

SCTMG 2020**International Scientific Conference «Social and Cultural Transformations in the
Context of Modern Globalism»****RELIGIOUS AND ETHNIC MINORITIES RIGHTS AND
FREEDOMS LEGAL CONFIRMATION IN INDIA**

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(b) Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation, b. 1, 53/2, Ostozhenka,
Moscow, Russia***Abstract***

The article is devoted to one of the contemporary problems, acute not only for Southern Asia, but for other regions and subregions of the world. Matters of defending the rights of religious and ethnic minorities are topical in many countries. Initially monoconfessional and monoethnic countries are in the most difficult position, due to the impact from representatives of religions and ethnos migrating from other continents. India, being a multi-religions country, has been developing means to prevent interconfessional and ethnic dissention for thousands of years. They are reflected in Indian philosophy, traditions, culture. Despite being positive, the philosophy contains destructive elements, one of them is Hindutva ideology (radical Hinduism). During different historical periods the representatives of Islam, Christianity, Sikhism, and other religions were the objects of aggression. Also, ethnic minorities in the North-East of India were under oppression. One more destructive element in Indian society is tough situation of the Dalits (untouchable, the representatives of the lowest caste), who are severely exploited, morally and physically oppressed. These destructive factors are outweighed by a peacemaking and preventive component of the Indian philosophy and traditions, grounded in legal rules of the country. Despite a huge number of contradictions, India has a great number of tools and technologies, which may be of interest for other countries of the world.

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1. Introduction

It is not easy to find countries with only one religion. The number of representatives of different ethnic-religious groups increases annually due to migration. Many states encountered problems that they did not have before due to the increased number of representatives of religions, which historically were scarcely represented at the territory. Having become multi-religious and multi-national the countries, their authorities and societies have to solve the increased number of problems.

Lack of experience in solving the ethno-religious conflict results in terrorism (Papastephanou, 2018; Tyan, 2019) and desire to avoid mistakes makes the authorities turn to foreign experience (Karsanova, 2016). India is among these countries. It makes studying Indian philosophy and traditions on the issues of guaranteeing the rights to representatives of ethnic and religious minorities topical both from the theoretical and practical point of view.

2. Problem Statement

As many phenomena, Hinduism democracy has its antipode, it is its radical movement – Hindutva or Indian nationalism (Induism). Ideologists see its aim in uniting Indian people for their better tomorrow. Its main ideas were formulated in the thirtieth years of the XX century by the leader Hindu Mahasabhi B. Parmanandom in the slogan “One nation, one religion, one language, and one culture” (Yakovlev, 2013).

The activity of the “saffron movement” (saffron is a color of the martial Hinduism) is various, from campaign “Shudhi” (returning former Hindu into Hinduism), “Sangathan” (movement to strengthen Hinduism), distracting Muslims from prayers, inoculating the perception of Muslims as enemies of Hindu ethnos, to mosques destruction, vandalizing the art galleries where “uncanonical” representations of the Hindu gods are represented.

3. Research Questions

To achieve the aim of the research it is necessary to study theoretical and historical aspects of rights for religious and ethnic minorities in India, the contemporary state of the problem and instruments to solve it.

India’s uniqueness is in its philosophy, culture, traditions, in their symbioses, which penetrates all spheres of the country’s life, system of management and right, influencing them permanently.

4. Purpose of the Study

The purpose of the study is to analyze Indian traditions and philosophy of the legal confirmation of the rights and freedoms for religious and ethnic minorities. To achieve this goal, it is necessary to study India’s experience and its peculiarities.

5. Research Methods

Social-philosophical principles of studying events and processes make a methodological ground of this study.

A structural-functional method was used to determine the elements of Indian philosophy and traditions dealing with the subject of guarantying the rights of religious and national minorities and their reflection in India's law.

A systemic approach helped determining socio-cultural contradictions in the society of India, developed by deformation and radicalization of some concepts of Indian philosophy and religion.

To determine regularities and characterize them a historic method was used. When developing and grounding the concepts dialectic and comparative-historical approaches were used.

6. Findings

In the modern world protection of personal rights and freedoms is mostly associated with western values. However, most ideas that were distributed in Europe in XIX century had existed for many centuries on the Indian Peninsular in a somewhat different form. It won't be an exaggeration to say that India should have become a place where traditions of personal rights protection would appear.

The representatives of Indian authorities and public men of the country have been claiming for more than half a century that India is the greatest democracy. Usually it is grounded by the fact that India with the population more than 1.3 billion people has the vastest vote in the world. On the other side, the ancience of norms introduced as democratic ones proves that India keeps ahead the West to the moment of their appearance and implementation.

