

RELIGIOUS LAW AND CRIME IN DEVELOPING/DEVELOPED NATIONS

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ABSTRACT

The term “Religious Law” means any kind of customary practices/ traditions which are followed by people from centuries or an ethical code of code and moral code of conduct which are preached/practiced by the people of different religion across the globe such as Christianity follows the principles of old testament also known as biblical law, Hinduism is preached by the principles of dharma, Vedas, etc, Sikhism does not follow a particular principle but a combination of all the believes of the religions of Buddhism, Hinduism, Jainism, etc and believes that there is only one God, Jainism follows the scriptures which has listed the 5 vows anuvratas(are the lesser or limited vows namely non-violence, truthfulness, non- possession, being chastity and non-stealing , 3 gunavratas (subsidiary vows), 4 siksavratas which are the vows which gives instructions and to follow the path of discipline .If we talk about the kinds of religious laws in the world all of them are sacred in nature and teaches everyone should show respect towards the society and the individuals of the society and on the other hand, term “Religious Crimes” or can say religious offences means an activity which might affront the religious opinions or believes of people belonging to a particular religion or which might create a negative impact on them also known as “Sin” it mostly includes Blasphemy (speaking bad words). In this research paper, researcher will trace the origin of some of the religious laws and will elaborate more on the religious principles of different religions (religious laws), comparison between religious laws and secular laws, religion and crime, names of the countries giving religious freedom to it’s citizens, names of worst countries for religious freedom, examples of religious laws, countries having official state religions(State Religion Countries are those countries where one religion is been practiced by all the citizens),Religion and Crime: Is there any correlation between the two?Countries where preaching own religion is banned, crime rates by religion(US, UK and INDIA), effects of religious practice on crime rates, role of religion in preventing risk of crime in society, how can religion reduce the crime

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rate, causes of religious conflicts, solutions/preventive measures to stop religious crimes, role of government in controlling religious crimes

Keywords: Religious laws, Religious crimes, countries, preached, religious freedom.

I. INTRODUCTION

*“In the name of the religion many great and fine deeds have been performed. In the name of religion also, thousands and millions have been killed, and every possible crime has been committed”*¹¹⁴ Jawaharlal Nehru

The term “religion” is derived from a latin term “religio” which according to Cicero means “recital of necessary rites and rituals in the name of gods”¹¹⁵ and the term “law” are the rules and regulations framed by the legislation which controls the deviant behaviour of all the individuals of the society.

Religious laws are the varieties of customary traditions rules and regulations centuries or are the ethical code of conduct and the moral principles which are followed by the people of different religions from centuries. Some of the examples of religious laws are Hinduism (Hindu Law derived from a Sanskrit word “Sindhu”) is preached through the principles of Vedas, Smritis, shrutis, Upanishads, Dharma and customs, Sikhism believes that there is only one god, everyone is equal in the eyes of god, one can live a good life only if they take care of the others (community serving) and being honest and believes in three types of duties:¹¹⁶

- a. **Nam Japna:**It means preaching the god every possible time.
- b. **Kirt Karna:**It means living a good and honest life, being truthful to the god.
- c. **Vand Chhakna:**It means giving one’s own earning in the charity.

Jainism follows the scriptures which has listed the 5 vows anuvratas (are the lesser or limited vows namely non-violence, truthfulness, non- possession, being chastity and non-stealing , 3 gunavratas (subsidiary vows), 4 siksavratas which are the vows which gives instructions and

¹¹⁴Jawaharlal Nehru Quotes

https://www.google.com/search?q=quotes+on+religion+and+crime&source=lnms&tbm=isch&sa=X&ved=2ahUKewj7nIKLgZzpAhW47XMBHQWTC80Q_AUoAXoECA0QAw&biw=1366&bih=625#imgrc=QzhNa-CStSpa6M

¹¹⁵ Wikipedia (Religion)

<https://en.wikipedia.org/wiki/Religion>

¹¹⁶ Sikh Believes

<https://www.bbc.co.uk/religion/religions/sikhism/beliefs/beliefs.shtml>

to follow the path of discipline.¹¹⁷Christianity follows the principles of old testament also known as biblical law and canon law which got established and is preached within some of the churches by an authority. On the other hand, Religious crimes also known as religious offences means an activity which might affront the religious opinions or believes of people belonging to a particular religion or which might create a negative impact on them also known as “Sin” it mostly includes Blasphemy (speaking bad words).

Religion is a path which can decrease the crime rate in the society. It is believed that countries which have a single (state religion) tend to have a smaller number of crime rates. It can also be said that tensions which arises between the people of different religions due to some or the other reasons often leads to the hate’s crimes (those crimes which are backed by some kind if it is periconceptual motive and victim mostly a person who belongs to a particular religion, group, caste, race or gender).

