

BODH GAYA SANS BUDDHISTS

Hinduising Buddhism

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Buddha was the first teacher in the world who made morality the essence and foundation of religion. —B R Ambedkar

THE HISTORICAL AND Internationally famous Mahabodhi Temple has been under virtual control of Brahminical Hindus for centuries. The legal mechanism for this unacceptable cultural domination has been provided under the Bodh Gaya Temple Act, 1949–BGT Act, which violates the principles of secularism, a basic pillar of the Indian Constitution, and the fundamental rights of religious communities as enshrined in the Constitution.

The cultural hegemony of Hindutva forces over Buddhism in general, and the Mahabodhi temple, located at Bodh Gaya in the state of Bihar, in particular, has received scant media and academic attention. However, in a rare and sophisticated work based on primary sources, Myer (1958) traced the history and Buddhist origin of the Mahabodhi temple, its fall at hands of Brahminical revivalists and its overall cultural and spiritual significance. He writes:

“With the renaissance of interest in Buddhism, not only in India but throughout Asia and the western world, the ancient temple, gleaming white again amid the ruins of the monuments which surrounded it, has to a degree resumed its former role as a center of Buddhist faith and a symbol of Enlightenment.”

One of the founding fathers of the Constitution, Dr B R Ambedkar, who embraced Buddhism with a vast number of Dalit followers and played a key role in the revival of Buddhism in India, argued that Buddhism’s radical critique of Brahminism and social equality lay behind the ferocity with which Brahminical revivalists sought to destroy it. Ambedkar (1995) pointed out the devastating actions of Islamic iconoclasts and Brahminist Hindus that caused the decline and fall of Buddhism in India. Similarly, Trevithick (1999) in his paper on the Mahabodhi temple pointed out how it had functioned as a symbol of the triumph of ‘orthodox’ Hinduism over ‘heterodox’ Buddhism. A recent study by Asher (2008) examines the history of Bodh Gaya and the surrounding monuments and pilgrimage sites and tension between Hindus and Buddhist followers. The works of Robinson and Clarke (2003) and Neddham and Rajan(2007) contain some chapters on the issues pertaining to conversion, Buddhism and the crisis of secularism in India. However, none of these writers has looked in detail into the legal issues concerning the Bodh Gaya Mahabodhi temple and the BGT Act, 1949, the governing law of the temple—its properties, which exists in contrast with Constitutional principles and provisions.

Bodh Gaya is as sacred a pilgrimage centre to Buddhists as Mecca is to Muslims, Kashi and Prayag to Hindus and Jerusalem to Christians and Jews across the world. It was there that in the sixth century BC, when Siddhartha Gautama got enlightenment and became the Buddha. The great Mahabodhi Vihara in Bodh Gaya is an ancient Buddhist temple, established by the Emperor Ashoka in the third century BC. Traditionally, the Mahabodhi Vihara has been and still is the most sacred pilgrimage place for the Buddhists of the world. Every year, millions of people travel from the far corners of the globe to worship and to pay their respects there to the Teacher.

Even after the decline of the Magadha Empire, Buddhism continued to flourish and spread and Bodh Gaya continued to be in the control of the Buddhists. However, with the rise of Hindu kingdoms in this region and the emergence of aggressive Shaivite and Vaishnavite revivalism, Buddhism began to suffer a decline, because, among other factors, of lack of support from rulers, as well as persecution. Buddhism and Bodh Gaya suffered severely during the reign of the Saivite king, Shashanka in 7th century AD, but the final nail on the coffin is said to be the assault from Islamic invaders in 13th century, when Bodh Gaya was abandoned. According to renowned art historian Myer:

“The Buddhist origins of the temple were all but forgotten locally. By the beginning of the nineteenth century the entire site had passed into the possession of a Saiva cult, which permitted the Vaishnava pilgrims from Gaya to include the Bodhi-tree, regarded as an incarnation of Vishnu, in their circuit of holy places. Buddhism had fallen in the thirteenth century, a condition for which the Muslim invasion can be held only partly responsible, since it had begun centuries before with the renaissance of Brahmanism and the establishment of Vaishnava and Saiva cults at nearby Gaya and at Bodh-Gaya itself”.

While Hindu chauvinists consider Buddhism a part of Hindu religion, the Constitution does not define any religion, for limited purposes. Indian law controversially considers Buddhism to be a part of Hinduism. The law continues to define Hindus as including Sikhs, Jains and Buddhists. Most of the Hindu personal laws are applicable to Jains, Buddhists and Sikhs as per Section 2 of the Hindu Marriage Act, 1956.

