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Dr. D. Suresh



SOCIETY FOR PUBLIC WELFARE AND INITIATIVES

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ANTI-HINDU CONTENTS IN CONSTITUTION OF INDIA– AN ANALYSIS



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Abstract: *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 a form of second-class citizens in their own secular country, created after the faith-based partition of their ancestral land. This paper explained how the Hindus are subjugating in their own country in the shadow of the Constitution of India.*

Keywords: *Hinduism, Constitution of India, Equal Rights, Subjugation*

Introduction

No doubt, in India Hindus have full political rights. But unlike the minorities, they don't have the freedom to run their educational institutions without undue state interference; their civilizational knowledge and ancient texts are banished from public education; by creating a false equivalence between their non-proselytizing religions and the others, they are gamed for conversion; unlike minorities, they are denied the right to manage their temples and their religious properties; unlike minorities, they don't have the freedom to celebrate 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.

Denied access to their ancient civilizational texts through public education, Hindu students learn nothing about Hinduism and their ancient civilizational inheritance. On the contrary, public education has been so designed as to brainwash Hindu students to self-loathe and disown their religion and culture. Deracinated youth shouting anti-national slogans like *Bharat Tere Tukde Tukde Honge* are products of anti-Hindu public education.

The pernicious false dichotomy between majority and minority 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 at any time or anywhere in the world. It is spurious. Hinduism is a non-expansionist, non-proselytizing indigenous religion, while the proselytizing, expansionist religions are eternally on the prowl to convert Hindus. Then who is a threat to whom? A herd of sheep to the wolf, or the latter to the herd of sheep? Who needs protection? Herd of sheep (prey) or the predatory wolf?

Constitutional Subjugation of Hinduism

Articles 25-30 of the Constitution deal with matters relating to religious, cultural and educational rights and freedoms. To comprehend the enormity of the religious, cultural and educational subjugation of Hindus, it would be instructive to examine, shorn of legalese, how these constitutional provisions translate into action.

Article 25 guarantees freedom of religion. It has three components namely, profession, practice and propagation of religion. Let us see how Hindu's fare in each of these three aspects.

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

Kashmir is the homeland of Kashmiri Hindus and has been so since the dawn of civilization. Over time they became minorities there. This led to the genocidal religious purging of lakhs of Hindus from Kashmir some 30 years ago. What was their crime? Professing Hinduism! Why they were not protected? Because they are Hindus?

Had the constitutional bodies, the self-appointed guardians of the Constitution and the human rights groups acted and outraged even one percent of what they did post-Godhra riots in Gujarat, the genocidal annihilation and persecution 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 we turned a deaf ear and a blind eye. Even after a quarter-century, our silence is deafening. Questions rightly arise in the minds of Hindus as to whether this is how the constitutionally guaranteed freedom to profess Hindu religion manifests when Hindus become a minority in an area.

Freedom to Practice Hindu Religion

Hindu religious practices are selectively and systematically being interfered with by enacting Hindu-specific personal laws, ignoring the constitutional directive in article 44 for a uniform civil code; by criminalizing 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 demonizing and hounding Agoras, Ananda Margis and other Tantric practitioners; and by outlawing, restricting and discouraging the celebration of Hindu religious traditions and festivals such as those in *Sabarimala, Shani Mandir, Jallikattu, Kambala, Diwali, Holi*, etc.

If the killing of animals is considered bad, then it should be bad irrespective of its purpose. How does it matter whether the killing is done before a deity or during festivals or for food? But our sensibilities and outrage are limited only to the occasional animal killing done during some Hindu festivals or the celebration of Hindu festivals in which man-animal sport has been an integral part.

Now take another case, of meat exports. Article 48 of the Constitution prohibits the slaughter of milch and draught cattle. Yet, massive governmental incentives and policy encouragement has made India the world's largest exporter of meat for which more than three crore cattle are slaughtered annually. Incredible cruelty to animals 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 religious rights?

In essence, the constitutional bodies outlaw ancient Hindu religious practices that they do not like and ordain their secular fantasies as essentials of Hindu religion. Therefore, Hindus justifiably question whether our secular Constitution is a charter to deform, nay destroy, Hinduism in the guise of reform?

Freedom to Propagate Religion

Methodologically, there are broadly two types of religions: non-Indian origin religions that believe in exclusion and expansion, claiming a divine mandate to convert the whole world into their own. And those of Indian origin, which are inclusive, non-expansionist and inward-looking. As indigenous Hinduism is non-proselytizing, the right to propagate religion is a meaningless right for it. It is as useless as offering non-vegetarian food to vegetarians. While the same right to propagate is an invitation to evangelizing religions to launch religious aggression on India by converting indigenous Hindus, Sikhs etc.

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. Likewise, giving an individual the freedom to make an informed personal religious choice is entirely different from licensing institutionalized organized conversion activity, nay religious imperialism, to destroy indigenous Hinduism, Sikhism etc.

