speakers and Prof. Balagandhara pointed out that there was no evidence of caste system being practiced in India as no one knows what exactly is a caste system. What was being practiced in India is ‘*jāti paddhati*’ and not caste system. Following this, Prof. Balagandhara gave his concluding remarks briefly outlining the sensitive issue around the misunderstanding of terms like *jati* and caste and their implications in today’s society.

At the end, Dr. Vinayachandra B. K. thanked the speakers and the audience for their participation, and Sri. M. P. Kumar handed over the mementos to the speakers in appreciation of their presentations.