Explanation II of Article 25 has been inserted in the context of Sub-clause (b) of Clause 2 of Art.25, which states that “Hindu shall be construed as including a reference to persons professing the Sikhs, Jain or Buddhist religion, and the reference to religious institutions shall be construed accordingly.” The clause states that the ‘State has been empowered to make law, providing for social welfare and reform or the throwing open of Hindu religious institutions of public character to all classes and sections of Hindu’. This categorization itself is ironic because there are many differences between the basic tenets of Hinduism and Buddhism. But as it always plays out, the dominating religion overshadows the minority religion and that is exactly what has happened with Buddhism. The literal meaning of above mentioned explanation and clause is that, for the purpose of temple entry and welfare measure, Hindus shall include Buddhists, Jains and even Sikhs. Defining Buddhism and Buddhists in terms of the Hindu religion is ironical, false and baseless.

Another controversial *legation* that denies the separate identity of Buddhism and Buddhists and that works to absorb them into the Hindu fold is the Bihar Hindu Trust Act, 1950. Section 2(e) defines “Hindu” as a person professing any religion of Hindu origin and includes Jains and Buddhists, but does not include Sikhs. This legislation stands in contrast with the Karnataka Hindu Religious Institutions and Charitable Endowment Act, 1997. This Act also defines the term ‘Hindu’, but Section 2(ii) clearly indicates that here ‘Hindu’ does not include Buddhists, Jains or Sikhs. It is ironical that the application of similar legislations on some individuals or group of individuals in different geographical location yields different juridical relations. A Buddhist ‘becomes’ a Hindu in Bihar and a non-Hindu in Karnataka. This clearly shows the great contradiction in legislative policy with regard to the religious identity of Buddhists.

During the 1950s and 60s, ‘upper’ caste Hindus, mostly Brahmins, dominated the entire political and legal institutions of Bihar state. Therefore, it is likely that they deliberately sought to deny Buddhists their right to control their most important temple. They were fully aware of the impact of the revivalism of Buddhism and of how this would threaten their hegemony, and so it seems they pressed for the Hinduisation of Buddhism by establishing effective Hindu control of Bodh Gaya through law, in the form of the BGT Act.

The BGT Act, 1949 has actually empowered the Hindus to dictate terms to a Buddhist temple and to virtually control its financial and spiritual affairs. This continues unabated till this day. For example, on 16th June 2007, Acharya Kishore Kunal, former IPS officer and head administrator of Bihar State Religion and Trust Board, visited Bodh Gaya and announced that the State would build a Jagannath Temple (modeled like the Jagannath Temple at Puri, Orissa) inside the very premises of the Mahabodhi Temple in Bodh Gaya. The ostensible intention of this suggested temple, as claimed by Kishore Kunal, was to “bring the two sects closer”, by which he meant Hinduism and Buddhism, but there was possibly an ulterior motive actually at work—to further establish Hindu control of the Mahabodhi Temple, hasten the process of the Hinduisation of Buddhists and Buddhism and to stamp out the challenge that conversion to Buddhism poses to Brahminism. He announced that the government of Bihar would sanction money for the very same purpose and that a trust would be created which would generate funds for the construction of the new temple.

Even though these plans have not yet been accepted formally by the Mahabodhi Temple Management Committee, funds for the construction of the proposed Jagannath Temple have already been created. The Sangh Parivar, apex body of Brahminical revivalism in India, has gone all out to channelize resources into funding this enterprise. In this context, a key Central law that would be violated is The Places of Worship (Special Provisions) Act, 1991, which aims to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1947. Section 3 is relevant in this regard. It reads as:

“No person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof”.

Acharya Kishore Kunal, being the head of the Bihar State Religion and Trust Board, shares the same rank as a Minister of State. His wishes are quite likely to materialize into reality given the influence he exerts over the Committee. If India were truly secular, the very suggestion of a Hindu temple being built inside the premises of a shrine of another religion would have raised the hackles of the keepers of the Constitution. Yet, this failed to happen. As it is, there already exists a small shrine of Shiva inside the Mahabodhi Temple complex which was built illegally by Hindu priests. And now the suggestion of Kishore Kunal would only legitimize this Brahminical invasion with the blessing of the law and with a larger, grander agenda of imposing Hinduism on Buddhism. Thus, dramatic as it may sound, all the sources of authority in India seem to be conspiring against Buddhism retaining its own identity. The administrative authorities have used their position to ensure that the little autonomy enjoyed by this religion be taken away mercilessly. This would certainly amount to encroachment into Buddhism's holy shrine and would hasten the sinister Brahminical agenda of the Hinduisation. That this is completely un-Constitutional is obvious.

