

# **RELIGIOUS FREEDOM FOR THE RELIGIOUS MINORITIES IN BANGLADESH : A CRITICAL ANALYSIS OF THE INSERTION OF STATE RELIGION IN THE CONSTITUTION**

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## **Abstract**

*This research explores the status of religious freedom in Bangladesh for the religious minorities from a critical perspective. The main subject of this research is religious minorities in Bangladesh mainly the Hindus, the Buddhists and the Christians. As Islam is the state religion in Bangladesh constitution, religious minorities feel inferior to the Muslims. This research attempts to explore whether the insertion of 'state religion' in the Bangladesh constitution is a threat to freedom of religion in Bangladesh with special preference to religious minorities.*

**Keywords:** Secularism, State Religion, religious minorities, religious freedom

## **Introduction**

Bangladesh formulated its first constitution in 1972 with a premise to form a secular state ensuring religious freedom for all irrespective of whether they belong to a majority or minority religious tradition. Secularism was made a state principle along with democracy, socialism and Bengali nationalism which refers to a situation where no religion would be given preferential treatment by the state rather than the separation of religion from the state and its relegation to the private sphere. State should maintain an equidistance stand point in South Asian secularism, more specifically for India and Bangladesh (Sen, 2012 : 171-190). Bangladesh has a historical legacy of religious freedom (Belfiedt, 2015) and religious coexistence that enabled interfaith harmony in every level from societal to state from a distant past (Anisuzzaman, 2015). Secularism was abolished from the constitution from 1975 to open up religion-based politics in Bangladesh (Islam and Huda, 2016). In 2011, with the fifteenth amendment of the constitution, secularism has been

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reinserted with an endeavour to bring back the original secular nature of the constitution. After the elimination of secularism in the Bangladesh constitution and the insertion of Islam as the state religion, the tension among religious minorities increased. Moreover, the percentage of the religious minorities has been reduced to approximately 10 percent in 2015 from approximately 29 percent in 1972 (Adams, 2015). Subsequently, since 2012, after the destruction of some Buddhist Temples at Cox's Bazar by Muslim extremists, tension has been raised among minorities regarding their freedom of religion. This tension was accelerated due to the consecutive attacks on the minorities. More than one thousand incidents have already been reported regarding attack on the minorities including vandalising temples, grabbing land, rape and killing religious priests. Religious minorities also said de facto discrimination existed in education system. The government is also accused of not providing equal funding to the minority religious groups when compared to Islamic communities (US State Department Report on Religious Freedom, 2014). Moreover, religious minorities sometimes feel threatened and insecure due to the insertion of Islam as the state religion (Beilfiedt, 2015). This is why more extensive qualitative research will enable us to understand to what extent the insertion of Islam as a state religion is a threat for minorities. There is hardly any academic literature based on primary research that has been produced which analysed the relationship of state religion and minority crisis. This research will explore the intrinsic relationship between the insertion of Islam in the Bangladesh constitution as the state religion and the freedom of religion with special attention to the religious minorities. This research will also help to know the crises that minorities face in Bangladesh.

## **Methodology**

In the beginning of the study, a flexible research design was formulated (Robson, 2002) which kept this research in a specific direction. This research has been conducted by following qualitative research approaches including literature review, archival study and a fieldwork. A social fact can be best understood through qualitative analysis (Martin, 1998). A Fieldwork was conducted at Dhaka, Bangladesh from 17 June to 08 July 2017. Semi-structured interviews were conducted with seven prominent personalities who are mainly academics working on religious freedom. Judicial magistrates have also been interviewed. All of them

have expertise on the concerned fields. Respondents were selected using Purposive Sampling Technique (PST) in order to minimize research errors to and to get in-depth analysis of the facts (Taher, 2009) Each interview was around 30 to 40 minutes long. Interviews were recorded and transcribed. But at least two respondents have given their interviews written instead of oral interview. Two respondents were interviewed in Bengali as they were more comfortable in Bengali. Then their interviews were translated into English.

### **Legal Framework and theoretical understanding**

Freedom of religion is considered as one of the key human rights by the Universal Declaration of Human Rights where article 18 states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (Universal Declaration of Human Rights, 1948). The International Covenant on Civil and Political Rights (ICCPR, 1966, p. 178) by Article 18 also ensured the freedom of religion stating “everyone shall have the right to freedom of thought, conscience and religion. And no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice...”.

