

## EQUAL RIGHTS FOR HINDUS MOVEMENT

Email: [equalrightsforhindus@gmail.com](mailto:equalrightsforhindus@gmail.com)

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### Memorandum for Constitutional Amendment to give Equal Rights for Hindus

To

Date 06-8-2023

Sri Narendra Modi Ji,  
Hon'ble Prime Minister of India  
Lok Kalyan Marg  
New Delhi – 110 001

Respected Sir,

1.1 Greetings to you on behalf of Hindus.

**NOTE:** The word 'Hindu' used in this Memorandum and its enclosures, means Hindu, Jain, Baudh, Sikh and other indigenous religious traditions as inclusively defined by article 25 of Constitution.

1.2 India is a unique country. What makes it bizarrely unique is that the Constitution denies the majority indigenous Hindus the same rights as those given to the minority non-Hindus. This reduces Hindus to the level of second-class citizens in their own secular country, created after faith-based partition of their ancestral land.

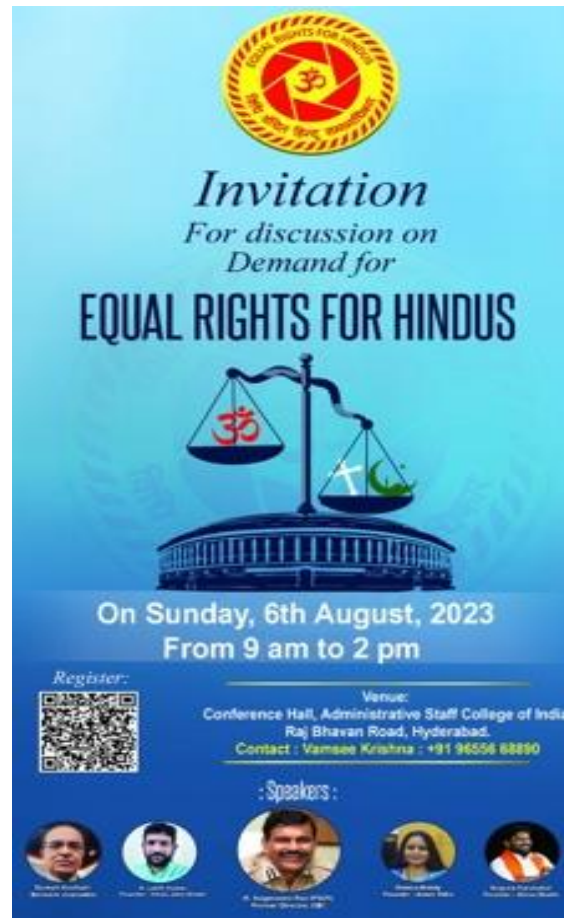
1.3 No doubt, Hindus have full political rights. But unlike the minorities, Hindus don't have the freedom to run their educational institutions without undue state interference; their civilisational knowledge and ancient texts are banished from public education system; by creating a false equivalence between their non-proselytising indigenous religions and the proselytising Islam and Christianity they are gamed for conversion; they are denied the right to manage their own temples and their religious properties; they are denied the freedom to celebrate their festivals and perpetuate their ancestral traditions without undue state interference. This is a brief snapshot of the inequality and discrimination against Hindus in matters of religion, education and culture as ordained by articles 25-30 of the Constitution.

1.4 Denied access to their ancient civilisational texts through public education, the Hindu students learn nothing about their religion and their ancient civilisational inheritance in formal education. It is estimated that while an average Muslim and Christian child gets up to 1000 hours of formal education about his respective religion, a Hindu does not get even one minute of formal education about his religion in his lifetime. Further, public education has been so designed as to brainwash Hindus to self-loathe and disown their own religion and culture. It is not an exaggeration to state that our public educational institutions have become factories to manufacture anti-Hindu adults out of Hindu children. Deracinated youth shouting anti-national slogans like *Bharat tere tukde tukde hong* are products of anti-Hindu public education.

1.5 The pernicious false dichotomy of majority and minority religions as ordained by the Constitution has toxified our society. It was mischievously argued that since Hindus are a majority they pose a threat to the minorities, and hence minorities need special rights and privileges to the exclusion of majority Hindus. Such fantastic political perversion is without precedence anytime and anywhere in the world. It is spurious. For, indigenous Hindu religion

is non-proselytising and non-expansionist, while the proselytising, expansionist non-indigenous Islam and Christianity are eternally on the prowl to convert Hindus. Who rioted and indulged in mayhem for Pakistan? Who is a threat to whom? A herd of sheep to the wolf, or the wolf to the herd of sheep? Who needs protection? Herd of sheep (prey) or the predatory wolf?

1.6 To discuss and comprehend the enormity of the religious, cultural, and educational subjugation of Hindus as ordained by articles 25-30 of the Constitution in independent India, a Public Discussion was organised today i.e., on 6-8-2023 in Hyderabad, and the following is the summary of deliberations topic-wise.



