

State Water, Land and Trees Act, 2002 to augment underground water and to protect surface water, as discussed in the earlier part of this article,<sup>26</sup>. This type of model legislation is needed for the entire nation to regulate the exploitation and use of underground and surface water for protection and conservation of water sources.

A fundamental right to live sans right to drinking water remains incomplete. Hence, if the right to drinking water is not effectively implemented the other fundamental rights such as right to health, right to shelter, right to air,

right to good environment *etc.*, would also become futile. "Water is essential for broad based agricultural and rural development in order to meet the Millennium development goals to improve food security and poverty alleviation. That challenges of sustainable water use and enhancing the partnership of all stake holders in all aspects of agricultural water use, development and management and in providing increased access to water resources by all will be recognised and assigned top priority",<sup>27</sup>. In this connection we must remember the Gandhian Philosophy emphasizing that "Nature has proved everything for our need but not for greed."

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### THE ISSUE (PHENOMENON) OF "CONVERSION" — The Legal Perspective – An analysis

By

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The following letter addressed by Smt. *Jaya Sree Savnathana* native of Hosur (Tamilnadu) to the 'Hindu' Provides the Key to this right-up.

"In his letter (The Hindu dated 29th June) Mr. N. *Senthil Murali* while expressing concern over the attacks on christian missionaries, has said what many common people as also proclaimed secularists have been saying all along. Even I was one among them to subscribe to the view that a true Hindu need not be affected by the so called conversion meetings and that if at all a person decides to convert, he has every right to do so, until the issue of conversion rocked an orthodox Hindu family very close to me.

The two daughters of his family, on coming back from their studies in a city

college in Tamilnadu, have said that they have converted into christianity and wished their parents to do the same (because one can see and speak to God if one becomes a true christian). They claimed that they have been impressed, (euphemism for influence) by the preaching that they used to hear very often within the study campus and attracted by the preaching they started attending meetings conducted by the preachers. This ultimately led to their decision to convert. Today the family is in tatters. One must see in person the agony, the anguish and the sense of loss and helplessness that their parents and relations are currently experiencing to understand the impact of what every one

26. Water management – Legislative perspective in the State of Andhra Pradesh.

27. This is the essence of the declaration adopted by the Ministerial Meeting on Water for Food and Agriculture at the third World War Forum on 21st March 2003 at Shiga, Japan (See The Hindu dated 22nd March 2003, Vijayawada Edition, 'water vital for rural development' by G. *Venkataramani*).

dismisses very casually as 'freedom to preach' ..... The number of families affected in this way might be few but that is no excuse to turn a blind eye to a practice that is continuing unabated and unchecked ..... Unlike the Tribal conversions which take place enmasse, this influence is very subtle, something like thought invasion. If social discrimination is said to be the cause for tribals converting into christianity. What can be the reason for the conversion of these girls? Their gullible age ? The preaching ? or the rituals of Hinduism some of which are blind to reason? or a combination of all these? Or is it because most Hindus in today's India are bringing up their wards by infusing in them the concepts of tolerance and freedom of thought, which in reality has made them vulnerable to conversion?' Thus ends this long letter which is very meaningful, potential and raises some very important questions relating to the malady of conversion.

What prompts the Christian missionaries to resort to this attempt at conversion? and what this attempt amounts to in the parlance of ethical, moral and legal concepts and what are the effects and the consequences flowing from these activities of the missionaries? As we examine the genesis of the processes involved while resorting to the dubious attempts at conversion which has been going on for centuries since the invasion of the Britishers, we can discern the truth of the matter. It is obvious that there is an element of fraud, inducement, deceit, allurements, undue influence *etc.*, amounting to a motivated invasion and encroaching upon the freedom of thought and the laudable motive laid out, of service, compassion is in fact totally absent and is only a pretext to cover up the fraudulent intent. So to say it is service tainted rather with strings attached. It would be relevant to extract the outpourings of the Vatican the Roman Catholic church reported in the Hindu some time ago. "asserting the primacy of Roman Catholic Church the vatican of has rejected what it said are the growing attempts

to depict all religions as equal. The thirty six page declaration by the vaticans' guardians of orthodoxy accused some catholic theologians of manipulating fundamental truths of the church to justify religious pluralism as a principle. The idea that "One religion is as good as another" endangers the churches' missionary message, said the declaration..... It goes on in this vein. It concludes by saying" the lack of unity among Christians is certainly a wound for the church and hindered the complete fulfillment of her universality in history. It also states that during a trip to India last year where he faced protests by some Hindus the pope called for religious tolerance but said the church had the right to spread its message. This is from the horses mouth, as the saying goes. The motive behind the activities of Christian missionaries is clear and categorical. It proceeds on the premise that Christianity is superior and the attempt is for universalisation.

Coming to the relevant provisions of law related to the issue of conversion, they are :

1. Article 25 of the Constitution of India which deals with the right to freedom of religion. It reads as under "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, practice and propagate religion. The second clause obligates that the said freedom is subject to the right of the state from making any law to prevent violation of the true intent of the article. The Apex Court of the land had the occasion to go into the question of conversions in detail in a judgment reported in AIR 1977 SC at page 908. There is another legal aspect which also deserves to be referred to in this context. Section 153A of the Indian Penal Code lays down as under :- "Promoting enmity between different groups on grounds of religion, race, place of birth, residence language *etc.*, and doing acts prejudicial to maintenance of harmony or disharmony or feelings of

enmity shall be punished with imprisonment which may extend to three years or five or with both.

