



Right to religion in India during the outbreak of Covid-19

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Abstract

Coronavirus originated in the city of Wuhan, China, which has run throughout the world. Millions of people have been infected by the coronavirus epidemic so far, many thousands of people have lost their lives due to this disease. In many large countries, curfew has been imposed to fight coronavirus. In India, A Muslim missionary group Tablighi Jamaat is in the headlines, as reports of coronavirus or COVID-19 cases, emerging from different parts of the world are being linked to its gatherings. The Indian government has filed a case against its Chief Maulana Mohammad Saad Kandhalvi for arranging a gathering at its headquarters located in Nizamuddin locality in the heart of capital New Delhi. A strictly apolitical organization that focuses only on teaching basics of Islam to its followers, has invoked the ire of Indian media, which is projecting Muslims in general and the group in particular as villains in the battle against the spread of the virus. The present paper discusses the Article 25(1) of the Constitution of India, by enforcing the existing laws or by making a specific law in this regard. The Nation has always paid equal rights to all religion, but considering the behavior and attitude of the Muslim religion, the unethical and harmful activities under the umbrella of Secularism is required to be scrutinized under the Constitutional mandate when it is an imminent danger to the Health of the People of India.

Keywords: lockdown, social distancing, health & environment, secularism, covid-19

1. Introduction

The darkest days in the world, in the year 2019-2020, which has taken the lives of thousands of innocent people without any cause by the hidden enemy COVID-19, in which the world's biggest nations were fighting as helpless. In today's time, the entire Nation is under shocking threat of widespread pandemic COVID-19, which has shocked and surprised not only national but the entire world. As the World and Nation are in a deep shock and sorrow that a hidden enemy is taking the life of an innocent people, and fighting in saving the life of contaminated peoples from killing virus COVID-19, is an era where the mankind has achieved the highest peak of success in all horizons and aspects in-universe.

Our nation is fighting against COVID-19, from the beginning of the year 2020, and to break a chain/cycle of spreading in the community, our Prime Minister has given a one day Janta Curfew which is in other words called as "care for you", on 22.03.2020. The Nationwide lockdown is declared by Union Government for 21 days starting from 25.03.2020 to 14.04.2020, to save the life of 130 crores of peoples of India. As there is non-availability of medicine, and also to restrict and restrain COVID-19, is a herculean task, and only weapon available is "Social distancing" to save lives. That considering the outbreak of Pandemic COVID-19, Union Government has implemented and imposed the Epidemic Diseases Act & Disaster Management Act and declared a Nationwide lockdown for 21 days to restrict and spread of the COVID-19 in the community.

In India, there were different religions, sects, and communities which profess and practice their religion e.g., Hindu, Muslim, Sikh, Jain, Buddha, etc. The incident of the mass gathering is wholly restricted in the entire Nation, but Madresa/Masjid run by the Muslims were not obeying the

lockdown and performing their religious Namahj collectively. The Madrasa run by Tabliqi Samaj "Markaz" at New Delhi found with more than 3000 followers come across India and Abroad. The followers were taken for medical check-up and put under quarantine as they were found contaminated with COVID-19. The Maulana Mohammad Saad is not following the law and advising not to take any medicine.

It is also noticed that Mauanas/ Leaders from the Muslim community were giving their hate speeches which misguided the Muslim followers and wrecked the cycle of social distancing and spread the COVID-19 amongst the Muslims and other people who come to his contact, which has a boost on an around 40% cases, which is the biggest threat to the Health of India during the spread of pandemic COVID-19.

Thus, the Maulana and Muslim leaders were professing and enticing religious people in a way that has increased the contamination amongst themselves and within the community also. Thus, the question arises is whether such Maulana or Leaders to be punished under the existing law when India is Sovereign, Socialist, Secular, and Democratic Republic Country? The right to freedom as per Article 25 to 28 of the Constitution of India provides the Fundamental Right to worship the religion of his own choice. Though it is not uncontrolled, or absolute, regulated or banned for the reasons of Public Order, Morality & Health by making Laws. India is a secular state, meaning thereby the state is not having its own Religion but the citizens are free to worship according to his conscience and free to profess, practice and propagate the religion of his choice.⁴

It is also evident in our nation, that whenever there is terrorist and extremist activity is noticed, with the involvement of Muslim community only, because of their blind adherence of the hate speeches from their Muslim

Guru/ Leader/ Maulana, become a major problem in India, under the umbrella of Secularism. The Secularism is a respect for all Religion, but not provide any absolute right to profess, propagate and practice a religion which is harmful to the health of the people as per the wisdom of Article 25(1) of the Constitution of India. In many states, the Muslim areas were not supporting the medical examinations and also throwing a stone on the Medical team and Police, which is taking care of the investigation. Thus, the immediate actions must be initiated to curb such un-ethical religious practice and professing of Muslim religious practice and professing of the Muslim religion in which the mass gathering (Namaj) is performed, when the entire Nation is in LOCKDOWN position and fighting against the virus. As no one is above the law, when the nation is under the threat of the hidden virus COVID-19, the strict actions must be initiated against the Indian Penal Code and to curb and banned such religious activity in a nationwide outbreak of a pandemic, COVID-19,

The worldwide outbreak of COVID-19 has trembled every Nation is saving the lives of the people against the widespread of the novel coronavirus amongst the citizens who are dying in a tragic disease and when no specific medicine can save lives. Therefore, in India, every Religion is obeying laws and following the hate speeches of Maulanas who were the spiritual Gurus. The offending attitude is non-cooperating law and restraining the medical investigation is the biggest threat to the health of the people of India, and will take a life's of thousands of people by non-cooperating in medical investigation.

Conclusion

In India, Rule of Law is accepted, the Religion is not above law, and hence such unethical practices of the particular community must be banned and curbed down with prevailing law and more particularly to prohibit the right to profess, practice and propagation of the Muslim Religion, as assigned under Article 25(1) of the Constitution of India, by enforcing the existing laws or by making a specific law in this regard. The Nation has always paid equal rights to all religion, but considering the behavior and attitude of the Muslim religion, the unethical and harmful activities under the umbrella of Secularism is required to be scrutinized under the Constitutional mandate when it is an imminent danger to the Health of the People of India. The strict actions within the law are expected in the larger public interest and hope that the Rule of Law will prevail against the unethical practices of particular Religion.

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