II. ORIGIN/HISTORY OF CERTAIN RELIGIOUS LAWS

A. CANON LAW

Origin of canon law can be traced way long back from the Christianity age but there were no stable laws which could govern the people but it enshrines all the political, cultural and social changes that has taken place since then. After 1054 it got evolved in all the western churches till the 16th century reformation came into the picture and it reformative churches of dismissed the concept of Canon law applied in churches of Rome, England, etc with some changes and developed it according to their own wishes.¹¹⁸It includes teachings mostly includes the social activities which helps in building of those institutions which helps in providing services which are necessary for the members of the church.

B.HINDUISM

Hinduism or Hindu religion is believed to be the oldest religion of the world which is having more than 4,000 followers and it is the third largest religion after Islam and Christianity. As

¹¹⁷ The lay Jain life code

<https://www.bbc.co.uk/religion/religions/jainism/living/layjaincode.shtml>

¹¹⁸Canon Law Encyclopaedia Britannica

<https://www.britannica.com/topic/canon-law>

it is not known who the founder of Hinduism is it's difficult to trace its origin and it is said to be the combination of all the customs and traditions of different religions.¹¹⁹

III. FACTS OF RELIGION'S EVOLUTION

According to a Roman Catholic Church evolution in nature is not consistent with that of the preaching's of the church, but on the other hand, Catholics of US believes in the concept of religion's evolution to some extent and some does not accept the scientific techniques of evolution. Some of the religious groups of Americans' also believe that if we will follow the Charles Darwin Theory of Evolution thought the natural selection criteria then it will create conflicts between the people. Following are some of the facts related to the evolution of faith and religion:

A. Roman Catholic Churches have not rejected the concept of evolution:

In the year 1950, Pope named Pius XII believed that the teachings of Catholic churches can go hand in hand with the theory of evolution but Pope John II in 1996 said that the theory of evolution is more of assumption based on a limited source of evidence.

B. Scientific explanation of evolution theory fully accepted by few of Americans:

In the year 2013 a Pew Research Centre Survey it was found out that more than 50% of Americans believes that humans and the religions has evolved with the passage of time, 33% of Americans believes that evolution of religion and human beings only depends upon the natural process as rightly explained by the various scientists. Around 24% of American adults believes that evolution of various things was guided by the Supreme Being (God) and on the other hand, around 33% of the American population believed that human beings and religion are existing in their same form since their beginnings.

C. Evangelical Protestants religious groups rejects the concept of evolution:

64% of the population of America which consists of religious groups of Evangelical Protestants group that humans and other thing have existed just like they were in the

¹¹⁹Hinduism
<https://www.history.com/topics/religion/hinduism>

beginning while around 8% of the populations believes that all the evolution has taken place through the natural process and 7% of the people believes that the life gets evolved with the help of the natural process made by the supreme being(God).

D.American Catholics does not believe in any kind of evolution:

Even though church has accepted the concept of evolution theory still approximately 26% of the Catholic American does not believe in any kind of evolution theories.

E. Various court's judgements rejected the preaching's of evolution theory or intelligent design in schools:

Efforts have been made in various parts of American to prohibit the teachings of any evolution theories or any other thing related to it but still in some of the areas it was still been taught.

US Supreme Court in the case of Edwards v Aguillard (1987) held that Louisianan Law wants the students of America to be taught about the various theories of evolution but the Constitution of America prohibits such teachings as it believes it creates biasness amongst the other religions which are there in the country.¹²⁰

IV. ROLE OF RELIGION IN CONTROLLING THE CRIME RATE

Religion plays a very crucial role in reducing the crime rate. According to various sociological theories it is believed that religion gives a deterrent effect to the crime and to some extent. To understand the relationship between crime and religion a study was conducted and it was found that most of the crimes are not committed by any felonious intent but due to some other reasons. According to Freeman's study, it was found out that the teenager's who are surrounded by the bad people still do not adapts their habits and becomes totally different from those people. In Freeman's 1986 report it was found out that those children who are energetically engages themselves in church meetings comes out to have a positive approach towards the life and are less prone to crimes.¹²¹If we talk about statically around 90% of the

¹²⁰ 5 Facts about Evolution and Religion

<https://www.pewresearch.org/fact-tank/2014/10/30/5-facts-about-evolution-and-religion/>

¹²¹The factor of faith in crime reduction

<https://www.chron.com/opinion/outlook/article/The-factor-of-faith-in-crime-reduction-2079575.php>

researches claims that as soon there is an increase in the religion believes the crime rate automatically starts decreasing.

V. RELIGION AND CRIME:

According to the studies which took place between the years 1944 till 2010, it came out that at least 109 studies have revealed religion has a positive impact in reducing the crime rate in the world. Almost 89% of the studies have revealed that the religion and crime go hand in hand when it comes in reducing the rate of crime i.e., increase in the level of religious believes tends to lower the risk of crime.