Bangladesh, not being an exception has framed constitutional guarantee for religious freedom for all including the majorities and the minorities. Religious freedom has been conceived as a corner stone of Bangladesh constitution (Rashid, 2004). According to Article 41, every citizen has the right to profess, practice, or propagate any religion and for every religious community or denomination to have the right to establish, maintain, and manage its religious institutions (Bangladesh Constitution, 2011).

Marshall (2013 : 11-12) has pointed out few key components of religious freedom. Firstly, freedom for believers to engage in particular practices apparently peculiar to religion. For instance, any particular modes of diet, dress and prayer can be astonishing to an outsider which he or she thinks strange and incompatible to the mainstream society or religion. Secondly, freedom to gather together for worship. Thirdly, freedom of religious institutions and organizations to decide on their

governance, rules and personnel. Fourthly, freedom of religious people to found and maintain distinctive social organizations, such as hospitals, family and welfare agencies, as well educational institutions and media.

According to Uitz (2004 : 15), the constitutional significance of protecting religious freedom is only acknowledged if the significance of the freedom of religion is understood in a pluralist society. The right to profess or not to profess any religion largely depends on a particular society that to what extent that society or state is pluralist. In Bangladesh, freedom of religion has been understood based on secularism grounded in a pluralist society (Bielfiedt, 2015, p.5). In Bangladesh secularism has a distinct meaning and character meaning neutrality to religion and the equal status of all religions persistent in Bangladesh (Islam and Huda, 2016). According to the secularism in Bangladesh, state will enforce no law which can violate the religious harmony of Bangladesh and state will guarantee the freedom of people irrespective of religion, class and ideology (Anisuzzaman, 2015). According to the Article 12 of the Bangladesh constitution, secularism will be understood as follows: “The principle of secularism shall be realised by the elimination of — (a) communalism in all its forms; (b) the granting by the State of political status in favour of any religion; (c) the abuse of religion for political purposes; (d) any discrimination against, or persecution of, persons practicing a particular religion” (Bangladesh Constitution, 2011). This provision implies that the constitution has conscious endeavour to establish communal harmony. Article 41(1) also mandates; “subject to any law, public order and morality.”

- a. Every citizen has the right to profess, practice or propagate any religion.
- b. Every religious community or denomination has the right to establish, maintain and manage its religious institutions.

Article 41(2) further provides that no person attending any educational institution shall be required to receive religious instructions, or to keep part in or to attend any religious ceremony or worship, if that instruction ceremony or worship relates to a religion other than his own.

Despite a clear outline of pluralist framework of secularism, there are two trends of debate against the secularism in Bangladesh. In one hand, the pro-leftist intellectuals want to say Bangladesh secularism as ‘pseudo-secularism’ as it has been depicted by Sharif (2004 : 148-155). He argued

that the loophole of secularism in Bangladesh is that it accommodates every religion within itself instead of sharp division between religion and state. On the other hand, the pro-right-wing intellectuals want to describe secularism as 'atheism' which gave an idea that the insertion of secularism is the promotion of atheistic or non-religiousness in Bangladesh (Anisuzzaman, 2015).

According to (Bielfiedt, 2015 : 5), the secularism of Bangladesh is space providing *inclusive secularism* where all religions have equal status and state is not passive towards religions. Stating the importance of active attitude of state for the sake of religious freedom, he writes: "There is a need for the state activity to protect and promote religious and belief related diversity, based on the right to freedom of religion or belief for all, as guaranteed in article 39 and 41 of the constitution as well as in international human rights law" (Ibid : 5).

Despite ensuring religious freedom for all, the constitution of Bangladesh has two questionable aspects regarding the freedom of religion. In one hand, it says that Islam is the state religion in Bangladesh though people belonging to other religions will enjoy the equal status (Bangladesh Constitution, 2011). Members of religious minorities feel the contradiction and feel inferior as well due to the insertion of this state religion (Beilfiedt, 2015 : 6). On the other hand, it does not have any provision or legal protection for those who do not officially practice any established religions like Islam or Hinduism.

