Guest Submission

IMPACT OF RELIGIOUS PRACTICES ON HEALTH AND HYGIENE: A CRITICAL OBSERVATIONAL STUDY WITH SPECIAL REFERENCE TO ARTICLE 25 OF THE CONSTITUTION OF INDIA

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ABSTRACT

Since the beginning of human civilization, hygiene, health, medicine religious practices and law, are found to be interwoven around each other. On one hand, ancient legal system or religion preaches us about an ideal way of living life, on the other hand, the health care providers, try to identify and observe the religious practices and faith of the patient for providing better treatment. These practices may include prayer, meditation, bathing and cleanliness, dietary needs and astrological beliefs of patient. The history of alliance of law in the religious preaching and religious practices, medicine, and healthcare is very interesting to look at. Since ages, to make people take up cleanliness as a habit, it has been linked to Godliness, for example in Hinduism it is often said that “Swachchta hi Prabhuta hai”. Also, for hundreds of years, religious institutions were responsible for licensing physicians to practice medicine. Thus, religious practices are external activities or functions of human civilizations which works as code of conduct for them. The present piece of work is an attempt to identify the relevance of Article 25 of Indian Constitution for the medical practitioners while treating patients with orthodox patients with deep rooted religious practices which may create hindrances in the treatment too.

Keywords: Hygiene, Medical Practitioners, Article 25, Religion, Taboo

INTRODUCTION

India is a home for 1.4 billion people which are about one-sixth of the total world's population [1]. The population of India belongs to diverse ethnic and religious groups.[2] There is substantial size of the population of Hindus (79.8%), Muslims (14.2%), Christians (2.3%), Sikhs (1.7%), Buddhists (0.7%), Jains (0.4%)

and adherents to folk culture in India[3,4]. According Art 25 of the Constitution of India, all the people belonging to different religion have liberty and full freedom to follow their religious practices which should not be contrary to the public health and policy.

Life beliefs and well-being of an individual in a

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society are indivisible and interdependent. As the life without belief and faith can never be visualized, similarly well-being is also one of the pre-conditions of life as per the essence of Art 21 of the Constitution of India. The concept of belief is the central part of human life and it determines one's life style. It is a proper combination of religious practices and routine hygiene practiced by an individual.

However, taking care of the body and soul always remains an integrated aspect of well-being of an individual in all religions across the world. For example, taking Hinduism/ '*Sanatan Dharm*' into consideration, one may agree to the fact that, it is very liberal in its core and it provides liberty to an individual to practice and follow any lifestyle according to one's own belief, faith and choice. Even in the judicial pronouncement apex court affirmed *Hindutva* as way of life. However, the concept of purity is deeply rooted among Hindu ideologies according to '*Srimad Bhagwat Geeta*', "*swacham*" is one of the divine qualities which one must practice for the purpose of overall cleanliness of both body and soul. Moreover, '*Dharmshastras*' suggests an ideal routine in which, after waking up early in the morning, the ritual of cleanliness and prayers which includes cleaning the teeth immediately followed by bathing, prayer and then taking meals should be done. For mental and emotional cleaning, early morning meditation/Yoga sessions are also stressed upon. Other practices like, washing hands with clean water, taking off shoes outside homes before entering, constructing toilets outside the dwelling houses, performing '*Janeyusanskar*' to make the *Janeyu* bearer follow every ritual of

cleanliness, etc. is habitually followed among Hindus since ages. This works as a running system of hygiene. Therefore, it can be said that, religious practices also acts as a measure for observance of the health measures for a healthy mind and body. Here it can be considered the reasons that are why the freedom of belief is subject to health and morality.

To follow and propagate religious belief and faith, Article 25 of the Constitution provides constitutional protection to the individuals belonging to any of the ethnic groups. However, in recent times, this system of cleanliness has been relatively compromised by many corrupt practices which are often associated with religion. For the purpose of present article, the few practices among Hindus and Muslims have been discussed. The rationale behind the selection of only these religions as above is the size of the followers is higher in comparison of other. Thus, this study aims to identify such unhygienic religious practices which may create problem for the medical practitioners and compromises the treatment. This study also discusses about the general awareness about Article 25 among medical practitioners and general population.

METHODOLOGY

The present article attempts to explore the complexities of religious practices; the reason behind it and its impact on health and hygiene of an individual. The present observational study was conducted in the hospitals in Delhi-NCR with subjects of Hindu and Muslim religion. The study has a quasi-disciplinary

approach with a socio-legal view point and here it has been tried to check the impact of various religious practices on the patients while treatment. The data was collected and compiled by the authors and various religious practices compromising the treatment of the subjects were listed.

