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Religious Freedom in India

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ABSTRACT

This paper seeks to explore into the 'religious freedom in the present scenario' in the context of India and the world. It contemplates the present aspects of secularism granted in the articles 25 to 28 of the Indian constitution in India in the view of curtailment of the religious freedom of the peoples, which is against the basic tenants of Indian secularism, provided in the constitution.

Basically, the religious freedom given in the articles 25-28 are the basic fundamental right of the peoples. This paper led emphasis on amalgamation of political parties in the religious affairs that how present political parties has divided the peoples in the name of religion??

It also explores, what are the major religious challenges faced by Indian democracy, which led to the curtailment of the religious freedoms of the people. Also it shows the detention of the foreign peoples of Tablighi Jamaat during the covid-19, led to the curtailment of their religious rights, due to the allegations on them for spreading covid-19. We will be knowing the important concepts of Freedom Of Religion, Liberty, Equality, Secularism, Bills, Laws and Commission which are related to the religious matters in India and we will also be knowing about the religious freedom in India in the current scenario and why there is social tension and fear among the citizens related to the matter of religion in India especially among the minority communities. We will also know about the brutal violence and the police brutality that happened during the period from December 2019 to February 2020 and the religious tensions and hatred that have engraved in the minds of millions of citizens during the whole of pandemic. In the name of religion there have been large destructions of temples, mosques, churches, gurudwaras etc in the past few years and we will also be able to know how the failures of the past and present governments in the country to handle the religious riots that have been happening around the country. In this paper we will also be questioning that whether the fundamental ideas of liberty, equality, social justice, secularism is being seriously followed and whether the Principal of Constitutionalism of the Constitution of India is religiously being followed or not in India.

Keywords: *Secularism, Religious Violence, Equality, Social Justice, Law and Bills Related To Religion.*

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I. INTRODUCTION OF RELIGIOUS FREEDOM IN INDIA

Freedom of Religion in India is a fundamental right guaranteed by Article 25-28 of the Constitution of India. Every citizen of India has a right guaranteed by the Country's Constitution. So Religion is one of the most important aspects of the Constitution of India. India is the only country in the world which had guaranteed secularism in a proper manner and granted each and every religion of India the equal status and equal opportunities in terms of jobs, in terms of education etc whether he is a Parsis, Jain, Muslim, Hindu, Christian, Buddhist, Sikh etc.

Freedom of Conscience and Free Profession, Practice and Propagation of Religion

(Article 25)- Article 25 (1) Subject to public order, morality and health and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion. This clause secures to every person.

Freedom to Manage Religious Affairs (Article 26) - Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

- To establish and maintain institutions for religious and charitable purposes;
- To manage its own affairs in matters of religion;
- To own and acquire movable and immovable property and;
- To administer such property in accordance with law.

Freedom from Payment of Taxes for Promotion of Any Particular Religion (Article 27)

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Exceptions of Article 27- This provision prohibits only levy of a tax and not a fee. This is because the purpose of a fee is to control secular administration of religious institutions and not to promote or maintain religion. Thus, a fee can be levied on pilgrims to provide them some special service or safety measures. Similarly, a fee can be regulation expenditure.

Freedom of Religion- Secularism is a part of the basic structure of our Constitution, which means that the feature cannot be taken away by a Constitutional Amendment by the Parliament. India not only has no State Religion but is also duty bound to ensure that no discrimination on grounds of religion or religious belief is made and that all religions and faiths get equal protection of the law to flourish

Liberty- It is like a defensive wall of democracy. Our Constitution provides liberty of thought, expression, belief, faith, and worship. Liberty is an essential attribute of a free society that helps in the fullest development of mental and spiritual abilities of an individual. The Indian Constitution guarantees six types of democratic freedoms to individuals under Article 19 and Right to Freedom of Religion under Articles 25 to 28. However, liberty does not mean that an individual is free to do whatever he wants, but he has to enjoy his rights within constitutional limits.

Equality- The ideal of equality has been taken from the **French Revolution**. The Preamble mentions two types of equality that is **Equality of Status** and **Equality of Opportunity**. The fruits of liberty cannot be fully realized until there is an equality of status and opportunity. As per

Article 15 of our Constitution, any discrimination by the state on the basis of religion, caste, sex, or place of birth is illegal. Constitution has also abolished untouchability (**Article 17**) and titles of honor (**Article 18**).

