

# God, ALLAH or Bhagwan?

## It does me no injury for my neighbour to say that there are twenty gods or no God

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### Abstract

Article 18 of the Universal Declaration of Human Rights recognises the right to freedom of religion. The declaration gives everyone the right to practice their religion in private or in public, and it also gives everyone the right to convert. The declaration has been agreed upon amongst forty-eight nations, and members of the declaration guarantee religious freedom to their citizens through distinctive national laws. Religion has sparked several debates in recent times. The issues regarding the enactment of anti-conversion laws and the 'anti-separatism' bill will be dissected within this paper. The aforementioned issues have been the subject of endless criticism, with the prevailing view being that such laws are in fact contrary to Article 18, infringing on the right to religious freedom. The paper will examine the legal rights to religious practice and conversion, and analyze judicial procurements through the lens of preconceptions of society and modern political philosophy.

**Keywords:** Freedom of religion, India, France, anti-conversion laws, anti-separatism bill, Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), Constitution of India (COI)

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## Introduction

It is the opinion of many scholars that the religious liberties are under a greater danger now than they have ever been. Despite all faiths advocating peace, religion has always been a volatile topic; it has the potential to incite sentiments which result in the outpour of barbarity. The common response of conservatives to this is that the religious practices of a nation are diminishing due to secularists and the much-scrutinized atheists. When analyzing the right to freedom of religion, it must be understood that while the law protects the right to religion and religious practices, it is a two-faced coin which also liberties individuals the right from religion and grants them the right to emancipate oneself from the God and religious practices. This paper will address the 'anti-conversion' laws passed in India, the much debated 'anti-separatism' laws being passed in France along with a brief overview of 'Islamic states' and freedom of religion.

When studying the history of India, it is an undeniable fact that the nation which stands before us today is a result of innumerable cultures, traditions and religions. The years of ruling by different civilizations and faiths have been integrated within Indian society. This prompted lawmakers to protect Indian citizens with the help of the constitution. The protection of religious freedom is defined within Article 25 to Article 28, although the term 'religion' has not been mentioned within the constitution, the term has been given emphasis through judicial pronouncements. The issue of religious conversions is not recent nor a novel concept particularly within India. The laws restricting religious conversions can be traced back to the 1940's, during the British colonial period. The laws were initially introduced by Hindus to ensure preservation of the religion and prevent forceful conversion. Hence it is evident that the anti-conversion laws or ironically yet better known as the freedom of religion bill aims to protect the citizens from forced and coerced conversions. So, why the commotion? The answer to this is simple, although the laws itself are not inherently confining there have been concerns raised on the implementation and enforcement of the laws.

While India targets conversion, France on the other hand targets the prevention of religious practices. The 'anti-separatism' bill is based on the "neutrality principle". The principle has been expanded to forbid civil servants, private contractors, and public servants from illustrating verbally or through physical representation of clothing any political or religious inclination. The bill intends to discourage religious imposition in the public sphere. The question arises whether the bill is biased and prevents religious individuals the right to work and infringes the principles of liberty, equality, and fraternity. Does the implementation of the bill promote racism and xenophobia?

This paper will be divided into four chapters, the first chapter being introductory. The second chapter will address the Indian viewpoint of secularism, the contents of the freedom of religion Act and its drawbacks in implementation and address the anti-conversion laws within India in the light of constitutional guarantee of freedom of religion. The third chapter will address the French anti-separatism bill and why it has caused an uprising in the Islamic context along with the infringements of constitutional rights and the result of hate crimes. The fourth chapter will throw light on 'Islamic' nations and religious tolerance. The fifth chapter will conclude the paper.

## INDIA

The constitution of India has promised the freedom of religion to all without discrimination. The fundamental rights and the directive principles of state policy are the base of an egalitarian state. The right to religious practice is evidently an essential part of a democratic and secular nation. The root of secularism does not steam to divide religion and state but rather the no preference doctrine applies, this ensures equal treatment of all faiths and prevents religious bias (Ahmad, Konoorayar, & Pillai, 2008). The Indian constitution embodies the principles of secularism in various parts such as. the preamble, which secure the right to freedom of religion within the set limitations.