### **The Bangladesh government's response towards the religious minorities and a way forward to develop their status:**

The government has been taking some steps to protect minority rights with respect to legal affairs such as punishing the culprits causing harm to the minorities and social awareness, the minorities are still concerned about their safety and protection (Ahmed, 2016, : 5). The US Commission on Religious Freedom Report (USCIRF) (2016) argued that the government is showing more active endeavour to protect the minority rights. In addition, the law enforcing agencies have arrested people those who are associated with any incidents and investigated for any attack and threats. These active measures have increased the social protection of the minorities. USCIRF (2016) reports that some political parties try to curtail the influence of the religious minorities in electoral process as a game

changing factor. They have argued that the minorities have a strong vote bank which is mainly opposed to any right wing political parties like Jamat. Adams (2015 : 45) writes: “The targeting of minorities in elections violence has been motivated by a desire to limit their electoral influence.”

### **Few Aspects of the crisis of the religious minorities**

There are few aspects that can be described demonstrating the issue of the religious Minorities. Firstly, in 1965 when Bangladesh was in Pakistan, the government enacted the enemy property Act (EPA) that enabled the government to take over the property of the enemies of the state, the Hindus who supported India during India Pakistan War in 1965 and who left Pakistan for India after 1965 (Ahmed, 2016 : 7). This law was retained as the Vested Property Act (VPA) after the independence of Bangladesh as The Vested Property Act (1974). This triggered the Hindu migration in India and decline of the number of the Hindus in Bangladesh (Belfiedt, 2016 : 7). In face of continuous crisis of land grabbing and security of the minorities, in 2011, the government started implementing the Vested Property Return Act (2011) but had been encountered with many problems (Ahmed, 2016 : 8).

Secondly, the Religious minorities have encountered few problems in religious education in Bangladesh as Beilfiedt (2016, : 9) notes that there is a sharp discrimination between the majority Muslims and the religious minorities in government schools regarding religious education.

Thirdly, attacks on the Minorities in recent years have become more common. The Ramu incident in 2012 has changed the course of the interfaith harmony of Bangladesh at least to some extent when at least twenty historic Buddhist temples were destroyed and some houses of the Buddhists were burnt (Beilfiedt, 2016, p. 7) in the face of a rumour associated with the defamation of Islam by the Buddhists. This resulted in a speedy rise of the attacks on the minorities in the subsequent years including kidnapping, land grabbing, vandalising temples and statues, target killings of the Hindu priests and the Christian pastors. US State Departments International Religious Freedom report (2015) says: “Attacks targeting Hindus or their property during the year killed seven persons and injured 67, compared to none killed and 60 injured in 2015. Attackers destroyed 197 statues, monasteries, or temples compared to 213 in 2015; and destroyed 192 homes and 2 businesses compared to 104 homes and six businesses in 2015.”

In 2016, dozens of Temples and hundreds of houses of the Hindus were vandalised in Nasirnagar based on rumours that a local young Hindu defamed Islam. The main agenda was grabbing Hindu properties (Taj Hashmi, 2016). In addition to that, Santals (aboriginal ethnic minorities) faced a severe attack resulting vandalising houses and loosing land. Taj Hashmi (2016) described the attack from power dynamics that aimed at seizing a huge amount of land estimated 800,000 hectares of land. According to Hashmi (2016), attack on the minorities has a direct link with the powerful side, no matter which religion they belong to clearly inclined to either grab land or to take personal revenge through political back up.

### **General Findings and Data Analysis**

In the following section I present a discussion based upon the interviews that I carried out during my field work. In my analysis, I have identified themes and have structured the discussion accord to the following areas.

#### **General understanding on the Situation of religious freedom in Bangladesh**

It is quite difficult to calculate to what extent religious freedom persists in Bangladesh as it does not solely depend on data. Sometimes data is not available as the religious minorities cannot always report all the incidents happened to them. However, generally it can be said that the constitution guarantees the rights of the religious minorities including the Hindus, the Buddhists, the Christians, the aboriginals and others. But among the religious minorities, the Hindus enjoy much better opportunities in Bangladesh as one of the respondents remarked :

“Hindus are the largest minority group and also they are the most privileged group among all the minority groups. To some extent, Christians and Buddhists are also enjoy their freedom of religion in various ways. But undoubtedly, the Hindus enjoy more freedom and opportunities.”

The Hindus are the largest minorities in Bangladesh and this can be a reason for getting special treatment from the government. They are considered as a vote bank for secular parties. But the constitution does not make any discrimination. So, this comment is partially true.

