



## EMPHASISING RIGHT TO FREEDOM OF RELIGION AND SOLUTIONS TO VIOLATION

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### ABSTRACT

*Freedom of religion is to be understood in threefold terms of Work, Worship and Knowledge. Work is a term to be understood as a constant and unceasing effort to help others and love everyone. Worship is consisting of prayer, praising and doing meditation while knowledge is to have sufficient understanding of God and his words in Holy Books. This paper is written with the focus on freedom of religion emphasizing right to freedom of religion and solutions to violation' as discussed by the researchers. This article deals with key aspects of the right to freedom of religion, violations of religious rights around the world, violations of religious rights in India, the issue in Manipur, glimpse of right to freedom of religion under the Indian constitution, probable solutions for the issues related to violation of right to religion in India, specific solutions for the issues related to violation of right to religion in India, concrete solutions for the issues related to violation of right to religion in India.*

**Key Words:** *Right, Freedom of Religion, Violation, Solutions, India*



## INTRODUCTION

The freedom of thought, conscience and freedom of religion are also known as right to freedom of religion and in India it is considered and recognized as a fundamental right and by the international law community. It encompasses the freedom to practice, choose, and change one's belief in God and religion. The freedom to express one's religious ideas or belief in ones' practice, teaching, worship and observances. The right to freedom of religion is protected by various regional, national and international human right organizations and bodies such as International Covenant on Civil and Political Rights (ICCPR), and Universal Declaration on Human Rights (UDHR) and many others. Many countries also have provisions protecting religious freedom in their national constitutions or the laws. In this article the discussed points are enumerated on key aspects of the right to freedom of religion, violations of religious rights around the world, violations of religious rights in India, the issue in Manipur, glimpse of right to religious freedom under the Indian Constitutions and to find a specific solutions and remedies for the violence and violations of human rights in various parts of India.

## KEY ASPECTS OF THE RIGHT TO FREEDOM OF RELIGION

There are five key aspects and features of the right to freedom of religion are enumerated as following and this could be extended also;

1. **Freedom of worship:** Individuals have the right to worship alone or with others, publicly or privately, according to their own religious practices. This includes the right to participate in religious ceremonies, rituals, and Observances.
2. **Freedom of expression:** The right to freedom of religion is also inclusive of one's freedom to express one's religious ideas on God and beliefs, either individually or collectively, through teaching, preaching, ways of worship, and the dissemination of religious materials.
3. **Non-discrimination:** This human right prohibits discrimination based on religion or belief. Everyone should be treated equally regardless of their religion or belief system.



4. **Freedom to change religion:** Individuals have the right to change their religion or belief system, or to adopt no religion at all. This right extends to the freedom to convert, as well as the freedom not to convert.

5. **Limitations:** While the right to freedom of religion is a fundamental right, it may be subject to certain restrictions and limitations. These limitations are typically based on the need to safeguard the public safety, health, order, non-violation of the freedom of the others and rights. However, any restrictions on religious freedom should be necessary, proportionate, and prescribed by law.

It is important to note that the exercise of the right to freedom of religion should not infringe upon the rights and freedoms of others or justify any form of violence, discrimination, or harm. Balancing religious freedom with other competing rights and interests can sometimes be complex, and societies strive to find a balance that respects the diversity of beliefs while upholding human rights and ensuring social harmony.

## **VIOLATIONS OF RELIGIOUS RIGHTS AROUND THE WORLD**

There are always violations of religious rights around the world. Some real-life situations highlighting violations of the right to religious freedom are;

1. **Persecution of Uighur Muslims in China:** The Chinese government has been accused of engaging in widespread religious rights violations against Uighur Muslims in the Xinjiang region. Reports suggest that Uighur Muslims face arbitrary detention, forced labor, cultural assimilation, and restrictions on religious practices.

2. **Blasphemy Laws in Pakistan:** Pakistan's blasphemy laws have often been misused to target religious minorities, including Christians, Ahmadis, and Hindus. Accusations of blasphemy have led to arrests, mob violence, and even extrajudicial killings, infringing upon the right to freedom of religion or belief.