Theocracy, States with Established Religions and Secular States: An Exposition

There are at least three types of states to which a secular state can be contrasted: (a) a theocratic state, (b) a state that establishes one religion, and (c) a state that establishes multiple religions

A theocratic state is one where a priestly order directly administers the state by reference to what it believes are divine laws. In such states, religious and political orders are identical. In contemporary times, **The Islamic Republic of Iran, as Ayatollah Khomeini** aspired to run it, or the state of **Afghanistan** run by the Taliban provide the best approximation of a theocracy. If the Indian State was to be run by an elite class of Brahmins in accordance with the Dharmashastras, then it would be theocratic. Such a theocratic state must be distinguished from a state that establishes religion. In such states religion is granted formal or legal recognition. There is an official alliance between the state and religion.

Freedom of Religion in India is a **fundamental right guaranteed by Article 25-28 of the Constitution of India**. Every citizen of India has a right to practice and promote their religion peacefully. Freedom of Religion in India is established in tradition as Hinduism does not recognize labels of distinct religions and has no concept of blasphemy or heresy. Every citizen of India has a right to practice and promote their religious practice. India is the birthplace of four major world religions Hinduism, Jainism, Buddhism and Sikhism. Yet, India is one of the most diverse nations in terms of religion. Even though Hindus form close

to 80 percent of the population, India also enjoys multiple religions with majority populations of other religions notably Jammu and Kashmir with **Muslim Majority**, Punjab with **Sikh Majority** and Nagaland with **Christian Majority**. The country has large **Muslim, Sikh, Christian, Jain and Zoroastrian populations**.

Islam is the largest minority religion in India and the **Indian Muslims** form the third largest **Muslim Population in the World** accounting for about 17 percent of the nation's population. The Indians are devoted towards their religion due to the fear that if they don't respect their gods, then their gods would become upset and curse them. Generally, we are in a constant struggle to prove each one's religion the best, giving rise to a lot of crimes, especially when festivals of two different religions fall on the same day and a procession is to be carried out. Indian Government is well aware of this and hence, important safety measures are adopted and there is police surveillance everywhere.

With the above articles related to the religious freedom and some stats, we will be discussing about various religious and riots that happen because of the tensions and fear among the various religious communities in India and the recent incidents that ignited the spark of riots in the Metropolitan Cities of Delhi, Mumbai, Kolkata, Chennai, Ahmadabad, Bengaluru etc and even in the village and block where the religious riots are taking its ugliest forms. We will also be discussing that how has police brutality towards the minority communities have risen two-fold and will be questioning whether the constitutionalism and fundamental principles of the above mentioned articles are being seriously followed or not. In the course of a time, we have seen many politicians and goons are also involved in heinous crimes related to religious matters. So this article mainly focuses on the religious riots and brutality towards minority communities in India and also we will be discussing about the laws and bills that have been made for maintaining fundamental idea of secularism and various acts related to different religions in India.

II. RELIGIOUS FREEDOM IN THE CURRENT SCENARIO IN INDIA

When the matter of religious freedom in India is seen in the current scenario, it forms the most debatable topic to be discussed among the common citizens in each and every part of the country and it also becomes the most controversial debates as well among the citizens starting from the state of Jammu and Kashmir to Kanyakumari and from Gujarat to Arunachal Pradesh, The matter of religion engulfs in the minds of the common citizens around the country. Even the smaller children and toddlers become the victims of religious riots, religious hatred among the various communities across the country. In the past, we have

seen hatred growing among the various religious groups across the country just because of some pity issues or because of the agendas and ideologies of the political parties which create religious tensions among the religious communities just for the sake of increasing their vote bank and establish their dynasty in the country's politics.