VI. TIMELINE OF STUDIES SHOWING RELIGIOUS INTERVENTIONS HELPS IN LOWERING CRIME RATE:

Various studies have revealed that religious helps a lot when it comes in decreasing the crime rate and changing the mindset of the people in a positive way. Follow are few of the studies that shows religion places a very crucial role in reducing the rate of crime:¹²²

A. Johnson 1987:

This study is an exception to all the studies which have found that religion makes a positive impact on the crime rate. In this it was found out that there is no such difference found between the religious criminals and non- religious criminals.

B. Bicknese 1999:

In this study it was found out that the “Teen Challenge” which is a Christian Drug Treatment Programme said that those children who are rigorously engaged in the faith- drug treatment programmes are likely to recover well have can earn their livelihood though hard work.

It was examined that through the Prison Fellowship programmes the prisoners tend to commit less number of crimes are being treated under rehabilitation programmes and on the other hand, those who were engaged in Bible reading were less likely to be rearrested in their initial 2 to 3 years of release from the prisons.

¹²² Religion, Crime and Criminal Justice

<https://www.baylorisr.org/wp-content/uploads/2019/10/ReligionCrime-and-Criminal-Justice.pdf>

C. Kerley, Matthews and Schulz 2005:

The above three states researchers and scholars have clarified that prisoners who were rigorously engaged under the religious rehabilitations programmes in the prisoners were less likely to commit more crimes and helps in reducing the fights and arguments in connection to earning of livelihood.

D. Duwe and King 2012:

In the recent evaluation of the prisoners it was found out that between 2003 to 2009 around 732 accused who were engaged in Inner Change Fellowship Programmes (IFI) were having lesser chances of being rearrested, i.e., approximately 26% reduction was seen in the cases of rearrests, 35% reduction was seen in the cases of reconviction of the prisoners and 40% decrease in the reincarceration cases. It is also believed that these IFI programmes are also cost effective. From the above stated researches, we can see that religions plays a very crucial role in controlling the deviant behaviour of an individual and stops him from doing any wrongful deeds which may directly or indirectly affects the person and also helps the him to earn his livelihood by being truthful and honest.

VII. OUTCOMES OF RELIGIOUS PRACTICES ON CRIME RATE:

In the developed and under developing countries where religious practices are given more preferences or can say is preached more than in those countries the crime rate in lesser in comparison to the developed or under developed countries which are not the habitual preachers or believes in practicing of religion. Similarly, those countries which have majority of the religious population there can be seen a smaller number of suicide cases, homicide case and other such crimes. It is observed that there is a decrease in both the minor and major crimes those who are regular attendees or preachers of religion. Government programmes too are not able to decrease that much level of crime rates which a religion is able to do. According to a survey, around 39% youth are less prone to commit crimes if they are the regular attendees of any religious seminars, prayers, etc.¹²³

¹²³ Effects of religious practice on crime rates
http://www.marripedia.org/effects_of_religious_practice_on_crime_rates

VIII. GRAPHICAL REPRESENTATION OF REDUCTION IN CRIME RATES BY RELIGION:



The above presented graph shows the crime rate of such as stealing of goods from the shops by the practicing of religion. According to a research of National Longitudinal Study of Adolescence it is shown that those 6.2% of the teenage children in the grade 7-12 who are the engaged in worshipping or practicing of religion are likely to have committed less weekly crime of stealing of any goods from the shops, and if we see the crime rate on the monthly basis 10.9% were those who never attended any prayer meetings and came out as the repeatedly accused of the stealing the goods from the shops and 7.5% were those people who attended prayer meetings one to three times a month and on the other hand 10.9% were those people who attended prayer meeting once in a month or never.¹²⁴

IX. CRIME RATES BY RELGION:

A. UNITED STATES OF AMERICA (USA)

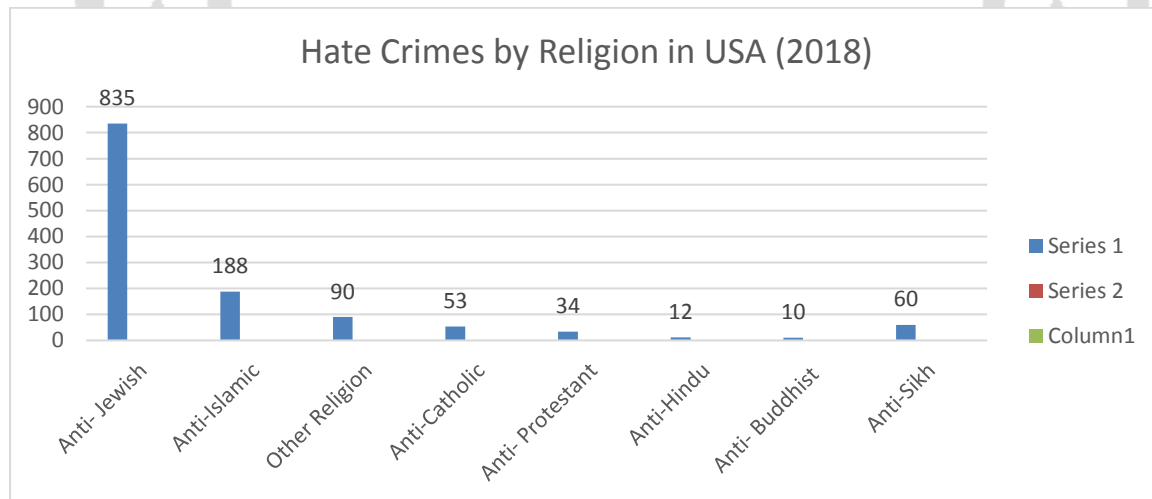
¹²⁴ National Longitudinal Survey of Youth
<http://marri.us/wp-content/uploads/MA-10-12-152.pdf>

