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RELIGIOUS LIBERTY IN SOCIETY **IS ERODING**

AUTHORED BY - SHERIN FARHANA EV

ABSTRACT

Religious freedom is essential for protecting human dignity and ensuring healthy dialogue in society. In addition to allowing people of different religious persuasions the free exercise of religious beliefs and duties, religious freedom permits members of missionary religions to promote their religious values and beliefs. Promoting religious worldviews can contribute positively to energizing civil society as long as it is done under the principles of compassionate dialogue and mutual respect. Religion is a subject of faith or belief. In many people's perspective, religion has become the central subject of both prejudice and violence. The faithful's responsibility is to not condemn others or look down on those who have different understandings and faiths, but to appreciate their choices and do their best to live an upright life and embody the principles of their religion via good labour and good acts. The Indian constitution realizes the role of religion in the lives of Indians and, as a result, guarantees for the right to religious freedom in Articles 25 to 28. The Indian Constitution envisions a secular paradigm and states that everyone has the right and freedom to choose and practice their religion. Any religion's principal goal is to help people see life in a new light and appreciate its significance in the progress and elevation of human awareness. There have been allegations of religiously motivated homicides, assaults, riots, discrimination, vandalism, and activities that limit people's freedom to exercise and express their religious views. Every Indian citizen has the right to select and follow his or her own religion. This privilege is derived from Article 25 of the Indian Constitution. This paper provides a theoretical introduction to the study of discrimination with particular reference to the religion even though Religious freedom is guaranteed under Indian constitutions and other International agreements but still these principles are not always enforced.

Keywords: Religious Economy; Religious Restrictions; Religious Freedom; Globalization.

“The purpose of all the major religious traditions is not to construct big temples on the outside, but to create temples of goodness and compassion inside, in our hearts”.- Dalai Lama

INTRODUCTION

When our country gained independence in 1947, it adopted secular views in terms of religion. Religious freedom in India is deteriorating and has been declining for at least a decade. As a result, religious minority' struggle has reached unprecedented heights. Despite the fact that the right to freedom of religion or belief is explicitly guaranteed in India's 1949 Constitution. Despite the fact that religious freedom is protected, no reforms will occur until the government takes serious measures to fight religiously motivated violence. Several states, including Odisha, Madhya Pradesh, Chhattisgarh, Gujrat, Arunachal Pradesh, and Himachal Pradesh, have passed anti- conversion legislation. Such anti-conversion legislation prevents people from freely practicing their faith, which is a recognized freedom under international law. Only a God-realized Soul, it is believed, may create a new religion. The issue, though, is with their followers. Religion is based on faith and when there are multiple types of faith, the conflict arises and conflict is unavoidable. Followers mindlessly adhere to their religion and no religion promotes intolerance toward another. After witnessing the damage produced in the name of religion, many people want to seek the truth with open eyes rather than faith. Insofar as faith is concerned, they use their intellect and objectivity to arrive at a decision. They want to have a taste of the reality for themselves. They do not like to comply just because something is described in a certain book. Communal violence is also largely seen as a national concern among Indians along with other problems, such as unemployment and corruption. Communal violence is a major issue in India and its widely effecting the society and individual mindset. Furthermore, religious minorities face widespread discrimination in India, which is codified in legislation. Anti-conversion and anti-cow slaughter legislation, for example, are frequently used to discriminate against religious minorities or to legitimize extrajudicial deaths, violence, and forced conversions of non-Hindus to Hinduism.

RELIGION:

Beliefs in the spiritual component of existence have existed from the beginning of time. Many human cultures have left us historical evidence of their belief systems, whether it was sun worship, god and goddess worship, knowledge of good and evil, or knowledge of the holy. Religions and other belief systems in our surroundings have an impact on our identity, whether we identify as religious or spiritual or not. Simultaneously time, other aspects of our identity, history, and attitudes toward other religions and "other" groups will impact how we understand that religion or belief system.

Religion is a collection of structured ideas, practices, and systems that most typically pertain to the belief and worship of a dominating power, such as a personal god or another supernatural creature.

