

# **Religious Freedom in India: Challenges and Opportunities**

**By**

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Dear respected participants of this important conference, the organizers and the most respected dignitaries on the dais and my dear friends, I bring greetings to you from India. I am greatly honored to be invited to speak to you about the experience of religious freedom in India. I am indeed very privileged to be in this great country and great people.

I do not know how appropriately my presentation fits within the scope of this conference. However, I will offer my reflections on religious freedom not as a legal expert but as a student of social science. Before I begin, I should, at least very briefly, introduce India to you so that you will be able to understand what I speak in the right context. As you know, India is the largest democracy in the world. Indian territory is divided into 28 states and 7 union territories. Each of these states has its own state governments besides a central government for the whole of India. Hindus constitute 82.0%, Christians 2.34%, Muslims 12.12%, Sikhs 1.94%, Buddhists 0.76%, Jains 0.41% and others 0.43%. India has around 21 major languages and over 1700 dialects, spoken by its people as mother tongue. It has a number of diverse cultures and religious practice. India is a country with countless diversity but live in relative harmony.

As part of the social context, it is important to know one crucial dimension of Indian society, the caste system. The Hindu community is divided into four major

castes. *Brahmins* the priestly caste, at the top of the hierarchy; the *Kshatriya*, the warrior caste comes next, then the *Vysya*, the business people and the *Sudra* at the bottom. Below this caste system are the 'outcastes'. The 'outcastes' are treated as 'untouchables' in the society . The *sudras* and the outcastes are expected to do service to the 'upper castes. These 'untouchables' have been doing services to the 'upper castes' such as manual scavenging-removal and disposing of the night soil, disposal of the carcass of anything that is dead and rotten etc. They were not allowed to study or to read the scriptures of religion and knowledge, violation of which would meet with very cruel punishment. This most de-humanising system has undergone tremendous changes with the process of democratization and the introduction of Affirmative action policies in favor of the deprived sections.

There were many movements in the country to break away from the caste system seeking possibilities of living together, outside the caste structure. It is to this context that Islam and Christianity arrived through rulers, business people and missionaries. These religions were attractive to the most oppressed communities of the caste India. The oppressed caste embraced Christianity and Islam with a hope of having a dignified life, in the new religion. It was a search for human purposeful life.

### **Freedom of Religion in Indian Context:**

The Article 25 of the Indian Constitution offers freedom of religion and it says: Subject to public order, morality and health, all persons are equally entitled to freedom of conscience and the right to profess, practice and propagate religion.

I know that legal interpretation or academic discourse of the above is not what is expected from my presentation but a reflection of how it is realized in our country.

Nevertheless a brief comparison of significant points between the article 18 of Universal Declaration of Human Rights (UDHR) and Article 25 of Indian Constitution is necessary. The UDHR Article 18 offers:

- a. Right to change one's religion- individual, or in community
- b. There is no factor that restrict/control this process.

Whereas Indian Constitution Article 25 offers:

- a. Right to freely profess, practice and propagate religion. "Propagation" does not unequivocally offers the right of choice. It is interpreted in contradictory manner by people of different views. The supreme court of India does not agree that propagation includes the decision of the individual to convert.
- b. This freedom is subject to: public order, morality and health. Union Government and State governments have the right to make legislation to restrict/control religious expressions in the name of public order.

The Indian context has two major issues in relation to the realization of Article 18 of UDHR and article 25 of Indian Constitution.

1. The legislation is not categorical in offering freedom of religion in its complete sense including the choice of a person to convert.
2. The Indian society is intensely communalized. It would be difficult to implement even the best of the most progressive legislation in this communalized context,

Having said that let us see, what the ground reality in India is.

## **Christian Experience in India**

Christians have been and continue to be making significant contributions to education and social and humanitarian work in the country. Nevertheless they have become the main target of the dominant community, Hindus, in the recent years. Attacks on Christians where physical violence against the leadership of the Church, killing of the Priests, raping of nuns, destruction of Christian Institutions- schools, colleges, churches, cemeteries etc. (Human rights watch/Asia report 1999). I will state just one or two experiences of the Christians in the country.

We know the incident in which the Australian Missionary Graham Staines, working with the leprosy patients and his two little sons were burnt alive in Manoharpur Village, in Orissa during January 22-23, 1999.

Another incident is that of the Khandamal violence. The Asian Centre for Human Rights has reported that over 50 persons have been killed in the violence spread in the district of Kandhamal in Orissa on 25<sup>th</sup> August 2008. Most of them were Christians. Many people have fled their villages. Some 5000 people have taken shelter in relief camps. According to informed sources, 200 villages have been affected. Hundreds of churches including house churches have been burnt down.

Though such stray incidents continue to occur in the country, they could just be seen as aberrations in the system. I would prefer to view these cases as instances of law and order problem rather than cases of religious persecution. Such criminal incidents do occur within single communities as well. Of course, Indian state could not effectively curb the occurrence of such unlawful acts. Therefore, it suggests a

crisis of governance that exists in India that needs to be addressed and discussed by the academia.

The secular fabric of Indian society is very much intact. We have a well established judicial system which takes care of the democratic and cultural edifice of the Political system. The role of the judiciary is very much evident in the recent verdict in the much talked about conflict between Hindus and Muslims on the disputed land in Ayodhya.

Indian society is by and large peaceful which draws its spirit from the ideals of the father of the nation, Mahatma Gandhi. He propagated the notion of *Sarvadharm Samabhava*, the equality of all religions. This is an important notion, particularly in a world where we are witnessing an increase in religious fundamentalism and religious conflict. Although it was clear to Gandhi that there was only one God, he was realistic enough to recognize that different religions would always exist. Gandhi stated that "belief in one God is the cornerstone of all religions. But I do not foresee a time when there would be only one religion on earth in practice. In theory, since there is one God, there can be only one religion. But in practice, no two persons I have known have had the same and identical conception of God. Therefore, there will, perhaps, always be different religions answering to different temperaments and climatic conditions" (Harijan, Feb.2, 1934). He believed that all religions are complimentary to one another. The specialty of any one religion cannot run counter to another, cannot be at variance with universally accepted principles. This forms the basis of the cultural ethos in India.

What we need now is a situation in which everyone would respect and treat every

individual and communities equally. Creating a conducive atmosphere, that would enable every man and woman irrespective of their identities, to enjoy such freedom is the most important aspect. Only then the Laws and the Covenants, national or international, would become meaningful in its spirit. It is time we filled the vacuum in the Parliamentary democracy with just, egalitarian ethos and ideology of governance and human welfare. It is time the empowerment of the Dalits, the tribals and the minorities and the protection of their rights are guaranteed and they would feel proud of being born in such an India with her plurality of cultures and religions. Protection of religious rights is but a necessity of the democracy. It is time also for national, international solidarity to uphold not just freedom of religions but the right of everyone to have a life with dignity and exercise of his/her conscience freely.

Thank you all for your patient hearing and for this great opportunity.