### Religious freedom through the eyes of Indian legislation

By looking at the Articles in chronological order, it is clear that Article 25 of the Indian constitution, hereinafter referred to as COI, lays down the core concept of religious freedom. The Article highlights fundamentals of freedom of religion. Article 25 of the COI can be read as-

" Freedom of conscience and free profession, practice and propagation of religion

Aneela Fatima. (2021) God, ALLAH or Bhagwan? It does me no injury for my neighbour to say that there are twenty gods or no God.

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus Explanation I The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion Explanation II In sub clause (b) of clause reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly"

The Article evidently guarantees the right to practice, profess and propagate religion to not only citizens of India but also non-citizens. The rights as for any nation are not absolute, they are subject to be in harmony with the fundamental rights provided under part II of the COI, public order, morality, health and more importantly any existing or future law which may be associated with religious activities and or providing for social welfare and reform. These limitations have been addressed by the apex court to be adequate and clear which facilitate individuals to conclude, without the assistance of foreign authorities, what concerns fall under the preview of religion and what are excluded (Ahmad et al., 2008).

The state furthermore has the ability to regulate matters consequent to religion as well as activities which are concomitant with religious practices, however the state has no authority to interfere with the religious matters. In other words, the state has the authority to control those activities which are of economic, political, and commercial character which may be or may not be associated with religious practices (Chatterji, 1963; Coleman, 2008). However this does not prevent religious institutions from possessing and securing moveable and immovable property in accordance with the law of the land (Dabène, 2021).

Hence it is clear that the power of the state within India regarding religious freedom is constricted to activities incidental to religion. This stands as the core of the Indian model of secularism. A multi-religious nation such as India has integrated religion in almost all of its laws and protects religion and religious sentiments. However, when viewing religious freedom through the lens of religious conversion, the view of freedom of religion tends to get murky.

## Article 25 of the Indian Constitution and Religious Freedom

An ongoing debate on whether the 'right to conversion' is envisioned within Article 25 as part of the right to religious freedom has been a controversial subject to say the least.

Although there is no express mention of conversion within the Article, one can gather that Article 25 infers 'freedom of conversion' arises from 'freedom of conscience'. The constitutional scheme has been built on the construct of 'freedom of conscience', and hence 'right of conversion' arises from the 'right to profess' but not the commonly mistaken 'right to propagate'. This is because the freedom to propagate entitles liberty with limitations and allows individuals to spread his faith through discussion of views or personal own opinions or even condemnations. This however does not lead to conversion, a reason for which is apparent, as no individual is compelled to convert oneself at the request or command of another. A compulsion to attend or commit religious practices evidently violates other rights and particularly the 'right to conscience', which is the core of the right to religious freedom. Therefore, an individual cannot claim the 'right to convert' another as an essential consequence of the 'right to propagate'. There is no doubt that if such a notion stood to be validated it would amount to preeminence of rights of one religious' group above another, which indeed is unsecular and undemocratic. Propagation is to be exercised in the manner which is harmonious with the freedom of conscience of the followers of the differing faith.

Article 25 essentially allows willful persons to convert free from coercion and prevents the state from meddling. Any interference from the state in this circumstance will result in the infringement of 'freedom of conscience' and 'right to freely profess' religion and religious activities, which is consonance with the Universal Declaration of Human Rights (UDHR) and International Covenant

on Civil and Political Rights (ICCPR) which recognize the 'freedom of conversion' (Gupta, Pettigrew, Lam, & Tait, 2018).

## Anti-conversion laws and history of India- does it pass the test?

It is a known fact that the Constitution is the base for every statute introduced in a society, hence every law approved must coincide with the standards set out by the Indian Constitution. The same rule can be applied to conversion laws, however before we discuss the constitutional validity of these statutes, it is essential to understand the history surrounding the laws.

