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Case Comment: Upendra Nath Dalai v All India President Bharatiya Janata Party & Ors - When Religion is seen as a Tool of Earning Popularity

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INTRODUCTION

While we are contending for our liberty, we should be very cautious not to violate the conscience of others, ever considering that God alone is the judge of the hearts of men, and to Him only in this case are they answerable.

- George Washington, Letter to Benedict Arnold.¹

Indians are given the liberty to choose and practice the religion of their choice. The religious philosophies are deeply rooted in the Indian system of politics, governance and lifestyle. This means there has to be a tinge of religion if not in all but in many aspects of the decision-making

¹ 'Letter to Benedict Arnold - Thursday, September 14, 1775' (*Mount Vernon*)

<www.mountvernon.org/library/digitalhistory/past-projects/quotes/article/while-we-are-contending-for-our-own-liberty-we-should-be-very-cautious-not-to-violate-the-rights-of-conscience-in-others-ever-considering-that-god-alone-is-the-judge-of-the-hearts-of-men-and-to-him-only-in-this-case-they-are-answerable/> accessed 19 August 2023

and implementation of decisions by the authorities. India has previously been a victim of communal violence such as riots and sometimes, differences of opinion are witnessed with the coexistence of various religions in the country. This accounts for the fact that different faiths and beliefs try to press their individualistic ideologies on the people who believe in some other faith or practice. Religion in itself is a very big and sensitive word, it earns its complexities from the diversion and union of numerous practices that might be similar to other faiths or may be driven by age-old customs of particular religions or may be created on account of the believer's faith and beliefs. After all, religion is a matter of faith and belief, not logic or rationalism.

Let us observe the pattern of Hinduism; the people who wish to advance further in the spiritual practices within their choice of the particular sect within the Hindu faith prefer to opt for a learned spiritual seeker, who is usually addressed as the 'Guru'. This Guru is believed to be the person who can pass spiritual knowledge and blessings through the practice of initiation (or Deeksha) and so we witness an ample number of people capable of initiating persons who wish to be his or her disciple. In many such practices, the 'Guru' is an incarnation of the deity or sometimes revered as the deity himself. Till here it is fine. The problems arise when individual(s) fail to understand the crux of the given liberties just like we have in this case, which is nothing but an attempt to earn name and fame by using the faith as a scapegoat. You may belong to any religion or any faith and may adhere to any religious practices and/or belief but the reality is you cannot force it on anyone else with the available machinery. This case is an instance of how individuals try to make their faith a scapegoat to rise to fame and force religious insecurities in the country.

FACTS OF THE CASE

In this case,² the petitioner approached the Hon'ble Supreme Court of India under Article 32³ through a Public Interest Litigation seeking the declaration of his guru Sri Sri Thakur Anukulchandra as the only guru for the entire nation. To this issue, he made the National Christian Council, the Bharatiya Janata Party, the Vishwa Hindu Parishad, the Buddhist Society

² *Upendra Nath Dalai v All India President Bharatiya Janata Party & Ors* AIR 27 SC 875

³ Constitution of India 1950, art 32

of India, the All India Muslim Personal Law Board, Ramakrishna Math and Ramakrishna Mission and many other related institutions and/or organisations parties to his case. According to him (the petitioner), only his spiritual leader should be declared as the 'Parmatma' above all the spiritual leaders and religions in India. The case was taken up by the bench of justices M.R. Shah and C.T. Ravikumar and the petitioner was heavily criticized for such an act of filing a 'Publicity Interest Litigation' rather than a genuine PIL and the bench further added that India being a secular country, there cannot be any instance of forcing someone's guru into others. Everyone has the right and the freedom to choose and profess his or her religion of choice. The petitioner was even inquired about the fact as to why he forced others to believe his Parmatma was theirs. To avoid such 'thoroughly misconceived' cases in the future, the court imposed a hefty penalty of one lakh rupees to make it exemplary and deter people from pursuing such acts in the future.

OBSERVATIONS

Religion as a Background: Religion is always a sensitive and crucial aspect for the people of any land and we cannot ignore the fact that religion is the basis of life. It has the power and capacity to influence people, their nature of work and living and has even dared to inspire wars and bloodshed in history. Therefore, we cannot ignore religion, but what we need to see is every religion talks of peace among its followers and the followers of other religions. But the believers and sometimes the staunch believers too fall for the trap of misconceived notions to confuse their scriptural understanding of the religion as superior to those existing in the world community. That means, we lose the faith of being good and humble just to enforce our religion on others and that is when chaos ensues. Such aspects of forceful projections of religious ideologies just to satisfy one's thought process are whimsical and sometimes triggered by other egoistic influences. The present case is not only a sacrilegious one but also uncontentious to the religious system prevalent in the country. Such a case is well decided by the Apex Court and the exemplary penalty testifies so.

THEORETICAL ANALYSIS

Deep down, I believe the following issues should be analyzed for a better understanding of the case:

1. Whether it is possible to have only one spiritual leader in the country.
2. What might have triggered this PIL?
3. Is this case an indication that people have lost faith in secularism?