Religion frequently contains cultural ideas, worldviews, scriptures, prophecies, revelations, and values that have spiritual importance to adherents of the specific faith, and it can include a variety of behaviors such as sermons, rituals, prayer, meditation, holy locations, symbols, trances, and feasts. Religion, according to the great psychologist Sigmund Freud, is a sort of desire fulfilment. Cognitive science, on the other hand, acknowledges that religion may play a vital part in an individual's life and experiences, and can even promote health and well-being. Religion, in fact, has been demonstrated in studies to help individuals create good habits, manage their behavior, and comprehend their emotions—all of which can have an impact on their health. The Indian constitution have taken measures that stress total legal equality of its inhabitants regardless of faith or belief, and it forbids any kind of religious discrimination. It also protects religious minorities, although in limited ways. Minorities are still subjected to discrimination and persecution due to the result of a combination of excessively broad or ill-defined legislation, ineffective criminal justice system, and a lack of jurisprudential coherence.

TYPES OF RELIGION

There are many different types of religions, including the major world religious traditions that are widely known as well as much lesser-known belief systems of smaller populations. ¹Some of these represent monotheism, or the belief in a single god, while others are examples of polytheism, or the

¹ <https://www.verywellmind.com/religion-improves-health-2224007>

belief in multiple gods. Religion would be used for a range of functions. Religion may provide solace and guidance. It can serve as a foundation for moral views and conduct. It can also give a sense of belonging and a link to tradition. Some studies even show that it may have a negative impact on health. When we talk about religion and prejudice, the most apparent and always essential starting point is a discussion of religious freedom. The protection of one's rights regarding religious belief, belonging, and practise truly belongs to the most important components of human identity and a human person's integrity. Being denied the ability to practise one's faith is frequently linked to other forms of religious discrimination. It is such a major issue that it may be considered one of the most prominent symptoms of the core problem of prejudice. Religions have historically been the source of much bloodshed. Many conflicts have been waged in the name of religion. Religious violence is a sensitive issue, and religious conflicts continue to rage in some regions of the world. For a long time, global religions have been impediments to the advancement of our civilisation. There are many who eagerly desire the end of the world so that they might go to paradise and live forever. In the framework of religions, it is most likely the most aggressive notion, which may be found with required explanation in many holy books. Religion's influence on health and life expectancy has long been a difficult topic of study. It appears (to some) that religious individuals—defined here as persons who engage religious services on a regular basis—are healthier than those who do not. Some of the types of religions include

- Baha'i
- Buddhism
- Christianity
- Confucianism
- Hinduism
- Indigenous American religions
- Islam
- Jainism
- Judaism
- Rastafarianism
- Shinto
- Sikhism

- Taoism
- Traditional African religions
- Zoroastrianism

INDIAN CONSTITUTIONAL PROVISIONS RELATING TO RIGHT OF RELIGION

- [Article 25](#): Freedom of conscience and free profession, practice and propagation of religion.
- [Article 26](#): Freedom to manage religious affairs.
- [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 educational institutions.

JUDICIAL PERCEPTION OF THE RIGHT TO FREEDOM OF RELIGION

Religious violence can be aimed towards individuals, religious organizations, cultural symbols, religion leaders, or authoritative figures. It can be generated by overzealous individuals driven solely by their own psychological difficulties, or it can be caused collectively by groups of people as part of their social, cultural, national, or communal expression and domination. In a diverse community where people from many origins follow several religions, unavoidable conflicts concerning social, economic, and racial concerns may lead to religious violence. It is also true that violence is ingrained in human nature, and that emotions and illogical conduct may readily persuade others. Many motives motivate³ them to engage in violent activity, and religious devotion or allegiance is one of them. Religious disputes can arise as a result of political and intellectual differences. The freedom of religion section in the Constitution, Article 25, gives the right "freely to profess, practise, and spread religion," but the meaning of the right "to propagate" and its relationship to the freedom to convert has sparked debate. As a result, the topic of religious violence is complicated and should not be oversimplified with broad generalisations. The phrase "religion" is not defined in the Constitution,

