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# Anxieties of the Dominant: Legal, Social, and Religious in the Politics of Religious Conversion in India

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## ABSTRACT

The promulgation of the new state-level conversion laws in India or some changes in already existing ones by ordinances is premised upon various conspiracy theories of Hindu fundamentalists against Muslims. Implicit in and placed at the centre of these new anti-conversion laws and public debates thereof is the conspiracy theory of love-jihad that Muslim men lure Hindu women on the pretext of love and get them convert to Islam to eventually outnumber the Hindu majority. This article argues that the anti-conversion laws in India result from anxieties of the dominant caste and class regarding gender and caste, leading to the imposition of the mainstream orthodox religious and political will upon the marginalized. The creation of anti-conversion laws is based on assumptions, fears, conspiracy theories, and moral and religious values primarily shared by the 'upper-caste' section across the political spectrum. Furthermore, it also shows a growing nexus between conservative religious forces and state apparatuses that restricts religious and social mobility of the marginalized sections through legal changes.

## 1. INTRODUCTION

Religious conversions cause anxiety to both an imagined nation and an imagined religious community, threatening to expose the fissures of such constructions. If national and religious identities, in particular, are sacred constructions,<sup>1</sup> then changing one's religious identity is tantamount to sacrilege and bound to produce social, political, and legal contestations.<sup>2</sup> Similarly, the promulgation of some new anti-conversion

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1 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso books 2006); Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion, and Nationalism* (Cambridge University Press 1997).

2 Gauri Viswanathan, *Outside the Fold: Conversion, Modernity, and Belief* (Princeton University Press 1998); Peter van der Veer (ed), *Conversion to Modernities: The Globalization of Christianity* (Routledge 1996).

laws between 2018 and 2021 in various Indian states sparked off new debates concerning religious freedom, interfaith marriages, and individual choice. At the centre of these recently enacted anti-conversion laws is the rumour of love-jihad, widely circulated by Hindu-right activists after 2005. By evoking love-jihad, Hindu-right activists imply that Muslim men purposely convert Hindu women to Islam for political and religious gains by luring them into love and marriage.<sup>3</sup>

The article asks: How are we to understand the significance of the 'love-jihad' motif in contemporary Indian religious law and politics? In what ways has the fear of interfaith marriages, especially between Hindu women and Muslim men, has contributed to legally restricting the religious freedom and social mobility of 'lower-castes' and Hindu women? What is the connection between the religious morality of 'upper-caste' Hindus and their historically strong advocacy against religious conversion? This article argues that anti-conversion laws in India result from anxieties of the dominant social caste and class<sup>4</sup> regarding gender and caste, leading to the imposition of the mainstream religious and political will upon the marginalized.

By interpretatively analysing old and recently passed anti-conversion laws, newspaper reports, and associated legal cases from both historical and contemporary perspectives, the main aim is to understand the connection between social and religious marginality and the politics of religious conversion. Tracing genealogies of some major public debates such as that of between Gandhi and Ambedkar, a national icon of the Dalit<sup>5</sup> background, the article further exemplifies why and how 'upper-caste' leaders across the ideological and political spectrum historically and more recently opposed all religious conversions. In the following sections, a brief description of the history of anti-conversion laws followed by the discussion on conventional marriage norms and the rise of love-jihad rumours would prepare the ground for analysing the relationship between religious conversion, gender and caste related moral panic, and legal changes in the remainder of the article.

## 2. THE ORIGINS OF ANTI-CONVERSION LAWS AND RELATED LITIGATION

The anti-conversion laws were initially enacted in a colonial milieu in the 1930s. In 1936, the royal court of Raigarh, a small princely state in the present-day Chhattisgarh, approved British India's first known anti-conversion law, *Raigarh State Conversion Act, 1936*, necessitating anyone who desired to change their religion to obtain government authorization. Similarly, there were other anti-conversion laws in some British Indian provinces and princely ruled states (indirectly controlled by the British): For instance, *Patna Freedom of Religion Act, 1942*; *Suraja State Apostasy Act, 1942*, and *Udaipur State Anti-Conversion Act, 1946*.

- 3 Charu Gupta, 'Allegories of "Love-jihad" and Ghar vapasi: Interlocking the Socio-Religious with the Political' (2016) 84 (2) *Archiv Orientalni*; David James Strohl, 'Love-jihad in India's Moral Imaginaries: Religion, Kinship, and Citizenship in Late Liberalism' (2019) 27 (1) *Contemporary South Asia*.
- 4 Caste and class go hand-in-hand in India. The majority of middle and upper middle class is made up of upper and middle ranking castes.
- 5 Dalit is a term preferred by Ambedkar for low castes constitutionally identified as SCs (scheduled castes/ex-untouchables) and is widely used in public life. It denotes their oppressed life.

Following India's independence in 1947, similar laws were first enacted in Orissa (1967), Madhya Pradesh (1968), and Arunachal Pradesh (1978). The constitutionality of the first two anti-conversion laws was challenged by Stainislaus's and Hyde's petitions.<sup>6</sup> On these two petitions that challenged the validity of these laws, the respective High Courts of Orissa and Madhya Pradesh (MP) delivered divergent judgments. Both the courts upheld the Acts' provisions against religious conversions by force and fraud to protect the freedom of conscience. But the two courts also contradicted each other on the issue of 'allurement'/'inducement'. The High Court of MP validated the prohibition on allurement to guarantee equality of religious freedom.<sup>7</sup> On the other side, the High Court of Orissa accepted the right to convert as a component of the constitutional provision of religious freedom terming the equivalent term 'inducement' as too vague.<sup>8</sup> The court consequently ordered to remove this provision while cautioning that the clause may interfere with legitimate methods of proselytizing protected by Article 25(1).<sup>9</sup> At the heart of the then conversion debate, much like the present-day debates, was the Article 25 of the Indian Constitution, the fountainhead of the Fundamental Right to Freedom of Religion that guarantees the right to not only freely profess and practise religion but also to 'propagate' it securing (i) the religious preacher's right to propagate a particular religion and (ii) the right of conscience of the listener to imbibe the religious dissemination and convert if he or she considers it appropriate.

The *Reverend Stanislaus v. State of Madhya Pradesh* and *Yulitha Hyde and others v. state of Orissa* cases went to the Supreme Court in 1977 to decide whether the Fundamental Right to practise and propagate religion guaranteed by the Article 25 also includes the right to convert. The Supreme Court of India heard the two cases together and ruled in favour of the earlier decision of the High Court of MP.<sup>10</sup> Focusing on the Article 25, a five-judge bench eventually established the precedent for such cases by allowing the right to propagate by transmitting one's religious ideas but restricting the right to convert a person to one's religion.<sup>11</sup> The bench also opined that purposely attempting to convert a person would impinge upon the freedom of conscience drawing a distinction between the freedom to hold religious beliefs and the freedom to manifest one's beliefs.

Earlier, the High Court of Orissa had not recognized the right of the state legislative assembly to enact an anti-conversion law as religion is on the central list of subjects, not on the state list. In other words, states were restricted from making such laws, leaving the right to be solely exercised by the central government.<sup>12</sup> In contrast, the High Court of MP upheld the competence of the state government to make an anti-conversion law by citing it as a matter of 'public order', a subject within the state list.<sup>13</sup> However, the Supreme Court accepted the MP High Court's decision, presumably interpreting that

6 *Stainislaus v State of Madhya Pradesh AIR 1975 MP 163; Yulitha Hyde and others v State of Orissa AIR 1973 Ori 116.*

7 *ibid.*

8 *Yulitha Hyde and others v State of Orissa AIR 1973 Ori 116.*

9 *ibid.*

10 *Rev. Stainislaus v State of Madhya Pradesh & Orissa (1977) AIR 908, 1977 SCR (2) 611.*

11 *ibid.*

12 South Asia Human Rights Documentation Centre, 'Anti-Conversion Laws: Challenge to Secularism and Fundamental Rights' (2008) 43 (2) Economic and Political Weekly 63.

13 *Stainislaus v State of Madhya Pradesh AIR 1975 MP 163.*

religious conversions threaten the balance and social harmony between religious communities jeopardizing the public order.<sup>14</sup> Unfortunately, the Supreme Court's judgment was passed without citing any example of mass conversion running into chaos, let alone considering the question of how individual conversions pose a threat to the public order. Propagation as an activity is integral to religion like Christianity, the Supreme Court's failure to recognize this aspect restrains the right to conversion cannot be claimed under the Article 25.<sup>15</sup> Furthermore, the verdict also had negative consequences for the principles of secularism and tolerance as it favoured the Hindu majority against minorities.<sup>16</sup>

More importantly, the Supreme Court verdict meant that states could now make anti-conversion laws without realizing that such laws may be used to target religious minorities and to curtail individual freedom to change religion. It became a solid ground for enacting more rigorous anti-conversion laws by states in the past two decades of the 21st century. With the rise of militant Hindu nationalism in the 1990s and the more recent political success of the BJP (Bharatiya Janata Party or Indian People's Party, a Hindu right-wing and 'upper-caste' dominated political party)<sup>17</sup> after 2014 in central and state level politics,<sup>18</sup> there is now a surge in anti-conversion laws enacted by mostly the BJP-ruled state governments. Although the Hindu right-wing designed by 'upper castes'<sup>19</sup> historically attempted to stop all religious conversions, the recent anti-conversion laws thrive on the Supreme Court's verdict in *Reverend Stainislaus v State of Madhya Pradesh & Orissa (1977)* case.