We have seen in the recent past the most brutal form of hatred and religious riots among the religious groups around the country such as **Godhara Case in 2002, Babri Masjid Demolition Case in 1992, Bhagalpur Riots in 1989, Muzaffarnagar Riots in 2013, Shaheen Bagh Case related to CAA-NRC in 2019, Delhi Riots in 2020, Sikh Riots in 1984 and many more** which have sown the seed of hatred, spreading communalism and most importantly tarnishing the image of secularism in the country. It's really shameful for each and every citizen of the country that we have to bear the brunt of hatred and hyper-nationalism in the name of religion. Further the killing of the masses in the name of religion and proving superior over the rest has created the negative mindset in crores of citizens around the country in the name of religion. We have seen in the recent cases the most brutal form of religious riots and hatred in **2019 CAA-NRC Protests and 2020 Delhi Riots** that how can a religious superiority can turn into its ugliest form and create nuisance which results in the hatred among the common citizens and can result in the killing of the masses. We have even seen the Sabarimala Case, where women were not allowed in the temple of Sabarimala. **(Religious Freedom in India in Current Scenario)**

There is a constant fear among the minorities in India around the hype that has been created by the opposition parties among them towards the current government related to the religious freedom and practice. The hype so created is related to the fact that the minorities have guarantee of security under the umbrella of the current government i.e. **BJP Government** and their religious as well as social status will be taken away from them. Further, if they do not support the ideas of the current government they will be thrown into the detention camps or will be sent to **Pakistan, Afghanistan and Bangladesh** in the name of **CAA-NRC**. This is really shameful for the country that the opposition parties are just trying to tarnish the image of the fundamental beauty of the **Constitution of India** i.e. **Secularism** and hence creating the fear, tension and growing the seed of hatred and religious riots just for the sake of securing their vote bank in the country. Not only this, the goons of these so called political parties who try to claim that they are protecting the interests of different religious groups divert the minds of youth from the very basic idea of the secularism in the country and provoke these ignited minds towards hatred and propel them to work towards creating nuisance and religious riots to embark the sparkle of hatred and mass murder in the whole

country.

The destruction of the temples, mosques, gurudwaras, churches and other religious sites in the country become a common scenario in the country whenever a religious riot takes place in any part of the country. The regular morning and evening news whenever a religious riot takes place are filled with the news of mass killing of the people, people under tremendous and constant fear among the religious groups becomes the common news. Taking advantage of such a situation, the so-called political terrorists try to create further tension and a fear of hatred, mass killing of people and funding in the religious riots so as to gain as much benefit as they can and make the lives of the common people miserable, increase the crime rates in the country in the name of the religion. States that establish religion are of two types. Some establish one religion. For centuries, **England, Scotland and Germany** established **Protestant Christianity. Italy and Spain** promoted **Catholicism**. There are many states in the world today with one officially recognized religion. For example, **Pakistan and Saudi Arabia are Islamic States**. In the second type, a state establishes not one but many religions. **(Persecution of Minorities in India)**

III. STATISTICS RELATED TO RELIGIOUS RIOTS IN INDIA

There were 25 incidents of communal riots in India in 2019, and 108 incidents of mob lynching, according to the monitoring of **Centre of Study of Society and Secularism (CSSS)**.

CSSS monitors the reportage of communal riots and mob lynching in the **Mumbai Express, the Hindu, and The Times of India, Inquilab and Sahafat**.

Though the number of communal riots has declined, the discourse of communal violence driven by ideology of **Hindutva Supremacy** remains the same. In 2019, from January 1 to December 31, according to the above mentioned newspapers, **25 communal riots took place in 2019**. In these 25 riots, **8 lives were claimed**. Out of the 8 persons deceased, **three killed were Hindus, three killed were Muslims and the communities of two persons killed were not specified in the reports**. In 25 incidents of communal riots, there were total of **48 arrests**. 47 of the arrested from 48 were from unspecified community.

The state of Uttar Pradesh continued to top the list of states which had the most number of communal riots. UP was followed by the state of Maharashtra, where 4 communal riots were reported in 2019. Madhya Pradesh, Rajasthan and Jammu and Kashmir such had two communal riots in 2019. In the states of Karnataka, Haryana, Assam, Delhi, Bihar and West Bengal reported one communal riot each.

