

**Hindu American Foundation (HAF)
Formal Comments on Proposed Inmate
Religious Property Regulations**



Suhag A. Shukla, Esq.
Executive Director/Legal Counsel

Samir Kalra, Esq.
Director/Senior Fellow for Human Rights

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The Hindu American Foundation (HAF) is a 501(c)(3) advocacy organization for the Hindu American community. The Foundation educates the public about Hinduism, speaks out about issues affecting Hindus worldwide, and builds bridges with institutions and individuals whose work aligns with HAF's objectives. HAF focuses on human and civil rights, public policy, media, academia, and interfaith relations. Through its advocacy efforts, HAF seeks to cultivate leaders and empower future generations of Hindu Americans.

The Hindu American Foundation is not affiliated with any religious or political organizations or entities. HAF seeks to serve Hindu Americans across all sampradayas (Hindu religious traditions) regardless of race, color, national origin, citizenship, caste, gender, sexual orientation, age and/or disability.

Since its inception, the Hindu American Foundation has made legal advocacy one of its main pillars. From issues of religious accommodation and religious discrimination to defending fundamental constitutional rights of free exercise and the separation of church and state, HAF has educated Americans at large about various aspects of Hindu belief and practice in the context of religious liberty, either as a party to the case or an amicus (friend of the court).

Similarly, HAF has been active within the prison context and has successfully advocated on behalf of Hindu prisoners throughout the country and worked with prison officials to obtain dietary and religious property accommodations.

Consequently, the following submission provides a Hindu American perspective on the California Department of Corrections and Rehabilitation (CDCR) proposed regulations on inmate religious property and the incorporation of a new Religious Property Matrix (RPM).

Background

Hinduism is the world's oldest living religion. It is a rich collection of hundreds of spiritual and philosophical traditions followed throughout Asia for more than 5000 years. Most traditions within Hinduism share certain distinctive, core beliefs despite the absence of an identifiable beginning in history, single founder, central religious establishment or sole authoritative scripture.

Prayer is integral to Hindu practice. Many Hindus follow set, obligatory guidelines in terms of specificity of prayers as well as timing, frequency and length while others may be more fluid and individualized in their practice. Hindus may pray at a personal, home altar which is usually placed in a room or space dedicated for worship; at a temple; or wherever they may be (and without an altar). Prayers may be to a specific deity or set of deities or to no deity in particular. Prayer may be private or in community. Because Hindu practice is based more on spiritual experience as opposed to belief or dogma, there is a great level of independence for individuals to determine their personal practices or to seek the advice of a living, enlightened teacher.

Any practice within Hinduism is rarely mandatory or obligatory by any authority, but becomes such when the individual is so moved. Moreover, mode and method of worship may vary depending on the ethnic or geographic background of an adherent. For example, a Hindu American from India may express their devotion differently than a Hindu of European or Indonesian descent.

Notwithstanding this inherent diversity and individual freedom, there are several common features to Hindu prayers, rituals, and meditation.

The next section, therefore, outlines a number of specific items considered fundamental to Hindu religious and spiritual practice by a cross-section of followers.

Hindu Inmate Religious Property

Although the creation of a new Religious Property Matrix is essential for effective prison security and management, it must simultaneously respect and ensure the religious liberty of all California prisoners. Moreover, it should not substantially burden the religious practice of an incarcerated person, regardless of his/her faith tradition. As a result, it is vital that any RPM that is adopted by the CDCR and incorporated into Title 15, Division 3 of the California Code of Regulations is comprehensive and expansive in scope, and reflect the religious diversity of California's residents.