Indian philosophy, whose appearance is Hinduism, is characterized by deep democracy. This religion allows a person to choose who to believe into, which is scarce for a religion. A person can choose from the existing pantheon of gods (Siva, Vishnu, Ganesh, Hanuman, Yama, Kali, Lakshi, Kama and others) or create a new one basing on personal understanding of the god. Moreover, people can give additional or lacking characteristics and abilities to a God they sympathize with and exclude the characteristics usually ascribed to him, make out stories about this god and other. It makes possible for a god to appear in numerous hypostasis and events. Irrespective of how a person sees own god he or she won't be criticized or persecuted by the society.

Moreover, it is very difficult to classify a concept "Hinduism" from the scientific point of view (Yakovlev, 2011). Often researchers include everything which does not refer to other religions of India into it. Hindu tradition counts 330 million or 33 crore of gods. In Hindu 1 crore means 10 million. This significant number appeared due to some reasons. We can say that every Hindu is a follower of own religion.

A widely spread institute of gooroo (mentors), with deep historical roots, should also be mentioned. Gooroo election, periodicity and grounds for changing are not regulated which allows nearly every person to become a gooroo and choose the one.

In general, Hinduism as Indian philosophy (Bandyopadhyay, 2019; Oinam, 2018; Ramakrishna Rao, 2018), and many traditions are difficult to understand for people not belonging to Indian culture. In their complexity they leave behind very specific African ideas about the world (Waghid, 2016).

Besides very specific internal confessional rights for Hindu, Hindu followers are tolerant to the representatives of other religions. Except some periods of confrontation, represented through separatism and terrorism (Das Mukherjee, 2018; Roth, 2018), Hindu have been leaving peacefully with Muslims,

Sikhs, Christians, Buddhists, Jainism representatives, Animists for years. The fact that these religions exist on the territory of India and their representatives have historical places of living and increase in number is a demonstration of the right to follow a certain religion. Today about 20% of citizens of India population belong to non-Hinduism confessions.

Liberal origins of Indian philosophy and culture are manifested via relation to the representatives of ethnic minorities. In India they are called “minor people” or tribes. There are about 600 recognized tribes (registered officially) and several hundreds of minor. They use more than 300 languages, which are supported financially by the Government.

Some of the tribes have ancient history, had statehood, including before and during the Britain rule, for example, the tribe Naga.

When the colony became independent in 1947 the north-east part of India consisted of one state Assam and three union territories. Then Assam was reorganized, and new provinces appeared: in 1963 – Nagaland; 1972 - Mizoram, Meghalaya, Manipur, Tripura, Arunachal Pradesh; 2014 – Telangana. It should be noted that new states appear in India due to the existence of ethnic grounds during the whole modern history of India till nowadays. It is expected that the number of provinces in the country will increase. In particular, the tribe Bodo demands to form Bodoland.

No other state can boast of such freedom in granting additional rights to the territories of ethnoses’ compact living and change in their status.

The history of the Independent India or the Indian Republic started with the solution of the strategic problem by the citizens of the British colony on the issue in what state they want to live. Indian majority agreed to give the Muslims (the second confession in number) the right to determine their future together with Indians back in the fortieth of the XX century, deciding which independent country to unite with. The citizens of the territory units voted on this issue. As the result of this right implementation Pakistan appeared (a new state with Muslims in major), which consisted of independent western and eastern parts.

Rajasthan’s citizens had greater rights – they had an opportunity to choose who to unite with – India, Pakistan or be independent.

The other manifestation of Indian philosophy and traditions is a so-called “positive discrimination”. It is a combination of regulations, according to which places in educational establishments, representative agencies, positions in the state service, in the juridical system and so on are given to the representatives of different minorities (Grebnev, 2016). These places cannot be taken by other citizens of the country that creates additional social elevators.

7. Conclusion

There are rich traditions in India which date back to Indian philosophy. They reflect a wide scope of issues. One of them is attitude to religious and national minorities; the right protection is among them. Gradually, philosophical views and behavior of representatives of the major religion confession based on them received legal regulations. Nowadays it includes a wide scope of legal acts including the country constitution and core papers on the internal politics. Indian legislative regulation develops constantly.

Constantly new laws and sub-laws appear as well as changes (corrections) are introduced into existing ones. These corrections enlarge the rights of different religions and ethnoses.

It can be expected that this tradition will last. This fact is proved by some special rights, granted some time ago to certain minorities in India, in the course of time their list increased. Also, the experience of privileges and additional rights for ethnic groups has been translated onto the representatives of others categories of population. Here we can mention the religion followers, women, and Dilates (untouchable).

The deepest democracy of Indian traditions and philosophy of the right protection for ethnic minorities helped India to overcome difficult periods in its history. Nowadays, they are a bound between the Indian society and the state, helping the country to fulfill new big projects.

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