According to a survey conducted in the year 2017, incidents related to hate crimes or crimes related to religion have increased by 22% and in comparison, to 2016 statistical data hate crimes or crimes related to religion got increased by 35%.

According to Hill, crime against the Jewish population was 58.1% which were based on the discrimination on the basis of religion and which further got increased by 4% from the year 2016.

If we talk about the offences against Muslims in the USA approximately 24.8% were committed due to religious discriminations in the year 2016 but in the year 2017 a downfall was seen in the percentage of crimes which stood at 18.7% but the anti-Islamic crimes continues to increase and on the other hand crimes against anti-Arab people got doubled and reached to the number of 102.

From the above statistical report of crime rates of America, we can say that USA is a country where varieties of region can be seen, those religions who are in the category of minority faces discriminations and are been exploited by the Americans. In the year 2018, rise in the cases of anti-Semitic incidents was seen.¹²⁵



In the graph we can see the number of hate crimes in USA which were committed against the minority religion in the year 2018. For example, 835 number of crimes or can say cases were committed against Jewish population, 188 cases were against the anti-Islamic (Muslim) minorities, 90 cases were against the other religions, 53 cases were against anti-Catholic, 34

¹²⁵ FBI report on region-based hate crimes in 2017 got increased in US
<https://bjconline.org/fbi-report-religion-based-hate-crimes-up-22-in-2017-111318/>

of anti-protestant, 12 were of anti- Hindu, 10 of anti-Buddhist and 60 cases were of anti-Sikh minority category.¹²⁶

B. UNITED KINGDOM (UK)

According to study England and Wales between the years 2018-19 103,379 hate crimes were recorded with an increase in all categories of crimes. If we see the percentage of hate crimes against Jewish people were doubled with 18% (1,326) of religious hate crimes only against the Jewish commodity as compared to 672 number of cases in the last year. 47% (3,530) of the religious crimes (hate crimes) are committed against the Muslims. Most of the hate crimes were related to the both race and religion. UK citizens have claimed through their study that by 18 rabbis' bishops, imams and CEO's Charity have shown their concern that such rise in the hate crimes or can say discriminating people on the basis of religion will only create differences between the people of the society at large.¹²⁷

C. INDIA:

According to a data mentioned in Prison Statistical India, 2014, released by the National Crime Records Bureau (NCRB) mostly the minority people are under trials for example Christians were more likely to be detained in prisons. There are a greater number of Sikhs around 840 per millions, 640 Christians, 477 Muslims and 305 were the Hindus who were under the trial, detained, etc. As per the NCRB data there two times more number in comparison of the general population of Sikhs and Christian detainees who are under trial in India. Approximately 46% of the Christians who are under trials majorly belongs are from Tamil Nadu, Jharkhand and Orissa and these are the states where their conditions are very poor, i.e., they are very less in number.¹²⁸ Majority of the prisoners in the jails are the people from the Dalit, Other Backward Classes (OBC) and Muslims. If we go by the figures around two-third of the Dalit, OBC's, tribal and Muslim people are behind the bars out of which 19% are Muslims and 66% of 4.66 Lakhs population of prisoners are either the illiterates or have only studied till class 10th. Surprisingly, Uttar Pradesh has the majority of the population of Dalits

¹²⁶ Number of anti-religions hate crime incidents in the year 2018 by religion
<https://www.statista.com/statistics/737660/number-of-religious-hate-crimes-in-the-us-by-religion/>

¹²⁷ Hate crimes doubled in UK and Wales in the past 5 years
<https://www.theguardian.com/society/2019/oct/15/hate-crimes-double-england-wales>

¹²⁸ Hindus less likely to be jailed; Sikhs, Christians most likely
<https://www.youthkiawaaz.com/2015/11/prison-records-according-to-religion/>

and Muslims living and state also has the majority of prisoners who are Muslims and Dalit's.¹²⁹ According to a survey, the most engendered communities in India are the Muslims, Dalits and Adivasis. In the year 2013, in India 4.2 lakhs people were there in the prison out of which 20% were the Muslims though their total population in India is 13% according to a study conducted in the year 2001 where as on the other hand, 22% prisoners were the Dalits almost one out of four people. According to 2011 survey Dalit population in India is 17% while the population of Adivasis is 11% in prisons and in real their overall population is 8% in India.