Health & religious practices among Hindus

Hinduism, (synonymous to *Hindutva*) is not a religion, but a way of life and a state of mind.⁸It gives complete liberty to the individuals to follow and practice his own belief and faith, may be termed as religion, according to his choice. This way of life holds so many religious practices such as prayer, meditation, bathing, cleanliness, dietary needs & habits. These religious practices are directly related to the health and hygienic system that might have compelled the judges of the apex court to re-establish Hinduism as a way of life before this modern global society.

However, globalization and rapid transformation of the society has raised various issues which has created a clash in between health care and religion. For the purpose of cleanliness, Hindus prefer to skirmish their teeth daily in the morning using *Neem Datun* (twigs). It has been concluded in various researches that using twigs can have similar cleaning effects as a conventional toothbrush. But the sticks can't reach areas between the teeth, and if they aren't used properly, they can damage the gums and abrade the teeth.^[5] Hindus have a tradition to eat with hands and not with spoon and washing hands prior to eating, is very important for Hindus because of

Purity is a core element of Hindu religion and philosophy. This very fact of old Hindu philosophy was much appreciated by WHO during Covid19, when advisories on hand wash were issued to prevent and stop pandemic. However, avoidance of the same results in various gastric diseases associated with the microorganisms present in the dirty hands.^[6] In ancient time, Hindus necessarily followed the practice of showering or bathing after defecation, the purpose is to minimize the chance of any infection due to ancient open defecation practices.^[7]

This is also considered helpful to prevent COVID-19. However, with the continuation of this open defecation practice, which is still prevalent, though law exists on the prohibition of the same, in some rural areas, various human excrement linked infectious diseases have been found associated with it.^[8] Most of the Hindus prefer to bath and pray in the morning but view of the orthodox society is different for a menstruating women who is considered impure and unclean and is not allowed to take bath and is often forced to opt for methods of management which can be unhygienic and inconvenient, particularly in poorer settings as even talking about this issue is considered as taboo in some areas^[9]. This very religious practice is not seen in any of the religious scripture and has been developed as a corrupt practice by our society which makes menstruating women prone to fatal urogenital infectious diseases^[10]. Religiously, Hindus are vegetarians and they do not take meat, fish and eggs. Most of the Hindus follow a vegetarian diet because they have a strong faith and belief in the concept of non-violence and they strictly

follow pure vegetarian life style throughout their life [11]. However, as vegetarian diet is more restrictive, intake of adequate daily energy and of n-3 fatty acids, essential amino acids, vitamin B12, zinc, calcium and iron becomes more difficult to achieve, which is particularly challenging in children who have higher nutrient requirements relative to body weight than adults [12]. Here it is essential to mention that no religion restricts human being to have non vegetarian diet.

Therefore, when ethnicity comes, it creates problem to treat such patient. Fasting may be considered good for a healthy one and fatal for some humans with specific health issues. Among Hindus fasting on a particular day of the week or occasion is very common practice for Hindus. Scientifically, fasting is important for avoiding food poisoning. Basically, the scientific object of the fasting is to purify the body and soul as well to promote the concept of self-discipline too. One study in 11 healthy adults showed that fasting for 24 hours significantly increased levels of Human Growth Hormones.[13] However, the denial of having necessary medication during fasting is wrong and is not acceptable. Some Hindus do not prefer to take garlic or onion in their food because they believe that these foods upset spiritual practices but both the substance has their high medicinal values. Most of the Hindus believe that all types of illnesses, whether it may be physical or mental illness, have a biological, psychological and spiritual element and therefore it must be treated accordingly keeping all elements in mind [14]. As a part of Karma, pain and suffering is accepted and encouraged among Hindus. Pain and suffering in life is a

natural consequence of negative behavior and Karma. Thus, defer to seek any medical help for the same.[15]. Hinduism places great emphasis on purity, in both physical and spiritual terms [16]. In fact, the religious practices among Hindus are almost in consonance with the medical science still it is required to isolate accurate and erroneous practices in the name of the religion for the better execution of medical advices.

ISLAMIC PRACTICES

Islam is considered as one of the most scientific religion on the earth since its inception is latest in calendar. But in practice, illness in Islamic followers is considered as a test from God. They respond to illness, patiently and with prayer. Death is ultimate journey of human life. It is the duty of individual to maintain his health properly. Illness is the part of human life but the preservation of life is main objectives of Islamic law. Caring of sick people is a collective social responsibility. Health services providers are honored in Islamic law.