### Brief history

The anti-conversion laws were operational since the pre-independence era within various states<sup>1</sup>. Those who attempted to successfully convert any individual through force, coercion, fraud or misrepresentation were subject to legal consequences. Additionally, the conversion of a minor was not recognized by law as the child was seen to be governed by the faith of the parents. The 'anti-conversion' laws were enacted in order to protect the poor, lower castes and children from being forcefully converted through means of inducement, threat or fraud.

The Constituent Assembly brought forth many issues one of which was the topic of conversion. Although there was a unanimous agreement on the issue of forced conversion, the common consensus was against the making of a provision which would control all such conceivable matters (Gatti, 2018).

The attempts to enact a central legislation to control and regulate religious conversions within India remained a priority particularly in the years 1954, 1960 and 1975. While most states rejected such a proposition, certain states were pro-regulation, namely the state of (Gupta et al., 2018; Joshi, 2021; Kotulic & Clark, 2004; Kullback & Leibler, 1951), Later Tamil Nadu, Gujrat, Rajasthan and Himachal Pradesh adopted the legislations, respectively (Kullback & Leibler, 1951).

### An In-depth Analysis of the Constitutionality of Anti Conversion Laws

It is an undisputable opinion that forced conversions are immoral and against all religious principles of any faith. There is additionally no defense of conversion for the reason to escape or deceive the legal system (Niharika & Divyansh, 2016). As mentioned above forced conversions not only violate the principals of faith but also violate one of the most important human rights- the freedom of conscience. Hence it is a clear indication for the motive states had to create a legislation which protects individuals from illegitimate conversion. However, to one's surprise the language used in the legislation transforms the protectors of constitutional rights into the violators of the rights they claim to guarantee (Lyapina, 2021).

A suitable starting point would be understanding the meaning of conversion within the statutes. Gujrat defines the word convert as 'to make one person renounce one religion and adopt another religion' Rajasthan, Arunachal Pradesh and Chhattisgarh in fact exclude reversion in their definition of conversion. Rajasthan defines conversion to only be the renunciation of one's 'own' religion and adopting another, that is the faith of one's predecessors or his 'original' faith. The distinction made by the statutes within their definition of 'conversion' and 'reversion' is a clear violation of Article 14 of the COI and their chief inconsistency with what they intend to achieve, with the question of why conversion is seen as an offence while reversion is not? It seems that the basic definition of conversion within the statutes itself is causing inequality and injustice.

It is clear that the intention of these legislators was to prevent forced conversions through the following provision, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by allurement or by any fraudulent means, nor shall any person abet such conversion. "The Acts of Himanchal Pradesh, Orissa and Arunachal have replaced the word 'allurement' with the term 'inducement', the provision within the Himachal Pradesh Act further declares that any individual who has converted in contravention of the section shall be deemed as though they have not converted at all. When moving on to the second keyword being 'force' the States use a common definition which is that

<sup>1</sup>The first anti conversion law was passed by the Rajgarh State in 1936 which was followed by the Patna Freedom of Religion Act, 1942, Surguja State Apostasy Act, 1945 and the Udaipur State Anti-Conversion Act, 1946

Aneela Fatima. (2021) God, ALLAH or Bhagwan? It does me no injury for my neighbour to say that there are twenty gods or no God.

“force shall include show of force or threat of injury or threat of divine displeasure or social excommunication”<sup>2</sup>Once again the definition of force within the statutes create ambiguity in terms of what ‘force’ is in practice, particularly in those faiths which advocatedisassociations a path to divine displeasure, this of course is the case with all Abrahamic religions, which brings forth the question of whether the teachings in those faiths are in itself violative of the ‘anti-conversion’ laws of the state, another question which follows is if the provisions are targeting particular groups of faith?