These figures indicate that communal riots have mostly been reported in the **Northern Zone** of the country and the north has been a theatre of violence with deep fault lines. The discourse is infused with newer issues like **Citizens Amendment Bill, National Register of Citizens, Abrogation of Article 370 and the overall narrative of Muslims being disloyal and second class citizens of India.**

In 2019 too like in 2018, the use of **religious procession and festivals** has been instrumental in formatting communal tensions leading to violence. Out of the 25 communal riots, **nine were triggered off by or during religious procession. The Kanwariyas or the Kavadyatras** have been given protection and state patronage in a way that State has favored them. Out of the nine communal riots triggered due to issues related to religious procession, **three took in Uttar Pradesh itself. (Religious Riots in India)**

Indian Police violated human rights during deadly religious riots in New Delhi earlier this year, **Amnesty International said in a report.** It said police beat protestors, tortured detainees and in some cases took part in riots with Hindu Mobs. Authorities say more than 50 people were killed when clashes broke out between Hindus and Muslims over a controversial citizenship law in February in the worst rioting in the rioting in the Indian Capital in decades.

Amnesty said that in spite of dozens of people alleging police misconduct, to date there has been no independent investigation of the role of the police in the rioting, nor any first information report registered against any police official- a prerequisite for a criminal investigation.

It all happened because of the narrow mindset of some of the corrupt and evil minded politicians of the country and the Capital of India i.e. **Delhi** has to bear the brunt of the most brutal religious riots just because of the hate speech of some corrupt politician who doesn't even fit in this modern society. Secular states the world over appear to be in crisis. This crisis afflicts not only secular political institutions but the very doctrine of secularism itself. This crisis afflicts not only secular political institutions but the very doctrine of secularism itself. Both have been seriously questioned in **Egypt, Sudan, Algeria, Tunisia, Nigeria, Senegal and Turkey.** In the last two decades, **Pakistan and Bangladesh** have increasingly acquired theocratic overtones. There has been a resurgence of Hindu Nationalism. Buddhist Sinhalese nationalism in **Sri Lanka** and Sikh Nationalism in **Punjab** have both undermined the secular nature of Sri Lankan and Indian States.

The religious hypes were so powerful that it led to division of **India into three countries India, East Pakistan (Now Bangladesh) and West Pakistan (Current Pakistan).** The

current Government is blaming the past governments over issues and the opposition is doing the reciprocal of it. It is true in the sense that there has been an enormous case in the increase of religious riots that are happening around the country especially in the Northern Part of the Country. It is mostly in the **Northern States of Bihar, Uttar Pradesh, Haryana, Delhi, Madhya Pradesh, and Rajasthan** that the rise in the crime rates and riots in the name of the religion has been on its peak. The **Several State Governments and even The Central Government** has been unable to tackle this issue in a proper manner and proper execution of the said laws which prevents the religious riots that happens around the country is a need of an hour.

The ever increasing cases of **Mob Lynching, Love Jihad, Community Riots etc** all in the name of the religion is a big headache both for the common citizens of the country and the concerned authorities which are dealing with the issues related to the religious issues happening around the country. **(Communal Riots in India)**

Detention of the foreigners of (tablighi jamaat), during covid-19 led to the curtailment of the religious rights of the peoples as there were explicitly suggesting that the Tablighi Jamaat were responsible for spreading the virus, or putting out a daily list of positive cases associated with Tablighi Jamaat contact tracing.” In this regard the high court of Bombay concluded that all the arrested foreigners had entered India prior to the national lockdown. They had been screened at the airport while entering and were not found to be infected.

The court also rightly held that while Article 19 is not available to foreigners, once a foreigner enters with a valid visa he is entitled to the protection of Articles 20, 21 and 25 and hence he cannot be prevented from entering a Masjid, officering Namaz or staying in a Masjid. Further, while religious places were closed for public at large after lockdown, many of the masjids had residential places and there was nothing to show that any outsiders were allowed inside the Masjids after the lockdown began.. To conclude, the court held that no violation of any law was made out and in fact, the authorities had acted mala fide. It quashed the FIRs and charge sheets against foreigners as well as Indians. In the present times when the country’s politics is rife with majoritarianism, with complete demonisation of the Muslim community, the strong observations of Justice Nalawade are like a breath of fresh air. Hopefully, it will be a precursor to courts giving orders in the context of the political reality rather than executive deference. For all justice is inherently political and one wishes that the politics of the higher courts change from majoritarianism to constitutionalism.