The Hindu community in America, in particular, has unique customs and utilizes distinct religious objects during the course of worship. Since many of these are not commonly found in other belief systems, the following seeks to present a list of religious property frequently used by Hindus that should be included in the proposed Matrix:

- Prayer Altar -- Prayer altars can be as simple as a small, wooden or steel platform or shelf, or more elaborate. The prayer altar is a sanctified space which allows prayer and ritual items to be off the floor.
- Asana or Floor Mat -- A small rug or mat that the Hindu sits on while praying at the altar.
- Deity photo or Statue (for prayer altar) -- A deity photo or small statute are used to focus one's mind on the Divine and are used as aides in meditation and prayer.
- Conch Shell
- *Diya* (lamp with cotton wicks and oil or alternative) -- Usually made of brass or other sturdy metals. Houses a cotton wick with oil to be lit during prayer. Diyas may also be used for meditation as a point of focus. If lighting of a lamp is considered a safety hazard, an electric diya or candle may serve as an acceptable substitute.
- *Japa Mala* (prayer beads) -- *Japa malas* are made of specific materials considered sacred and have an exact number of beads (108), and can be substituted with "travel-sized" *japa mala* made with 27 beads. Traditionally *japa malas* are made of wood, *Elaeocarpus* seeds, Holy Basil Tree seeds, or glass.
- Flowers (silk or artificial may be substituted) -- Flowers are commonly used in Hindu devotional practice and are symbolic offerings to God representing the good that has blossomed within us.
- Fruits, Nuts, or Sweetmeats (for offerings) -- Similar to flowers, fruits and nuts are used in Hindu rituals and signify self-sacrifice and surrender to God.
- *Kumkum* (red powder made from turmeric or saffron) -- *Kumkum* is frequently used to create forehead markings for both men (*tilak*) and women (*bindi*). The use of both tilaks and bindis are amongst the first requisite steps in most rituals and sacred ceremonies, and serve as reminders of a seeker's ultimate goal of enlightenment, liberation or *moksha*
- Sandalwood Powder -- Sandalwood powder is used in religious rituals and ceremonies to purify the prayer space and can also be utilized for forehead markings, similar to above.
- Small vessel or tumbler with small spoon for ritual water
- Scripture -- May include the Bhagavad Gita, Upanishads, Ramayana, Mahabharata, regional Indian language texts and commentaries.

Prohibited Items Under Proposed Religious Property Matrix

HAF finds one particular regulation in the Religious Property Matrix problematic in the context of Hindu inmates. Namely, the prohibition against "any design, sign, symbol, or illustration identified as being associated with a security threat," in its unnecessary vagueness may limit the ability of Hindu inmates to freely practice their religion or possess religious property which may display the Swastika. We request this clause specify certain exceptions, including the Swastika.

Contrary to the hateful and violent meaning the Swastika has come to take on since its misappropriation by the Nazis, the original Swastika is an ancient and holy symbol of auspiciousness and good fortune. It is still commonly used at the entrance of Hindu homes, in temples, and on invitations to auspicious occasions such as weddings and other rites of passage.

In Sanskrit, the word is a combination of "Su," meaning "good," and "Asti," meaning "to exist." The four limbs of the Hindu Swastika have diverse symbolic meanings: the four Vedas (Rig, Yajur, Sama, Atharva), the four stages of life (Brahmacharya, Grihastha, Vanaprastha, Sanyasa), the four goals of life (Dharma, Artha, Kama, Moksha), the four seasons, the four directions, and the four Yugas or epochs (Satya, Tetra, Dvapara, Kali). The Swastika is also a sacred symbol for Buddhist and Jains. Unfortunately, Hitler's usurpation of the Swastika still continues to overshadow the beautiful meaning behind this ancient Hindu symbol.

Conclusion and Recommendations

HAF firmly believes that the incorporation of a new Religious Property Matrix by the CDCR should accommodate the spiritual needs of all religious traditions to the extent possible, without jeopardizing the safety of inmates or prison staff. In addition, prisoners should be free to practice their respective faiths without being subjected to unduly burdensome restrictions.

Accordingly, we respectfully submit that the religious property items listed above should be included in the proposed RPM as they do not pose a security risk and are necessary for Hindu inmates to freely exercise their religious rights. Furthermore, the process to adopt a new RPM should include an open dialogue and consultation with all concerned faith organizations and/or representatives in order to construct a truly inclusive Matrix and to avoid future religious accommodation issues.