The term divine displeasure has not only been used in the ‘anti-conversion’ statutes nor is it a recent addition, but the term has been in existence for over 153 years and is seen within Section 508 of the Indian Penal Code (IPC)<sup>3</sup>. The Penal code aims to prosecute any individual or group who by threat of divine displeasure induces another to do an act. What needs to be kept in mind when viewing the IPC and the ‘anti-conversion’ laws is the scope of the two, while the prior is the law of the land and may be implemented for different offences committed, the latter is narrow and was created to accomplish an objective and is subject to territorial jurisdictions. Hence the scope plays a major role and creates the possibility, in terms of ‘anti- conversion’ laws, of misinterpretation which may lead to restrictions on right to free propagation of religion.

It is also essential to analyze the terms ‘inducement’ and ‘allurement’.<sup>4</sup>Once again the ambiguity of the term ‘inducement’ was brought into question. The case of Yulitha Hyde v. State of Orissa(Larson; Lehmann, 2011) addressed this issue, it was held to impact legitimate methods of conversion due to its vague nature and wide scope. The judgement stood only to be overruled by the Supreme Court judgement in Stainislaus v. Madhya Prades this however does not change the stance of the two terms being highly ambiguous.

The best and clearest depiction of the terms’ ambiguity is to consider the charitable acts which are fundamental to certain faiths, hence bringing forth the question of whether the aid and generosity provided by certain dominant faiths play as a temptation to persuade conversion? These definitions and terms seem to interfere with the religious practices which in essence the COI advocates against. Last but certainly not least on the list of imprecise definitions provided within the Acts is ‘fraudulent means’ it is understood that ‘fraudulent means’ includes misrepresentation etc. Hence if an individual is promised to feel spiritually connected after conversion yet has experienced no such bond with the higher power, will it be deemedas misrepresentation or fraud? A more recent addition to the ‘anti conversion’ laws is the Uttar Pradesh Prohibition of Unlawful conversion of Religion Ordinance, 2020. This law abides by the above-mentioned acts but has a twist, under Section 6 of the ordinance, it declares marriages which have been held for unlawful conversion or viceversa to be held void. The ordinance conflicts with the Special Marriage Act which permits interfaith marriages it additionally enforces automatic partition from a Hindu individuals undivided family due to it categorizing inheritance as per the Indian Succession Act, hence benefitting the Muslims but being disadvantageous to a Hindu. With the statute taking the shield of being ‘inanimate’, should the provisions of the ‘anti-conversion’ laws extend to law makers in order to prevent them from ‘inducement ‘and positive reinforcement of conversion and inter faith marriages for certain faiths while using negative reinforcement to prevent and preserve another faith?

The above points of controversy play a major role in assigning too much power and control to law enforcers when religion has always been anindividual’s intimate connection with the higher power. The ‘anti- conversion’ laws give way to suppression of minority faiths. Although the vagueness in the terms has been acknowledged is there an inclination of declaring the statutes unconstitutional?The apprehension of misuse and harassment which in turn creates further suspicion in the minds of minorities<sup>5</sup>appears counterintuitive to the principals of a secular democratic nation.

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<sup>2</sup>S. 2(b) of Himachal and Orissa Act, s. 2(c) of Madhya Pradesh and Gujarat Act, s. 2(d) of Arunachal and Rajasthan Act.

<sup>3</sup>S. 508 of IPC reads:“Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”Also See s. 171 C (b) of the Indian Penal Code, 1872

<sup>4</sup>„Allurement“ as per the Madhya Pradesh, Chhattisgarh, Gujrat, Rajasthan and the now repealed Tamil Nadu Act “means offer of any temptation in the form of; 1. Any gift or gratification, either in cash or in kind; 2. Grant of any material benefit, either monetary or otherwise.”

