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Role of Secularism in many stages

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Abstract

Does the right to propagate also include the right to convert? Islam and Christianity are proselytizing religions and members of these communities in the Constituent Assembly were keen that the right to propagate their religion and convert people to their faith should be safeguarded and guaranteed. K. M. Munshi who took a leading part in the framing of our constitution appealed to the Constituent Assembly that the word 'propagate' should be maintained in this article so that the compromise so laudably achieved by the minorities committee may not be disturbed. Munshi pointed out that he was a part from the very beginning to the Compromise with the minorities, which ultimately led to many of these clauses being inserted into the constitution and I know it was on this word that the Indian Christian Community laid the greatest emphasis not because they wanted to convert people aggressively but because the word 'propagate' was a fundamental part of their tenet.

Keywords: Christian community, constituent assembly, constitution and minorities

Introduction

Let us now turn our gaze to some of the provisions of the constitution to put in perspective the secular character of the Indian state. Article 25, we have seen, guarantees to all persons the freedom of conscience and the right to profess practice and propagate religion," had generated a lot of lively debate in the Constituent Assembly. But from what happened earlier in January, 1999 Christian community had come under severe attack from the Sangh sponsored Hindu Jagran Manch (HJM) and the subsequent endorsement by Prime Minister Atal Bihari Vajpayee of the VHP/HJM's call for a debate on conversion— it would appear that the issue continues to arouse passions. As Ex-Minorities Commission Chairman, **Thahir** Mohammad says "By asking for a national debate they (the Sangh Parivar) are implying that what had happened in the Constituent Assembly was not one ^[1].

The problem of conversions by Muslims and Christians has always been an invitation to violence by Hindus. The supreme Court addressed the issue in its 1977 ruling in (ii) Rev. Stanislaus Versus the state of Madhya-Pradesh one Rev. Stanislaus petitioned the court to quash the Madhya-Pradesh one Freedom of Religion Act, 1969 and the Orissa Freedom of Religion Act, 1947. Which prohibited conversion through coercion or allurement or other fraudulent Supreme Court rejected the partition and ruled that a citizen can spread the tenets of his religion but this does not include the right to convert another, because each man has the same freedom of conscience guaranteed by Article 25 (1). While Soli J. Sorabjee says that, this was a restrictive interpretation of the expression and was based solely on one of the meanings of the word propagate in the Oxford dictionary ^[2]. Justice Hobset Suresh also says that inducement is a wrong expression because somebody can be induced by legitimate means; somebody can be induced by saying what the advantages of your religion are. He also says that freedom of conscience means that we must be able to sustain your religion in your conscience, it means freedom of choice.

However, he says that to propagate religion is not to impart knowledge as such and to spread it more widely, but to produce intellectual and moral conviction leading to action, namely adoption of that religion". Furthermore it has been contended that it is contrary to Article.18 of the ICCPR referred to earlier.

D. D. Basu however explains the judgment thus: The equal freedom of conscience belonging to each man under Article 25 (1) means that he has the freedom to choose and hold any faith

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¹Quoted in Akshaya Mukul, A Right, But is it Wrong, The Hindustan Times, Patna, January, 17, 1999.

² Ibid.p-44

of his choice. He can of course voluntarily adopt another religion, but 'force, fraud or inducement' takes away the free consent from he would be covert^[3].

The Janta Government toyed with the idea of legislation on the subject but gave up the idea in the face of stiff opposition from minorities. Certainly, the right guaranteed is freely to profess, practice religion and conversion through 'bribery and blandishment, promises and coercion falls short of 'freely'. Small children, tempted with free English medium schooling and dollar sponsorship or Middle East money in exchange for change of religion, are young victims ignorant of religion and not freely professes. Even leftist governments are pusillanimous where proselytization is promoted by foreign funds. There is other side of the too – Renowned Sociologist T.K Oomen says that Sangh's recent attempts to rake up conversion' controversy is aimed at driving a wedge between the proselytizing and non-proselytizing religion. He cites examples of Dalits and Adivasis whom religious leaders have coerced into converting. The Aryan's Samaj's Shuddhi movement aimed at converting Rahitas, Odhs and Meghi. The Vanvasi Kalyan Ashram has been active in the post- Independence period in the Madhya-Pradesh region converging tribal's to Hinduism.

Oomen therefore asks: How is the Hindu mode of conversion different from that of non-Hindus, there is a fundamental tension between religions of Indian and alien origin. Those religious of alien origin which didn't proselytise like Judaism and Zoroastrianism existed peacefully. But problems cropped up, whenever they tried to convert. In the early 1970s, Bahai's tried to convert Hindu in Malabar and the consequent uproar forced the state to intervene^[4]. But conversion to religions of Indian origin like Buddhism is often condoned or, when 300 Dalits families converted to Islam in Manakshipuram in 1981, Hindu chauvinist groups raised hue and cry but the conversion of 300,000 Dalits to Buddhism in Maharashtra did not evoke any protest.

Ex-Minorities Commission Chief Tahir Mahmood feels that the Indian state offers definite inducements to people to stay within the Hindu fold. For instance, the constitution (Scheduled Caste) order, 1950 deprives a Hindu Scheduled Caste of reservation and other benefits on his conversion to another religion. But on his reconversion to Hinduism, these privileges are restored. Under V. P. Singh's Prime Ministership, the law was amended to extend reservation to Hindu outsiders the reservation pool. Similarly, under the Hindu Minority and guardianship Act, 1956, the father ceases to be the natural guardian of a child if the converts to another religion^[5]. True, the exploitative and discrimination caste system in Hinduism has produced the push factor among the subaltern groups to convert other faiths. Reforms are being carried out to remove these social evils. One must not forget that the institution of slavery in the Western World, particularly in the United States, with its racial under-planning was more brutal than the caste system. Conversion certainly goes against the Indian ethos of religious pluralism and equality of all religions. In a pluralistic society like India, propagation of religion, and by implication conversion of other to a particular faith, often leads to communal clashes, and puts secularism into crisis.

The issue may be concluded with the word of V.R. Krishna Ayer.

"Constitutionally, there is enough power with the state to regulate with care the processes of proselytization in a country of pathological plurality of diversities. Never should the state take sides with one or other religion. The regularity jurisdiction should not interfere with the right freely to profess any religion but may forbid false or phony temptations for conversion of minor children or needy people. The guiding principle must rest on grounds confined to order, morality and health. Such restriction must apply equally to every religion, with no edge for one over the other gained by money power, mafia terror or superior number^[6].

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³ Durga Das Basu, *Introduction to the Constitution of India* (Prentice Hall, 1990) p. 113.

⁴ T. K. Oomen, quoted in Akshaya Mukul, op.cit.

⁵ Tahir Mahmood, *Ibid*, p-11

⁶ V.R. Krishna Iyer, *Yojna*, vol. 32, No. 14-15, August 15, 1988, p. 14.