Currently, 10 out of 28 Indian states and 8 union territories have anti-conversion laws that prohibit religious conversions on grounds of marriage, force, allurements, and fraud. The present-day anti-conversion laws identify the decision to change one's faith as a criminal offence until and unless prior permission is sought from the state<sup>20</sup> asserting that:

No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another, by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage nor shall any person abet, convince or conspire such conversion.<sup>21</sup>

14 South Asia Human Rights Documentation Centre, 'Anti-Conversion Laws' (n 12).

15 *ibid.*

16 *ibid.*

17 The BJP is currently represented by India's Prime Minister, Narendra Modi.

18 Since its formation in the 1980s, the BJP had formed central governments in 1998, 2014, and 2019 while ruling several states for longer periods. Anti-conversion laws were mostly enacted whenever the BJP was in power.

19 It would not be an exaggeration to claim that the leadership of most Hindu right-wing organizations is entirely in the hands of 'upper-caste' people. For instance, the Rastriya Swayamsevak Sangh (the RSS) which was founded in 1925 and is a parent body of the BJP never had its political head from lower or middle castes. The political ideology of Hindutva that historically treats India as a Hindu nation was first propagated by V. D. Savarkar in 1909 leading to the foundation of the RSS and is a brain-child of 'upper-caste' right-wing thinkers.

20 Although this provision was already there in some previous anti-conversion laws, all the new laws have made it a mandatory component giving a greater control to state over private matters of an individual.

21 *The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2020*, established by the Ordinance No 21 of 2020, 2. Some similar laws are: *The Himachal Pradesh Freedom of Religion Act, 2019*; *The Madhya Pradesh Freedom of Religion Act, 2020*; *The Karnataka Protection of Right to Freedom of Religion Act, 2021*; *The Gujarat Freedom of Religion (Amendment) Act, 2021*. The last one is an amendment act in the previous law called, *The Gujarat Freedom of Religion Act, 2003*.

All the recent anti-conversion laws are similar in their content, structure, and wording. They seem like a plagiarized version of each other containing only minor variations. These laws are held by many as contradicting constitutional values of the liberty of thought, expression, belief, and faith; thereby, they infringe Articles 21–28 of the Constitution of India that guarantee such freedoms.<sup>22</sup> The definition of allurements, force, and fraud in anti-conversion laws is ambiguous that gives an edge to the police and self-styled Hindu-vigilante groups to interpret any public activity of non-Hindus, including the constitutionally allowed legitimate methods of proselytizing such as peaceful public preaching, as per their political convenience. Similarly, the broad and vague definition of force impinges on all meaningful religious interactions between individuals of different denominations. Many charitable acts which are fundamental part of religions like Islam and Christianity may also be framed as tactics of religious conversion. Education offered by missionary institutions to poor children and orphans is nowadays interpreted as a sinister design of conversion.

Presently, Hindu vigilante groups encouraged and re-energized by these laws regularly attack individuals belonging to the minority, target their worship spaces, and harass Muslim and Christian clerics under the pretext of exposing ploys of ‘unlawful conversions’.<sup>23</sup> For instance, a Dalit-Christian family was attacked on 29 December 2021.<sup>24</sup> Akshay Kumar Karaganvi, a pastor, had planned annual prayers at his residence for fellow villagers. Some members of a right-wing organization arrived at his residence, beat the family members with impunity, and accused them of organizing Bible prayers to convert the Hindu neighbours and villagers to Christianity by allurements, force, and fraud.<sup>25</sup> Misrepresentation, force, undue influence, coercion, allurements in conversion can never be precisely ascertained, that means individuals in power could prejudicially frame conversion charges. For instance, most legal cases of conversion had rarely resulted in persecution in the past due to the absence of proof to determine the involvement of force, fraud, and allurements.<sup>26</sup> These anti-conversion laws provide no guidance as to how the definition of misrepresentation, force, undue influence, coercion, allurements should be implemented in practice without which the probable abuse of these laws against religious minorities greatly increases.<sup>27</sup> Furthermore, allegations are much easier to make than to prove that there was no involvement of force, fraud, and allurements in a conversion case.

22 Article 21 says, ‘No person shall be deprived of his life or personal liberty except according to a procedure established by law’. All the Articles, from 21 to 28, are open to multiple interpretations. However, their crux is often derived as ‘the right to life’ and these Articles have often been cited in many legal proceedings against anything that contradicts a reasonable freedom of citizens.

23 Numerous news reports suggest that the attack on Muslims and Christians and their religious institutions have doubled in the past eight years since the election of Modi as Prime minister in 2014. See, Werleman, C. ‘Rising Violence against Muslims in India Under Modi and BJP Rule’ (2021) 23(2) *Insight Turkey* 39–50.

24 ‘Karnataka: Right Wing members attack Dalit family over ‘conversion’ (*The Indian Express, Bengaluru* 2021) <<https://indianexpress.com/article/cities/bangalore/belagavi-dalit-christian-family-assaulted-for-conversion-five-booked-7702850/>> accessed 3 January 2022.

25 Reports of such attacks are very common nowadays. All these cases cannot be cited here due to the high number of such attacks. A simple google search refers to hundreds of such attacks in the past five years.

26 South Asia Human Rights Documentation Centre, ‘Anti-Conversion Laws’, 63–65.

27 *ibid* 63.

Interestingly, targeting conversion undertaken for the purpose of marriage has emerged as one of the main legal changes in the new anti-conversion laws. As the next section shows, the issue of marriage has historically been a delicate subject matter in Hindu society in which individuals are restrained from exercising their choice in marriages by Hindu parents. Evoking the fake issue of love-jihad, therefore, was a calculative move of Hindu right-wing groups knowing that it would have a sensitive appeal among Hindu parents because the prevailing marriage customs and norms in Hindu society do not permit intercaste and interfaith marriages.

### 3. MARRIAGE CUSTOMS AND LAWS

Marriage in Indian society across all religions, castes, and regions has traditionally been defined and decided by family and community-oriented norms. The role of an individual, irrespective of his or her educational and economic status, is somewhat limited despite constitutional provisions for the protection of individual choice in place. More importantly, legal practices indirectly prioritize family and community ordained desires over an individual's wishes, especially in marriages. Historically, the liberal utilitarian attitude of the British in the initial years of colonial rule attempted to create laws with the objective to promote individual decision-making and therefore release the individual from the grip of family and community.<sup>28</sup> But the revolt of 1857<sup>29</sup> forced the colonizers to move towards legal pluralism accepting religion based personal laws to govern Indians' life.<sup>30</sup> They had to abandon the utilitarian idea of promoting an India made of individuals rather than constituted of communities. In this regard, the 1858 proclamation<sup>31</sup> finally halted the liberal utilitarian policies directed at legal reforms in India from a Western perspective.<sup>32</sup>

While making laws, India was no longer identified as a society made up of individuals like England but was supposed to be consisted of collectivities such as family, caste, religion, and tribes. These collective units were given primacy over individual in determining several rights. The provision of communal reservations in the early 20th century is an example of community rather than the individual oriented policy.<sup>33</sup> Interestingly, while marking the shift from individuals to community in

28 Lloyd Rudolph and Susanne Rudolph, 'Living with Difference in India: Legal Pluralism and Legal Universalism in Historical Context' in: Gerald James Larson (ed), *Religion and Personal Law in Secular India: A Call to Judgment* (Indiana University Press 2001) 36.

29 Historians generally disagree on naming the revolt of 1857. It is variously called as uprising, rebellion, upheaval, and the first war of independence.

30 Some claimed that the British intervention into Indian society was the main reason behind the 1857 uprising. However, it had a major impact on policy making in India. For more information, see, Thomas R Metcalf, *Ideologies of the Raj* (Cambridge University Press 1997); Thomas Metcalf, *The Aftermath of Revolt: India 1857–1870* (Cambridge University Press 1965).

31 It was also known as 'the Government of India Act 1858', an act of the Parliament of the UK (21 & 22 Vict. c. 106) passed on 2 August 1858. By this law governing rights of India was transferred from the East India private company to the Crown represented by the British Parliament. The Act led to various constitutional changes in England with regards to governing India.