According the experts, it needs to be notice is that these people committed more crimes because they are economically and socially backward and underprivileged and are not able to hire advocates for fighting their cases and sometimes they are not able to give money even for their bail, many a times these people are even charged with the false cases.¹³⁰ In 2016, a committee headed by former Chief Justice of India a report came out on the conditions of Muslim community in India said there are several cases been registered against them and are decided after several years resulting in their acquittal in prisons for longer period of time. According a human rights activist, Colin Gonsalves, these communities have the scarcity of resources, i.e., food, money and even education which makes it difficult for them to take any legal help, i.e., not able to hire advocates due to less money and even less knowledge. According to a prisoner's statistical report published by National Crime Records Burau it can be seen that the since the year 1995, differences between the different castes in India can be seen since the year 1999, condition of specially Muslims, and Adivasi's has not been changed from the past 15 years leading to some kind of problem in our justice system only.¹³¹

X. HATE CRIMES BY RELIGION

In the year 2018, hate crimes by religion arose to 93. Around 30 people were killed from the year 2009 since then these types of crimes where been recorded and till 2018 around 305

¹²⁹ Deccan Herald: Majority Prisoners in Jails are Dalits, Muslims
<https://www.deccanherald.com/national/north-and-central/majority-prisoners-in-indian-jails-are-dalits-muslims-790478.html>

¹³⁰ Muslims, Dalits and tribal makes up 53% of all the prisoners in India
<https://timesofindia.indiatimes.com/india/Muslims-dalits-and-tribals-make-up-53-of-all-prisoners-in-India/articleshow/45253329.cms>

¹³¹ Muslims, Dalits and tribal makes up 53% of all the prisoners in India
<https://timesofindia.indiatimes.com/india/Muslims-dalits-and-tribals-make-up-53-of-all-prisoners-in-India/articleshow/45253329.cms>

people were the victims of the hate crimes out of which 18 victims were Muslims, 10 were Hindus and two were Christians. From 2009, 100 people out of which 65 were Muslims, 27 were Hindus and 4 were the Christians were killed in these attacks.¹³²

The years 2017-2018 saw the most of the religious hate crimes. In the year 2017, 11 death were recorded due to the religious hate crimes which is said to be the highest with 37 incidents which were related to the cows and religion since the year 2010. Hate crimes seems to be more dreadful and dangerous as compared to the other religions.¹³³ Year 2018 was another major year for the religious hate crimes in India, where in Mumbai 93 were attacked till 26th December 2018 and 75% of the incidents took place against the minority community. States like Uttar Pradesh and Rajasthan witness 4 deaths due to the and in Karnataka and Jharkhand saw 3 deaths because of the same reason in the year 2018. In total, 81 cases took place because of hate crimes by religion out of which 60% (49 cases) were against the Muslims, 14% against the Christians, and one victim of Sikh and 25% (20 cases) were against the Hindu community were recorded and in 11% (32 cases) religion was not the basis for the crime. 2018 year witnessed the 25% of the hate crimes incidents.¹³⁴

XI. CAUSES OF RELIGIOUS CONFLICTS/RELIGIOUS CRIMES

There are varieties of reasons or can say cause which leads to religious crimes in developed and developing countries and nations. Most of the religions promotes peace and harmony but sometimes they can also lead into wars, hate crimes, etc, due to differences in the view points of not the religion but how the people of different religion interpret them. Even today it is believed that the religion has become the major cause of disturbance in the society.

Following are some of the factors which can lead to the cause of religious crimes in the society at large:¹³⁵

¹³²Hate Crimes by religion in India arose to a decade level in 2018: Report

<https://scroll.in/latest/907238/religious-hate-crimes-in-india-rose-to-a-decade-high-level-in-2018-report>

¹³³ First Report: 2017, a year of hate crimes in India: Number of violent incidents related to cows, religion is rising:

<https://www.firstpost.com/india/2017-a-year-of-hate-crimes-in-india-number-of-violent-incidents-related-to-cows-religion-is-rising-4278751.html>

¹³⁴ The Wire:2018 saw most religious hate crimes, most deaths in a decade

<https://thewire.in/communalism/2018-saw-most-religious-hate-crimes-against-religions>

¹³⁵ Religious, violence, causes and its solutions

<https://www.hinduwebsite.com/ask/why-are-religions-destructive.asp>

A. Politics:

In secular and democratic nations like India, United States of America, Italy, Canada, Russia, etc, the political parties follow the principle of divide and rule policy, i.e., dividing the people of different religions and creating tensions between them through one thing or another. During the year 1947 when partition took place millions of people died both in India and Pakistan. Sometimes these political parties also discriminate between the people on the basis of their religion.

B. Ideologies:

Groups which are against the ideologies (ideas, beliefs, traditions, etc) of the other groups not even creates conflicts and disputes but also a deep-rooted hatred between them resulting into various hate crimes against each other.