<sup>5</sup>AnzilKommattu, “Religious Conversion: Need for Legislation”, 19 Lawyers Collective 24 (2004)

## Human Right Concerns

The fight for equality has been a constant battle for a multi-religious nation such as India. There have been concerns expressed by Human Right organizations such as the US Commission on International Religious Freedom (USCIRF) for the potential lack of equitable treatment which may arise due to the anti-conversion laws. The USCIRF stated "these laws, based on concerns about unethical conversion tactics, generally require government officials to assess the legality of conversions out of Hinduism only, and provide for fines and imprisonment for anyone who uses force, fraud, or 'inducement' to convert another."<sup>6</sup>

The USCIRF further stated that even though India advocates "complete legal equality" and condemns religious bias, "there are constitutional provisions, State and national laws that do not comply with international standards of freedom of religion or belief, including Article 18 of the UN Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights (Kusrin, 2006)." Furthermore "the anti-conversion laws both by their design and implementation infringe upon the individual's right to convert, favour Hinduism over minority religions, and represent a significant challenge to Indian secularism (Lyapina, 2021)." Additionally, "these laws have resulted in inequitable practices against minorities (Nariman, 2013)." There have been increasing reports of "reconversion" ceremonies of non-Hindus to Hinduism conducted by hard-line Hindu nationalist groups. The USCIRF confirms that the "reconversion" to Hinduism under the term 'GharWapsi', translated as returning home, is not subject to of the anti-conversion laws passed by India.

## FRANCE

France as any other European nations home to various ethnicities and faiths, it is home to one of the largest Muslim populations in Europe. On February 16<sup>th</sup>, 2021, the National Assembly of France voted for an alarmingly controversial bill, which has sparked the sentiments of the Islamic community in France. This bill has been seen to be controversial in not only France itself but also in other neighboring nations. While the French far-right supporters believe this bill will bring forth a positive change to the extremists within the country, the Muslim population of France views the bill to be discriminatory and unfairly targeting their community. Officials from the office of President Emmanuel Macron have denied the allegations from the Muslim community and uphold their support for the bill with the claim that it is against those individuals who use religion as a shield for radicalism. Hence lies the question, if the bill isn't aimed at France's Muslim community why has it caused such a concern within the French Islamic population? To have a better understanding it is essential to scrutinize the bill passed (Niharika & Divyansh, 2016; Nissenbaum, 2018).

### What does the bill propose to do?

The bill was introduced with the intention to prevent individuals from brainwashing civilians with religious passages and eclipsing public order hence extinguishing principles of liberty, equality, fraternity and human dignity. When viewing the bill, it is clear that the bill is reinforcing the long-lived French tradition which discourages the imposition of religious viewpoints in a public sphere. There are a handful of highlighted points from the bill which have been addressed time and time again. The first and most criticized is the expansion on the 'neutrality principle' which forbids not only civil servants but all private contractors of public services from sharing political opinions or even wearing physical representations of their religion. This has been clearly stated in Chapter I of the bill. It is essential to keep in mind that France is one of the first amongst the few European countries to ban full face scarves in public. Although the term 'physical representations' is vague and are not targeting any faith it is evident that those whose connection with the higher power is strengthened by a veil, turban or crucifix are subject to this provision. The bill also permits French authorities to shut down all places of worship momentarily in the event that there are signs of hate speech expressed by preachers.

Secondly, French authorities will keep a stern eye on the foreign funds received by the religious organizations. The organizations that receive public funds will have to demonstrate their commitment to the peaceful principles that conform French values. France guarantees the

<sup>6</sup>USCIRF, Annual Report 2016: India 162, [http://www.uscirf.gov/sites/default/files/USCIRF\\_2016\\_Annual\\_Report.pdf](http://www.uscirf.gov/sites/default/files/USCIRF_2016_Annual_Report.pdf), archived at <https://perma.cc/A5NM-947L>.

Aneela Fatima. (2021) God, ALLAH or Bhagwan? It does me no injury for my neighbour to say that there are twenty gods or no God.

mosques and churches separation from the government, they shall not be in sway with state affairs.

The third and most noteworthy highlights Article 51 of the bill, this brings the ban on 'virginity certificates' it also addresses polygamy and forced marriage which are evidently practices which are not stemming from any one faith. Although this article has been criticized for being repetitive as current legislations exist within France which address the same issue, the bill prevents polygamist couples from receiving shelter along with issuance of residency in France. Additionally, there will be private interviews conducted with newlyweds which are expected to come forth with the actuality.