**2.0 Denial of equal religious freedom to Hindus:** Article 25 guarantees freedom of religion. It has three components namely, profession, practice and propagation of religion. Here is how it translates for Hindus.

### 2.1 Do Hindus have freedom to profess their religion?

2.1.1 There have been many instances of breach of this right to Hindus in pockets where Hindus have become minorities, which rarely get reported by the mass media. Kashmir is a representative example of the religious persecution of Hindus in pockets where their demography has collapsed.

2.1.2 Kashmir is the homeland of Hindus since the dawn of civilisation. Over time they became minorities there. This led to the genocidal religious purging of lakhs of Hindus from

Kashmir. What was their crime? Professing Hindu religion! Why were they not protected by Constitution? Because they are Hindus!

2.1.3 Had the constitutional authorities, judiciary, the self-appointed guardians of the Constitution, and the human rights groups acted and outraged even one percent of what they do when a non-Hindu is even slapped, the genocidal annihilation of Kashmiri Hindus could have been easily averted. The genocidal pogrom against Kashmiri Hindus remains the biggest national shame in independent India, nay anywhere in the world after the Nazi holocaust, to which the secular Constitution turned a deaf ear and a blind eye. Even after a quarter century its silence is deafening. Questions rightly arise in the minds of Hindus as to whether this is how the secular Constitution guarantees right of freedom to profess Hindu religion especially the way it manifests when Hindus become a minority in a place.

## **2.2 Do Hindus have freedom to practice Hindu religion?**

2.2.1 Hindu religious practices are selectively and systematically being interfered with by enacting Hindu-specific personal laws; by criminalising Hindu religious beliefs as superstitions whereas non-Hindu beliefs and thousands of 'Healing and Prayer Missions' to convert Hindus are passed off as rational; by demonising and hounding Aghoras, Ananda Margis Tantric practitioners and others; and by outlawing, restricting, discouraging and interfering with celebration of Hindu festivals and traditions such as those in Sabarimala, Jallikattu, Diwali, Holi, Dahi Handi, etc.

2.2.2 If killing of animals is considered bad, then it should be bad universally except in self-defence. Why should it matter whether the killing is done before a Hindu deity or during Muslims festivals or for food? But our sensibilities and outrage of authorities, courts and others are selective and limited only to the occasional animal sacrifice before a Hindu deity, but never for the lakhs of birds, goats, sheep, cattle, and other animals slaughtered daily for food, or lakhs of animals sacrificed during Muslim festivals.

2.2.3 Take another case of meat/beef exports. Article 48 of Constitution prohibits slaughter of milch and draught cattle. Yet, massive governmental incentives and policy encouragement has made India the world's second largest exporter of meat/beef for which more than four crore cattle are slaughtered annually. An incredible cruelty to animals that is unknown in the annals of Indian history, and that too, to feed foreigners and earn some blood money! Is it a shame or an achievement? On the contrary, sporadic animal sacrifice before a Hindu deity is banned, or Hindus are shamed for that. Is not the distinction contrived to deny Hindus their right to practice religion?

2.2.4 In essence, the constitutional bodies and courts outlaw Hindu festivals, traditions, and religious practices that they do not like and ordain their own secular fantasies as essentials of Hindu religion.

2.2.5 Therefore, Hindus justifiably question whether our secular Constitution is a charter to deform, nay destroy, indigenous Hindu religion in the guise of reform?

## **2.3 Is the right to propagate religion a license to destroy indigenous religions?**

2.3.1 Theologically speaking there are two types of religions in India namely: Foreign religions such as Christianity and Islam which believe in exclusion and expansion, claiming a divine mandate to convert the whole world into their own; and indigenous religions such as

Hindu which are inclusive, non-expansionist and inward-looking. For the non-proselytising religions, the right to propagate religion is meaningless. It is as useless as offering non-vegetarian food to vegetarians. While the same right to propagate religion is an invitation or license to evangelising religions to launch religious aggression on non-proselytising religions.

2.3.2 The massive asymmetric assault on indigenous religions is leading to rapid collapse of Hindu religious demography throughout the country. In a short span of 73 years of inauguration of our secular Constitution, in thousands of villages, several districts and a few states, Hindu religious demography has already been reduced to either zero or to minority. States of Nagaland, Mizoram, Meghalaya have become almost 100% Christian, Kashmir and Lakshadweep have become 100% Muslim in the past 73 years. Is destruction of indigenous religions and ancient Indian civilisation the purpose of India's independence for which lakhs had sacrificed their lives and of the secular Constitution?

2.3.3 A genuine right protects the weak from the bully. It is absurd to give equal rights to the wolf and the sheep to eat one another. Giving an individual the freedom to make informed personal religious choice is entirely different from licensing institutionalised organised conversion activity, nay religious imperialism, to destroy indigenous religions.

2.3.4 The world over, organised religious conversion activity is viewed very seriously. For, it is responsible for the destruction of many civilisations, even while placing other civilisations under existential threat. Accordingly, most Islamic countries, China and even Greece have banned conversions. Article 13(2) of Greek Constitution prohibits proselytisation.

