

2015 ICLRS LAW AND RELIGION SYMPOSIUM

“India”

4-5 pm, Room 208, J.Reuben Clark Law Building

Remarks on Religious Freedom in India

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Freedom of religion in India is a fundamental right guaranteed by Article 15 and Article 25 of the Constitution of India. Modern India came into existence in 1947 as a secular nation. The Constitution's preamble states that India is a secular state. Every citizen of India has a right to practice and promote their religion peacefully. For us secularism is also the freedom to profess no religion at all. The word "secular" implies that the State will not discriminate, patronize or meddle into the profession of any religion. Individual religions or groups are shielded by adding religious rights as fundamental rights. Article 25 says "all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health." Further, Article 26 says that all denominations can manage their own affairs in matters of religion. Many sections of the law prohibit hate speech and provide penalties for writings, illustrations, or speech that insult a particular community or religion. The Supreme Court is very vigilant in protecting people's religious rights and in the protection of individual human rights.

India is an ancient culture whose spiritual roots are blanketed by the mists of time. Over three thousand years ago, the Rig Veda

proclaimed: *the truth is one, the wise see it in different ways*. In Hinduism, there is no single book, commandment, pope or revelation that is required to be followed. There is a veritable spectrum of beliefs within Hinduism, some which came from philosophy, while others evolved through integration of native cults into the Hindu pantheon. Adherents are free to question and accept whatever they choose to. Over millennia, a system of ethics --- Dharma --- evolved which enabled social stability to take root. Dharma is based on universal beliefs of compassion, care for the earth, and non-violence. India has a tradition of many kings and rulers who have practiced tolerance in religious matters.

India is one of the most diverse nations in the world in terms of religion. It is the birthplace of four major world religions: Hinduism, Jainism, Buddhism and Sikhism. Even though Hindus form close to 80 percent of the population, India also enjoys multiple regions with majority populations of other religions. Islam is the largest minority religion in India. Indian Muslims form the third largest Muslim population in the world, accounting for over 14 percent of the nation's population. Christianity first came to India with the Apostle St. Thomas in 50 AD. Islamic thinkers and poets in India interacted with the other faiths in India to produce Sufi philosophy and music which synthesized the best of the principles contained in these faiths.

Freedom of religion has also translated into enabling India to have presidents, prime ministers, judges, ambassadors and chiefs of

the military who have been Muslims, Christians, Sikhs, Zoroastrians, and Jews. Three of Bollywood's top movie stars are Muslims, two of whom are married to Hindus.

India, with its traditional tolerance, has served as a refuge for groups that have encountered persecution elsewhere. These include the Jews, Zoroastrians (Parsis), Bahai, and, most recently, Tibetan Buddhists, whose leader, His Holiness the Dalai Lama is a guest in India. All these faiths have had the freedom to practice their religions and preserve their own cultures while living amidst other Indian communities in harmony.