Lastly, the bill has ensured all children above the age of three to attend regular school, this was brought to prevent home schooling and abolish radical ideology taught in the comfort of homes to children at a growing age and prevents students from being pulled out of school. The bill highlights the importance of instilling secularism in all public employees. In another attempt to address the gruesome beheading of Paty, a teacher allegedly teaching freedom of speech, Article 18 has been named the Paty law which obligates the superiors of public employees who report all threats received. The bill is repeatedly claimed to not be against religion but rather against radical views and for gender equality. The bill when read in its simple terms is criticized for its vagueness, the Articles don't necessarily point to one religion so why is there such an uprise of emotions within the Muslim community? The answer to this question lays in the speech given by the French president in late 2020.

### **So why the commotion?**

On October 02<sup>nd</sup> 2020, the French President, Emmanuel Macron, addressed the implementation of the anti-separatism bill which is aimed to promote secularism and prevent division as the name claims. Secularism in its simple terms believed to prevent discrimination against any one or group of individuals based on religion or religious orientation. The French constitution of 1958 claims France to be an undividable, secular, democratic and social republic guaranteeing all citizens equality before law irrespective of their race or religious beliefs. The proclaimed principle of secularism seems to be a missing element in President Macron's speech late last year (Rasul, 2014) The President begins by mentioning what France believes to be a secular society, he goes on to state that the French belief of secular society is that in which one can practice or not practice religion, freely. He mentions that the intention of this bill is in no way attempting to abolish religion from French society, however he believes that secularism is being used as a method of division, which is against the French principles. He goes on to expressly state the Muslim community and indicate that the Islamic principles are a reason for the social unrest present in France. He immediately moves on to the implementation of the bill and claims that a particular group of people have gone on to prevent the freedom of thought and are changing the French values hence not integrating with society. He goes on to mention the children who have been removed from France and have come back as Jihadists, while persistently claiming that this is a result of division and lack of inclusiveness.

The president alarmingly states that the religion is currently in crisis not only in France but all over the world, this evidently caused backlash from many Muslim leaders particularly the Turkish President, Recep Erdogan, who terms this as nothing less than 'open provocation'. Macron criticizes France's method of integrating 'those people' within society which seems to be directed towards immigrants, yet ironically categorizing them as a community which produces terrorists. The president hopes that the bill will prevent immigrants from feeling like outsiders and avert the French citizens from fostering hate in their hearts.

It is evident that although the bill itself remains vague and non-discriminatory, the speech given by the French President not only contradicts the supposed intention of the 'anti-separatism' bill itself but also creates a division in the minds of the citizens of France. Macron's speech was directed towards the Muslim communities within France and went on to label the Muslim immigrants as potential terrorists, this was made clearer when Macron mentioned crimes that took place in 2015 onwards by linking it to Islamic fundamentalist ideologies. It seems that though some measures may safeguard the nations principles and protect human rights, other measures are counterintuitive of the fundamental rights such as liberty and freedom. The method of tackling the issues by identifying and targeting a minority community and wholly singling out a faith with generalized stereotypes is bound to infect the minds of citizens and plague France with a racist

outlook. It comes to no surprise the outrage expressed by the French Muslims when the leader himself has divided and stamped the entire community as extremists, radicals, and terrorists while proclaiming to achieve the contrary.

## Anti-separatism or separatism?

The anti-separatism bill has faced outrage from not only the Muslim community but also the left-wing opposition. The opposition claims that the bill is divisive and stigmatizes the Muslim community which will inevitably alienate the Islamic population in France. Amnesty International has also vocalized its concerns on France's duties towards the principles of non-discrimination as well as right to freedom of association and expression.