## **2.4 Denial of right to Hindus to manage their Temples, etc.**

2.4.1 Article 26 guarantees freedom to all to manage their religious affairs. But what is the reality? More than 2,00,000 Hindu temples, along with lakhs of acres of their land, their movable properties worth lakhs of crores, and annual incomes running into thousands of crores have been nationalised by the state governments.

2.4.2 Places of worship are the life and soul of any religion. Temples provide institutional capacity for religious education, self-correction and self-defence, and sustenance of the priestly class, artistes, and various related service occupations. They also help raise resource capacity to serve needy and destitute Hindus. Government takeover of temples has completely crippled Hindu religion.

2.4.3 Temples under the States have become government offices with politicians and bureaucrats ruling the roost with hardly any Hindu Dharmic activity.

2.4.4 As Temples under the government become 'the State' as per article 12 of the Constitution, the jobs and economic activity of the Temples become secular. In December 2021 Supreme Court ruled that non-Hindus cannot be barred from having shops and commercial activities in the premises of Sri Bhramaramba Mallikarjuna Swamy Temple, Srisailam, Andhra Pradesh.

2.4.5 Some State governments have even appointed non-Hindus in Temples.

2.4.6 The State governments have converted Temples into commercial centres. Every activity in the Temples has been commercialised. *Nothing can be more preposterous that*

*Hindus should pay for darshan of their own Gods. This is worse than Jizya Tax imposed by Aurangzeb.*

2.4.7 Evidently, with the denial of the right to manage their own temples, Hindus in India fare no differently from their Hindu brethren in Pakistan, Bangladesh, and Afghanistan. Deprived of resources and institutions, Hindu religion has been decaying.

2.4.8 Clearly, the religious rights of Hindus count for nothing, and states can trample them at will. So much for religious freedom for majority Hindus.

## **2.5 Secular state incentivising conversion of Hindus:**

2.5.1 Article 27 stipulates that 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 religion. Yet, the secular state and central governments have made special budgetary provision out of secular public funds for scholarships, subsidies, schemes, plans, loans, etc exclusively for the benefit of Muslims and Christians to the exclusion of Hindus. Technically, no taxes are specially imposed for the benefit a religion. But is appropriating a part of secular taxpayers' money for the benefit of certain religions not the same and against article 27?

2.5.2 Religious neutrality of the state is the hallmark of secularism. In secular polity all laws and public policies must be religion-agnostic. It goes without saying that religion-based schemes severely harm the national interest as they reinforce sub-national identities by giving fillip to fissiparous tendencies, to the detriment of national unity and integrity. Therefore, socio-economic criteria alone should be the basis for beneficiary selection for all welfare schemes. Yet, huge amounts of public funds are allocated to minorities solely or primarily based on their religious identities, which is unconstitutional and anti-secular.

2.5.3 What is the effect of such blatant sectarian public funding? A Hindu who is not eligible for a certain benefit can suddenly stake a valid claim to the same if he would just convert to Islam or Christianity. Clearly, the secular Indian State actively encourages conversion of Hindus using secular public funds. Is this not a fraud on Hindus that our secular Constitution allows the Indian State to become the biggest proselytiser of Hindus?

## **2.6 Denial of right to Hindus to learn ancient civilisational texts and knowledge through public education system:**

2.6.1 Article 28 keeps religious instructions out of the public educational system. But a civilisation can survive only if there is a state to nurture it. The Indian State is the inheritor and trustee of our ancient civilisation which is primarily informed by Hindu religion. Therefore, the Indian State has civilisational responsibility to nurture it. Nurturing means encouraging and sponsoring inter-generational transmission of civilisational knowledge and teaching of ancient texts through public education system.

2.6.2 Ours has always been a knowledge-based civilisation, and we have a vast repository of knowledge and literature on a variety of subjects. For instance, Rig Veda is the world's oldest known text, and Mahabharata is the world's longest poem ever written. Any nation would be proud of such an illustrious heritage.

2.6.3 Yet, the secular Indian State has informally classified all our ancient texts such as Vedas, Upanishads, Mahabharata, Ramayana, etc and banished them from teaching through public education. How can the Indian State whether, secular or religious, divest Hindus of their civilisational knowledge and identity because that knowledge and identity is considered to have religious origin or basis? Even if those civilisational texts are religious, what is wrong in teaching them in public education? If religions were considered bad, then why not ban them altogether? Is it not hypocritical to give freedom of religion and yet ban its teaching in public education? And that too of Hindu texts and knowledge only!

2.6.4 It is actually a distressing camouflage which becomes evident upon reading article 28 together with articles 29 and 30 which give special rights to minorities to establish educational institutions and teach their religion and culture. Consequently, only Hindu texts and knowledge are banned from being taught but not those of Christianity and Islam. Evidently, it is an evil project to destroy Hindu religion by denying the Hindus access to their ancient texts and religious, cultural and civilisational knowledge through public education.