3. **Discrimination against Rohingya Muslims in Myanmar:** The Rohingya Muslim minority in Myanmar has faced systemic discrimination, violence, and forced displacement. The Myanmar government's actions, including restrictions on religious practices and denial of citizenship, have violated the Rohingya's right to religious freedom.



4. **Attacks on Churches in Nigeria:** Christian communities in Nigeria have faced frequent attacks by extremist groups, resulting in the destruction of churches, displacement of believers, and loss of lives. These attacks infringe upon the right to religious freedom and security.

5. **Restrictions on Falun Gong in China:** The Chinese government has imposed severe restrictions on the spiritual practice of Falun Gong, leading to arrests, imprisonment, forced labor, and reports of torture. These actions violate the right to freedom of religion or belief.

6. **Discrimination against Dalits in India:** Dalits, who belong to the lowest caste in India's social hierarchy, often face religious discrimination and exclusion. They are denied access to places of worship, subjected to social segregation, and face violence for attempting to exercise their religious rights.

7. **Persecution of Baha'is in Iran:** Baha'is in Iran have long faced systematic persecution, including arrests, imprisonment, property confiscation, and denial of access to education and employment due to their religious beliefs.

## VIOLATIONS OF RELIGIOUS RIGHTS IN INDIA

India has faced a lot of situations of violations of religious rights. Some real-life situations regarding violations of the right to religious freedom in India are;

1. **Babri Masjid-Ram Janmabhoomi Dispute:** The long-standing dispute over the Babri Masjid-Ram Janmabhoomi site in Ayodhya led to communal tensions and violence. The demolition of the Babri Masjid in 1992 by a mob resulted in religious rights violations and sparked widespread unrest.

2. **Attacks on Churches:** Incidents of attacks on churches and Christian communities have been reported in various parts of India. These attacks involve vandalism, destruction of property, and physical assaults on individuals, undermining the right to religious freedom.

3. **Forced Religious Conversions:** Reports of forced religious conversions have emerged, with some religious minority communities alleging coercion and pressure to



convert to a different religion against their will. These instances infringe upon the right to freely practice one's religion.

4. **Mob Violence and Lynchings:** Instances of mob violence and lynchings have occurred based on religious identity, often targeting individuals from minority communities, particularly Muslims. These incidents result in loss of lives, harm to religious freedom, and create an atmosphere of fear and insecurity.

5. **Discrimination against Dalits:** Dalits, as a marginalized group, face discrimination and exclusion in various aspects, including religious practices. They often encounter barriers and social stigmatization, such as being denied entry into temples or facing unequal treatment during religious ceremonies.

6. **Anti-Sikh Riots:** The 1984 anti-Sikh riots following the assassination of Prime Minister Indira Gandhi saw targeted violence against the Sikh community. Sikh individuals and their places of worship were attacked, leading to widespread violations of religious rights.

7. **Communal Riots:** Communal riots, such as those in Gujarat in 2002 and Delhi in 2020, have resulted in violence, loss of lives, and destruction of property. These incidents fuel religious tensions and violate the right to religious freedom.

It is important to note that these incidents represent specific situations and do not reflect the entire religious landscape in India. While religious rights violations occur, India is also home to a diverse range of religious communities where individuals freely practice their faith. Addressing these violations requires promoting religious harmony, ensuring accountability for perpetrators, and fostering a culture of inclusivity and tolerance for all religious communities.

## GLIMPSE OF RIGHT TO FREEDOM OF RELIGION UNDER THE INDIAN CONSTITUTION

The provisions of the Indian Constitution in part III, the religious freedom is given clearly. This freedom is explained in Articles 25, 26, 27 and 28 of the Constitution. These articles give freedom to every citizen to practice, preach, and propagate ones' religion. The



Governor of Uttarakhand, Lt. Gen. (Retired) Gurmit Singh, approved the State's Freedom of Religion (Amendment) Act recently and passed the 'Freedom of Religion (Amendment) Act'. Articles of the Constitutions and Acts do promote peace, order, morality, health and well-being of all citizens irrespective of caste, creed and gender.