32 Policies adopted by East India company officials in the decades between the 1810s and the 1850s were marked by public debates in England such as utilitarianism and the question of individual freedom. These debates were heavily influenced by theories of James Mills, Jeremy Bentham, and David Hume.

33 *India Councils Act, 1909*, also known as the Morley-Minto reforms, enacted by the British Parliament, made provisions for separate electorates for the representation of Muslims in the provincial legislatures.

policy making, the communal reservations confined personal laws to segregated religious spheres, imagined as monolithic blocks. It led to the invention of the principle that each religious community is homogenous and at the same time created an undisputed assumption that religious identity is the supreme identity amongst other forms of identities.

The British colonial laws, therefore, revived and kept the doctrines of minimal interference in personal matters of Hindus and Muslims, aiming to maintain the idea of bounded, separate, homogenous, and fixed religious communities.<sup>34</sup> Nevertheless, religious conversions disrupted the understanding of preserving a balance between bounded religious groups and contributed to the rise of some peculiar legal problems. Notably, in the matter of interfaith marriages, the colonial state relied on community-based Hindu personal laws to determine those civil matters that posed a legal challenge to the notion of segregation. For instance, the life of 'lower-caste' Christian converts continued to be governed by Hindu personal laws enacted by the British in ways that denied converts a distinct socio-religious status and homogenized and solidified the notion of 'Hindu' as a collective identity.<sup>35</sup>

In the post-independence era, too, Indian governments carried forward the colonial legacy of creating laws at the community level rather than at the level of individual. The state did not hesitate from confining personal matters, such as marriage to the domain of customary rights of religious communities, treating individual as part of a homogenous unit. The constituent assembly debates in the 1950s are an excellent ground to locate this reasoning which reflects a pro-community and not a pro-individual mindset of the post-colonial state.<sup>36</sup> Therefore, the issues of marriage, divorce, succession, property, and the definition of the family continued to be decided by community-oriented personal laws that provided religious communities with rights over individuals within a religious community.

Socially, the parameters of who qualifies as an ideal marital partner are still dictated, enforced, and reinforced by the family, a fact which mirrors community norms. The final decision regarding marriage rests with the family.<sup>37</sup> In case of any divergence leading to a breakdown of social norms, the family plays a vital role in restoring the conventional marriage practices of a caste community.<sup>38</sup> Many couples deciding to go against the family and community-driven social norms and asserting individuality pays the price by either being ostracized or, in many cases, by being

Similar Acts were put in place in 1935 for Dalits. For more information, see, Shabnum Tejani, 'Defining Secularism in the Particular: Caste and Citizenship in India, 1909–1950' (2013) (6) *Politics and Religion* 703; Javed Haider Syed, 'The Reform Scheme and the All-India Muslim League: An Evaluation of Its Performance (1907-1909)' (2020) (24) *South Asian Studies* 24.

34 Presently, the spheres of religion based personal laws in India regulate marriage, divorce, maintenance, inheritance, and succession issues of respective religious communities according to their specific customary laws.

35 Leela Fernandes, 'Unsettled Territories: State, Civil Society, and the Politics of Religious Conversion in India' (2011) (4) *Politics and Religion* 108; Viswanathan(n 2).

36 Reba Som, 'Jawaharlal Nehru and the Hindu Code: A Victory of Symbol over Substance?' (1994) (28) *Modern Asian Studies* 165; Narendra Subramanian, 'Making Family and Nation: Hindu Marriage Law in early Postcolonial India' (2010) (69) *The Journal of Asian Studies* 771.

37 Pervez Mody, 'Love and the Law: Love-Marriage in Delhi' (2002) (36) *Modern Asian Studies* 223.

38 *ibid.*



killed. It is deemed as the only way to restore family and community honour, shattered by the assertion of individual agency. The prevalence of 'honour' killings is a proof of the same.<sup>39</sup>

Social norms are defied by crossing the boundaries of *gotra* (lineages), caste, religion, class, and region. If transgression occurs, it is addressed and handled in a manner that makes others rethink before asserting individuality. Such social measures within one's family and community work as a deterrent for others, restraining them from exercising their agency in matters concerning love and marriage. Moreover, in the Indian legal structure, practitioners of law, being members of the same social communities, also reinforce the control of family and community over individuals.

Hindu parents are generally wary of their daughters marrying outside of their caste and religion. Love marriages are rarely sanctioned within Hindu society involving families of different caste backgrounds. Especially, a marriage between a Muslim man and a Hindu woman is strongly frowned upon and accepting a Muslim son-in-law is a rare social practice and involves resistance by parents. Therefore, in most recent anti-conversion laws, interfaith marriages are criminalized with a political objective of reaching out to Hindus with a sensitive appeal of love-jihad. The rumours of love-jihad and the new anti-conversion laws legitimize each other as both perfectly blend with the expectations and fears of Hindu parents regarding marriage customs and norms. However, the theory of love-jihad has multiple layers and objectives, such as invoking Hindu masculinity to reinforcing Hindu stereotypes of Muslims, from fabricating fears about a rising Muslim population and declining Hindu population to undermining caste and class divisions by constructing a Hindu electoral unity in favour of the BJP.<sup>40</sup>

#### 4. THE LOVE-JIHAD RUMOUR AND ITS SOCIO-POLITICAL CONTEXT

Hindu right activists assume that threats posed by enemy religions like Islam and Christianity change from time to time using varying modes and modalities for inducing religious conversion of 'naive' Hindus. Jenkins argues that conversion masterplots envisaged by Hindu right activists vary from religion to religion: For instance, 'Christians supposedly entice converts with material or medical aid, whereas Muslims purportedly seduce or force their converts'.<sup>41</sup> Jenkins further argues that 'love-jihad is seen as a typical Muslim strategy by the right-wing Hindus, modelled on the seduction of Hindu women'.<sup>42</sup> The main trick of Muslim youths, this conspiracy theory assumes, is to attract Hindu women by their fashionable appearance—wearing a shiny shirt, using goggles,

39 For more information on honour killings, see, Prem Chowdhry, 'Enforcing Cultural Codes: Gender and violence in northern India' (1997) (32) *Economic and Political Weekly* 1019; Prem Chowdhry, 'Private Lives, State intervention: Cases of Runaway Marriage in Rural north India' (2004) (38) *Modern Asian Studies* 55.

40 Charu Gupta, 'Hindu Women, Muslim Men: Love Jihad and Conversions' (2009) 44 (51) *Economic and Political Weekly* 13.

41 Laura Dudley Jenkins, *Religious Freedom and Mass Conversion in India* (UPP 2019) 1, 188.

42 *ibid* 189.

and riding a fancy bike—a scheme supposedly financed by Saudi Arabia and other wealthy Muslim countries.<sup>43</sup>

The neologism of love-jihad was first used in 2005 by a well-known right-wing Hindu nationalist, Pramod Muthalik,<sup>44</sup> in South India in the context of a kidnapping case of a poor 19-year-old-Hindu woman by a 65-year-old Muslim man in his home state of Karnataka.<sup>45</sup> Equating such crimes with marriages between Hindu women and Muslim men as a wider part of the jihad nexus, he began to ‘warn’ Hindus against the danger of Hindu–Muslim marriages.<sup>46</sup> Muthalik, by writing polemical books, distributing CDs that showed cherry-picked stories of interfaith marriages, and delivering ‘public (hate) speeches’ in small towns throughout India, encouraged Hindu men to look after their female relatives so that they do not become victims of love-jihad designed by Muslims.<sup>47</sup>

The Muthalik’s conspiracy theory of love-jihad did not gain momentum until 2009, the year of the 15th Parliamentary elections in India. By then other hard-line organizations, such as the Goa-based Hindu Janjagriti Samiti (Hindu People’s Awakening Society), had also joined Muthalik’s newly founded organization, the Sri Ram Sene, to widely circulate news of interfaith marriages as examples of love-jihad.<sup>48</sup> In a joint press release, the Hindu nationalist organizations claimed young Muslim men to be ‘sexual wolves who were on the prowl for Hindu women’<sup>49</sup> citing a false and exaggerated estimate of 30,000 Hindu women being so far converted by Muslim men through marriages.<sup>50</sup> These right-wing organizations not only collectively protested outside the Karnataka High Court but also formed women’s self-defence wings to deal with the purportedly rising cases of interfaith marriages through love-jihad.<sup>51</sup>

Hindu right-wing organizations also began to approach Hindu parents whose daughters had recently married Muslim men to try and persuade them to legally charge their sons-in-law for forced conversion.<sup>52</sup> In public narratives, love marriages between Muslim men and Hindu women, even of some eminent public personalities such as the marriage of Bollywood actors Saif Ali Khan and Kareena Kapoor (a Hindu actress) was widely depicted as the case of love-jihad by Hindu organizations

43 Gupta (n 3); Strohl (n 3).

44 Muthalik is a Brahmin by caste.

45 Sayeed V Ahmed, ‘Love and Hate’ *Frontline* (Deccan 2009) <<https://frontline.thehindu.com/the-nation/article30185770.ece>> accessed 21 April 2022; Sayeed V Ahmed, ‘Karnataka’s Role in Creating the Trope of Love Jihad Despite no Proven Cases’ *Frontline* (Deccan 2020) <<https://frontline.thehindu.com/cover-story/karnataka-role-in-creating-the-trope-of-love-jihad-despite-noproven-cases/article33201197.ece?homepage=true>> accessed 22 April 2022.