Critique of Mainstream Secularism

Mainstream liberal democratic secularism asks citizens to leave their religious convictions behind in the private sphere as a condition of entering the public sphere. This is what privatization of religion means. For example, suppose a bill is coming up for discussion in the Parliament and its supporters or opponents are debating on it in the wider public domain. Mainstream secularists would want everyone not justify their support or opposition to the bill in terms of their religious beliefs. Religious beliefs are sectarian they would say.

IV. RELIGIOUS FREEDOM ISSUES AND CURRENT CHALLENGES

Religious based politics

Religion based Politics remains always a bone of contention in India's politics, since its inception in India the major factions were created in 1977, when the main rival against the congress party, BJP won the election and emerge as the victorious party in the leadership of JP Narayan. In both the time of congress and Bjp there was the amalgamation religion in the politics.

Basically the newly government, the BJP's 2014 national victory appears to have empowered extremist groups in ways that can undercut both India's and the Modi government's international standing.

In the present scenario the youths of India has divided themselves into various groups on the religion based politics. Most of the peoples in India vote in the name of religion like, it have been set an ideology in the minds of the people that BJP is a Hindu based party and all the parties participate in the election are anti-Hindu parties. There is large amalgamation of the political parties into their religion. People fight in the name of religion or they are made to fight or totally influenced by the ideology of the party. The political parties has seeks to trend the peoples in the name of the religion and in the name of the religion the people's are ready to go on any extent. This has become common in all the parts of India, that religious based politics, which is spreading hatred among the peoples. Peoples are easily gets influenced in the name of religion. This is against the basics tenets of Indian secularism, which are the parts of Indian constitution and the principles of natural justice and democracy. **(Religious Based Politics)**

Slaughter and Vigilantism

The Indian Constitution and 21 of India's 29 state governments significantly restrict or ban the killing of cows, which are considered sacred animals in the Hindu religion. Such restrictions—which can lead to prison sentences of 6 months to 14 years, if violated—were

found constitutional by India's Supreme Court in 2005. According to the Indian Agriculture Ministry's 2002 National Commission on Cattle report, "the cow has always had a very special place in the social fabric of the country," and it suggests that cow protection laws are not incompatible with a secular society.⁷¹ Cow protection through vigilante action largely is a new phenomenon in India.

According to USCIRF, enforcement of such provisions economically marginalizes Muslims and Dalits, who adhere to various religious faiths, and even mere accusations of violations have led to violence.⁷⁴ According to Human Rights Watch, "Mob attacks by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims," continued throughout 2017 and, "Instead of taking prompt legal action against the attackers, police frequently filed complaints against the victims under laws banning cow slaughter," suggesting official sympathy toward the attackers.

There have been various instances of lynching in the various parts of the country, where In September 2015, a mob killed Mohammad Akhlaq, 50, in Uttar Pradesh state, and critically injured his 22-year-old son, over allegations that the family had slaughtered a calf for beef. Following public outrage—and because the state was then governed by an opposition party—the police made some arrests including of a local BJP leader's son and relatives. The suspects' Hindu supporters responded by damaging a police van and other vehicles. Several senior BJP leaders backed the alleged actions of the suspects. As a result, Akhlaq's family had to leave the village in fear. **(Slaughter and Vigilantism)**

Anti-Christian Violence in India- Anti-Christian Violence in India is religiously-motivated against Christians in India. According to the **All India Christian Council**, there was an attack on **Christians** recorded every 40 hours in **India** in 2016. There were 26 documented cases of **violence** against **Christians** in the country between January and March 2016, while the Central Government refrained from speaking out against it. The most dangerous states were **Jharkhand, Odisha and Chattisgarh** were killed in 2020. Persecution Relief, an ecumenical body that records Christians persecution in India, said its data shows "a very grim picture' of religious freedom in Hindu-majority India.

Hate Crimes against Christians in India have raised by an alarming **40.87 percent despite a nationwide lockdown in the country since March 25"** the Report Stated. Between January and June, India witnessed **293** cases of hate crimes against **Christians, including five rapes and six murders.**

In August 2017, the **US Commission on International Religious Freedom (USCIRF)**

ranked India's persecution severity at "Tier 2" along with **Iraq and Afghanistan**. Over the past seven years, India has risen from **No 31 to No 10** on **Open Door's World Watch List**, ranking just behind **Iran** in persecution severity. As of **2020**, **USCIRF** placed India as Tier-1 in minority persecution along with countries like **China, North Korea, Pakistan and Saudi Arabia**. (**Anti-Christian Laws in India and Reports Related to Minority Persecution**)

Freedom of Expression and Social Media

Social media, which is regarded as the 4th pillar of Indian democracy. Media as the watchdog plays a very important role in every democracy so in the world. Largest democracy its role becomes largely important. In the history of India, media has been recognized as influential, patriotic and trust worthy in the socio, economic and political climate of the nation. But with the growth of TRP and paid news environment in recent years, the trust over the media has taken a drastic hit, and, because of this the biggest victim here turns out to be the Indian democracy.