## **SOLUTIONS FOR VIOLATION OF RIGHT TO RELIGION IN INDIA**

The solutions to all forms violation is possible in the world to say at large in the universe. These solutions are enumerated as a result of discussion by the scholars and researchers.

**1. Probable Solutions for the Issues Related to Violation of Right to Religion in India** - The violation of the right to religion in India is a complex issue that requires careful consideration and a multi-faceted approach. While I can provide some general suggestions for addressing such violations, it's important to note that specific solutions may vary depending on the context and nature of the violations. Here are a few potential measures that can be considered:

□ **Strengthening Legal Framework:** Enhancing and enforcing existing laws that protect the right to religion can be crucial. Ensuring that legislation is comprehensive, clear, and effectively implemented can help deter violations and hold perpetrators accountable.

□ **Public Awareness and Education:** Promoting awareness about religious freedom and tolerance through educational initiatives, public campaigns, and community engagement can help foster a culture of respect and understanding among different religious communities.

□ **Interfaith Dialogue and Cooperation:** Encouraging dialogue and collaboration between religious leaders, organizations, and communities can foster mutual understanding, respect, and cooperation. Interfaith initiatives can help address misconceptions, stereotypes, and prejudices that contribute to religious intolerance.

□ **Empowering Human Rights Institutions:** Strengthening and empowering human rights institutions, such as the National Human Rights Commission (NHRC) and



State Human Rights Commissions (SHRCs), to effectively address religious rights violations, investigate complaints, and provide remedies can play a vital role in protecting and promoting religious freedom.

□ **Government Accountability:** Ensuring that government officials and law enforcement agencies are held accountable for any failures or biases in dealing with religious rights violations is essential. Establishing mechanisms for monitoring and reporting such violations can help identify areas where action is needed.

□ **International Cooperation:** Engaging with international organizations and collaborating with other countries to share best practices and experiences in addressing religious freedom challenges can provide valuable insights and support for resolving these issues.

**2. Specific solutions for the issues related to violation of right to religion in India** - Specific solutions for addressing violations of the right to religion in India can be multi-faceted and context-dependent. Here are some specific measures that could be considered:

□ **Legal Reforms:** Reviewing and amending laws that might infringe upon the right to religion, such as anti-conversion laws or laws targeting specific religious practices, to ensure they align with constitutional principles of freedom of religion and non-discrimination.

□ **Swift and Fair Legal Proceedings:** Ensuring that cases involving religious rights violations are handled expeditiously and impartially through an efficient judicial system. This includes proper investigation, prosecution, and punishment of those responsible for perpetrating religiously motivated violence or discrimination.

□ **Strengthening Institutions:** Strengthening the institutions responsible for protecting religious rights, such as the National Human Rights Commission and State Human Rights Commissions, to effectively address complaints and monitor violations. Ensuring these institutions have adequate resources, independence, and authority is crucial.



□ **Empowering National Integration Council:** Activating and empowering the National Integration Council to promote communal harmony, address religious conflicts, and foster interfaith dialogue.

□ **Promoting Social Cohesion:** Encouraging initiatives that promote social cohesion and religious harmony, such as interfaith dialogues, cultural exchange programs, and community activities, to bridge divides and foster mutual understanding and respect.

□ **Sensitization of Law Enforcement:** Conducting regular training programs for law enforcement agencies to sensitize them about the importance of protecting religious rights and ensuring their impartiality in handling cases related to religious violence or discrimination.

□ **Strengthening Education:** Introducing comprehensive educational programs that promote religious tolerance, understanding, and respect from an early age. This includes revising curricula to include teachings about various religions, their beliefs, and practices, and promoting values of secularism and inclusivity.

□ **Public Awareness Campaigns:** Launching public awareness campaigns to educate the general public about the importance of religious freedom, dispel myths and misconceptions, and foster a culture of respect for religious diversity.