² The Constitution of India, 1950

³ Notes on Religion and Politics," in Bjorkman (ed.), *Fundamentalism, Revivalists and Violence in South Asia*, 10 & 11

and it is unlikely to be rigidly defined. In a number of judgments, the Supreme Court has defined it. A religion is unquestionably a matter of faith, but it is not always theistic. Religion is defined as "a system of beliefs or doctrines held by persons who profess that religion to be helpful to their spiritual well-being," yet it would be incorrect to claim that religion is nothing more than a theory or belief. Dr. B.R. Ambedkar addressed the necessity to define religion for the first time in India when the topic of personal law and its relationship to religion came up for debate in the Constituent Assembly. According to Dr. B.R. Ambedkar, what constitutes a "religion" or "matters of religion" is to be determined by confining to religious beliefs and ceremonies that are believed to be basically religious in a specific religion that is under judicial examination.

RELIGIOUS VIOLENCE

Religions have been the source of enormous violence and misery for many people in the past and present. It is not required for such violence to be perpetrated solely through physical acts of assault. Religious violence can be used to discriminate, demonise, provoke, diminish, or hurt specific groups or individuals in a variety of ways, both explicit and implicit. Religious violence is not often perpetrated only by religious organisations. To further their political and ideological goals, secular forces may provoke religious violence or exacerbate religious sentiments. Religions are supposed to bring people together in peace and harmony. They are designed to bring out the finest in humanity by elevating human character and consciousness to the level of God. However, they frequently do the exact reverse.⁴ Instead of reducing people's pain and giving them with comfort, they frequently result in violence and killing. Certain rational and irrational views supported or justified by texts, tradition, or precedent may increase or promote violent conduct. Divide and rule tactics frequently arouse community tensions and lead to deadly conflicts in democratic societies and secular states. Religious violence is employed by authorities in theocracies to ensure obedience, allegiance, and discipline. The partition of India in 1947 was one of the deadliest examples, with millions of people killed in both India and Pakistan as a result of ethnic riots. Certain political ideologies also discriminate against religious individuals because of their beliefs and ideals, causing animosity and enmity. Religions have a harmful impact on human behaviour and beings that cannot be disputed or disregarded. History has shown that organised religions based on strict doctrine and preaching

⁴ Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press, 2011)

ideologies are vulnerable to abuse, violence, and prejudice, particularly when political, social, and economic variables are present. The following facts are noteworthy in this regard.

- Organized religions arouse powerful emotions in weak brains, which entrenched interests may readily exploit.
- By instilling group identities and collective egos in their adherents, they plant seeds of separation and reject, which can lead to religious and communal stratification of society.
- They promote devotion and submission to biblical authority, which may be exploited by conventional power organisations to manipulate their adherents' emotions.
- They explain their faith's spread by promising celestial benefits to those who practise it. Some even support the use of violence against those who disagree or refuse to follow. It puts them in direct opposition with one another, creating a climate of dissension and instability.
- Religious wars
- Religious persecution
- Destruction of sacred places
- Forced conversions
- Extremism in religion

The individuals who practise their religions, not the religions themselves, are mostly to blame for these issues. People who are uninformed, impure, and evil-minded will abuse their faith for personal gain. While they may take satisfaction in their separate dharmas' supremacy, they fail to uphold the ideals that they are required to preserve. It's as if having a religious identity or allegiance is more essential than practising it or expressing it via one's personality, behaviour, and conduct.

ISSUES AND DISCRIMINATION IN RELIGION

Communal violence is also largely seen as a national concern among Indians (along with other problems, such as unemployment and corruption). Communal violence is a major issue in India, according to the majority of individuals from various religious origins, educational levels, and age groups. Furthermore, religious minorities face widespread discrimination in India, which is

codified in legislation.⁵ Anti-conversion and anti-cow slaughter legislation, for example, are frequently used to discriminate against religious minorities or to legitimise extrajudicial deaths, violence, and forced conversions of non-Hindus to Hinduism. For the first time since 2004, the United States Commission on International Religious Freedom designated India as a "country of special concern" last month. The judgement underscores rising religious hatred and sectarianism in India, which was exacerbated by the Citizenship Amendment Act (CAA) approved in December. Discrimination and intolerance have a harmful influence on society as a whole, and especially on young people who are subjected to it. Among these impacts are:

- Self-esteem issues
- Self-segregation
- Internalized tyranny
- Failure to realise their potential
- Attraction to violent extremist ideologies

The CAA's use of religious identity as a criterion for citizenship has provoked tremendous outrage and protest both in India and overseas in the five months afterwards. However, while contentious, it is far from a unique strategy.