## Amnesty International's take on the Anti-Separatism Bill

Amnesty international urges France to amend many aspects of the bill, particularly Article 6, 8, 18. Article 6 of the bill states all organizations must apply for grants from the local authority or State, they must also sign a contract of 'republic commitment' which is an agreement that aims for the promotion of "undertaking the principles of liberty, fraternity, human dignity, public order and fundamental symbols of the republic". Article 22 of the European Convention on Human Rights (ECHR) permits states to restrict the right to freedom of association in the event that it causes public disorder, this restriction has to be in line with the non-discriminatory principle.<sup>7</sup> Amnesty international believes that the France does not have a reason that is necessary or proportionate to implement the restriction. Additionally, it seems to be particularly challenging to interpret what 'respecting public order' entails as it has not been mentioned within the article and is subject to be declared in the decree issued by the council state, for example in the event of nonviolent contestation of a strict law it should not be perceived within the ambit of a threat to public order (Sepúlveda & Carmona, 2003). The same assessment can be implemented in the condition that public grants shall be awarded respect the 'fundamental symbols of the republic' this could range from the flag to a national anthem and disparaging the same is protected under the right to freedom of expression clause and should not be subject to penalty or withdrawal of grants (South Asia Human Rights Documentation, 2008). Amnesty International emphasizes that Article 6 of the bill should be removed (Kullback & Leibler, 1951)

Article 8 has also been a point of concern as per amnesty international, as the article aims to broaden the grounds of dissolution of any organization, it reminds lawmakers that dissolving an organization is the most severe restrictions to the right of freedom of association and should only be the last resort and such dissolution must be a court order.<sup>8</sup>

Article 18 brings forth another major concern for freedom of expression, it allows "the spread of personal and private information about an individual or his/her family hence making it possible to identify and locate the individual to expose such person to direct risk of injury to the individual or property (South Asia Human Rights Documentation, 2008)". The terms 'direct risk of injury to the individual or property' have been deemed vague and open to discrimination by Amnesty international. The NGO makes it clear that the Article's wording can create disproportionate restrictions on freedom of expression and the law makers must consider rephrasing Article 18 to prevent confusion and wrongful criminalization.

In conclusion the French authorities must strive to respect the principles of equality which are specified within international treaties.<sup>9</sup> Particularly revisiting the explanatory statement made for the justification of enactment of the bill, the government stated, "An insidious but powerful communitarian entryism is slowly eroding the foundations of our society in certain regions. This entryism is essentially of Islamist inspiration. It is the manifestation of a conscious, theorised, politico-religious political project, which aims to see religious norms prevail over the common law that we have freely given ourselves. It is unleashing a separatist dynamic that aims at division [...] In the face of radical Islam, in the face of all forms of separatism, it is clear that our legal arsenal is

<sup>7</sup>Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 11 of the European Convention on Human Rights (ECHR).

<sup>8</sup>For more information see: <https://www.amnesty.org/download/Documents/EUR0133592020ENGLISH.PDF>

<sup>9</sup>International Covenant on Civil and Political Rights (Articles 2.2 and 26) and the International Covenant on Economic and Social Rights (Article 2.2).

Aneela Fatima. (2021) God, ALLAH or Bhagwan? It does me no injury for my neighbour to say that there are twenty gods or no God.

insufficient. We must face up to reality: The Republic is not sufficiently equipped to take action against those who want to destabilise it."Hence is it clear from the above for the reason of concern that Amnesty International has expressed and the disagreement seen by the French Muslim communities along with Muslims around the world. Amnesty international urges law makersto abstain from embracing channels that could be indirectly or directly prejudiced. The mention of 'radical Islam' and 'separatism' without defining the two may in turn alienate the Muslim community and feed the stereotype of 'Islamic terrorism'.

## Overview of freedom of religion and Islamic states

The cultural war between the western world and Islamic states has given rise to debateswith the main question of whetherIslam is inherently intolerant, or is it nonviolent and justanother target of Western supremacy? This gives rise to the question of religious freedom.