Narratives popular among local Hindus in and around Gaya relate that the name 'Gaya' was derived from a demon allegedly called 'Gayasur', who was very strong and intelligent. In order to overcome him, a great battle between 'Gayasur' and the Brahminical god Vishnu occurred. Vishnu won the battle after killing 'Gayasur'. The 'Gayasur' in this baseless myth symbolizes Buddhism, the rational, human and scientific thoughts and philosophy of Lord Buddha, who challenged Brahminical hegemony and domination. Since the personality and thought of the Buddha were invincible, the Hindu chauvinists painted the same as the demon Gayasur Rakshash. The Brahminical chauvinists have been disparately trying to destroy Buddhism and its rational and humane philosophy for many centuries, as this myth illustrates. The BGT Act reflects their hegemonic agenda.

Apart from violating constitutional principles and provisions, the BGT Act has provided an opportunity to Hindutva forces, led by the RSS, to conspire to corrupt the basic tenets of Buddhism. It has also enabled pseudo-Buddhists, sympathizers of the Hindutva camp, to dominate the cultural and spiritual affairs of the Mahabodhi Temple pertaining to Buddhism that has resulted in the theft of precious artifacts from the temple. Faizan Ahmad has reported that at least 1,000 precious artifacts had been stolen from the temple. Quoting Bhante Anand, a noted Buddhist monk, he states that most of the idols and stupas were smuggled out when Bhante Gyan Jagat, alleged to be a Rashtriya Swayamsevak Sangh man in the garb of a monk, was the superintendent of the Temple's management committee. Several Buddhist idols and stupas are still being kept in the mutt of the Bodh Gaya Mahanth, who happened to be the caretaker of the shrine before the enactment of the Bodh Gaya Temple Act, 1949. Notable Buddhist monk Bhadant Arya Nagarjuna Shurei Sasai is of the view that Hindu Brahmin priests are responsible for defiling and looting of some of the original statues of Lord Buddha from the Mahabodhi Mahavihara and that accounts of donations and gifts received have not been maintained properly. Elections for the management committee were held only after raising objections and launching agitations throughout India. Moreover, Hindu chauvinists have installed idols of some Hindu gods inside the Mahavihara, including a Shiv linga, in order to dilute and defame Buddhism. All sorts of Hindu rituals and rites are followed inside the Mahabodhi Mahavihar so as to Hinduise and defile Buddhism, he alleges. Criminal elements are, he says, encouraged by the Brahmin priests, who misappropriate donations and gifts offered by visitors. Thus it is seen that sacredness of Buddha Gaya has been threatened by Brahminical forces.

In 1992, Buddhists from across the world joined hands to start the Mahabodhi Mahavihar All-India Action Committee. Since then, under the leadership of Bhante Ananda Mahathero and Bhadant Arya Nagarjuna Shurei Sasai, many Buddhist activists and followers have been agitating to ensure the return the Mahabodhi Vihara to Buddhist hands. They have been protesting peacefully at Bodh Gaya, requesting both Government of India and Government of Bihar to make suitable amendments in the BGT Act, 1949. In July 2002, the renowned Buddhist scholar Bhante Prajnashela wrote to Mary Robinson, the United Nations High Commissioner For Human Rights, complaining about the mismanagement of the Mahabodhi Mahavihar, demanding that it be handed over to Buddhists.

The National Commission for Minorities (NCM) has also taken up this demand of Buddhists worldwide. In a resolution adopted on 30 March 2005, the NCM stated, "The provisions of the BGT Act, 1949 are not in harmony with the fundamental right enshrined in Article 26 of the Constitution, guaranteeing the right of freedom to every religious denomination to manage their respective religious affairs. Appropriate legal measures should be taken to ensure that all members of the committee entrusted with the management and control of the Bodh Gaya Temple, including the Mahabodi Mahavira in Bihar, are Buddhists." However, this recommendation of the NCM remains unimplemented, having fallen on deaf ears.

The most sacred places for Muslims, Christians, Hindus, Jews, and Sikhs are managed entirely by their own religious leaders but only Buddhists are denied this right. Since the Constitution of India guarantees and protects rights of religious minorities, the BGT has to be repealed or else declared to null and void since it is bereft of the morality and constitutional principles. The existence of the BGT Act is a blot on the Indian Constitution and Indian democracy. Any suo moto action initiated by the Supreme Court to test the constitutionality of the BGT Act would certainly be appreciated. This would only protect its own credibility and image. □□□