C. Community interests:

Community interests means a group of people usually belonging to a same community, i.e., people of the same religion, caste, etc, who are having the same ideologies, traditions and practices, beliefs, customs, etc. It can happen that a particular community may not like the objectives of the other community which can also create differences in between both the communities and on the other hand, some of the powerful people of a particular community may get offended by the objectives or practices of another community which may lead to the major religion-based hate crimes in the society.

D. Exploitation:

It is observed that those people who are in majority are the ones who are mostly been exploited by the people who are in majority. Similarly, in countries, where a particular religion is in majority exploits the people who are in the minority categories which should not be done. When such exploitations become intolerable for minority classes then they resort to the path of hate crimes of any such wrongful act so as to get justice.

E. Economic Interests:

The differences in the levels of income and the standards of living or the policies which discriminates made by the government is also a reason in which leads to the situation of violence or disputes in the countries.

F. Believes:

There are certain believes which the people of different religion follow as per prescribed by their religious books is also a reason for creating situations like hate crimes by religion worldwide. For example, if a person sheds his blood in the war field goes directly to the heaven, this believes can be favoured by people of a certain religion whereas on the other hand people of another religion may be totally opposing it resulting in the various kinds of violence in the society at large.

XII. SOLUTIONS FOR PREVENTING RELIGIOUS CRIME

- A. Resort to ways which can help in settling of arguments rather than fighting.
- B. Immediately reporting of any suspicious activities to the police as soon as possible.
- C. Teaching the children about good habits such as respecting each other religion as well as their belief or cultures.
- D. Don't any kind of illegal activities such as keeping weapons without any proper licence for the same, buying disputed properties or any kind of previously stolen property.
- E. Try to get involved with people by maintain friendly relationships with each other's.
- F. Attend more of campaigns and programmes which teach people to respect each other's religions.¹³⁶

XIII. LEGAL PRINCIPLES FOR STOPPING INCITEMENT OF VIOLENCE AGAINST ANY RELIGION:

International Humans Right Standard has various treaties and conventions for the prevention of incitement of any kind of violence against any religion such as Prevention and punishment of the crime of Genocide Convention, 1948, International Convention for Eliminating all kinds of racial discrimination (ICERD) 1965, International Convention for the civil and political rights 1966. Prevention and punishment of crime of genocide under its article-3 of its convention says that if there is a direct crime of public incitement. ICERD under its article-4

¹³⁶ 10 ways to prevent violence

<https://durhamnc.gov/DocumentCenter/View/880/10-Thinks-You-Can-Do-to-Prevent-Violence-PDF>

says that if any religion makes itself superior in a way it may create hatred between all the religions of the society or on against any religious group or people of different race then it should be declared as a punishable offence. In the year 2005, all the State heads took a pledge to protect their citizens from the crimes such as genocide, war crimes, hate crimes by religion, crime against humanity etc.¹³⁷

XIV. NAMES OF COUNTRIES HAVING RELIGIOUS FREEDOM: ¹³⁸

Religious Freedom varies from country to country and can differ in providing equal treatment under the law for its people.

A. Sweden:

Sweden is ranked at 6th number for the best country to provide religious freedom to its citizens in the world.

B. New Zealand:

New Zealand is ranked at 12th number for providing religious freedom to its citizens in the world.

C. Denmark:

Denmark is ranked at 13th number for providing religious freedom to its citizens in the world.

D. Belgium:

Belgium is ranked at 17th number for providing religious freedom to its citizens in the world.

E. United Kingdom:

United Kingdom is ranked at 5th overall rank for providing religious freedom to its citizens.

F. United States:

United States is ranked at 8th overall rank for providing religious freedom.

G. Australia:

Australia is at number 4th for giving religious freedom.

H. Canada:

Canada is ranked at number 3rd for providing religious freedom.

¹³⁷ United Nations Genocide prevention plan of action

<https://www.un.org/en/genocideprevention/documents/Plan%20of%20Action%20Advanced%20Copy.pdf>

¹³⁸ Top 10 countries which provides religious freedom to its citizens

<https://www.usnews.com/news/best-countries/slideshows/the-10-countries-with-the-most-religious-freedom-ranked-by-perception?slide=11>

I. Netherlands:

Netherlands is ranked at 11th number for providing religious freedom to its citizens.

XV. NAMES OF COUNTRIES WHICH ARE WORST FOR THE RELIGIOUS FREEDOM

Right to practice own religion for all the people residing in different countries are also a fundamental right which is duly protected by the Universal Declaration of Human Rights. Nearly in 13 countries those who do not believe in god(atheist) are killed for having such feelings. Following are the worst countries when it comes to providing freedom to practice their religion:

A. Burma:

Burma is having around 90 percent of the Theravada Buddhist population. Minority communities such as Christians, Muslims, Hindus are pressurised to change their religion into the majority religion/community i.e., minorities are been forced to convert their religion into Theravada Buddhist community and if they don't do so then they are denied all the privileges that the Buddhists enjoy.