One of the respondents has argued that though sometimes the government and the society talk about religious minority rights and religious freedom but they do not talk about the freedom of some of the

sects of the Muslims such as the Ahmediya and the Shiites in Bangladesh (Adams, 2015). Another respondent also discussed the issue stating that even in the academia people hardly speak for the religious freedom of groups like the Shi'ites as they face more potential threats from the orthodox Muslims. She argued that despite a historical legacy of religious freedom in Bangladesh the term 'religious freedom' is still not pervasively applicable for all.

Amidst different issues on the religious minorities, some of the respondents are totally agreed that the state of religious freedom is 'good' in Bangladesh which is much better than many other South Asian countries like India and Pakistan.

A respondent explained one example to prove him right. He said that in any Hindu Puja (Hindu religious festivals), most of the attendants in any Puja area are the Muslims. This festival usually exceeds the boundary of religion. The Muslims join these festivals and enjoy there. There is hardly any incident where the Muslims and the Hindus confronted due to performing any worship or Durga Puja.

### **Islam to be the state religion**

State religion implies the state recognition of a religion over the other religions within the state. It allows a particular religion to enjoy superior status over other religions. Islam, as a state religion, means that it is the religion of a state patronized by the particular government itself. It is total disrespect to the other religious adherents, according to at least four respondents including from the minority group respondent. One of them has said: "Recognizing, Islam as state religion means, it will get extra preference over others. But, it is really disgraceful for a democratic and secular country like Bangladesh."

Islam became the state religion in 1988 through the 8<sup>th</sup> amendment of the constitution by the then president Hussain Muhammad Ershad, a former military general. He did not make Islam a state religion overnight. He followed the footsteps of his military predecessor General Ziaur Rahman who abolished 'secularism' from the constitution after the assassination of the father of the nation, Sheikh Mujibur Rahman in 1975 (Riaz, 2013). Recognizing Islam as state religion means, it will get extra preference over others. This has been described by one of the respondents as 'disgraceful' for a democratic and secular country like Bangladesh.



The reason for making Islam as state religion was obvious for the military rulers of Bangladesh Including General Ziaur Rahman and General H.M. Ershad. They used 'Islam' as a card to gain popular support from the Muslims, according to Ali Riaz (2013). There can be mentioned at least 3 reasons for why Islam was made state religion, according to the discussion of the respondents.

Firstly, the reason has been stated by most of the respondents is the endeavour of the military rulers to legitimate their regimes. Bangladesh experienced first military dictatorship in 1975 by General Ziaur Rahman who used Islam as a political card to legitimize his rule. He disavowed secularism from the constitution and declared Bangladesh as an Islamic republic. In this regard, he sought legitimacy from the middle eastern countries, Saudi Arabia for instance by declaring Bangladesh as Islamic republic (Riaz, 2013).

Secondly, the military rulers established their own political parties. According to all the respondents, after the beginning of the military regimes in Bangladesh, two consecutive military rulers ended up with an endeavour of being 'democratic' by calling so called general election. Both Ziaur Rahman in the early 1980s and General Ershad in 1986 tried to remain in power by using 'religion' card.

Finally, the reason for introducing Islamic republic and state religion lies in establishing an anti-Awami League philosophy based on Islamic ideals by portraying Awami –League as 'anti-Islamic' party. The military rulers founded two political parties named Bangladesh nationalist party (BNP) by general Zia and Jatiya party (JP) by General Ershad. As they had no political base and history, they tried to establish a philosophy based on anti-Awami League stand point, according to most of the respondents.

### **Key challenges of religious freedom for the religious minorities**

The respondents have argued that in the modern complex world it is easy to think to establish religious freedom for all from all levels but this is difficult to get it done. Bangladesh has many challenges on the way to ensure religious freedom for the religious minorities. There are three kinds of challenges regarding religious freedom in Bangladesh as pointed out by the respondents.