46 Kathinka Frøystad, ‘Sound Biting Conspiracy: From India with Love-jihad’ (2021) (12) *Religions* 1064.

47 ‘Muthalik finds cases of love-jihad, says RTO’ (*The Indian Express* Mumbai 2014) <<https://indianexpress.com/article/cities/mumbai/muthalik-finds-cases-of-love-jihad-in-state-cites-rti-info/>> accessed 5 May 2022.

48 The Sri Ram Sene (the Ram’s Army) attacked a Mangalore pub in 2009 beating young women for going to the pub which they argued is a practice against Indian culture. ‘Girls assaulted at Mangalore pub’ (*The Times of India* Mangaluru 2009) <<https://timesofindia.indiatimes.com/city/mangaluru/girls-assaulted-at-mangalorepub/article-show/4029791.cms>> accessed 16 April 2022.

49 Strohl (n 3) 20.

50 *ibid.*

51 *ibid.*

52 Frøystad (n 46) 9–11.

on online platforms and in popular magazines.<sup>53</sup> In an extensively circulated photo on social media, one half of the actress's face was shown thinly veiled, and the other half exposed: echoing the bold, happy, and supposedly a free personality of her as a Hindu woman by the exposed half and at the same time implying the dark, dangerous, and ill-fated life of her after marrying a Muslim man by the thinly veiled portion of the portrait.<sup>54</sup> The image was used for warning young Hindu women who convert and marry Muslims, designating love and marriage as a sinister ploy of conversion by Muslim men than caused by a genuine emotional feeling.<sup>55</sup>

However, it was not until the parliamentary elections of 2014 that the theory reached north India and became widely known throughout the country. Right-wing politicians were now constantly evoking the rumoured cases of Muslim men trapping Hindu women in love and duping or coercing them to convert and marry for political and religious gains. One such alleged case of sexual harassment of a Hindu Jat woman by a Muslim man in August 2013 caused a violent feud between Hindus and Muslims of the area around the Muzaffarnagar district of Uttar Pradesh.<sup>56</sup> The two brothers of the woman hacked the Muslim man to death to avenge the harassment of their sister. Provoked by this incident, Muslim relatives of the deceased man killed the two Hindu brothers. The local media widely publicized this issue as the case of love-jihad and the national media subsequently picked up the case in the same tone, furthering the already widespread enmity between Hindus and Muslims in the region. Love-jihad narratives slowly acquired communalistic overtones; consequently, deadly riots followed in the Muzaffarnagar district of Uttar Pradesh, claiming sixty people dead and more than fifty-thousand Muslims displaced to live in refugee camps.<sup>57</sup> The riot was the direct result of rising rumours of love-jihad, widely circulated with the objective to target Muslims and control 'lower caste' individuals and women from converting.

As shown in the remaining sections, these anti-conversion laws enacted on the basis of various caste and gender-related assumptions reinforce patriarchy and the caste order by bolstering 'social constructions of women and "lower-castes" as inherently naive and susceptible to manipulation'.<sup>58</sup> It is akin to what Laura Jenkins suggests that 'religious freedom' arguments and laws have actually undermined the religious freedom of women, 'lower-castes', and religious minorities in India, preserving Brahminical<sup>59</sup> patriarchy in the name of religious freedom.<sup>60</sup> These laws easily camouflage deeply

53 Strohl (n 3) 27–28.

54 *ibid.*

55 *Ibid.*

56 Astha Tyagi and Atreyee Sen, 'Love-jihad (Muslim Sexual Seduction) and *ched-chad* (sexual harassment): Hindu Nationalist Discourses and the Ideal/deviant Urban Citizen in India' (2020) (27) *Gender, Place & Culture* 104.

57 'Muzaffarnagar: Tales of death and despair in India's riot-hit town' *The BBC* (2013) <<https://www.bbc.com/news/world-asia-india-24172537>> accessed 1 May 2022.

58 Laura Dudley Jenkins, 'Legal Limits on Religious Conversion in India' (2008) (71) *Law and contemporary problems* 109.

59 Brahmins are the priestly caste in India and strong advocates of the caste system. The Brahminical religious and cultural worldview outsources patriarchy against women and promotes inequality among human beings.

60 Jenkins (n 41) 1–10.

entrenched social tensions around caste and gender with the purposive creation of a cohesive Hindu community and a Hindu nation.<sup>61</sup> Such a politics yields Bourdieun 'social and political capital' for the 'upper-caste' minority<sup>62</sup> by preserving the caste order, on the one hand, and gaining an electoral unity of Hindus on the other.<sup>63</sup> However, in this politics, Hindu women remain the focus of discussion and disciplining. Therefore, the new anti-conversion laws are aimed at targeting interfaith marriages with the objectives to control the bodies and sexuality of Hindu women.

### 5. LOVE-JIHAD AND HINDU WOMEN

Tyagi and Sen's work shows moral panics generated by alleged seduction, marriage, conversion, and trafficking of Hindu women by love-jihad led to organizing training camps for young Hindu women by nationalist women leaders with the aim to socialize them into the ideology of perfect Hindu subjecthood.<sup>64</sup> Through these camps, which began to be organized just before the deadly riots in 2014, the purpose was to make young women aware of the *modus-operandi* of love-jihad in which, to use the authors' words, 'a Muslim man, young and attractive, ties a *kalava* (sacred red thread tied on the wrist of Hindus), wears a *teeka* (vermillion on the forehead worn by Hindus), buys Hindu girls expensive gifts, and tells her that he does not believe in caste and class'.<sup>65</sup> Forced by this assumption, the local Hindu leaders of another right wing organization, the VHP (Vishwa Hindu Parishad/World Hindu Council), in cooperation with village leaders began to run the '*Beti-Bahu Bachao Andolan*' (the campaign to save daughter and daughter-in-law) to deal with the problem of Muslims marrying Hindu daughters in the area.<sup>66</sup> In line with this reasoning, Hindu activists of various right-leaning organizations rallied behind the call of combating a supposedly 'malicious design of love-jihad' throughout India by encouraging Hindu men to marry Muslim women and educating young Hindu women to sense such dangers posed by Muslims.<sup>67</sup>

The rising rumours of love-jihad coupled with the socially and historically prevailing hatred against Muslims prompted some Hindu parents to act against Muslim

61 Fernandes (n 35) 108; Jenkins (n 58) 109; Cassie S Adcock, 'Debating Conversion, Silencing Caste: The Limited Scope of Religious Freedom' (2014) (29) *JL & Religion* 363.

62 Taken on caste numbers, the 'upper-castes' constitute a minority section (roughly 15 per cent) among Hindus with a bigger share in resources.

63 Engaging with the Bourdieun's notion of social capital is beyond the scope of this article. But it is very important to briefly notice here how caste is tied to social capital. The theory has an uncanny resemblance with the 'upper-caste' struggle to maintain the caste order. Social capital was seen by Bourdieu a property of the individual, rather than of the collective, derived primarily from one's social position and status. In Indian context, an individual's social position and status is largely determined by one's caste ranking, and individuals of a particular caste take measures to support and advance members of their own caste furthering common caste interests. Social capital enables a caste person to exert power on the group or individuals of his or other castes by mobilising resources in one's caste's favour. Cultural or religious capital is part of the same mechanism. Both Hindutva and Hinduism create and preserve the same socio-cultural capital for 'upper-castes'.

64 Tyagi and Sen (n 56) 104.

65 *ibid* 108.

66 *ibid*.