B. China:

China is having a Communist ruling party which is an atheist group of people. There are only 5 religions which are been practiced by the people of China which are Catholics, Muslims, Buddhist, Protestants, Taoists can only register with the government. Constitution of China provides a freedom to practice their own religion but the government prohibits the same. Minority religions such as Tibetan Buddhists, Falun Gong and the Uighur Muslims have forced a lot of exploitation by the government and the majority religions are been forced to convert their religion.

C. Iran:

Constitution of Iran provides certain religious freedom to some of the recognized sects of the Islam, Jews, Christians, Jews, Zoroastrians and Baha' are considered as the political sects and are excluded from the limited protection and are systematically been discriminated by the goziness provisions which gives them limited enjoyment of education, employment and

housing facilities and on the other hand minority communities such as Christians faces exploitations in the hands of the majority groups.

D. Eritrea:

In the country of Eritrea only four religions are been recognized namely, Sunni Islam, Orthodox Church, Roman Catholic Church and the Evangelical Lutheran Church of Eritrea and enjoys very less religious freedom with adhesion of faiths and been exploited and imprisoned. Here the religious are controlled more by the government and less by the social or religious believes and those people who belongs to non-recognized religions or those who are in minority are not allowed to use any place of worship.

E. Saudi Arabia:

Constitution of Saudi Arabia is not the grundnorm for the people but it also consists of the Quran and the Prophets Muhammad sayings which does not provides religious freedom to its citizens to practice a particular religion which is also against the article-18 of the Universal Declaration of Human Rights. Those religions who are in minority category cannot openly practiced their religion own religion barring the state religion (Sunni Islam) in the public as it is illegal but they can preach their religion privately.

F. North Korea:

Constitution of North Korea also provides the religious freedom to its citizens but it is also not that freely been practiced this country also is an atheist state and is controlled by the political parties. According to a Christian group presiding in the North Korea was caught with 50,000 bibles and was put behind the bars, torture and was killed. There is no freedom to practice a religion of own choice.

G. Sudan:

Sudan is a country which provides little freedom to practice their religion and it restricts any kind of blasphemy and defaming the Islam religion. Muslim women cannot carry a non-Muslims it is against the religion. Christians living in the Sudan faces a lot of discriminations and exploited as they are in minorities and it is also seen that the Government of Sudan has also destroyed a lot of churches within the country and they are supposed to more amount of taxes and it takes a lot of time for them to get the approvals for building their place of worships.

H. Uzbekistan:

Uzbekistan also provides very limited religious freedom to its minority citizens and to get this freedom they have to go through a heavy process of registration. Around 2,000 religions have registered themselves as the religious groups which includes Jews, Muslims, Catholic and other communities of Christians and those religious groups which are not registered faces a hell lot of exploitation and discriminations such as raids, etc.¹³⁹

XVI. COUNTRIES IN THE WORLD HAVING STATE RELIGION

State religion countries mean those countries which have a one single religion which is followed by all the citizens of the country. In other words, a religious body which is having an official sanction by the government for practicing of a religion by all the citizens of the country.

In the world more than 20 percent of the countries are having a particular (one religion) as a State Religion.

Mostly, 43 (22%) countries of the world who are having a state religion are found in the middle east and in the north America with majority of the Muslim community. Only one out of 5 countries are having a religion as a state religion with majorly Muslim states. 20% of the countries have given their consent to have a state religion or one religion as their official (State Religion).¹⁴⁰

Approximately, 13 countries which includes the nine European countries which are having Christianity as the as their state religion, Bhutan and Cambodia which are the two Buddhist countries having Buddhism as their state religion and Israel is one state religion country which is having Jewish as their state religion and no country is having Hinduism as their state religion in the world. According to a survey, Christianity is the most favourable religion which is been practiced in the 28 countries out of 40 countries. In 10 countries of the world, states such as Vietnam, China, North Korea and Cuba and other countries where states have a tight control over their citizens practice of religion.

¹³⁹ Names of 8 worst countries for religious freedom
<https://religionnews.com/2014/01/07/8-worst-countries-religious-freedom/>

¹⁴⁰ 20% of the countries have an official state religion
<https://www.theguardian.com/world/2017/oct/03/more-than-20-percent-countries-have-official-state-religions-pew-survey>

XVII. RELIGIOUS LAWS VERSUS SECULAR LAWS

Religious laws are those laws which are based on a particular religion and on the other hand secular laws means a law which is free from the influence of any one religion and treats all the religions equally. Though having a secular law is impossible in the today's scenario. For the people who believe in secularism says that secular laws do are not backed by a single religion but it means it should be free from the influence of any of the religions and yes, it is true that the secular laws are neutral in nature but they are impossible to be implemented.¹⁴¹ It is difficult for a secular law to be implemented because in the current scenario there are certain cases where the court of justice has to take the help of the religious laws in deciding certain cases.