Studies by an Indian think tank have found that the incidence of "**religion-cultural hate speech**" on Indian social media is rising sharply, with most examples inciting violence against Indian Muslims. Topics eliciting hate speech include opposition to interfaith marriage between Hindus and Muslims, positions on universal human rights, and the issues of cow protection and beef consumption.

Article 18 of the Universal Declaration of Humans Rights (1948)

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, or either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The work of India's Constituent Assembly percolated alongside the developing Universal Declaration of Human Rights (1948). Jawahar Lal Nehru's sister, Vijaya Laxmi Pandit, led India's first UN Delegation in 1946 and became the first female president of the UN General Assembly in 1953.

V. BILLS AND LAWS

Triple Talaq

There are three forms of Talaq (The Arabic word for Divorce): Talaq-e-Hasan and Talaq-e-Biddat (triple or instant talaq). Ahsan and Hasan are revocable. Biddat-pronouncing divorce in one go by the husband- is irrevocable. Biddat is considered 'sinful'. but permissible in

Islamic Law. In Talaq-e-Biddat (triple or instant talaq) a Muslim man could legally divorce his wife by pronouncing talaq three times. The pronouncement could be oral or written, or in recent times, delivered by electronic means such as telephone, SMS, email or Social Media. The man did not need to cite any cause for the divorce and the wife need not be present at the time of pronouncement. After a period of Iddat, during which it is ascertained whether the wife is pregnant, the divorce becomes irrevocable.

National Commission for Minorities (NCM)

The setting up of Minorities Commission was envisaged in the Ministry of Home Affairs Resolution in 1978, which specifically mentioned that, despite the safeguards provided in the Constitution and the Laws in force, there persists among the minorities a feeling of inequality and discrimination. In order to preserve to secular traditions and to promote national integration, **The Government of India** attaches the highest importance to the enforcement of the safeguards provided for the minorities and is of firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the minorities in the Constitution, in the Central and State Laws and in the Governmental Policies and Administrative Schemes enunciated from time to time. Accordingly the Minorities Commission was set up in 1978 through executive resolution. With the enactment of the **NCM Act, 1992**, the Minorities Commission was renamed as **National Commission for Minorities** and the first statutory commission was constituted in 1993.

a) Composition

It is a multi-member body consisting of a **Chairperson, a Vice-Chairperson and five Members**. All are nominated by the Central Government and hold office for a period of 3 years.

b) Functions

- To evaluate the progress of the development of minorities under Union and States
- To monitor the working of safeguards for minorities provided in the Constitution and in laws enacted by the Parliament and by the State Legislatures
- To make periodical or special reports to the Central Government or any matter pertaining to minorities and in particular the difficulties confronted by them.

The Act doesn't define the term '**Minority**', but enables the Central Government to notify minorities for the purposes of the Act. At present, there are six religious communities as

minority community notified by the Central Government.

National Integration Conference- The then Prime Minister, Shri Jawaharlal Nehru, convened National Integration Conference in September-October, 1961 to find ways and means to combat the evils of communalism, casteism, regionalism, linguism and narrow-mindedness and to formulate definite conclusions in order to give a lead to the country.

The Conference decided to set-up a National Integration Council (NIC) to review all matters pertaining to national integration and to make recommendations thereon. The NIC was constituted accordingly and held its first meeting in 1962. The National Integration Council unanimously resolved the following points-

- To condemn violence in any form committed to disturb communal harmony and to deal with all those indulging in such violence in a prompt and resolute manner under the law
- It further resolved to ensure that all women should enjoy the fruits of freedom, to pursue their social and economic development with equal opportunities and to safeguard their right of movement in the public space at any time of the day or night.
- To take all measures to preserve, sustain and strengthen the harmonious relationship between all communities and enable all citizens to lead their lives in freedom as equal citizens with dignity and honor.
- It also resolved that the Union Government of India and all stakeholders shall take all measures for resolving differences and disputes among the people within the framework of law and institutions set-up there under in order to strengthen our secular pluralistic society. It further resolved to work indefatigable for their complete integration with the rest of the society on equal terms.