## **2.7 Denial of cultural rights to Hindus:**

2.7.1 Article 29 confers cultural rights on all to preserve their language, script or culture. However, the word 'minorities' in its marginal heading is incongruent with its body as also with the group heading 'cultural and educational rights'. Such incongruence has led to an understanding that only minorities have guaranteed cultural rights, and not Hindus.

## **2.8 Denial of educational rights to Hindus:**

2.8.1 Article 30 confers right to establish and administer educational institutes of their choice only on minorities to the exclusion of Hindus. Consequently, there is undue state interference debilitating the functioning of Hindu educational institutions, whereas article 30 protects minority institutions. The 93rd constitutional amendment and the sectarian applicability of the Right to Education Act made matters worse for Hindu institutions. To escape state tyranny, some sections of Hindu society have been demanding separate religion status to claim minority educational rights.

2.8.2 Having recognized the enormity of the deprivation to Hindus, late Syed Shahabuddin introduced a Private Member's Bill (No. 36 of 1995) in Lok Sabha for amending article 30 to give the same rights to Hindus also.

2.8.3 The aspiration to conserve and communicate religious and cultural traditions to succeeding generations is common and legitimate for all groups – majority or minority. Denying the Hindus the right to manage educational institutions of their choice without undue state interference is not only deracinating Hindus from their religious and cultural moorings but also fueling fragmentation of Hindu society.

## **3.0 India's international obligation to protect and promote indigenous religions, etc:**

3.1 Hindu, Jain, Baudh, Sikh are the indigenous religions of India which have informed our civilisation, culture, traditions, customs and produced knowledge systems, which the Indian State is duty bound to protect, preserve and promote.

3.2 Further, United Nations Declaration on the Rights of Indigenous Peoples-2007 (UNDRIP) to which India is a signatory, imposes obligations on Member-States to protect,

preserve, nurture and promote indigenous religious, spiritual, cultural, traditional and knowledge systems by suitable legislative, governance and public policy interventions.

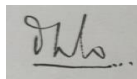
3.3 Article 253 enjoins upon Parliament to make laws on any subject to implement international conventions.

#### **4.0 APPEAL:**

4.1 After thorough deliberations, the meeting, *attended by 149 persons from all walks of life*, unanimously resolved to submit this Memorandum to Hon'ble Prime Minister of India with a request to give Equal Rights for Hindus on par with those given to minorities by amending articles 12, 15, 19, 25, 26, 27, 28, 29 and 30 of the Constitution and insert two new articles 12A and 12B therein, before the tenure of the current Parliament expires.

4.2 The meeting has also unanimously resolved to submit a Draft of the Constitution (Amendment) Bill along with Statement of Objects and Reasons on the aforesaid lines, and the same is enclosed herewith for ready reference and consideration.

With warm regards.



**M. Nageswara Rao, IPS (Retd)**

Former Director, CBI

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Mentor

EQUAL RIGHTS FOR HINDUS MOVEMENT

[equalrightsforhindus@gmail.com](mailto:equalrightsforhindus@gmail.com)

CC along with copies of enclosures:

1. Hon'ble Union Home Minister, New Delhi
2. Hon'ble Union Minister of State for Law & Justice, New Delhi
3. Hon'ble Vice President & Chairman of Rajya Sabha, New Delhi
4. Hon'ble Speaker of Lok Sabha, New Delhi
5. Hon'ble President of India, New Delhi

**DRAFT**

THE CONSTITUTION (AMENDMENT) BILL, 20\_\_

A

BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventieth Year of Republic of India as follows:—

- 1. Short title:** This Act may be called the Constitution (Amendment) Act, 20\_\_.
- 2. Amendment of article 12:** In article 12 of the Constitution, after the words, ‘Government of India’ the words, “but does not include any religious institution administered or funded wholly or partly by the State” shall be inserted.
- 3. Insertion of new articles 12A and 12B:** After article 12 of the Constitution, the following two article shall be inserted, namely: —
  - “12A. Residual rights rest with the people:** The enumeration in this Part, of certain rights, shall not be construed to deny or abridge others retained by the people.
  - 12B. Harmonious coexistence of rights:** All the rights conferred by this Part shall be read harmoniously, and no one right shall be so interpreted as to extinguish or abridge another.”
- 4. Amendment of article 15:** In article 15 of the Constitution, in clause (5) the words, “other than the minority educational institutions referred to in clause (1) of article 30” shall be omitted.
- 5. Amendment of article 19:** In article 19 of the Constitution, in clause (4) after the word “morality” the words “or for prohibiting proselytisation, evangelisation or other such activity aimed at conversion of any person from one religion to another referred in clause (1A) of article 25” shall be inserted.
- 6. Amendment of article 25:** In article 25 of the Constitution,
  - (a) for the marginal heading the following shall be substituted, namely: —

“Freedom of religion and right to celebrate religious festivals, etc.”
  - (b) in clause (1) for the words “profess, practice and propagate religion” the words “profess and practice religion” shall be substituted;
  - (c) after clause (1) the following two clauses shall be inserted, namely: —

“(1A) Conversion of any person from one religion to another by inducement, promise, fraud, force or threat including threat of divine displeasure or ex-communication is prohibited.