They observed the fasting in holy month of Ramzan for whole month, but exceptions are there on the basis of health condition, age, pregnant ladies, children etc. This is again in consonance to the medical science. Muslims rinse their mouth and nose early in the morning. They wash their hands, face, arms and feet with the water properly. The object is to remain physically clean and healthy [17]. Smoking and drinking is not allowed and it is strictly prohibited among Hindus and Muslims both. It is found that restriction on drinking and smoking are very helpful for reducing most of the dangerous

diseases. Still the practice of 'Haki' and 'Zarra' the quacks in Muslims are observed quite common. They used to visit the doctor after deterioration the health after illness being relying upon unprofessional advices. They usually consult with religious leaders or Imams for their health issues. Imams are morally duty bound to provide moral and spiritual support. This is invaluable to Muslim patients and families. Macro display of few of the Islamic practices is getting change with educational advancement among these families which resulted drop off the patient rate among Muslims. The opinion of the health care professional is that education and recovery rate from illness is directly proportionate. The families where belief is deeply roots in orthodox religious practices, it is difficult to treat the ailment.[18]

LAW, RELIGION AND HUMAN WELL BEING

In a lawyer's view point Article 21 of the Indian Constitution which states about the freedom of life and personal Liberty with due process of law; it establishes the cardinal principals of human dignity along with Article 25 and both contain no value for a lunatic, unhealthy one. The person who was assigned the task to take care of an individuals' physical well-being, was also expected to attend the spiritual needs of the subject. This becomes the obligation of law makers in general and the responsibility of medical practitioners in particular. During Covid-19, this vary preposition is being witnessed by all the stake holders including medical practitioners.

In the ancient time religious leaders were regarded as not only as healer of the body but

mind and spirituality too. For example, in Christianity, Jesus, the savior of human race and spiritual leader, was also considered curer of overall well-being of all. Unfortunately, in course of time the requirement of body & mind along with the meaning of spirituality transformed in a wholesome manner. This transformation developed a line of separation among religious practices and health measures resulting two separate needs of the people. At one side religiosity is solely dedicated for spirituality whereas on the other side physicians, scientists or experts of medicinal science are dedicated to the physical needs or well beings of individuals [19].

However, the fact that religion as well as religious practices, connected to a particular religion, influences public health cannot be denied. Many a times, patient delays in obtaining medical health due to its cultural, social and religious belief. [20] At the time of illness a person feels and experiences the stress in the life. For those diseases, where medical system fails to give the solution to the ailments or physical/ mental disorders, one starts looking toward the spiritual bodies for the same. And when various religious organizations, *Dharmarth Chkitsyalay* through *Trust* or *Waqf*, jumps in the business of health care that too at door step and with no cost, those who are not religious earlier may also turn to spirituality for their cure.

Today all over the world, many religious organizations, groups and NGO's are providing good public health facilities which include rehabilitation of unwell, nutritional food, treatment for HIV, counseling services, clean drinking water etc [21]. At the same time, a few

religious practices are affecting the system of public health negatively. For example, opposition for vaccination by various religious groups which influences the people following them, and compromises with their health.

Thus, it is very clear that religion and religious practices are connected with the public health. However, the constitutional relation between religious practices and public health in books and in practice is entirely diverse.

ARTICLE 25 AND RELIGIOUS PRACTICES IN INDIA

Indian Constitution establishes world's largest secular democracy with freedom of belief and faith. It includes right to religion is subject to public order, morality and health'. It is evident that Article 25 and health are associated with each other in one form or the other. According to this fundamental right, every citizen has the opportunity to practice and spread their religion peacefully, but after health assurance. Article 25(1) of the Constitution protects and covers only the relationship linking the followers with the deity. But, if any incidence of religious intolerance occurs in want of health care, it is the duty of the government to curb such incidence [22] and maintain peace and harmony between two.

Indian Constitution has been framed with scientific vigour to have a just society. Be it with regard to individual liberty or any specific command. In the public interest the State may interfere in any manner with due procedure and this is applicable even in the religious matters too, although Constitution embarks individual supremacy while practicing religious beliefs. The State is authorized to regulate such

type of secular activities which are closely connected with religious practices [23] and which may affect health and public peace and tranquility.

During 2020 pandemic it has been crystallized that religion and religious practices are secondary for want of health measures imposed by the Govt. through legal mechanism. Invariably during pandemic 2020, morality and public order is remained vital for health attainment. Consequently, this religious freedom can never be at the cost of health. Be it euthanasia or any other incurable health problem all the religion already contains clear mandates and then such parameters have been adopted and accepted by law and medical sciences. Religion and health care both are for the pleasant survival not for the pain and agony. Hence it can be drawn that practice of Article 25 of the Constitution is possible only after the fulfillment of pre-requisites health conditions.

CONCLUSION

Health is a precondition for life whereas belief is the precondition for a meaningful life. Accordingly, for a healthy and meaningful life health and religious beliefs both are equally important. Divergence between two generates alarming situation; being religion the most sensitive issue. This creates a vacuum between patient and doctor. This has been identified that most of the tangible religious practices are important for purpose of hygiene and good health however, few of them leads to many compromised situations. Even the same has been witnessed during CoVID-19 pandemic. These religious practices results in many health

care beliefs and practices amongst general population which should be known to medical professionals, so providing treatment in such patients becomes easier.

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