67 Strohl (n 3) 30.

husbands of their daughters. In 2009, Hindu parents of two female MBA students from Kerala and Karnataka charged two Muslim men for 'luring their daughters and later forcing them to convert to Islam'.<sup>68</sup> The Kerala High Court Judge, K.T. Sankaran, denied bail to the accused, echoing the rapidly spreading notion of love-jihad in his decision, even though the two female students testified that they willingly eloped with their Muslim husbands without force or coercion.<sup>69</sup>

In another legal case of Hadiya,<sup>70</sup> a 24-year old woman and medical student who chose to convert from Hinduism to Islam and later married a Muslim man in Kerala created an uproar and invited the scrutiny of the higher judicial authorities in the state.<sup>71</sup> Initially, Hadiya was compelled by the judgment of the High Court of Kerala to live with her parents against her own will until a Supreme Court order restored her marriage to Shafin Jahan. Like many cases elsewhere in India, the state judicial authorities in Kerala donned the garb of the parental patriarchal authority, setting aside the ideal Rawlsian objective outlook.<sup>72</sup> The two judges did not hesitate to ignore the facts of the case and chose to infantilize an adult woman as not being capable enough to decide for herself. The High Court in the final judgment directed to the following effect:

She (Hadiya) shall be cared for, permitted to complete her House Surgeoncy Course and made professionally qualified so that she would be in a position to stand independently on her own two legs. Her marriage being the most important decision in her life, can also be taken only with the active involvement of her parents. The marriage which is alleged to have been performed is a sham and is of no consequence in the eye of law. The 7th respondent and her husband had no authority or competence to act as the guardian of Ms. Akhila and to give her in marriage. Therefore, the alleged marriage is null and void. It is declared to be so.<sup>73</sup>

The judges refused to accept Hadiya's conversion and continued to refer her by her Hindu name. The impugned judgment and order opined that a 'girl' (not adult woman), 24 years old, is weak, vulnerable, and capable of being exploited in many ways. Thereafter, the Court, exercising the *parens patriae jurisdiction*,<sup>74</sup> observed that it was concerned with the welfare of 'the girl' of her age.<sup>75</sup> It was further observed by the High Court that a duty is cast on the court to ensure the safety of at least 'the girls' who are brought before them and the said duty can only be discharged by ensuring that the custody of Akhila alias Hadiya should be given to her parents.<sup>76</sup>

68 *Shahan Sha, A. and Sirajuddin v State of Kerala*. B.A. NOS. 5288 & 5289 of 2009.

69 *ibid.*

70 Hadiya was born as Akhila in a 'low caste' community of Ezhavas.

71 *K.M. Asokan v The Superintendent of Police*, 23 July 2012, Writ Petition (Criminal) No 297 of 2016 (S) (decided on 6 January 2017).

72 The Rawlsian objective outlook advocates the logic of distributing responsibilities equally to various possible factors in a legal case.

73 *K.M. Asokan v The Superintendent of Police*, No 297 of 2016 (S).

74 According to this legal provision, the State sees itself as a parent and provides protection to a person unable to take care of oneself.

75 *K.M. Asokan v The Superintendent of Police*, No 297 of 2016 (S).

76 *ibid.*

The court took the theory of love-jihad seriously and even ordered a joint investigation by the police of Karnataka and Kerala.<sup>77</sup> The police had to later debunk such a bogus theory in the absence of solid proof.<sup>78</sup>

Interestingly, both the High Court of Kerala and the NIA (National Investigative Agency) called the marriage of Hadiya with Shafin Jahan fraud and referred to it as the act of love-jihad, validating this conspiracy theory.<sup>79</sup> Furthermore, Hadiya was ordered to be put under the guardianship of a male person. Her father was denied this role after her protest, but she was put under the 'protection' of the dean of the medical college where she was studying, even though she repeatedly asked the two judges to allow her husband to be her legal guardian.<sup>80</sup>

Cases like Hadiya's are not rare; several ethnographic studies have highlighted the patriarchal and parental role of the judicial authorities.<sup>81</sup> In fact, such cases show a continuity of the mindset of colonial legality when in the 1870s the religious conversion of a young woman called, Huchi, was judicially denied since she was a minor at the time of her conversion, and was forced to marry a Hindu man against her will. Even after attaining legal age of marriage and secretly converting again, the colonial law prevented her from dissolving her previous marriage.<sup>82</sup> The Hindu husband continued to cohabit with her by the permission of law, even though after the baptism she was treated as an outcaste. The colonial law, in this case, had reduced 'the status of a woman convert to a mere prostitute whose husband will sleep with her but not accept the food she cooked'<sup>83</sup> constructing the converting women as objects.<sup>84</sup> The construction of women as objects in or passive recipients of conversion with no agency continues till date and is obvious in the current anti-conversion laws. In the narrative of love-jihad, too, to use Sarkar's words, 'the convert is simply a manufactured object without agency replicates very precisely a colonial construction'.<sup>85</sup>

As discussed earlier, the High Court judgment in the Hadiya case was finally overturned by India's Supreme Court, arguing that 'the moment you allow public law (law of relations between individuals and the State) to encroach into marriage, you are letting the state interfere in individual choices of a citizen'.<sup>86</sup> Even though the

77 *ibid.* Lower courts in India are notorious for their socio-religious prejudices.

78 'Reports Incorrect, No Data On "Love-jihad" In State: Kerala Police Chief' (2017) *The NDTV* <<https://www.ndtv.com/kerala-news/reports-incorrect-no-data-on-love-jihad-in-state-kerala-police-chief-1742607>> accessed 21 October 2021.

79 *K.M. Asokan v The Superintendent of Police*, No 297 of 2016 (S).

80 *ibid.*

81 See, Kalpana Kannabiran, 'Judicial Meanderings in Patriarchal Thickets: Litigating Sex Discrimination in India' (2009) 44 *Economic and Political Weekly*; Erin P Moore, 'Gender, Power, and Legal Pluralism: Rajasthan, India' (1993) (3) *American Ethnologist* 522; Erin Moore, 'Law's Patriarchy in India' (1994) in Mindie Lazarus Black and Susan F Hirsch (eds) *Contested States: Law, Hegemony and Resistance* 89-117; Srimati Basu, 'Playing off Courts: The Negotiation of Divorce and Violence in Plural Legal Settings in Kolkata' (2006) (38) *The Journal of Legal Pluralism and Unofficial Law* 41.

82 Viswanathan (n 2) 99-105.

83 *ibid.*

84 Eliza F Kent, *Converting Women: Gender and Protestant Christianity in colonial South India* (Oxford University Press 2004) 1.

85 Tanika Sarkar, 'Missionaries, Converts and the State in Colonial India' (2002) 18 (1) *Studies in History* 121.

86 *Shafin Jahan v Asokan K.M. (Crl.) SLP*. No 366 of 2018. The verdict in the *Shafin Jahan v Asokan* case is one of the landmark judgements by the Supreme Court in determining the right of consenting adults as supreme in choosing marital partners.

Supreme Court passed an order to restore Hadiya and Safin Jahan marriage, the judgment hardly had any impact on the rising politics of love-jihad. The judgment was based on preserving the right of an individual to marry a person of his/her choice. No effort was made to dispel a nationwide prevailing negative atmosphere around 'love-jihad' rumours against Muslim men purposely marrying Hindu women. By not discarding the theory of love-jihad, both the Kerala High Court's and the Supreme Court's judgments directly contributed to the sustenance of this conspiracy theory in the public domain.<sup>87</sup> As a result, many interfaith marriages failing for some reasons began to be politically and by the national media highlighted as widespread examples of love-jihad. Consequently, more stringent anti-conversion laws have recently been adopted to stop interfaith marriages. For instance, a person who adopts another faith to enter a marriage would be deemed 'forcibly converted'. For instance, the section 4B of the Gujarat Freedom of Religion (Amendment) Act, 2021 like other anti-conversion laws defines marriage by unlawful conversion as:

any marriage which is done for the purpose of unlawful conversion by the person of one religion with the person of another religion, either by converting himself/herself before or after marriage, shall be declared void by the Family Court or where the Family Court is not established, by the Court having jurisdiction to try such cases.<sup>88</sup>

Religious conversion for interfaith marriages were never subject to bureaucratic scrutiny before. The new anti-conversion laws make the religious conversion by marriage an offence punishable for up to 10 years in prison. Although the punishment varies from Act to Act, they all legalize that:

conversion by marriage or by getting a person married or by aiding a person to get married is concerned, shall be punished with imprisonment which shall not be less than three years, but which may extend to five years and shall also be liable to fine which shall not be less than two lakh rupees.<sup>89</sup>

The High Court of Gujarat struck down section 5 and other sections of the Gujarat Act concerning interfaith marriage arguing that 'These shall not operate merely because a marriage is solemnized by a person of one religion with a person of another religion without force or by allurements or by fraudulent means and such marriages cannot be termed as marriages for the purposes of unlawful conversion'.<sup>90</sup> Similarly, another recently enacted anti-conversion law in

87 Gupta (n 40).

88 Other state laws use similar wording. See, *The Uttar Pradesh Prohibition of Unlawful Conversion Act*, 6; *The Himachal Pradesh Freedom*, 5; *The Madhya Pradesh Freedom Act*, 14 (9); *The Gujarat Freedom of Religion Amendment Act, 2021*, 20 (4) 20-3.

89 *ibid.*

90 See, 'Anti-conversion law: HC says no, Gujarat argues fighting jihadis' (*The Indian Express* Ahmedabad 2021) <<https://indianexpress.com/article/india/gujarat-hc-refuses-state-govts-plea-to-modify-order-on-anti-conversion-law-7472367/>> accessed 5 October 2021.