The Supreme Court of India fully explored constitutional issues in India and its secularism in the landmark decision of *S.R. Bommai v. Union of India* (1994). "Whatever the attitude of the State towards religions, religious sects, and religious denominations; religion cannot be merged with any secular activity of the State," wrote Justice Kuldip Singh, who was on the nine-member justices' panel.⁶ The Indian Constitution's preamble forbids the development of a theocratic state and prohibits the state from associating with or otherwise promoting any specific religion. Furthermore, the constitution has various sections emphasising total legal equality of its residents regardless of faith or belief and prohibiting any kind of religious discrimination between them. However, there is no distinction between religion and the state in law or practise; in reality, the two frequently intrude in each other's realm within legally authorised and judicially established bounds.

⁵ Anand, D. 'The Violence of Security: Hindu Nationalism and the Politics of Representing 'the Muslim' as a Danger' in *The Round Table* Vol.94 No.379, 2005

⁶ Brass, P.R. 'The Production of Hindu-Muslim Violence in Contemporary India' in Olle Törnquist (ed.) *Political Violence: Indonesia and India in Comparative Perspective*, (University of Oslo Centre for Development and the Environment, 2000

CAUSES FOR RELIGIOUS DISCRIMINATION

- Ineffective criminal justice system, and a lack of jurisprudential coherence.
- The Indian type of secularism, in which there is no legal or practical separation between religion and the state.
- Discriminatory constitutional measures that promote the dominant religion while limiting minority's separate identities.
- Reform anti-conversion legislation and recognize that conversion and reconversion via the use of Force, deception, or allurement are all harmful and should be avoided.
- Infringe on an individual's right to conscience.
- Administrative structures become more bureaucratic.

FREEDOM OF RELIGION & HUMAN RIGHTS

INSTRUMENTS:

Article 18 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of thought, conscience, and religion; this includes the freedom to change his religion or belief, as well as the freedom to manifest his religion or belief in teaching, practice, worship, and observance, whether alone or in community with others, in public or private”. This was eventually reinforced in the International Covenant on Civil and Political Rights, as well as in a number of other regionally enforceable human rights instruments, such as the African Charter on Human and People's Rights (Article 8) and the European Convention on Human Rights and Fundamental Freedoms (Article 9).

SUGGESTIONS

In India, problems are mounting up for religious minorities. To guarantee that everyone has the right to freedom of religion or belief, India must implement an immediate and comprehensive reaction. Religiously motivated violence or violence against religious minorities must be thoroughly investigated and offenders brought to justice. Victims of such crimes must receive aid. To fully implement India's international legal commitments, the anti-conversion laws must be removed. However, in order for policymakers and activists to address the magnitude of the

problem, we need a more complete understanding of how religious freedom may effectively connect with long-term peace and development. The ultimate objective is to find a larger range of criteria that will complement present strategies and lead to a more sophisticated, strategic, and impactful policy and practice of furthering religious freedom. The faithful's obligation is to accept others' choices and do their best to live an honorable life and represent the ideas of their religion via good labour and good actions, but rather to criticize or look down on people who have different conceptions and religions.

CONCLUSION

Religious violence will continue to exist as long as religions exist, owing to their very divisive character. Some types of religious violence, as well as their severity, can, however, be reduced to some extent on both an individual and societal level. Religious institutions must present accurate information to its followers in order to achieve this. To deter people who resort to violence to resolve their conflicts, governments should adopt severe regulations and enforce them without distinction. People must promote tolerance while focusing on the positive parts of their religions. Most significantly, religious radicals must be isolated and subjected to strong sanctions and deterrents, regardless of whose religion they belong to.