Firstly, the main problem is the dilemma regarding the insertion of state religion in the constitution which has set a 'psychological' deadlock to ensure religious freedom. This has created a confusion and apparently it was against the spirit of the very first constitution of Bangladesh. One of the respondents said: "The key challenge to ensure religious equilibrium is the insertion of state religion. It makes a psychological sense of inferiority among the others (religious minorities). When state provides extra preference to any particular religion, this process automatically undermines other religions. At the same time when state take extra care to any particular religion, the orthodox group of that particular religion tries to take the advantage of it. Consequently, it compels the minority groups to think themselves as second class citizen. He is true to some extent that the so-called fanatics and religious orthodoxies try to get privilege to dominate the religious minorities." But among the respondents, at least four respondents including two persons from religious minorities do not think the insertion as the key challenge to ensure religious freedom. For instance, a respondent said: "Religious freedom is not confined within the debate of state religion. It is not easy to ensure religious freedom even in a country where there is no state church or state religion; USA or India for instances. So, it is a mistake to blame state religion solely."

Secondly, they found 'the absence of the rule of law' as the key challenge to promote religious freedom in Bangladesh. One of the respondents said: "If the rule of law was established no matter whether there is any state religion or not, everyone would be bound to obey the rules which prohibits to cause any harm to any person."

Thirdly, another problem raised by the respondents is the global crisis on terrorism and the expansion of the Salafist and Wahhabi ideology. Global crisis on the Muslims has an effect in Bangladesh as well though it might not be a massive one. A respondent said: "A key challenge is movements like Salafism and Wahhabism which have been initiated in Bangladesh by some young people. We know that Salafism and Wahhabism are related with conservative trend. The young people who go to Middle East countries like Saudi, Syria, Tunisia and are influenced by such kind of conservative ideologies and when they back they just try their best to initiate that conservative trends."

Thus, the absence of rule of law, global political phenomenon such as global war on terrorism, expansion of ideological terrorism by the

Wahhabis or armed terrorism in different countries and psychological weakness of the religious minorities stand as key obstacles to establish religious freedom in Bangladesh.

Despite the fact that, this policy debate is a sensitive issue for the policy makers and for the religious minorities whether the insertion of state religion is a direct threat for them. Respondents are divided in their opinion regarding this issue. Some of the respondents do not consider the insertion of state religion a 'real threat' while the others consider it as threat. In addition, it is not only the Muslim respondents who think that state religion is not a threat. Even one of the respondents from religious minorities thinks that it is not a matter whether there is any state religion or not. Instead, the lack of a total 'environment for religious freedom' is a major threat for religious freedom.

In contrast to this very firm stand point that state religion is a major threat for the minorities, at least four respondents including two respondents from religious minority groups opined that state religion is not the biggest issue to ensure religious freedom. One of the respondents argued that ideally, it does not matter if there is a state religion so long as the status does not result in an inferior status given to other religions and rights of the people from all religion are protected as envisioned in the constitution. However, as indicated above, the status of Islam as a state religion has generated a sense of special status, despite the constitution clearly denying so, among the Muslims which poses the threat towards equal treatment of minorities. Moreover, constitutional values are not embedded in the social values which results in denial of equal status not in administrative settings but in social scenarios.

Thus, it cannot be generally stated that the insertion of state religion is a major threat for the religious minorities. But the fact cannot be denied according to this research that there is a link between these state religion and minority threats in any fashion what so ever.

### **Feasibility of affirming religious freedom by keeping state religion: a critical debate**

The respondents are not unanimous in the position whether it is possible to affirm religious freedom by keeping state religion. Some of them argued against the proposition while some of them stated on behalf of it. The key argument of these who opposed the proposition is that state religion and secularism is contradictory concept. This is why, these two

contradictory ideas cannot affirm a harmonious situation for the religious minorities. For instance, one of the respondents argued that without ensuring overall development (socio-economic), it is not possible in our country to ensure religious freedom. Still now, commoners are easily motivated by the words of religious personalities. Literacy rate is still not so satisfactory. That is why many people failed to understand the actual meaning of religious freedom likely, sometimes religious freedom, in Bangladesh, is interpreted as Atheism, which is absolutely a misguided thought. So, without ensuring good literacy rate and proper awareness among the commoners, it is impossible to affirm religious freedom by keeping state religion.

In contrast to the previous position, two of the respondents including one from minority group have argued that by embedding the constitutional values in our social values, the rights of religious minorities can be ensured. One of the female respondents argued that if embedding the constitutional values are done in a right way, merely a constitutional acknowledgement of the state religion would not hinder religious freedom as the constitution guarantees on religious freedom.