(1B) Proselytisation, evangelisation or other such activity by any person or body of persons aimed at conversion of any person from one religion to another is prohibited.

Provided that change of religion of any person to an indigenous religion such as Hinduism, Jainism, Buddhism and Sikhism shall not be construed as conversion.”

(d) for sub-clause (b) of clause (2) the following shall be substituted, namely: —

“(b) providing for

- (i) the access to the Hindu religious institutions of public character to all classes and sections of Hindus with due regard to the religious customs of each such institution;
- (ii) the management of the Hindu religious institutions and administration of their properties through a body consisting of both religious persons and representatives of Hindu devotees of each such institution or a group of such institutions in such manner as may be prescribed in that behalf by or under any law made by parliament, with the State exercising no control over the management of such institutions or administration of their properties;
- (iii) the appropriation of the funds, properties and all resources of the Hindu religious institutions only for the purposes of maintenance and development of the Hindu religious institutions, for the general religious wellbeing of Hindus and Hindu community, and for the protection and promotion of Hinduism;
- (iv) the prohibition of non-Hindus from taking part in the management, administration or any other activity whatsoever, of the Hindu religious institutions and their properties;
- (v) the protection by the State of all Hindu religious institutions and their properties from any encroachment, defilement, or destruction; and
- (vi) the creation of national, state, regional, district and local level Hindu Dharma Sabhas consisting of both religious leaders and elected representatives of Hindu religious institutions as may be prescribed, for the purposes of guidance, protection and promotion of Hinduism.”

(e) after clause (2) the following clause shall be inserted, namely: —

“(3) All persons shall have the right to celebrate religious festivals, observe cultural practices and take part in sporting activities.”

**7. Amendment of article 26:** In the Constitution, the existing article 26 shall be renumbered as clause (1) thereof and after clause (1) so renumbered, the following clauses shall be inserted, namely: —

"(2) The State shall not control, administer or manage, whatsoever, any institution including its properties, established or maintained for religious or charitable purposes by a religion or any section thereof.

(3) In making any law providing for the compulsory acquisition of any property of a religious or charitable institution established or maintained by a religion or any section thereof, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause."

**8. Amendment of article 27:** In article 27 of the Constitution,

(a) for the marginal heading the following shall be substituted, namely: —

“Prohibition of imposition of taxes and appropriation of public funds for promotion of any religion or benefit of any citizen based on his religious affiliation.”

(b) the existing article 27 shall be renumbered as clause (1) thereof and after clause (1) so renumbered, the following clause shall be inserted, namely: —

"(2) No moneys out of the Consolidated Fund of India or of a State, the Contingency Fund of India or of a State or out of the fund of any public body shall be appropriated for the promotion of any religion, or for the benefit of any citizen or section of citizens solely or primarily based on his or their religious affiliation or belonging to a religion or any section thereof."

**9. Amendment of article 28:** In article 28 of the Constitution,

(a) for the marginal heading the following shall be substituted, namely: —

“Freedom as to attendance at religious instruction or worship in certain educational institutions and right to civilisational learning.”

(b) after clause (3), the following clause shall be inserted, namely: —

“(4) Notwithstanding anything contained in the foregoing clauses, the State in discharge of its civilisational responsibility as the inheritor and trustee of our ancient civilisation of India, shall provide for teaching of ancient civilisational knowledge and study of ancient texts of India as part of public instruction.”

**10. Amendment of article 29:** In article 29 of the Constitution, for the marginal heading the following shall be substituted, namely:—

“Protection of educational and cultural rights.”

**11. Amendment of article 30:** In article 30 of the Constitution—

- (a) in the marginal heading the words "of minorities" shall be omitted;
- (b) in clause (1), for the words " All minorities, whether based on religion or language", the words " Any section of citizens" shall be substituted;
- (c) in clause (1A) for the words "minority referred to in clause (1)", the words "section of citizens" shall be substituted; and
- (d) in clause (2), for the words "on the ground that it is under the management of a minority, whether based on religion or language", the words "on the ground of religion or language" shall be substituted.

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## STATEMENT OF OBJECTS AND REASONS

When the framers of our Constitution used those words, “India, that is Bharat” in that sequence in its very first article, they were conscious of certain facts: *One*, India is just a new name of our country Bharat that is homeland of our millennia old civilisation that gave birth to four major religions – Hinduism, Jainism, Buddhism and Sikhism – which primarily informed our ancient civilisational ethos and culture; *Two*, the Indian State is the inheritor and trustee of our ancient civilisation; *Three*, the preambular exhortation of ‘unity and integrity of the nation’ has civilisational connotation as deep civilisational ties bound us spatially and inter-generationally spanning across *yugas*. Thus, they were cognizant of India as a civilisational cation whose unity and integrity were primarily informed by Sanatana Dharma eons before they assembled to frame the Constitution. Therefore, the moral obligation of the Constitution was largely to nurture our ancient civilisation and its values with a view to reintegrate our Nation and its people, for, bereft of those there will be no India in India as mere geographical lumps alone do not make a nation.