The offence is cognizable, non-bailable and non-compoundable. In a decision reported in AIR 1980 SC at page No.763, it was clarified by the Apex Court “articles in news paper promoting feelings of enmity, hatred and ill will between the Hindu and Muslim communities on grounds of community. This cannot be done in the guise of political thesis or historical truth”. This is suggestive of the fact that this sort of creating enmity if institutionalised by way of missionary work is much more serious and deserves to be taken note of by the State being an offence against the State. There is another perspective which also needs to be emphasised in this context where as a result of this attempt at conversion a retaliation takes place. It would also be quite in place to refer to a letter addressed by one *K. Ramani* from Chennai to the Hindu. To quote a passage from that. “Daily Christian preachers are distributing hand bills at the door steps of devout Hindu homes. In the handbills they invariably say that the persons to whom they issue these notices are suffering from the burden of their sins and they exhort these house holders to change their minds towards Jesus Christ to save their souls. Ordinary elitists of the Hindu community do not take notice of such obnoxious ways of evangelization. But there are some who cannot with stand such insults from Christians and so they react. These sporadic attacks on Christians are the backlash of such sections of the Hindu Community.” Such a back lash is protected in the general exceptions chapter of the Indian Penal Code. A criminal act extending to causing death under the greatest provocation is condoned under law.

While the constituent assembly thought of providing freedom of conscience and free profession”, practice and propagation of religion, was also conscious of the fact that there may be a need to prevent the abuse of

this freedom. Viewed in the context of all that is stated above we find that the abuse of this freedom granted under Article 25 has been going on. On and on without any let up or hindrance by the Christian missionaries and Muslim organizations by resorting to conversion of Hindus to their respective religions by unfair means which are in violation of the law. As detailed above they are committing crimes punishable under law and the retaliations only and behalf of the Hindu community in whatever form it may be is not only justified but is protected under law.

The tolerance of the Hindu community has made them vulnerable to conversion. Unfortunately to curry the favour of Christians and Muslims on account of the vote bank politics the successive Government at the centre and the States are not only deliberately condoning the misdeeds of these institutions but also afraid to taking action against them unlike their attitude towards the Hindus, who are readily targeted for an oppressive action, whether it be by way of appointment of commissions or initiating penal action in Courts of law. The legal opinion and the advocacy on behalf of the Hindu Community falls far short of highlighting the legal protection available and represent the matter in the correct perspective boldly. What emerges is the Hindu community despite its being in majority has been at the receiving end and subjected to aggression by the state and the so called minority community (The Christians and the Muslims). The Hindu community has suffered the ignominy of the worstkind, much more after independence. Our rulers are outwitting the foreign rulers. It is high time that this wrong done to the Hindu community is undone by appropriate corrective measures. Every state is required to make a law banning these conversion of all manners and the clandestine activities of the missionaries are banned in toto. The educational institutions run by the Christian missionaries and Muslims must be regulated to prevent the clandestine activities. The

charities and doles trotted out by them must be through the agencies recognised by the Governments. The Hindu community must not be driven to the necessity of taking law into their hands in retaliation to this monstrous invasions. It may not be out of place to

suggest that perhaps, it would be better to seek redress by way of an appropriate writ for a direction to all the State and the Central Governments to make an appropriate law in this regard to protect the interests of the Hindu community against the onslaught.

## SOCIAL JUSTICE - DREAM OR REALITY

By

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The concept of social justice is on the lips of every person occupying important positions in our body politic. It is an ideal, it should be made a reality. Social Justice consists the upliftment of backward classes of people. There are various categories of people who are regarded as backward classes for viz., The Scheduled Castes and Scheduled Tribes, Women, Children, Disabled persons, and Minorities etc.

Special efforts have to be made for their upliftment and for the welfare of the people under such categories. The various Government that come to power in our country no doubt realize the importance of achieving social justice and make long sermon on it. However, in reality we find that such weaker sections do not seem protected adequately. The following reports in leading Newspaper published recent times clearly bring out this fact.

### 1. Problems Regarding Child Labour.

#### a. Abuse of Child Domestic Workers Rampant<sup>1</sup>

“The recent case of nine-year-old girl who was physically abused by her employer is not an isolated incident. Work carried out by organizations like Human Rights Law

Network, M.V. Foundation and the National Domestic Workers Movement shows that most children employed as domestic helps work in distressing conditions. Children from districts are sent by their parents to work at homes. Parents believe that children will have access to a better quality of life and education if they work in the city.”

#### b. Child Labourer Rescued<sup>2</sup>

“A child labourer who was accused of stealing Jewellery by her employer and allegedly tortured by the latter, was rescued. The non-Governmental organization that led the rescue team, said an electricity department employee had employed the girl to look after his granddaughter. Employer assured the girl’s mother that he would also take the responsibility of her education. He allegedly gave Rs.5,000/- to and agreed to pay Rs.5,000/- a year towards salary. The girl had been working in house for the past seven months. Recently, he accused the girl of stealing jewellery from his house and since then was allegedly beating her to recover the same. After rescuing the girl, the NGO approached the police seeking action against the employer. Police Inspector said a criminal case was being booked against Employer following a complaint from the girl’s father.

1. “The Hindu” dated : 24th Dec 2005

2. “The Hindu” dated : 23rd Jan 2006