This position leads this study to a minimum comparison to UK model of state church. While the respondents were asked that if United Kingdom could ensure religious freedom by keeping state church, whether it is possible for Bangladesh. In this case, one of the respondents said: "Countries like UK, Netherlands become potent to affirm religious freedom by keeping state religion for their strong law and order situation and economic strength. The situation in Bangladesh is totally different because our law and order situation is not satisfactory to ensure all kinds of rights of the minorities as well as the poor. The political parties always patronise state religion to get the majority vote in election. So, affirming religious freedom by keeping state religion is not possible in the third world countries like Bangladesh. It is contradictory."

Most of the respondents are reluctant to go for any comparison as the socio-economic situation in the United Kingdom is not comparable to a country like Bangladesh. In this case, at least two respondents suggested that the UK model of state church is somewhat different from the idea of state religion. In policy making or for enacting any law, there is hardly any influence of the Anglican church where this has a significant impact on implementing policies in Bangladesh. Thus, though apparently it might be

resembled that the comparison may be feasible between these two countries but in fact, there is little scope to state that as UK can affirm religious freedom by keeping state religion, therefore Bangladesh can confirm religious freedom by keeping state religion.

Besides the comparison, some of the respondents suggested that even in Bangladesh, religious freedom can be affirmed by increasing the sense of 'psychological security' among the religious minorities in Bangladesh. Hence, the government should pass more 'religious minority friendly' law so that they do not feel inferior to at least minimum point. In addition to that, the law enforcing agencies should take care of any harmful situation with strict hand so that the victims get proper judgement.

Thus, it can be stated that it is possible to ensure religious freedom for all irrespective of the majorities and the minorities by keeping state religion if the above stated aspects can be ensured in a proper way. State religion can be a symbolic reflection of the majority Muslims and might have no negative impact if the constitutional values of equal status are enshrined among the people.

### **Reasons for declining the number of the religious minorities**

Some of the respondents have mentioned the state of religious minority-majority issue is not so acute in Bangladesh. But the data regarding the decrease of the religious minorities from nearly 22 percent in 1971 to 10 percent in the most recent years tell a different fact. It shows that the minorities are decreasing every year for many reasons. There are many greedy political leaders who always try to grab the properties of the minority groups. Here religion is just an issue in the camouflage of economic reason. A respondent from a minority group suggested that many Hindu people are scared by such types of political leaders and their supporters. They do so because if they get scared, they will migrate to India. Consequently, they can grab their lands. In Bangladesh, people are very much ethnocentric. Another reason is lack of sense of security in the society. It is not possible by the government to ensure security for every family. So, social sense of security should be risen. Lack of political willingness is also responsible for the present problem, as government cannot ensure the proper security for the minor classes. The respondents have mentioned at least four reasons why the number of the religious minorities is decreasing.

Firstly, one of the main reasons of decreasing the number of religious minorities is *land grabbing* by force from the minorities. It was started during the liberation war in 1971 when many Hindus fled to India. When they returned to their home land, many of them found that their land had been grabbed by the local elites and powerful political persons. Thousands of cases regarding this land grabbing is pending and still they are waiting to get back their property. In addition, it has been found that every year, many religious minorities are losing their land to the local politicians. One of the respondents said that there are many greedy political leaders who always try to grab the properties of the minority groups.

Secondly, the *sense of insecurity* has triggered the migration of the religious minorities that reduced the number of the religious minorities. It is true that there is a psychological impact on the religious minorities when they face some crisis in an independent land despite the conscious endeavour from the government to ensure religious freedom. Due to the atrocities affecting the minorities, which in many cases resulted in death, flight and migration of minorities, the number has subsequently been decreasing.

Thirdly, the reason that comes out here is the *low birth rate* among the religious minorities in Bangladesh. At least two respondents have marked this as a reason for the decreasing number of religious minorities. For instance, a respondent said: "The Hindus or the other religious minorities were more conscious regarding their child birth than the Bengali Muslims. As a result, it is very obvious that the average rate of the Muslims will be increased and the percentage of minority population will be decreased proportionately".

Finally, conscious migration to India is a major cause of the decline of the religious minorities in Bangladesh which is truer for the Hindus in compare to the Christians and the Buddhists. It cannot be denied that many Hindus consciously migrated to India for a better future after the liberation war. Hence, it was true for those who lost their lands to the powerful people.