Karnataka also caused a huge political debate. *The Karnataka Protection of Right to Freedom Act, 2021* requires a person who gets converted to inform the district magistrate of the conversion within 30 days, and he/she must appear before the district magistrate to confirm their identity.<sup>91</sup> Not reporting to the district magistrate in this manner will lead to the conversion being declared null and void. Once the conversion is confirmed, the district magistrate will inform the revenue authorities, social welfare, minority, backward classes, and other departments, which will, in turn, take steps with respect to the entitlements that the person may receive in terms of reservations and other benefits.<sup>92</sup> The provision of prior permission from the state makes conversion for whatsoever reason a challenging step. Not only would-be converts but religious authorities such as priests are also required to take permission from the district magistrate for converting any person.<sup>93</sup>

It is important here to briefly describe how the anti-conversion laws play out in the everyday life of people. First, the danger of discriminatory abuse of these laws is both real and visible. Second, the clause of informing local administration prior conversion has the danger of turning a private act into a public affair.<sup>94</sup> Third, anti-conversion laws generate the fear of legality that may dissuade some people from undertaking conversion, a win-win situation for Hindu fundamentalists.<sup>95</sup> Finally, since the recent anti-conversion laws grant power to the police to arrest any individual on the suspicion of conversion, police harassment is common. In practice, disassociating with Hinduism is put under more difficult bureaucratic provisions in these vaguely defined laws with the aim to restrict, as the next section shows, the socio-religious mobility of 'lower-castes'.

## 6. 'LOWER-CASTES' AND ANTI-CONVERSION LAWS

These new anti-conversion laws provide harsher punishments if women, children, or 'lower-caste' individuals are being converted. For instance, most anti-conversion laws have a provision that:

if such contravention is caused in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes, the person contravening such provision shall be punished with imprisonment which shall not be less than four years, but which may extend to seven years and shall also be liable to fine which shall not be less than three lakh rupees.<sup>96</sup>

Apart from female sexuality, these laws also restrict a 'lower-caste' body by drawing connections between the social marginality of caste and a traditionally prevailing stereotype of their 'inherent inability' to rightly think, act, decide, and choose for

91 *The Karnataka Protection of Right to Freedom of Religion Act, 2021*, 3.

92 *ibid.*

93 *ibid.*

94 Jenkins, (n 58) 110–15.

95 *ibid.*

96 This legal provision is in every Act. Scheduled Tribes (ST) is the constitutional term for forest-dwelling indigenous groups in India.



themselves. Historically, contestations over the 'lower-caste' body to keep them under the fold of Hinduism were fiercely drawn in the first half of the 20th century. Debates between Gandhi and Ambedkar focused on the place of Dalits (Scheduled Castes) in Hinduism, wherein, Ambedkar thought, lies the source of lower-castes' miseries. Ambedkar rejected Hinduism, hoping to restore lower-castes' dignity, take them out from the oppressive bond of the caste structure, and ameliorate their socio-economic conditions.<sup>97</sup> His famous conversion to Buddhism in 1956 was followed by many Dalits shaking the hierarchical structure of the Brahminical Hinduism.<sup>98</sup>

On the other hand, for Gandhi, Dalits were 'Hindus' without question, and conversion, he thought, was not an answer to the Dalit oppression by 'upper-caste' Hindus. For Gandhi, the 'lower-caste' section was religiously naive and unable to make religious decisions on their own.<sup>99</sup> Gandhi took a strong position against proselytizing activities of Christian missionaries. He targeted the religious motives of both converts and converters in his political sermons, which were aimed at spiritual growth.<sup>100</sup> To mitigate the influence of conversion, he appealed to 'upper-castes' to change their heart towards Dalits. Ambedkar reprimanded Gandhi's symbolic action by his writings. To sum up, this age-old concern to keep the marginalized groups within Hinduism is deeply rooted in 'upper-caste' anxiety and fear of losing grip over a large section of 'Hindu' society. Dalit conversions cause 'upper-castes' a demographic fear of a declining Hindu population on the one hand and the rising Muslim population on the other, furthering the fear of losing a privileged socio-religious position. Most 'upper-caste' advocates of secularism<sup>101</sup> like Gandhi and presently Hindu nationalists demand a complete ban on religious conversion using legal provisions, a fact which promotes religious and caste-based inequalities.<sup>102</sup>

In recent anti-conversion laws, the term 'causing conversion' is used, especially to allude to conversion from SC (Scheduled Caste/Dalits/ex-untouchables) and ST (Scheduled Tribe) backgrounds—the two most disadvantaged sections of Indian society. The phrase 'causing conversion' characterizes 'lower-caste' individuals as inherently passive recipients of religion and its doctrines and reinforces the Gandhian stereotype of their inability to think and decide properly in religious matters due to their lack of spiritual capacity. The implicit assumption is that marginalized groups lack the religious sincerity of Hinduism and agency in their conversion; therefore, they require protection, at the same time without ever doubting the dominant

97 Gail Omvedt, *Dalits and the Democratic Revolution: Dr Ambedkar and the Dalit Movement in Colonial India* (Sage 1994) 1.

98 Matthew H Baxter, 'Two Concepts of Conversion at Meenakshi Puram: Seeing through Ambedkar's Buddhism and Being Seen in EVR's Islam' (2019) (39) *Comparative Studies of South Asia, Africa, and the Middle East* 2.

99 Sebastian Kim, *In Search of Identity: Debates on Religious Conversion in India* (Oxford University Press 2003) 1.

100 *ibid*; Bauman, 'Hindu-Christian Conflict', (n 111); Gauri Viswanathan, 'Religious Conversion and the Politics of Dissent' in Peter van der Veer (ed), *Conversion to Modernities: The Globalization of Christianity* (Routledge 1996) 8.

101 Interestingly, contrary to western secularism, the Indian version of secularism advocates not the separation between state and religion but demands the state to maintain equidistance from all religions while respecting them equally.

102 Fernandes (n 35) 108.

sections' conscience, sincerity, and agency. In Jenkin's words, 'members of "upper-castes" are perceived as agential beings and members of less powerful groups as coerced and exploited victims',<sup>103</sup> which needs to be challenged by considering 'lower-caste' and marginalized individuals as sincere and conscious agents of their fate. The stricter punishment for conversion of a 'lower-caste' person is premised on the idea that converting (deceiving) high-IQ holding 'upper-caste' men is presumably impossible.

Talal Asad suggests that conversion is both a transitive and intransitive verb. In the intransitive sense, conversion means 'I converted'. Many religious traditions may see the notion of forcible conversion as an oxymoron because it cannot take place without God's will.<sup>104</sup> On the other hand, laws regulating forced conversion, judicial authorities, and the commission reports use the transitive sense of conversion, implying, 'He converted them.'<sup>105</sup> According to Jenkins, 'this usage feeds two related ideologies, perpetuating assumptions about "them," the so-called "weaker sections" of society (especially lower-castes, tribes, and women), and encouraging uneasiness about outside interference threatening national beliefs and national order'.<sup>106</sup>

The language of these new anti-conversion laws is shrouded with constitutionally derived euphemistic terms such as 'protection', 'religious freedom' and 'free will', ignoring the pertinent issues in a conversion case such as the desire of the convert, while framing the whole discussion in an 'upper-caste' patriarchal tone and a mainstream religious morality. 'Lower-caste' bodies continue to remain numbers in political Hinduism. The Hindu right calls conversions of non-Hindus to Hinduism as *ghar-vapasi*<sup>107</sup> (homecoming) recovering, reclaiming, and reconverting lost Hindus—applicable to Indian Muslims and Christians—in the past and in recent times. Conversion to Hinduism is implied to be 'reconversion' or 'coming back to original roots' and is not criminalized in the current anti-conversion laws with an idea to readmit a 'stray Hindu' into the Hindu religion and society.

Provided that, if any person reconverts to his/her immediate previous religion (Parents' religion), the same shall not be deemed to be a conversion.<sup>108</sup>

Historically, there has been a strong link between social marginality and religious conversion to Christianity and Islam in India that entailed promises of holistic improvement to 'lower-castes'. Missionary education, medical services, caste oppression, and the opportunities of social mobility were among numerous factors that attracted 'lower-caste' individuals to Christianity and Islam. One could say that the reasons behind conversions were as many as the number of conversions itself, ranging from 'recuperative conversion', faith healing, changes in cosmological order, and

103 Jenkins (n 41) 188.

104 Talal Asad. 'Comments on conversion' in Van de veer (n 2) 263–73.

105 *ibid*; Jenkins (n 58) 126.

106 *ibid*.