It is a highly debatable discussion which is going on is that is it possible to replace the religious laws with that of the secular laws.

According to an author Taslima Nasreen who is the honorary associate at the National Secular Society says that India should adopt the system of Uniform Civil Code which would abolish the minorities religious personal laws and no personal law should be based upon a religion but in fact it should be based on the concept of equality and justice. Not only India, should adopt this system but all the developed and developing countries of the world should.¹⁴²

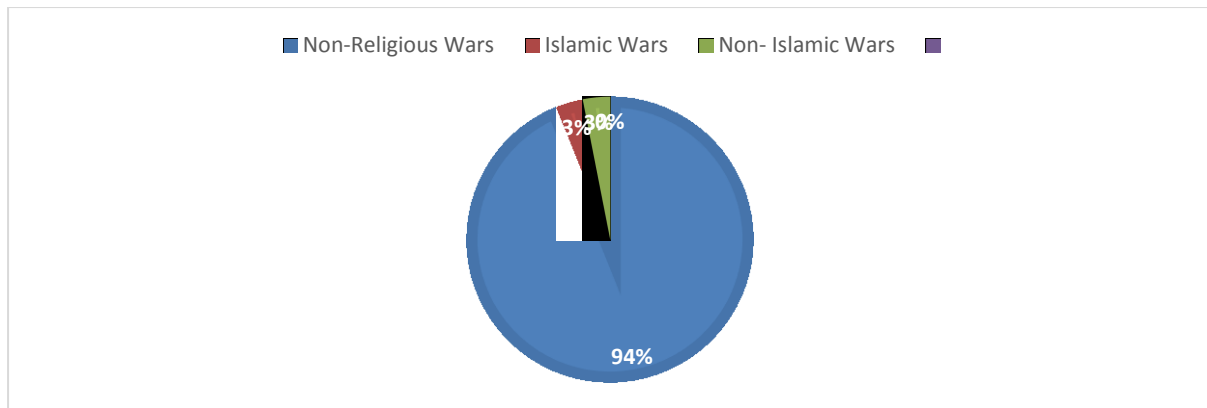
XVIII. CRIMES DUE TO RELIGION: IS IT A MYTH?¹⁴³

According to some people they think religion is not only the root cause of religious crimes. It can be best understood via following stats.

¹⁴¹ Theos: is it possible to have a secular law?
<https://www.theosthinktank.co.uk/comment/2013/06/11/is-secular-law-possible>

¹⁴² National Secular Society: Challenging the privileges of the religion: India debates on the topic of replacing of the religious laws with the secular laws
<https://www.secularism.org.uk/news/2016/10/india-debates-replacing-religious-laws-with-one-secular-law-for-all>

¹⁴³ <https://www.secularism.org.uk/news/2016/10/india-debates-replacing-religious-laws-with-one-secular-law-for-all>



XIX. CONCLUSION

The Religious Laws and Religious crimes in developing and developing countries is still a very much debatable topic in the present situation too. There are countries in the world which not at all provides for the religious freedom to its minority religious groups which is against their human rights and as well as against their fundamental rights. Convention on Universal Declaration of Human rights says that each and every person born in this world has a right to preach their religion of their own and no one can stop them in doing so but till they are been stopped, humiliated, discriminated, tortured and in worst cases they are even killed.

With an increase in the religious trend there will surely be instances which shows that religious crimes will surely be decreased. It is seen that most of the religious crimes targets the youth compelling them to commit suicide or any such crimes which is not only harmful for them but also for the society at large. If one at the initial stage only will be taught to respect each other's religions then automatically many of the crimes against religion or hate crimes will easily be reduced. This topic is still not very much highlighted and needs to get more attention so that governments of different states can do something to eliminate the risk of religions by crimes and hate crimes by a very big number.

India is known as the hub of different religions thought every religion has their own communities' we try to understand the concept of religious freedom under our Constitution of India it is mostly based on the Western Ideas.¹⁴⁴ It is more important for the people to understand the main problems such as poverty rate, backwardness and illiteracy in spite of fighting in the name of religion. ¹⁴⁵It is rightly been said if you will teach religious hatred in between people of different religion then it will only create differences between the different

¹⁴⁴ Conclusion

https://shodhganga.inflibnet.ac.in/bitstream/10603/205050/14/14_%20chapter%207.pdf

¹⁴⁵ Examples of religious intolerance

<https://www.islam-hinduism.com/vivid-example-religious-tolerance-intolerance-india/>

the people of religion which will only spoil the unity and integrity of India making it a weaker country in all the spheres. ¹⁴⁶ Every country or states have government departments to cope up with the conflicts which may arise due to religious freedom or believes and their mainly deals in the foreign affairs, international treaties, educational, cultural, etc for the protection of the citizens as well as non- citizens of the country both at regional and local level of the country. ¹⁴⁷

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