Although it is a common opinion that religious freedom is a western principle, it has universal legitimacy. Besides international human rights conventions it can also be seen as a value of religion itself. Bearing in mind that religion is authentic when it is not coerced the assumption of guaranteeing the right to practice religionwithout obstruction follows as a expected duty of the state. While Islam is at times represented as unwelcoming to the concept of religious freedomis it in reality unreceptive to religious freedom? The answer may be found through the eyes of comparative political science, indeed when seen on a whole there is absence of religious freedom in Islam. This can be seen with the comparison between the world's Muslim dominated nations and the rest of the world, Islamic nations demonstrate lower levels of religious freedom than the rest of the world. In the book "The Price of Religious Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century" by Grim and Finke it illustrates that seventy eight percent of Islamic states engage in high levels constraints posed by the government on religious freedom, as opposed to the forty three percent of all other countries and ten percent of Christian countries. From this we can separate religious freedom of two types. Primarily the 'Government Restrictions' Index, this deals with points like constitutions, laws, regulations and policies. The second view is the 'Social Hostilities' Index, this deals with the sources outside the government such as terrorists and radicals.

However when taking a closer look to a fine-grained vision uncovers boundless diversity. It establishes that twelve of the forty-seven Islamic states have little to no constraints on religious freedom. Even amongst the remaining thirty five Islamic majority states, which have elevated restrictions, have considerably distinctive displays of oppression, due to the altered oppositions about Islam.

The two in particular, such as the "Islamist," which embody twenty one of these nations, and then there is the "secular repressive," which embody fourteen of these nations. Beginning with the Islamist pattern, which represents the majority of Islamic nations, which wash their hands of religious freedom by utilizing state legislation, guidelines, and coercive influence to endorse a strict and customary sharia practice in all areas of life. These Islamist nations contribute to the suggestion of Islam's lack of tolerance towards religious freedom. However, it is important to note that the greater part of the Islamic nations can be categorized as "secular repressive". In this the government uses its authority to control religion, but it is aimed at an agenda of disembarking fairness, nationalism, and economic expansions per the Western standards. The 'secular repressive' regimens forbid religious freedom by constraining the practices of Muslims and may also restrict minority religions.

As a final point, amongst the Islamic nations there is also implementations of 'religiouslyfree 'rules, majority of which are not within the 'Arab world'. The result of such freedom may perhaps be due to 'modus vivendi 'betweenIslamic values and the values of otherfaiths. It is evident that Islamic nationsare, under particularstate if affairs, welcoming towards the concept of religious freedom. Despite the fact thatIslamic nations endure a lack of religious freedom overall, it is the ' secular repressive 'regimes which act as the cradle of repression within the 'Muslim world' and the same cannot be attributed to the religion itself.

## Conclusion

With the world becoming a more diverse society as time goes on, it is essential to acknowledge the diversity amongst various faiths. The Indian anti-conversion laws have been present prior to independence and was brought forth to safeguard the rights of the poor, lower castes and children from being forcefully converted through means of inducement, threat or fraud however there is an urgent need for the revision of the 'anti conversion' laws due to the corrupt interpretation and outright discrimination which stands within India today. There is also a need to address all the aspects of concern brought forth by USCIRF. It is essential for Indian law makers to reword the legislation to bring forth constitutional validity and over all equality for the secular nation that India claims to be. France on the other hand must add further clarification to its anti-separatism bill and the French authorities must strive to respect the principles of equality which are specified within international treaties. The bill stands to be divisive and stigmatizes the Muslim community which may lead to alienation of the Islamic population in France. Amnesty International has also vocalized its concerns on France's duties towards the principles of non-discrimination as well as right to freedom of association and expression. Hence the basic human right of religious freedom and practice must be preserved, it is crucial for outdated type casts regarding what compromises religion and religious practices to come to an end. This is also to say that one specific faith must not be allowed to restrict the practices of other religions, and hence there is the need for the communication of such to be clean from any cultural associations to prevent xenophobia and prejudice.

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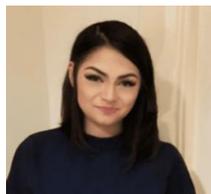
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Aneela Fatima. (2021) God, ALLAH or Bhagwan? It does me no injury for my neighbour to say that there are twenty gods or no God.

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