The massive asymmetric assault on indigenous religions is leading to the rapid collapse of Indic religious demography throughout the country. In the post-independence period, in thousands of villages, several districts and a few states, Indic

religious demography has already been reduced to either zero or minority. Is the destruction of indigenous Indic religions and our ancient civilization the purpose of India's independence for which lakhs had sacrificed their lives?

The world over organized religious conversion activity is viewed very seriously. For it is responsible for the destruction of many civilizations, including the Roman, Greek, Mayan, Aztec, Inca and Zoroastrian-Persian ones, even while placing other civilizations under an existential threat. Hence, most Islamic countries, China and even Greece have banned conversions. Article 13(2) of the Greek Constitution prohibits proselytization.

Control on Hindu Temples by Government

Article 26 guarantees freedom to all to manage their religious affairs. But what is the reality? Almost all Hindu temples are nationalized by state governments. The Supreme Court has also ruled against state control of temples.

After the promulgation of the Constitution, it was expected that governments would return to Hindu society the temples taken over by them. Courts have also ruled that if there were allegations of mismanagement in certain temples government intervention could only be for a limited period as per article 31A(1)(b) to set things right. But all that is in vain. State governments continue to nationalize more Hindu temples and their properties whereas mosques and churches are left to their respective religions. The latest example is the nationalization of over 50 Chardham temples by the Uttarakhand government.

Temples are the life and soul of Hinduism. Temples provided institutional capacity for religious education, self-correction and self-defence, and sustenance of the priestly class, artists and various related service occupations. They also helped raise resource capacity to serve needy and destitute Hindus. Government takeover of temples has completely crippled Hinduism.

It is estimated that more than 1,00,000 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 nationalized by the state governments. Evidently, with the denial of the right to manage their temples, the "majority" Hindus in India fare no differently from minority dhimmis in certain theocratic countries. Deprived of resources and institutions, Hinduism has been decaying. The religious rights of Hindus count for nothing, and states can trample them at will. So much for religious freedom for the majority of Hindus!

Misusing of Sectarian Public Funding

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, there are special provisions for scholarships, subsidies, schemes, plans, loans and budgets carved out of secular

public funds for the benefit of religious minorities to the exclusion of majority Hindus. Technically, no taxes are specially imposed for the benefit of a religion. But is appropriating a part of secular taxpayers' money for the benefit of minority religions not the same and against the spirit of article 27?

Religious neutrality of the state is supposedly the hallmark of secularism. Hence, in a secular polity, all laws and public policies have to be religion-agnostic. Religion-based schemes severely harm the national interest as they reinforce sub-national identities by giving a 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.

What is the effect of such blatant sectarian public funding? A Hindu who is not eligible for a certain minority benefit can suddenly stake a valid claim to the same if he would just convert to Islam or Christianity. The secular Indian state actively encourages the conversion of Hindus misusing secular public funds. Is this not a fraud on our secular constitution that the Indian state has transformed itself into the biggest proselytizer of Hindus away from their ancestral religion?

Prohibition on Teaching Hindu Ancient Texts and Civilization:

Article 28 keeps religious instructions out of the public educational system. A civilization can survive only as long as there is a state to nurture it. The Indian state is the inheritor and trustee of our ancient civilization which is primarily informed by Hinduism. It, therefore, has a civilizational responsibility to nurture it. Nurturing means encouraging and sponsoring inter-generational transmission of civilizational knowledge and teaching of ancient texts through public education.

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

Yet, teaching our ancient texts like the Vedas, Upanishads, Mahabharata, and Ramayana etc., through public education is banned by classifying them as religious. How can the state divest Hindus of their cultural knowledge and identity because that knowledge and identity have religious origins and basis? Even if those civilizational texts are religious, what is wrong with teaching them in public education? If religions were bad then why not ban them? Is it not hypocritical to give freedom of religion and yet ban its teaching in public education?

It is a distressing camouflage that becomes evident upon reading article 28 together with articles 29-30 which give special rights to minorities to establish educational institutions to teach their religion and culture. Consequently, only Hindu texts and

knowledge are banned from being taught but not those of others. It seems to be an evil project to destroy Hinduism by denying Hindu's access to their ancient texts and religious, cultural and civilizational knowledge through public education.

Refusal of Cultural Rights to Hindus

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 majority Hindus.

Denial of Educational Rights to Fragmenting Hindu Society

Article 30 confers educational rights on minorities to the exclusion of majority Hindus. Consequently, undue state interference debilitates 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 religious status to claim minority educational rights.

Having recognized the enormity of the deprivation, Syed Shahabuddin introduced in the Lok Sabha a Private Member's Bill (No. 26 of 1995, since lapsed) for amending article 30 to give the same rights to the majority Hindus.

The aspiration to conserve and communicate religious and cultural traditions to succeeding generations is common and legitimate for all groups – majority or minority. Denying 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.

Conclusion

Hence there is a need to amending articles 25-30 of the Constitution to give Hindus equal rights on a par with minorities. Hindus do not demand more rights. Hindus are begging in their own country only for equal rights as are available to minorities in all respects, which is the hallmark of a secular democracy. For this singular act, the Government of India will be venerated forever as the greatest civilizational of India.

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