### **Factors contributing to the present attack (2012 to onwards) on the religious minorities**

Three facts are related in the present attack on the minorities, according to the respondents. Firstly, there is a direct link between the

present attack on the minorities and the trial on war criminals for their inhuman action in 1971 during the liberation war of Bangladesh. Hence, Jamat-e-Islami and some other collaborators of them have tried to stop the trial by making Bangladesh unstable. Secondly, the Ramu incident started based on a fake Facebook post which disrespected the Prophet Muhammad (sm). The locals grew angry and the local powerful elites and the fanatics took the privilege of this situation. They started vandalising the Temples and this kind of destructions were seen later on as well. One of the respondents said that all things started out of a rumour which changed the pattern on communal harmony discourse in Bangladesh. Thirdly, the rise of Islamic States (IS) or the expansion of Islamic militancy is one of the reasons for increasing the attacks on the religious minorities. Though in the recent years, the number has been decreased, the global political phenomenon contributed a lot in the rise of attack on the minorities. A respondent said: "The global rise of Islamic extremism triggered the expansion of the local militancy which facilitated the ongoing attack on the religious clergies or on the temples. Target attacks on the religious clergies, for instance, was a part of global strategy of IS which was functioned by the local ideological supporters of IS in different names."

### **Impact of discarding state religion: a feasibility study**

It is quite a difficult policy making question. This might not be a comfortable option for the government as well because of political reasons. This is why, almost all respondents have argued that the direct cessation of Islam as state religion will not be solution. Hence, it will increase the chance of communal tensions. As long as fundamentalist values are replaced by constitutional values, cessation of Islam being the state religion would not bear the fruit of religious freedom enjoyed by the minorities, according to the discussion of the respondents. For instance, one of the respondents said that nevertheless, if it so happens, the positive effect would be that the minorities would receive moral strength. On the other hand, it would invoke anger among the fundamentalist Muslims which in turn may result in more frequent attacks on minorities. Hence, it is not a question whether Islam remains a state religion or not, but whether the state is capable to protect the minorities and ensure their constitutional right to the choice of and freedom of religion.

One of the respondents from minority group said that the cessation of state will religion has two-fold impacts in Bangladesh. From positive point of view, Bangladesh will enjoy and undoubtedly be established as a role model for religious freedom. In addition, there will be a peaceful co-existence of different religious followers under the same umbrella and the minority groups will be really happy from sense of psychological security. But he repeatedly emphasised that tension and chaos will be doubled if any attempt to discard state religion be taken by the government. He said: "Though there are some good impacts of the cessation of state religion, the negative impacts will be more dangerous. In one hand, the mainstream Muslims might not take it easily. As a result, the orthodox might call movement against this move of the government. In addition, there is no guarantee that this will help to promote religious freedom unless the psychological change of the people and the rule of law be established in the country."

His arguments seem to be very objective. On one hand, the Muslims definitely have a soft corner for Islam as state religion. They might react negatively. On the other hand, there is no guarantee that mere constitutional change will alter the situation by bringing a society without any communal issues.

Another negative thing must be considered that this move might be counter-productive for any government. In a country where majority people are Muslims and where communal tension is not that much high in compare to India, the government will not take any risk to discard state religion. Henceforth, political parties need to consider their vote bank. As the vote bank is mainly based on the majority Muslims, therefore it is expected that the government will not take any steps regarding this.

A twist has been visible for the respondents who argued that state religion is a major threat for the religious freedom and religious minorities. In answering the positive and negative impacts of discarding state religion, no one of them has suggested to discard Islam as state religion. According to their views, though there will be some positive impacts if there ceases to be state religion, but the negative impacts will be much higher.

A respondent said: "If the government takes the risk discarding the provision of state religion, their vote bank might be affected. In addition, other political parties will play this religious card so that the government becomes unable to run the country. This will destabilise the situation of



Bangladesh as well.” Thus, according to their arguments, it is clear that the cessation of Islam as state religion will have more negative impacts than positive impacts.

### **Developing the status of the religious minorities in the present constitutional setting: a way forward**

The present government does not have any intention to change the present constitutional structure regarding secularism and state religion. Their key argument is that state religion is the representative status of the majority Muslims in Bangladesh. At the same time, secularism guarantees the equal status of all people belonging to different religions. Thus, the government will keep the present constitutional structure. But the question rises whether it is possible to confirm religious freedom in its fullest essence by keeping state religion. It is a policy question which needs more examination. But to the best of this study and data collected from the respondents, it can be said that by following different methods in policy implementation levels, religious freedom can be guaranteed and the current situation regarding minority issues can be improved.