Anti-Conversion Laws and Forced Conversions

Of India's 29 states, 8 have legislation restricting religious conversions, with laws in force in 7 of those states. Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Odisha, and Uttarakhand have so-called "Freedom of Religion Act(s),

Proponents of "religious freedom laws" say, contrary to the characterizations of critics, the laws do not restrict a person's freedom to convert and are meant only to protect "vulnerable populations" from forced conversion.

In 2017, the press began reporting more frequently on allegations of so-called "love jihad" campaigns by Muslim extremists purportedly coercing Hindu women to marry Muslim men

and convert to Islam. Such reporting was blamed for inciting violent attacks on innocent Muslims.⁶⁸

India's pending Citizenship (Amendment) Bill of 2016 would change the definition of "illegal migrants" and allow certain Hindu, Sikh, Buddhist, Jain, Parsi, and Christian migrants from Afghanistan, Bangladesh, and Pakistan to become citizens, but it excludes Muslims. If enacted, it thus could violate the Indian Constitution's equal protection provisions.⁶⁹ In 2018, the BJP-led Assam government has faced a destabilizing debate between proponents of the bill, who say it will help to end the alienation of Bengali Hindus who came to Assam from Bangladesh (the former East Pakistan) after 1971, and opponents, who decry the bill as a blatant effort at religious discrimination. In July, the Assam government published a National Register of Citizens draft that elicited criticism for seeking to oust the (mostly Muslim) Bengali population from Assam.

In 2019 the bill was passed in the Indian parliament and became an act in 2019. The protest against the Citizenship (Amendment) Act (CAA), 2019 has spread to almost every corner of the country, yet the reasons for the protest vary with the geography. Some are protesting because the CAA allegedly violates the secular identity of the country while others fear that it will endanger their linguistic and cultural identity. Yet others believe that while the CAA itself is innocuous, combined with the proposed nationwide National Register of Citizens (NRC), an exercise that has run into controversy in Assam, it will become a tool to exclude the Muslim population of the country.

Uniform Civil Code- Article 44 of our Constitution says that the State shall Endeavour to secure for the citizens a uniform civil code throughout the territory of India. This provision has become a subject-matter of a nationwide debate. In recent years, a large number of Indian Citizens have been thinking that our country must have a uniform law for all citizens and different communities should not have a Separate personal law, for e.g. The Muslims follow their own personal law under which they can have four wives. Citizens have challenged the validity of the Muslim Personal Law on this ground before the Supreme Court but have been unsuccessful. In **John Vallomattom Case 2003** the Supreme Court held that the State should enact the uniform law for whole India irrespective of caste and creed. **Other Cases Related To It-**

- Mohd. Ahmed Khan vs Shah Bano Begum (1985) 2 SCC 556
- Sarla Mudgal v Union of India, (1995) 3 SCC 635.
- Danial Latif v Union of India (2001) 7 SCC 740

- Seema v Ashwani Kumar, (2006) 2 SCC 578
- Shayara Bano v Union of India, Writ Petition (C) No 11P of 2016.

Dowry Protection Act, 1961

This Act prohibits both giving and taking of dowry. In this Act dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to a marriage or by the parent of either party to the marriage or to any other person at or before or at any time after the marriage but does not apply in case of persons to whom Muslim Shariat or Personal Law applies.

Hindu Marriage Act, 1955: It codifies the law relating to marriage among Hindus, Jains, Buddhists and Sikhs are also Hindus for the purposes of this Act. **The Marriage Laws Amendment Act of 2003** amended this Act and assented in January 2004 which provides that if wife is a petitioner under this Act, she can present her petition in a district court where she is residing at the time of filing.

