

# A Study on Religious Laws and Religious Crimes in India

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**ABSTRACT:** *Secularism is an integral part of India and freedom of worship is an essential right guaranteed to all Indian people. Faith is the most significant feature of most Indians, not only also the majority of the population of the world regard religion as an important aspect of it. The Indian Constitution and several other laws specify the security of religious conviction, but the penalty for those who misuse such laws was fulfilled. Religion is a delicate subject that requires not just a person's values, but also an individual's emotion and upbringing. When the deficiencies are recognized and rectified, any change arrives. If any shortcomings are suggested in the case of faith, it is seen in a negative.*

**KEYWORDS:** *Crimes, Religious belief, Religious law, Secularism, Freedom of religion.*

## INTRODUCTION

In India, people would pursue more trust in general than any other nations. Individuals in India are so identified with faith that various religions may often be affronted. It is common in India to insult another faith and display disrespect for other faiths. It is important for this administration to meddle in the centre. Discipline has been provided by the government to stop religious hatred.

The aim of the research is to understand India's religious rules and religious crimes Religion is the very premise of human life that does not merely fulfill an ideology, but it is also a way of living in the light of the fact that the devotees of a given religion seek an unambiguous kind of employment and with this ethical obligation to follow those norms, religion reaches the limit of rule by which a person is compelled to pursue or not to interrupt. It is also exceedingly evident that law and faith are subject to each other in view of the fact that people will inevitably follow religious duties and should guarantee religious freedom before the concept of a system of state or consensus laws. Religion thus assumed a basic job along these lines of preserving lawfulness in old social orders in separate parts of the world.

In addition, I will talk about what the wellsprings of Hindu law are and how Hindu law is still relevant in the cutting-edge world by gaining assistance from current wellsprings of the present world ("India's Religious Leaders Under the Spotlight for Rape, Murder and Terrorism" 2019).

In the gradual development of a self-conscious world culture in the later part of the twentieth century, sociologists, including social theorists in the Max Weber tradition and world system sociologists such as Niklas Luhmann, did not assign sufficient attention to the positions played by law and religion. This is partially due to their overly limited conceptions of both law and religion, and their inability to understand the near relation between the two as a result. Cartesian theories have also contributed to a lack of the time factor, which is central in both law and religion.

## DISCUSSION

In addition, I will talk about what the wellsprings of Hindu law are. Religious hatred is an act of hostility against separate faiths. Like we have racism that infers against someone's race. Nowadays, spreading religious hatred is popular. It can be really good by some way, such as an internet network. There have been several cases in India where religious contempt has been turned into religious violence. Savagery against Muslims is on the rise in India and the north-east.

The legal history of the world is an example of how the law progressed in different parts of the world separated from religion, how the advancement of law differs in different regions, such as Islamic Law, Roman Law, Christian Law, and then I will reflect on the development and progress of Hindu Law in India. The way of life also shaped the progress of law and how it contributed to the establishment of individual laws for each religion in India and for persons governed by Hindu Law in the public arena.

India is a country of respectable religious diversity, and both laws and customs create religious resilience. Religion has been a big part of the nation's way of life since the beginning of India. A substantial percentage of Indians identify themselves with a religion. (Indies Legal Service n.d.). The Indian list has identified that Hinduism accounts for 81 percent of India's population. Islam, at about 14 percent of the population, is the second largest religion. Christianity is the third highest religion at 3% . At around 2 percent of India's population, the fourth largest religion is Sikhism ("The Majoritarian Challenge and an Ambedkarite Remedy" 2015).

Apart from the existence and birth of local faiths, this diversity of religious belief systems leaving India today is a result of the influx and social union of religions introduced to the region by traders, tourists, employees, and even intruders and champions. Expressing Hinduism's neighborliness against any other faith, John Hardon says, "As it may be, the most notable component of present-day Hinduism is its creation of a non-Hindu state in which all religions are equivalent."

### CASE LAWS ANALYSIS

#### *Jayamala vs State Of Kerala*

Section 468 of the Code provides for the restriction period of O.P(CrI.)No.1332 4 of 2011 for such crimes referred to therein. The offence under Sec.295A of the IPC is punishable by up to three years of imprisonment (while offence under Sec.295 of the IPC is punishable with imprisonment up to two years). Since collusion is suspected in the conduct of an offense pursuant to Sec.295A of the IPC, the sentence for an offense pursuant to Sec.120B shall be the same as the principal offense pursuant to Sec.295A of the IPC. Therefore, the sentence that may be awarded under Sec.120B for an offence is up to three years in prison.

#### *Ramji Lal Modi v. State of UP,*

In which the Supreme Court did not come under the section while holding the constitutionality of 3 the said section laid down the insults to religion given unwittingly or carelessly or without any intentional or malicious purpose to offend the religious feelings of that community. Therefore, insult or attempt to insult the religion or religious belief when made with an intention, which must be deliberate or malicious, of outraging the religious feelings of a class of citizens of India, then only the provisions of Section 295A would be attracted.

About the fact that religious marriage is not normally rehearsed, citizens of India are often respectful of each other's religions and maintain a mainstream point of view. There has been no assistance in the social norm between human party disputes, and it is widely found that the motives for religious clashes are political as opposed to ideological in nature.

In India, religious savagery incorporates displays of viciousness by devotees of one religious congregation against followers and organisations of another religious gathering, sometimes as rioting. Hindus and Muslims have historically been engaged in religious violence in India.

Despite India's common and religiously tolerant constitution, broad religious representation in different parts of society, including government, the dynamic pretended to be through autonomous bodies, such as the Indian National Human Rights Commission and the National Minority Commission, and the ground-level work being completed by non-legislative associations, intermittent and some of the time India has propelled

a helpline to archive such cases to offer legitimate advice to abused people for the victims of hate misdeeds and crowd assaults expected.

United Against Hate (UAH), a gathering of activists and citizens of popular society from across India, said the operation was needed as the administrative and state governments of India failed to prevent such activities.

## CONCLUSION

Lawyers, social workers, students, journalists and religious leaders present must raise consciousness of India's religious animosity. India is a secular nation and everyone has a fair ideal to uninhibitedly live and rehearse their faith, they will prompt chaos, on the off chance that these episodes are not stopped. They may be avoided, but it involves political will that is required by the implementation of the decision. In any event, campaigners trust the dispatch of a helpline to help the oppressed people reach legitimate responses.

For religious minorities in India, the challenges are piling up. In order to ensure that everybody appreciates the right of faith or ideology, India needs to create a dire and thorough response. It is important to thoroughly investigate cases of politically roused savagery or violence against religious minorities to carry the culprits to equality. Victims of such difficulties should be provided with assistance. In order to give full force to India's global law obligations, the counter transition laws should be canceled.

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