Most of the respondents have expressed their positive response to this question whether the situation of the religious freedom can be improved. For instance, one of the respondents has said that it is true that Bangladesh has been facing some issues with religious freedom but it is not as big as it is usually portrayed in media. Hence, the present situation can be much improved by a ‘collective’ approach from the government, civil society and the potential victims meaning religious minorities. He added that the situation of the attack on the minorities has been improved in the recent days while the data regarding the attack on the minorities proves him right.

According to the respondents, the following programs can enable the state to secure religious harmony without discarding either secularism or state religion.

Firstly, Political willingness of government is necessary for improving the present situation. Especially, it has been reported in many times that land of the religious minorities have been grabbed by the political persons in the respective localities where proper steps have not been taken.

Secondly, a social movement in favour of the religious freedom of the minority groups should be initiated to improve the situation. A social

awareness campaign will help people to understand the necessity of religious freedom. In this regard, mosques and Friday sermon in *Zumma* (special prayer on Friday) can be very effective if people are informed by the religious personals.

Thirdly, besides changing our education policy, textbooks in different levels should be enriched with discussion on interfaith harmony, religious freedom, the necessity of religious pluralism and secularism. These academic arenas will help students to develop a sense of mutual respect and harmony which in turn will facilitate the development of the status of religious freedom in Bangladesh.

Besides asserting the expectation of improving the present state of religious minorities in Bangladesh, at least two respondents differ in the position that the situation can be improved in the present settings; meaning keeping state religion and secularism together. They have expressed their concern that the religious minorities won't be able to enjoy equal status in actual sense unless the constitutional provision of state religion be 'withdrawn'.

These two respondents in this regard said that it is very tough to ensure religious freedom without ceasing state religion because of two reasons. Firstly, this state religion gives the people belonging to other religions a sense of 'second class' citizen. Secondly, the socio-economic situation in our country is not compatible to Europe. Many European countries have state church which does not hamper their establishment of religious freedom. But for a third world country like Bangladesh, it is not easy to ensure religious freedom by keeping state religion which accelerate the majority class to think superior over the others."

## **Conclusion**

The situation of the minority groups in Bangladesh is not satisfactory as there are many issues which have raised the tensions regarding the minority rights and religious freedom in Bangladesh. This study was an endeavour to understand to what extent the insertion of state religion is a major threat for the establishment of religious freedom and whether this is connected to the ongoing attacks on the religious minorities or whether it is contributing to the decrease of the number of religious minorities in the last forty-six years. In addition, along with analysing the legal framework and the government's position on religious freedom and minority rights, it

has been premised that the situation of the religious freedom demands more attention from the government and mass people. This ‘more attention’ will accelerate to understand the rights of the religious minorities and will create a social awareness. Based on the field work data, it is difficult to take a firm position as many respondents were divided in their opinion. And both parties have strong arguments. But sometimes they have been seen being self-contradictory in keeping state religion along with secularism. Because maximum respondents said that state religion is a threat for the ensuring religious freedom and equal status for all. Hence, they changed their position on the issue whether the government should take the risk of discarding state religion. Due to the government’s more active position in the last couple of years, the number of communal incidents have been decreased and law enforcing agencies have become more active. But this is not enough convincing which can immediately solve all problems. It is not merely a problem of the law enforcing agencies to take immediate actions; it is connected with a ‘collective societal aspects’. In this study, it has been argued that state religion has a significant negative impact on the religious minorities which trigger them to think second class citizen of a country. But this has limited connection with any communal conflict like vandalising temples or target killings of the religious clergies. Besides, thousands of land grabbing incident is due to personal gain instead of any religious issues. It has been argued more that if the government discard state religion, the situation will be more condensed that there is a huge chance of getting the communal issues dangerous. This is why, the respondents mainly argued that in the present settings of the constitution meaning by keeping both secularism and state religion together, the situation can be improved immensely without disrupting anything.

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- N.b. This article has been prepared from my MA thesis at the University of Leeds as the partial fulfilment of MA in Religious Studies and Global Development at the University of Leeds. I am thankful to Professor Dr. Emma Tomalin of the University of Leeds for her valuable guidance on producing my arguments.