### 1.0 **Prevention of subversion of multi-religious character of our society:**

1.1 The Constitution is secular, and the State has no religion. The State must treat all religions and religious people equally and with equal respect. However, neither the Constitution nor the State are meant to be mute spectators when organized conversion activity has been subverting the religious character of the Indian society and thereby the very identity of India. There has been large-scale asymmetric assault on indigenous religions such as Hindu, Jain, Baudh, Jain, Sikh by the organized mostly foreign funded or foreign inspired religious conversion machinery to change the religious demography of the country. Substantial parts of the country have already become non-indigenous religious majority destroying the very nature and identity of our society.

1.2 Freedoms are not infinite. As there is no freedom to commit crime even on oneself like suicide, there cannot be freedom — either collective or individual — to self-destroy or allow destruction of our several millennia-old civilisational heritage such as indigenous religions and culture, ancestral customs, and traditions on the specious premise of freedom to propagate religion. This is especially true, since the basic premise of some religions is hinged upon absolutism, exclusion and expansion, nay destruction of other religions and asserting theirs as the only true religion. In such a scenario, there can never be a level playing field between proselytising and evangelizing non-indigenous religions on the one hand and non-proselytising non-expansionist indigenous religions on the other; and giving them equal right to propagation of religion is as absurd and unfair as giving equal rights to wolf and sheep to eat one another.

1.3 The right to propagate religion is both a license and an invitation to proselytizing and evangelizing non-indigenous religions for launching religious imperialistic aggression on the gullible people of non-proselytising indigenous religions by deploying all sorts of means including exploitation of poverty, illiteracy, and ignorance, offering inducements and use deceptive tactics to convert them.

1.4 If a person is really interested to change his religion, he has all the freedom to make an informed choice on his own after a comparative study of philosophies of various religions. There was no need for any religious marketing machinery.

1.5 Way back in 1954 Govt of Madhya Pradesh appointed Christian Missionaries Activities Enquiry Committee under the Chairmanship of Dr. M. B. Niyogi, Retired Chief Justice of

erstwhile Nagpur High Court, popularly known as Niyogi Committee which after an extensive and intensive study submitted its Report on date 18-4-1956, *inter alia* recommending (i) amendment of the Constitution, (ii) Legislative measures to curb the menace of organised and illicit religious conversion activities etc. Though no amendment of the Constitution was made, Odisha and MP enacted identical Freedom of Religion Acts in 1967 and 1968 respectively followed by Arunachal Pradesh, Jharkhand, Gujarat, Himachal Pradesh, and Chhattisgarh prohibiting conversion by force, inducement, or fraud.

1.6 These laws have no impact whatsoever on containing the problem which has been growing manifold as their design and approach were faulty and inadequate. They prescribe what is called symptomatic treatment, inadvertently masking, or ignoring the underlying etiology or the cause, which is proselytisation, evangelisation and their variants. Further, there is also a limitation in making these laws effective for want of clear enabling provision in the Constitution.

1.7 Proselytisation, evangelisation and religious conversion have been areas of serious concern across the globe as they are responsible for destruction of numerous indigenous civilizations across the globe. Almost all Islamic countries, China and Greece have banned it. Article 13(2) of Greece Constitution prohibits proselytisation. India is the only major ancient civilisational nation that permits proselytisation, evangelisation and religious conversion activities by turning a blind eye to this stark reality and the looming existential danger.

1.8 There is therefore an imperative need to balance religious freedom and civilisational responsibility of the State to protect, preserve and nurture our glorious ancient civilisation by guaranteeing freedom to all persons to profess and practice religion of their choice, but prohibit religious conversion activity such as propagation, proselytisation, evangelisation or any other such activity.

1.9 Pertinently, even though Hindus are more than a billion population there is no Hindu State in the world. Therefore, India being the homeland of Hindus, Jains, Baudhs, and Sikhs must bear the responsibility of preserving its ancient civilisation and culture that is informed primarily by indigenous religions, which is possible only when the carriers of religion and culture, that is demography remains and retains indigenous religious majority. Moreover, indigenous religions such as Hindu, Jain, Baudh and Sikh being non-proselytising by their very nature, if anyone wishes to become adherent of any indigenous religion it cannot be deemed to be a conversion, as it is doctrinally a non-indigenous concept.

1.10 Hence, amendment of articles 19 and 25.

## **2.0 Maintaining secular character of governments by prohibiting State control or interference in the affairs of religious places and reiteration of right to celebrate religious festivals, observe cultural practices and take part in sporting activities:**

2.1 Indigenous religious, spiritual and cultural practices of Hinduism have evolved over several millennia with no one founder, no specific set of binding scriptures and no central ecclesiastical organisation. Hindu customs and rituals while subtly conveying ethical, metaphysical and philosophical values also bind families and communities together. Hinduism acknowledges vast diversity within humans and accordingly evolved a system which allowed diversity in forms of devotions, worship and traditions. These ancestral traditions do not necessarily find justification in any particular scripture but from the lifeblood of popular amorphous religions and spiritual traditions collectively known as Hinduism. Hindu religious

and cultural practices are a result of the collective wisdom and experience of thousands of generations of people of this sacred land.

