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Rising Religious Terrorism in India – Threat to the Freedom of Speech and Right to Profession

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In the past five years, India has seen a substantial upsurge in the reported cases of communal or religious violence. This paper delves explicitly into the reason behind the growth in these cases and establish a link between this rise and violation of two fundamental rights of the people namely, Article 19(1)(a) and Article 19(1)(b) which talks about the Right to freedom of speech and expression and practice any profession or to carry on any occupation, trade or business, respectively. This paper analyses the two forms of religious terrorism and how there has been a significant ascent in one of the forms and has become a problem in Indian society from the very grassroots level. This paper establishes the involvement of political parties in religious affairs that disturbs the idea of freedom of speech and threatens the basis of secularism. This paper also highlights the ambiguity that the term “offend” holds acting as a barrier in the process of providing justice. Then I explain what ideologies and how these religiopolitical terrorist groups work and influence the mind of the people.

Keywords: *terrorism, freedom, profession.*

INTRODUCTION

In the past five years, there has been an identical rise in the cases of communal and religious riots. The National Crime Records Bureau released its annual report titled "Crime in India

2020," which said that there was a total of 857 cases of communal or religious riots in India. This has been a massive growth if we compare this data to the statistics of 2018 and 2019, in which the cases registered for religious riots were 512 and 438, respectively¹. One of the predominant yet ignored reasons behind this upsurge is Religious terrorism. For the past four decades, religious terrorism has existed in India, thriving on using religious ideologies to provoke people against a particular society. However, what makes it different from the past decades is the rising active involvement of religiopolitical groups in society, thereby directly influencing a large section of society. This rise in religious terrorism is threatening two principal fundamental rights of the people, namely, Article 19(1)(a) and Article 19(1)(h), which talks about the Right to freedom of speech and expression and practice any profession or to carry on any occupation, trade or business, respectively. In this paper, I try to establish how religious terrorism has become a very rudimentary problem in society and affects the people's fundamental rights in India.

The prevention of terrorism bill 2006 explains terrorism as the "use or threat for the purpose of advancing a political, religious or ideological cause, of which - a) involves serious violence against any person or property, b) endangers the life of any person or c) creates a serious risk to the health or safety of the public or a section of the public."² It is essential to understand that terrorism is not limited to imposing a severe threat to a section of the society, but even if a single person is under threat is also termed terrorism. In contemporary times, terrorism has been classified into various types based on the ideologies followed by the group. These are - Gender-selective terrorism, ideological terrorism, state terrorism, religious terrorism, dissident terrorism, and criminal dissident terrorism.³ Although all these types are very prominent worldwide, there has been a significant increase in one type in India: - Religious terrorism. Religious terrorism is a type of violence motivated mainly by the idea that God has sanctioned

¹ Aditya Sharma, 'India: Religious Riots Surge in 2020, despite Lockdown - Report' (DW 17 September 2021) <<https://www.dw.com/en/india-religious-riots-surge-in-2020-despite-lockdown-report/a-59208560>> accessed 11 January 2022

² Prevention of Terrorism Bill, 2000, *Law Commission of India*, 173rd <[https://lawcommissionofindia.nic.in/tada.htm#:~:text=1.\(1\)%20In%20this,risk%20to%20the%20health%20or](https://lawcommissionofindia.nic.in/tada.htm#:~:text=1.(1)%20In%20this,risk%20to%20the%20health%20or)> accessed 11 January 2022

³ Gus Martin, *Types of Terrorism* (California State University, USA, 2017)

the violence and that people doing violence will be rewarded in the afterlife.⁴ However, this is just one side of the coin. Many times, the primary aim of a particular group is to motivate violence, for which they use the ideology of religion. There is a difference in the cause-and-effect relationship in the above two cases. In the first case, the cause of provocation is some act committed by people from say X religion of the society violating the integrity of say Y religion and to protect it, the followers of X religion violently attack the members of Y religion because they feel that the god sanctions them to protect the integrity and that they will be rewarded in the afterlife. In the latter case, the sole purpose is to create a situation that can lead to an act of violence; here, it is not necessary that people from another religion, say Y religion, have violated the integrity of say X religion. Nevertheless, the religiopolitical leaders of X religion will try to provoke the followers of their religion to commit acts of violence against the followers of the Y religion. Although the consequences can be disastrous in both cases, the motive is inherently malicious in the latter case. It is crucial to understand that religious terrorism is a kind of political violence provoked by political motives.