107 Manjari Katju, 'The Politics of "Ghar Wapsi"' (2015) (50) Economic and Political Weekly 21.

108 This provision is in all the Acts.

inner change to a variety of material and non-material interests.<sup>109</sup> However, for 'upper-caste' Hindu fundamentalists and secularists alike, all conversions are seen from a single frame of reference, considering force, trickery, deception, manipulation, allure, and money by missionaries and Muslim religious preachers as 'the main' determinants of religious conversion. This reasoning bears its mark on the framing of laws regarding religious conversion. State, civil society, law-making bodies, mainstream politics, and an 'upper-caste' orthodox religious morality overshadow the socio-religious concerns in conversions of the marginalized sections, be it gender or caste marginality. Rudolf Heredia rightly portrays it as a typical case of *savarna* ('upper-caste') aversion towards Dalit conversion best expressed in anti-conversion laws, which traps them in a 'no-entry, no-exit' situation.<sup>110</sup>

Most conversions away from 'Hinduism' were those of 'lower-caste' and marginalized tribal communities;<sup>111</sup> therefore, the 'upper-caste' Hindu leaders often manoeuvred the discussion of religious conversion away from the issue of 'lower-caste' oppression and their socio-economic marginality to the question of a sentient, non-interfering, and docile and peaceful Hindu religious morality of tolerance (the way Gandhi had presented it to the world) framing the whole discussion on religious conversion as a religious problem or the problem between religions. The present genealogy of the politics of religion has strong connections with Gandhi, who is guilty of contributing to the politics of religious majority and minority by prioritizing religious discourse in the 1920s and 1930s and undermining 'lower-caste' concerns of inequalities.<sup>112</sup> The attempt, since Gandhi, was not only to create a Hindu majority under an 'upper-caste' leadership but to also keep 'lower-castes' as 'Hindus' without properly addressing or by shrewdly misrepresenting caste issues.<sup>113</sup>

Moreover, the assumption that a person or institution externally causes the conversion of 'lower-caste' individuals denies them not only independent rationality but also a 'true' religious or mystical experience from the perspective of an inner change in religiosity while placing the firm 'Hindu' belief of 'upper-castes' as a reference point of an 'authentic' belief. In this scenario, whose religion is authentic and who gets to decide its authenticity is subject to the orthodox religious morality of 'upper-castes' and their caste ridden dogmas. For many so called 'upper-caste' individuals like Gandhi, 'lower-castes' are at a particular stage of religious and spiritual evolution, implying they should be protected until they fully realize the importance of

109 Chad M Bauman, *Pentecostals, Proselytization and Anti-Christian Violence in Contemporary India* (Oxford University Press 2015); Richard M Eaton, 'Conversion to Christianity among the Nagas, 1876-1971' (1984) (21) *The Indian Economic & Social History Review* 1.

110 Rudolf C Heredia, 'No Entry, No Exit: *Savarna* Aversion towards Dalit Conversion' (2004) (39) *Economic and Political Weekly* 4543.

111 Chad M Bauman, 'Hindu-Christian Conflict in India: Globalization, Conversion, and the Coterminal Castes and Tribes' (2013) (72) *Journal of Asian Studies* 633; Kent (n 84); Charu Gupta, 'Intimate Desires: Dalit Women and Religious Conversions in Colonial India' (2014) (73) *The Journal of Asian Studies* 661.

112 Adcock (n 61); Cassie S Adcock, *The Limits of Tolerance: Indian Secularism and the Politics of Religious Freedom* (Oxford University Press 2013); James Larson Gerald, *India's Agony over Religion* (SUNY Press 1996).

113 India's priestly class called the Brahmins along with Rajputs and Baniyas have been the strongest advocates of the caste system because it yields them social capital. Propagating the idea of all castes being 'Hindu' helps 'upper-castes' to undermine caste divisions to create an electoral unity in their favour.

Hinduism. This patronizing religious morality depicts 'lower-caste' individuals as 'not having the mental and spiritual capacity to freely convert',<sup>114</sup> considering their conversions as false conversions. The logic of inducement in these new laws as the example of false conversion to lure 'lower-caste' individuals away from Hinduism is premised upon the Gandhian logic behind religious conversions of Dalits. In effect, the marginalized section is restricted from asserting their rights, choice, and the freedom to change religion. For instance, religious conversion of 'lower-castes' away from Hinduism immediately ends the benefits of positive discrimination measures, such as reservation in government jobs and educational institutions that they usually avail. This step is taken to curtail the religious and social mobility of 'lower-castes' by legally oppressive means. However, as shown in the next section, it is the Muslim youths who are mainly targeted to sustain the theory of love-jihad keeping electoral calculation in mind, even though the police have regularly failed to provide proofs of conspiracy behind conversion.

### 7. THE PERMANENT MUSLIM ENEMY

In north India, the story of further intensification of love-jihad claims combined with already existing anti-Muslim politics. The process began in 2017 when a Hindu monk, Adityanath, became chief minister of the Uttar Pradesh state.<sup>115</sup> Earlier, several Muslims were publicly lynched for various reasons, namely for allegedly eating meat of cow, an animal sacred to Hindus, not singing the national anthem, and on other allegations of being anti-national.<sup>116</sup> Adityanath capitalized on the fabricated image of Muslim men as the enemy of the nation, by further relating it to the issue of saving 'Hindu women's honour'; therefore, a policy was adopted to 'ensure the safety of college-going girls and check eve teasing'.<sup>117</sup> It was an election promise made in 2017 in the manifesto of the BJP to 'protect the honour of women' by forming anti-Romeo squads.<sup>118</sup> Teams of two policemen consisting of one male and one female police officer wearing plain clothes were posted near woman's schools and colleges, who allegedly indulged in moral policing and harassing lovers to 'check crimes against women'.<sup>119</sup>

114 Fernandes,(n 35) 118.

115 The current chief minister of the state is Yogi Adityanath, the head of a Nath Yogi monastery in Gorakhpur in eastern Uttar Pradesh. The state has a big population of Hindus. According to the census of 2011, the Muslim population in Uttar Pradesh is around 19.26% (40 million) of its total population of 200 million (199, 822, 341). Adityanath is widely known for his fierce anti-Muslim rhetoric and speeches. His guru and the previous head of the monastery was a leading political figure in the temple-movement to establish a temple of Ram in Ayodhya—considered the god's birthplace by the Hindu right—in place of a mosque that was demolished in 1992 during the movement.

116 '97% cow-related attacks after PM Modi came to power in 2014' (*The Business Standard*, 29 June 2017) <[https://www.business-standard.com/article/current-affairs/97-cow-related-attacks-after-pm-modi-came-to-power-in-2014-117062800204\\_1.html](https://www.business-standard.com/article/current-affairs/97-cow-related-attacks-after-pm-modi-came-to-power-in-2014-117062800204_1.html)> accessed 2 February 2022.

117 'What Are Anti-Romeo Squads? How Do They Operate? Points to know' *The News 18* (2017) <<https://www.news18.com/news/india/what-are-anti-romeo-squads-how-do-they-operate-points-to-know-1362855.html>> accessed 2 September 2021.

118 Quite ironically, Romeo, a great romantic protagonist of Shakespeare's play, *Romeo and Juliet*, is allegorically reduced to a stalker.

119 'What Are Anti-Romeo Squads?'

Between 2017 and 2020, UP Anti-Romeo squads arrested 14,454 people.<sup>120</sup> The pretext of this police policy was the assumption that Muslim men indulge in love-jihad posing as Hindu men, a plot beyond the perceptive abilities of college-going young Hindu women. For instance, a snapshot of a fake love story was widely circulated on social media platforms by the Hindu right groups warning Hindu men. In the fabricated photo, a Hindu woman was shown standing next to a policeman of anti-Romeo squad who seemed to be inquiring her boyfriend about his true identity. The message further read that ‘The man’s name turned out to be Rehan (Muslim) when the cop looked at his identity proof.’<sup>121</sup> The Hindu woman did not know his true identity, the message implied, since the Muslim man had faked it. It was depicted as the plot of love-jihad in which a (Muslim) man wearing a locket of the Hindu monkey god, Hanuman, with the woman standing in sheer disbelief in the background, unaware of such trickeries.

Such fake news centred on a sensitive appeal of saving daughters’ honour governs the political mobilization of Hindus against Muslims.<sup>122</sup> Consequently, the UP anti-conversion law was hurriedly passed in 2020 as an ‘ordinance’<sup>123</sup> without discussing it in the legislative assembly of the state sending the impression of an emergency like situation. The ordinance stated right in the beginning that:

Whereas the state legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him/her to take immediate action.<sup>124</sup>

This move was a well-organized political tactic for intensifying the rumour of love-jihad as a matter of grave concern for the safety of women. Since the enactment of the UP new anti-conversion law, Muslim men have been the primary target. For instance, till June 2021, a total of 63 cases were registered against 162 people in Uttar Pradesh, out of which 101 people were put in jail.<sup>125</sup>

120 This Information based on an RTI (right to information) application filed by the magazine *India Today*. See, ‘UP Anti-Romeo squads arrested 14,454 people since 2017, police say in RTI reply’ *India Today* (New Delhi 2021) <<https://www.indiatoday.in/india/story/up-anti-romeo-squads-arrested-people-police-rti-reply-1758791-2021-01-13>> accessed 10 September 2021.