2.2 However, there are some aspects of the Constitution that give space to forces to deracinate people from their indigenous religious and cultural moorings:—

Firstly, by subjecting indigenous traditions and customs that have come into being over several millennia of unbroken and unwritten practice to the test of 'essential practice' of religion, which would lead to Hinduism falling woefully short as opposed to the religions of the Book, where the Book defines the essentials etc.

Secondly, since Hindu religious and charitable endowments have been taken over by government they are regarded as effectively being part of 'the State' as defined by article 12, and as a result any Hindu religious custom or practice can be challenged as violative of one or other fundamental rights.

Thirdly, article 25(2) (b) which provides for 'social welfare and reform' was intended by the framers of the Constitution as an antidote to certain untenable social discrimination in the Hindu society but was never meant to be an enabler for legislative or judicial interference or destruction of ancient religious customs, festivals and practices of Hindus.

Fourthly, the Constitution gives a bouquet of fundamental rights and freedoms, all of which have been designed to harmoniously co-exist. Therefore, it is anathema to interpret one set of fundamental rights and freedoms in a manner that extinguishes or abridges the other set of fundamental rights and freedoms.

Fifthly, the 'morality' that the framers of the Constitution envisaged in articles 19, 25 and 26 was the societal morality and there is no such thing called the 'constitutional morality' which is independent or in derogation of the societal morality. For, the Constitution is a document for political governance of the country.

2.3 The ancient civilization that our forebears kept alive in the midst of invasions, strife, war, untold adversity and centuries of privation for hundreds of years is our most precious inheritance. Therefore, the unwarranted interference in the age old indigenous festivals, customs and practices not only disrupts social and cultural cohesion and fabric but also generates avoidable social strife as happened in the cases of Jallikattu, Dahi Handi, Sabarimala, Shani Mandir, Kambala etc.

2.4 Fundamental rights as enumerated in Part-III of Constitution, are essentially restrictions imposed on the State from unduly interfering in people's lives and activities. People possess all freedoms and rights, only a certain of which are enumerated in the Constitution. The enumeration of certain rights and freedoms in the Constitution does not mean that people do not possess or can be deprived of those that are not mentioned therein.

2.5 United Nations Declaration on the Rights of Indigenous Peoples-2007 (UNDRIP) to which India is a signatory, imposes certain obligations on Member-States to protect, preserve, nurture and promote indigenous religious, spiritual, cultural, traditional and knowledge systems by suitable legislative, governance and public policy interventions. Article 253 empowers Parliament to make laws on any subject to implement international conventions.

2.6 A secular State by definition cannot control and manage religious institutions that too of only one religion. Article 26 bestows fundamental right on all religions, irrespective of majority or minority, to establish and maintain institutions for religious and charitable purposes, to manage their own affairs, and to own, acquire and administer property thereof. In a catena of judgements, the Supreme Court reiterated the same. However, large number of the Hindu charitable and religious institutions have been and are regularly being taken over by the secular state governments, completely cripples the institutional and resource ability of Hindu society in being self-sufficient and in presenting a unified front to address and find solutions to the religious problems of the Hindu community.

2.7 Despite the constitutional provisions and judicial decisions, Hindu temples and religious institutions are routinely taken over by the state governments. The State control of Hindu religious institutions is doubly disadvantages for Hindus in that they have not only lost control of their religious institutions to the government but because of that very reason of their religious institutions being under the control of state government their centuries-old religious customs, festivals and practices also get challenged and interfered.

2.8 Further, the state governments have been diverting properties of Hindu religious institutions for secular purposes without paying adequate compensation. For full enjoyment of the right guaranteed by article 26, it is necessary to ensure payment of adequate compensation, if, any property of a religious or charitable institution established or maintained by a religion or any section thereof, is acquired by the State.

2.9 Hence, amendment of articles 12, 25 and 26, and insertion of new articles 12A and 12B.

### 3.0 **Restoring secular character of the State by prohibiting sectarian public funding:**

3.1 Article 27 stipulates that 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. Yet, the governments have been making special provisions for scholarships, subsidies, schemes, plans, loans and budgets carved out of secular public funds for the benefit of certain religious communities to the exclusion of Hindus. Technically, no taxes are specially imposed for the benefit a religion. But appropriating secular public funds for the benefit of certain religions is against the secular spirit of article 27.

3.2 Religious neutrality of the state is the hallmark of secularism. Hence, in a secular polity all laws and public policies must be religion-agnostic. It goes without saying that religion-based schemes severely harm the national interest as they reinforce sub-national identities by giving fillip to fissiparous tendencies, to the detriment of national unity and integrity. Therefore, economic criteria should alone be the basis for beneficiary selection of any welfare schemes. Yet, huge amounts of public funds are allocated to minorities solely or primarily based on their religious identities, which is unconstitutional and anti-secular.