The idea of the Right to freedom of speech originated in 1688 when the English Bill of Rights provided "that the freedom of speech and debate or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament."⁵ After this, Article 11 of the French Declaration of the rights of man and citizen stated that "The unrestrained communication of thought or opinions being one of the most precious rights of man, every citizen may speak, write and public freely, provided he be responsible for the abuse of this liberty, in the case determined by law."⁶ Article 19 of United Nations' Universal Declaration of Human Rights, 1948, stated that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."⁷ Since then, the importance of freedom of speech has been recognized worldwide. Article 19(1) of the Indian constitution discusses the six foundational rights provided to the people in India. These rights

⁴ 'Religious Terrorism' (Sage Pub) <https://in.sagepub.com/sites/default/files/upm-binaries/33557_6.pdf> accessed 14 January 2022

⁵ Universal Declaration of Human Rights, 1948, art. 19

⁶ *Ibid*

⁷ Universal Declaration of Human Rights, 1948

are - "(a) Freedom of speech and expression; (b) Assemble peacefully without arms; (c) Form associations or unions; (d) move freely throughout the territory of India; (e) reside and settle in any part of the territory of India; and (g) practice any profession or to carry on any occupation, trade or business."⁸ The main idea of Article 19(1)(a) is that people should have the right to speak and share their opinions and perspectives without the fear of restrictions by the government. However, it is subject to "reasonable restrictions" to protect the integrity of India and the security of the state.

The involvement of political parties in religious affairs severely disturbs the idea of freedom of speech and expression. According to a survey conducted by American think tank Pew Research Center, people see their religious and national identity as closely interlinked. 64% of the Hindus said that to be Indian, it is essential to be Hindu. The forty-second amendment of the Constitution of India in 1976, was asserted in the Preamble that India is a secular state. Secularism means that the "Government will respect every religion equally irrespective of religious denomination and will not prioritize any religion."⁹ On October 27th, 2016, during a legal debate on "curbing the role of religion in electioneering," a Supreme Court judge asked whether having a complete separation from the religion of politics is what secularism means, to this, the bench concluded that secularism does not mean that the state should stay aloof from religion. It should extend equal treatment to every religion. However, at present political parties are very evidently contesting elections on religious agendas to gather a larger vote bank. This not only threatens the idea of secularism but also raises agitation in the mind of people belonging to minorities. The threats to secularism come from those religious groups that thrive for power and domination¹⁰, which ultimately leads to situations of communal violence.

⁸ Constitution of India, 1949, art. 19(1)

⁹ Parmar Sunil G. & Dr. Hitesh R. Patel, 'Secularism In India: Present Scenario' (2020) 7 (1) IJRAR <http://ijrar.com/upload_issue/ijrar_issue_20544218.pdf> accessed 18 January 2022

¹⁰ Neera Chandhoke, 'Why Secularism Is Central to a Democratic Nation (and India Is No Exception)' (*Scroll*, 17 December 2019) <<https://scroll.in/article/946954/why-secularism-is-central-to-a-democratic-nation-and-india-is-no-exception>> accessed 19 January 2022

There are two forms of religious terrorism in India - "Technically organized and religious-politically motivated."¹¹ The significant difference between the two forms is the structure and functioning of the two groups. A technically organized form of religious terrorism is structured in a military style wherein the members are given armed training to use modern weapons to attack a wide range of targets, primarily critical public figures. To achieve their aim of religiopolitical propaganda, they use various ways such as bombing, hijacking, shooting in crowded places, etc. They basically try to pose fear in the mind of people through direct violence. On the other hand, Religio-politically motivated groups engage in political tactics taking part in the political process. These people do not fight armed battles but try to manipulate the public psychologically by placing feelings of resentment and rage in the mind of people against a section of society.¹² They do not directly attack a famous personality. However, they agitate the balance in society by influencing the public to commit violence against either a section of the society or a famous personality representing a section of the society. Although the first form involves large-scale war and violence, because of which it looks perilous, the latter poses a greater fear because this group puts thoughts in the head of the public without the people realizing it.