Hindu Adoptions and Maintenance Act, 1956

The **Adoptions and Maintenance Act of 1956** dealt specifically with the legal process of adopting children by a Hindu Adult, and with the legal obligations of Hindu to provide “maintenance” to various family members including their wife or parents, and in-laws

State Anti-Conversion Laws in India

India’s Freedom of Religion Acts or “Anti- Conversion” Laws are State-Level Statutes that have been enacted to regulate religious conversions. The laws are in force in eight out of twenty-nine states: **Arunachal Pradesh, Odisha, Madhya Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Jharkhand and Uttarakhand.** While there are some variations between the **State Laws**, they are very similar in their **content and structure.**

All of the laws seek to prevent any person from converting or attempting to convert, either directly or otherwise, another person through “**forcible**” or “**fraudulent**” means, or by “**allurement**” or “**inducement**”. However, the **anti- conversion laws in Rajasthan and Arunachal Pradesh** appear to exclude reconversions to “**native**” or “**original**” faiths from their prohibitions. (**Anti-Conversion Laws in Different States**)

VI. CONCLUSION

After all these discussions, one has to first understand the basic meaning of secularism. In simple terms, **Secularism means separation of State with Religion, i.e. State will not take decision based only religious considerations.** Secular States are questioned not only by

politicians, civil society groups, and clerics but also by academics. In India, critics have argued that the conceptual and normative structure of secularism is itself flawed. There is something wrong with the ideal itself. Some claim that it is linked to a flawed modernization, that it is integrally connected with the repressive structures of the nation state and an increasingly indefensible conception of science and rationality.

These are important criticisms that must be taken seriously. However, the academic writing on secularism is unclear about the claims. Clerics and religion-centered politicians clearly wish to get rid of the secular state. States with substantive establishments have not changed color with time same in the case of **India**. Whenever one religion is not only formally but substantively established, the persecution of minorities and internal dissenters continues today. One has only to cite the example of **Saudi Arabia** to prove this point. Taking example of **Saudi Arabia**, it is also applicable in the case of **India** where Muslims and Christians are being persecuted. Secularism is opposed to institutionalized religious domination. Political Secularism is a doctrine with a narrow scope. It asks whether the relationship between the state and religion be, if religious domination is to be, prevented and freedom and equality are to be promoted. According to political secularism, only a separation of state and religion can fulfill this purpose. Thus political secularism defends a secular state and opposes all forms of religion-centered states.

But in India, where religion plays a significant role in the minds of the people, State could not be completely proofed from these considerations. Hence, a new form of Secularism was developed: that State is equidistant from all religions. This has been ensured to the citizens by the Constitution, as their Fundamental Rights. State may not discriminate against any citizens based on their religion, caste, birth, descent, etc. Preamble also ensures "**LIBERTY**" of thought, expression, belief, faith and worship."

However, compliance of ensuring these freedoms has been irregular. There have been several cases of violations, riots, etc, which bring into question whether "India still is a secular nation?"

As far as legality and constitutionality is concerned, there is no doubt that India is, and will be, for times to come, a secular nation. Secularism has also been ruled as a basic structure of the Constitution, and hence cannot be "amended" away even if the entire Parliament and State Legislatures support such legislation.

Beef Ban:

- a) **Article 48** of Constitution (Directive Principle of State Policy): The State shall

Endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle."

- b) Looking at the above text, it is very clear, banning of killing of cattle is to be purely on scientific basis, considering the economy, agriculture and animal husbandry. Not Religious Lines.

Different Marriage and Divorce Laws:

- a) Categorized as Personal Laws, it includes different laws for Hindus, Muslims, Sikhs, Christians etc.
- b) Article 44 envisages a Uniform Civil Code (UCC)
- c) The Freedom of Religion in our Constitution envisages freedom subject to public order, morality and health. So, enforcing a UCC should be based on these considerations.
- d) Again, the "supporters" of UCC have not even so much as presented a draft bill or blueprint on which to discuss/debate of what envisages a progressive UCC. This has led to several misconceptions that UCC would prohibit burying of dead as practised in Muslims, Christians etc.
- e) The deniers of UCC keep pointing to the protection of rights of minorities, unmindful of the fact, the UCC does not mean majoritarianism, nor monolithic. Inheritance for females, rights of wives, reproductive rights, dowry prohibition etc. are such issues, which will face opposition from regressive-patriarchal elements, across religious lines.(UCC and Article 44)