3.3 A poor Hindu who is not eligible for a certain minority religion-specific beneficial scheme, and with no corresponding scheme for Hindus, can stake a valid claim to the same if he would just convert to Islam or Christianity. Thus, sectarian public schemes have deleterious consequences, as the secular governments willy-nilly tend to encourage conversion of Hindus by using secular public funds. Evidently, this is a fraud on the secular Constitution.

3.4 Hence, amendment of article 27.

#### 4.0 **Inter-generational transmission of ancient civilizational knowledge:**

4.1 A civilization can continue to live only if it has a State that nurtures and promotes it. The Indian State being the inheritor and trustee of the ancient Indian civilisation has the bounden civilizational responsibility to protect, preserve and nurture it which is possible only when the State mandates and proactively promotes teaching and study of our ancient civilizational knowledge and texts.

4.2 Article 28 seeks to keep religious instructions out of public educational system. However, it was never the intention of the framers of the Constitution to keep the study and learning of traditional knowledge systems, texts, and ancient civilizational heritage from out of public education system.

4.3 For millennia India has been a knowledge-based civilisation informed by Sanatana Dharma, which produced a huge body of knowledge and literature on a variety of subjects and a plethora of philosophical schools, irreplaceable works in the field of literature, science, mathematics, astronomy, physics, medicine, surgery, to name a few. It is pertinent that our Rig Veda is the world's oldest known text, and the Mahabharata is the world's longest poem ever written. Yet, we do not teach any of our great ancient texts like the Vedas, the Upanishads, the Mahabharata, the Ramayana, etc in our public education system. Instead of being proud of such an illustrious heritage we have banished them from public educational system. On the contrary, the world over every nation and civilisation take pride in teaching their ancient texts and knowledge through their public instruction.

4.4 The preambular exhortation of 'the unity and integrity the nation' has a civilisational connotation, for the framers of the Constitution were cognizant that we are not just a demography on a piece of geography. They were aware that deep civilisational ties bound us spatially and temporally or inter-generationally spanning across *yugas*. That is, they were conscious of India as a civilisational cation whose unity and integrity was primarily informed by the Sanatana Dharma eons before they assembled to frame the Constitution. Therefore, the moral obligation of the Constitution was largely meant to nurture our ancient civilisation and its values with a view to reintegrate the nation and its people, for bereft of those there will be no India in India as mere geographical lumps do not make a nation.

4.5 As per Agreement of Trade Related Aspects of Intellectual Property Rights (TRIPS), Parliament enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999 for registering Geographical Identification Status of physical goods to protect them. If there could be so much anxiety for ephemeral material objects, should we not show an equal if not greater concern and take measures to protect, preserve and promote indigenous religious, cultural, and ancestral traditions that originated in our country and informed our ancient civilisation over millennia?

4.6 Like the TRIPS for GI tags for physical goods there is the United Nations Declaration on the Rights of Indigenous Peoples-2007 (UNDRIP) obligating the signatory Member-States to protect, preserve, nurture, and promote indigenous religious, spiritual, cultural, traditional and knowledge systems by suitable legislative, governance and public policy interventions. Article 253 obligates Parliament to make laws for whole of India on any subject to implement international conventions etc.

4.7 Hence, amendment of article 28.



**5.0 Reiteration of right of all citizens to establish and administer educational institutions:**

5.1 The aspiration for conserving and communicating religious, cultural, and ancestral traditions and language to succeeding generations is legitimate and applies to all groups, big or small.

5.2 Article 29 confers cultural and educational rights on all sections of citizens irrespective of majority or minority, having distinct language, script, or culture of their own. However, the word 'minorities' in the marginal heading of article 29 is incongruent with its contents as also with the group heading 'cultural and educational rights'. Such incongruence has the potential for misunderstanding as if these rights were conferred only on the minorities.

5.3 Constitution mandates that State shall not discriminate on grounds only of religion, race, caste, or language. Article 30 confers educational rights on religious and linguistic minorities without saying anything about the majority. As evident from the sub-text of the debates of the Constituent Assembly, the rights assumed for the majority were only made explicit to the minorities as an assurance to the latter in the backdrop of the peculiar circumstances then prevailing in the aftermath of partition. However, it was never the intention of the makers of Constitution to deny to the majority the rights expressly provided to the minority. Yet, it gradually led to interpretations that only the minorities were given certain rights to the exclusion of the majority.

5.4 Consequently, the State has been unduly interfering in the functioning of Hindu educational institutions almost debilitating them whereas minority institutions being protected by Article 30 are spared of such harassment. To escape the State tyranny various sections of Hindu society have been demanding separate religion status to claim minority status by seeking to break away from Hinduism.

5.5 Hence, amendment of articles 15, 29 and 30.

6.0 The Bill seeks to achieve the above objectives.

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