India is a multicultural, multi-religious country. It has a complex congregation of various religious philosophies and understandings and there is a sect or a cultural community in almost every part of the country. Some faith structures are limited to the townsfolk while some are urban-folk beliefs, moreover, numerous faiths influence people every day and that is why we celebrate festivals as a moment of happiness rather than adhering to the strict religious background associated with them. This is recognized in the Constitution of India vide Article 25(1)⁴ which allows the citizens the freedom to practice and profess any religion of their choice, backed by their conscience. This itself is a fundamental right and needs very little explanation. The case of *S R Bommai v Union of India*⁵ expressly explained the concept of the word 'secularism' and indicated the fact that India is a place where many religions co-exist with equal respect and dignity. Again, in the case of *Aruna Roy and Ors v Union of India and Ors*⁶. The apex court reaffirmed that secularism prevents segregation of people concerning religious perspective, this case also heavily backed upon the secular philosophy of the Indian Diasporas. Therefore, merely believing someone to be a spiritual leader or a guru for oneself cannot be the root cause of curtailing someone's right to religious freedom. A Parmatma for you may not be the same for someone else. With the growing number of faiths and practices, with the onslaught of technology, many people embrace spiritual practices that were unavailable to them in the past few decades and it depends solely on the conscience and perception of the citizen to whom will he or she believe or abstain. Hence, in a country like India rightly backed by secularism and

⁴ Constitution of India 1950, art 25(1)

⁵ *S R Bommai v Union of India* (1994) 3 SCC 1

⁶ *Ms. Aruna Roy v Union of India* (2002) AIR 98 SC

its practices, we cannot have a single spiritual leader. However, the coexistence of many such spiritual leaders and their believers is possible provided they adhere to the ideologies of the Constitution.

The reason for this PIL is clearly understood as a publicity one. Just to popularize himself and his ideology this petitioner might have been instigated to do so because none of such practices of the aforementioned spiritual leader ask him to do so. Rather, the humble ideals of believing in God and working for the upliftment of society are seen in their texts, nothing that triggers communal disharmony can be seen. It is just like any other practice, the goodness spilled over all the discourses and teachings. Therefore, keeping his guru in front, this petitioner had some mala fide intention through this petition which is rightly punished through the penalty by the Apex Court.

Considering the present socio-economic scenario of the country, especially with the Shri Krishna Janmabhoomi⁷ and Ayodhya case⁸, secularism must be prevalent in the country and there might have been some mis-indications of it being lost or disbelief to secularism arising in the country but the judgement of the courts especially with the latter mentioned case depicts that secularism is not lost in the country. Provided with a firm base of Articles 25-28 of the Constitution, liberty and freedom accessible to Indian citizens cannot be undermined by such cases. Rather such PILs are triggered to pass a negative image of the famed Indian secularism we boast of to the world today.

INFERENCE

The present case is based on Sri Sri Thakur Anukulchandra who was a physician, philosopher and spiritual leader. His spiritual ideologies and philosophies have earned him a lot of followers and devotees alike, even today we find interested people taking spiritual refuge under His beliefs and organization just like our petitioner. He believed Him to be the 'Parmatma' or the 'Supreme Soul' which is rightful on his part but in similar terms we have people who are deeply

⁷ *Bhagwan Shrikrishna Virajman & Ors v U P Sunni Central Waqf Board & Ors* Transfer App (C) No 88/2023

⁸ *M Siddiq v Mahant Suresh Das* C App No 10867/2010

devoted to some other spiritual leader such as Sri Ramakrishna Paramhansa, Ramanna Maharishi and others. India has witnessed the presence and influence of such people not only in Hinduism but also in Islam, Buddhism and other religions. Therefore, such a PIL by the petitioner is not only a triggered insult to people of other denominations but also is against the scope of Article 25 of the Constitution. No spiritual leader or any particular sect has called themselves supreme. Then these fanatics must not misguide their sect as well as create chaos in other sects just for their material pursuits. The court rightly observed his whimsical claims and punished him to deter other people from pursuing such a path.

Further, had such a PIL been allowed it would have been violative of Article 15(1)⁹ of the Constitution which prevents discrimination on grounds of religion, caste, creed or sex and therefore, the violation of Article 25¹⁰ is imperative; this led to the disallowance of the PIL which for the most obvious reasons is entirely vague in its creation, arguments and justification. The overburdening of cases is an issue borne by the Indian courts and such a dumb action by a citizen of the country not only wasted the time of the court but also earned him a hefty fine.

CONCLUSION

India is a land where many faiths have grown, this was a place of the rise of Buddhism, the place which still allows multiple religions to co-exist and survive. From Hinduism to Zoroastrianism and many others, India has given them a place to live and in return it requests everyone to allow others to live. In the case of such a PIL it was assumed to be rejected but to deter people from pursuing such types of PIL in the future the court took up the case and penalized the petitioner, who doesn't even realize the secular nature of the country such that he is calling all the religious bodies to be parties to his case just to call his guru the Parmatma of the nation. The bench also questioned his intellect as to why would his guru be accepted by others. This comes to the reasoning that different people have different belief systems and it is what they believe more than what others believe. Such writ petitions are a clear misuse of Article 32¹¹ of the Indian

⁹ Constitution of India 1950, art 15(1)

¹⁰ Constitution of India 1950, art 25

¹¹ Constitution of India 1950, art 32

Constitution and these types of tendencies shall always be reprimanded. Therefore, the baseless claim made by the petitioner is conceived as a publicity campaign by the court and even I believe it so. Religion is a matter of faith and sensitivity, the reasoning is not compelled to be its partner and that does not mean we are allowed to play with it, neither religion is someone's scapegoat nor is it a profit-making machinery. It is purely a belief that ought to be respected and allowed its freedom provided its followers and/or its philosophies do not disturb the peace and harmony of the nation in which it exists or of other people's faith and belief.