Now that the fundamentals of religious terrorism and Article 19(1) has been established, it is vital to understand how religious terrorism has been violating two significant aspects of Article 19(1) that are Article 19(1)(a) - Right to freedom of speech, and Article 19(1)(h) - Right to practice any profession or to carry on any occupation, trade or business. The religiopolitically motivated group of people in the majority of the cases try to infringe their two rights of the public. To understand this better, I will take the case of *Munawar Faruqui v State of Madhya Pradesh*. The case was registered by the Madhya Pradesh police for allegedly insulting religious sentiments. He was denied bail by the MP High court and was in prison for 35 days post that the Apex court granted him ad-interim bail. Although the apex court granted him bail, he was forced to cancel 12 of his shows in 2 months. Being a comedian, Under Article

¹¹Kailash Kumar Chatry "Understanding the Religious Nature of Terrorism in India: Four Case Studies with an Analysis for Proposals and Resolution' (*University of Bermingham*, 17 October 2012)

<https://etheses.bham.ac.uk/id/eprint/3889/1/Chatry_12_PhD.pdf> accessed 19 January 2022

¹²*Ibid*

19(1)(h), it is his right to practice the profession by performing shows. Rather than protecting his rights, Police denied him to perform shows because it could cause chaos and harm public harmony.¹³ This is a case of religious terrorism, wherein a religious group targeted a famous personality on the ground that he was hurting and offending the religious sentiments of a particular religious community. However, the word 'offend' carries ambiguity. The law does not provide what makes a speech offending; it depends upon how the people respond. As society evolves, the responses change as well. A phrase might not have offended a section of society ten years back, but the exact phrase might offend the section at present. Various factors affect how society reacts, but one of the most influential factors is 'Social Conformity.' A series of psychological tests conducted by Solomon Asch, a pioneer in social psychology, revealed that people were willing to give an incorrect answer and ignore reality to conform to the rest of the group.¹⁴ When people live in a society, they wish to act and respond in a way accepted by the people around them to remain a part of the society. People fear that if they oppose the more comprehensive opinion, they might not be accepted¹⁵, which is one of the foundations of religious terrorism. A large part of society follows Religio-political groups; for instance, Hindus will follow a religiopolitical group that promotes ideologies of Hinduism, and Muslims will follow a group that promotes ideologies of Islam. This is because people feel that they are serving the same divine god and that these religiopolitical groups represent people's religious opinions. Now, the actions and reactions of their groups influence people's behavior because people feel that the way these groups are reacting is the opinion of the majority of the people of the society and that people should conform with those actions to be a part of society. Thus even if a person feels that religiopolitical groups are reacting is not correct, they will still follow and support those actions. In this way, even without realizing it, there has been an infringement of many people's right to freedom of speech.

¹³ Debayan Roy, '[Breaking] Supreme Court Grants Ad-Interim Bail to Comedian Munawar Faruqui [Read Order]' (*Bar and Bench*, 5 February 2021) <<https://www.barandbench.com/news/litigation/supreme-court-bail-comedian-munawar-faruqui>> accessed 20 January 2022

¹⁴ Kendra Cherry, 'Asch's Seminal Experiments Showed the Power of Conformity' (*Verywell Mind*, 3 April 2020) <<https://www.verywellmind.com/the-asch-conformity-experiments-2794996#:~:text=The%20Asch%20conformity%20experiments%20were,Solomon%20Asch%20during%20the%201950s.&text=Asch%20found%20that%20people%20were,the%20rest%20of%20the%20group>> accessed 20 January 2022

¹⁵*Ibid*

CONCLUSION

In this paper, I initially discussed the definition of terrorism as per law and established the difference between two cases of religious terrorism using the cause and effect relationship. Then I discussed the history and relevance of the Right to freedom of speech originating from the 1600s to the present times with context to the world and then India specific explaining Article 19(1) of the Indian constitution. Later, I establish the involvement of political parties in religious affairs that disturbs the idea of freedom of speech and threatens the basis of secularism. After this, I discuss the two forms of religious terrorism present in India and assert the difference between both forms. Finally, I establish a link between religious terrorism and the two fundamental rights of the people, namely, the Right to freedom of speech and the Right to practice any profession or to carry on any occupation, trade, or business. I explain the reason behind the upsurge in religious terrorism in India and discuss the ambiguity that the term "Offend" holds. Then I explain how these terrorist groups play with the mind of people discussing the concept of conformity. The issues raised in this paper need to be addressed. Specific rules need to be established to define what kind of act can offend a specific section of society.