□ **International Engagement:** Engaging with international bodies, such as the United Nations and regional organizations, to exchange best practices, seek support, and learn from experiences of other countries in promoting and protecting religious rights.

□ **Empowering Civil Society:** Supporting and collaborating with civil society organizations that work towards protecting religious rights, providing legal aid to victims, monitoring and documenting violations, and advocating for policy changes.

**3. Concrete solutions for the issues related to violation of right to religion in India** - Concrete solutions for addressing violations of the right to religion in India require a comprehensive approach involving legal, social, and institutional changes. Here are some concrete solutions that could be considered:

✓ **Legal Reforms:** (i) Review and repeal or amend laws that may infringe upon the right to religion, such as anti-conversion laws, to ensure they align with constitutional





principles of freedom of religion and non-discrimination. (ii) Strengthen laws and provisions that protect religious minorities from discrimination, hate crimes, and violence. (iii) Ensure strict enforcement of existing laws against perpetrators of religious violence or discrimination.

✓ **Effective Implementation and Enforcement:** (i) Establish special courts or fast-track mechanisms to expedite cases related to religious rights violations. (ii) Strengthen law enforcement agencies' capacity to promptly and effectively respond to incidents of religious violence or discrimination. (iii) Ensure proper training for police officers, prosecutors, and judges on religious rights issues and sensitization towards different religious beliefs and practices.

✓ **Empowering National and State Human Rights Commissions:** (i) Strengthen the National Human Rights Commission and State Human Rights Commissions to effectively investigate complaints of religious rights violations and ensure their recommendations are acted upon. (ii) Provide adequate resources, independence, and authority to these institutions to carry out their mandate effectively.

✓ **Interfaith Dialogue and Reconciliation:** (i) promote interfaith dialogue initiatives at various levels, bringing together religious leaders, community representatives, and civil society organizations to foster understanding, respect, and reconciliation. (ii) Encourage interfaith activities and events that promote shared values, cultural exchange, and cooperation among different religious communities.

✓ **Education and Awareness:** (i) Revise educational curricula to include comprehensive teachings about various religions, their beliefs, and practices, promoting tolerance, understanding, and respect for diversity. (ii) Conduct awareness campaigns in schools, colleges, and communities to promote religious harmony, combat stereotypes, and foster a culture of inclusivity.

✓ **Community Outreach and Mediation:** (i) Establish community outreach programs to engage religious leaders, community elders, and influential figures in promoting peaceful coexistence and resolving religious conflicts through dialogue and mediation. (ii) Encourage local-level initiatives that bring together different religious communities for collaborative projects, cultural celebrations, and joint social initiatives.



✓ **International Cooperation:** (i) Engage with international human rights bodies, organizations, and peer countries to exchange best practices, seek support, and learn from their experiences in promoting and protecting religious rights. (ii) Collaborate with international bodies and organizations to monitor and report on religious rights violations in India, ensuring transparency and accountability.

✓ **Empowering Civil Society Organizations:** (i) Provide financial support, capacity-building, and legal aid to civil society organizations working on promoting and protecting religious rights. (ii) Facilitate their participation in policy discussions, consultations, and awareness campaigns.

## CONCLUSION

It's important to emphasize that these are general suggestions, and the specific approach and solutions may vary based on the nature and context of the religious rights violations. Consulting with legal experts, human rights organizations, and stakeholders from various religious communities can help in formulating more tailored and effective strategies to address the specific issues at hand. These are some specific solutions that can be considered to address violations of the right to religion in India.

However, it is important to involve relevant stakeholders, including religious leaders, civil society organizations, and affected communities, in developing and implementing these solutions to ensure their effectiveness and sustainability. It's important to acknowledge these concrete solutions need to be implemented properly in consultation with all relevant stakeholders, involving religious leaders, civil society organizations, legal experts, and affected communities to safeguard their effective ways of living with the idea of inclusiveness. Swami Vivekananda said that everyone's supreme duty and responsibility is to advance towards freedom in all aspects in a special way Mental, Physical and Spiritual manner and thus to help others to do in the same manner.

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