121 Alt News, an alternative channel for checking the circulation of fake news translated this message from Hindi to English and reported the image is not from Noida but Lucknow nor is the story true. Visit <<https://www.altnews.in/false-conspiracy-about-love-jihad-in-noida-spun-based-on-2017-image-from-lucknow/>> Alt News accessed 5 July 2021.

122 For the use of social media to spread fake news, see, S Banaji, R Bhat, A Agarwal, N Passanha, & M Sadhana Pravin, WhatsApp vigilantes: An exploration of citizen reception and circulation of WhatsApp misinformation linked to mob violence in India (2019) *Department of Media and Communications, London School of Economics and Political Science*, 1; Arun Chinmayi, ‘On WhatsApp, Rumours, Lynchings, and the Indian Government’ (2019) (54) *Economic & Political Weekly* 54.

123 There is a constitutional provision of making laws without taking the consent of legislative bodies by bringing ordinances. When these anti-conversion laws were put in effect, the reason was given that the matter is of utmost urgency and the state cannot wait for the COVID-19 pandemic to end.

124 *The Uttar Pradesh Prohibition of Unlawful Conversion Ordinance*, 1. Some other states such as Madhya Pradesh followed the same process of enacting the anti-conversion law by an ordinance.

125 ‘7 Months of UP’s Anti-Conversion Law: 162 People Booked in 63 Cases’ *The Quint* (2021) <<https://www.thequint.com/news/india/7-months-of-ups-anti-conversion-law-162-people-booked-in-63-cases>> accessed 30 July 2021.

The new anti-conversion laws indirectly tighten the control of patriarchal values over female sexuality by using the image of Muslim man as an enemy. Take an example in which a young Hindu woman was not only forced to marry a Hindu man but was also used to frame a 21-year-old Muslim man, Uvaish Ahmed, in a love-jihad case, who was also the first victim of the anti-conversion law in Uttar Pradesh.<sup>126</sup> He was in a relationship with a Hindu woman in school before she was forced to marry in a Hindu family by her father. Charges of allegedly trying to coerce a 20-year-old married Hindu woman to convert and marry him were enough to put him behind bars for three weeks.<sup>127</sup> Interestingly, these new anti-conversion laws allow parents, siblings, and uncles to complain. For instance, the UP anti-conversion law says:

Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage, or adoption may lodge a First Information Report (FIR) of such conversion.<sup>128</sup>

The legal language here considers family members of a convert as the aggrieved party. Anyone, close and distant relatives, can lodge police complain about love-jihad under the existing anti-conversion laws which leaves no space for a woman to exercise her agency. Other anti-conversion laws follow the same line of reasoning that provides complete control over female sexuality and puts the desire to love freely under the family's control and its patriarchal mechanism. In Ahmed's case, the complaint came from the woman's father, in which he alleged in the police report that Ahmed had developed a relationship with his daughter during their school days and wanted to 'coerce, coax, and allure her into converting'.<sup>129</sup> This allegation is in line with the ambiguous wording of the UP and other anti-conversion laws suggesting a fuzzy line of thinking in framing such cases. The father further claimed that 'despite repeated disapproval by him and his family of the relationship, the "boy" did not listen and was applying pressure on him and his family through abuses and death threats'.<sup>130</sup> Similarly, in Hadiya's case, her father accused that a well-oiled network<sup>131</sup> of human trafficking was behind the marriage of his daughter to a Muslim man, who intended to take her to Syria as a sex slave.<sup>132</sup>

This kind of fear strongly dwells upon metaphors of the Hindu woman's body to sharpen communal boundaries.<sup>133</sup> Historically, in nationalistic politics from the late 19th century onwards, the image of the Hindu woman was politically illustrated to be the mother, the nurturer, of the nation whose body feeds the Hindu men, and

126 'My career and image are ruined; I have a police report against me now, says first man arrested under U.P.'s "love-jihad" law' *The Hindu* (Lucknow 2020) <<https://www.thehindu.com/news/national/other-states/my-career-and-image-are-ruined-i-have-a-police-case-against-me-now-says-first-muslim-man-arrested-under-ups-love-jihad-law/article33432099.ece>> accessed 7 August 2021.

127 *ibid.*

128 All anti-conversion laws have this provision.

129 'My career and image are ruined' (n 126).

130 *ibid.*

131 The metaphor was used to imply that such a conspiracy program has the support of the Islamic countries of the Middle East.

132 *Shafin Jahan vs Asokan* (n 86).

133 Charu Gupta (n 3).

therefore, strengthens the nation.<sup>134</sup> Love-jihad claims accused Muslim men of working against national interests and are premised upon this idea that they violate Hindu women's bodies through trickeries and deception of love and marriage, therefore, endangering the very foundation of the 'Hindu' nation. It is upon this sensitive appeal anti-conversion laws thrive in a highly charged anti-Muslim political environment in India. The significance of love-jihad arguments for anti-conversion rationale is less for a genuine public welfare of Hindu women than politically sustaining the image of 'Muslim enemy'.

Saving the sexuality of Hindu women from a virile Muslim man is often presented as a duty of Hindu men. To this end, the stereotypical image of the 'oppressive Muslim man' and the 'oppressed Hindu woman' in the minds of Hindu right activists historically resembles rumours of abduction, rape, and conversion of Hindu women publicized by the Hindu revivalist organizations in the 1920s to demonize Muslims.<sup>135</sup> Gupta writes that the anti-Muslim campaigns in the 1920s used newspapers, handbills, pamphlets, posters, novels, myths, rumours, and gossip to spread fake news of abductions of Hindu women.<sup>136</sup> As a result, Hindu women's conversions by Muslims became the markers of forming a Hindu identity.<sup>137</sup> Using similar tactics, activists of the Hindu right groups presently warn Hindu brethren, as was noted in the last example of the fake news on social media, to save the honour of their daughters and sisters from Muslim impostors who implicate innocent Hindu women in love by fabricating themselves as Hindus. The strategy has worked effectively, in the long run, to mobilize electorally disparate castes as 'Hindus' against Muslims and has traditionally served Hindu nationalist, 'upper-caste', and patriarchal interests. In this politics, Muslims serve as 'ideal scapegoats' to prevent 'lower-castes' and Hindu women from converting and exercising their choice.

Furthermore, in the new laws, conversion is considered a non-bailable and cognizable offence meaning an arrest can be made without a warrant, and a police officer can start an investigation with or without the permission of a court.<sup>138</sup> More importantly, the burden of proof to prove one's innocence lies on the accused. In this regard, these laws have a discriminatory provision against an accused person to endure the burden of proof:

as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, allurements or by any fraudulent means or by marriage, lies on the person who has caused the conversion and, where such conversion has been facilitated by any person, on such other person.<sup>139</sup>

134 Partha Chatterjee, *The Nation and its Fragments* (Princeton University Press 1993) 1, 116–57.

135 Gupta (n 40).

136 *ibid.*

137 Gupta (n 111).

138 In all Acts, there is a provision that the police officer must be at least of the rank of either an inspector or a sub-inspector.

139 *The Uttar Pradesh Prohibition of Unlawful Conversion Act, 6; The Himachal Pradesh Freedom Act, 5; The Madhya Pradesh Freedom Act, 14 (9); The Gujarat Freedom of Religion Amendment Act, 2021, 20 (4).*

Most conversions were, as already stated, away from Hinduism. For instance, in Gujarat alone, the state government received 1,838 applications in 2016 from people of various religious denominations requesting to change their religious association. Almost 95 per cent or 1,735 applicants belonged to Hinduism, but only half of them got the state approval.<sup>140</sup> Marriage was presumably the main reason behind most conversions, especially religions such as Islam need one's spouse to convert from another religion. Therefore, assuming Hindu daughters are being lost to Muslims in marriages, these new anti-conversion laws were hurriedly passed as ordinances, bills, and amendment acts in old anti-conversion laws to specifically target interfaith marriages between Muslim men and Hindu women. This assumption reinforces what Appadurai calls 'fear of small numbers',<sup>141</sup> implying that Muslims will become a majority in the future by adopting these tactics.

Some other contemporary legal changes in India also reinforce the image of a sexually charged Muslim man as the penultimate enemy of both Hindu and Muslim women. In line with anti-conversion laws, another law called *the Muslim Women (Protection of Rights on Marriage) Act, 2019* to govern divorce cases between Muslim men and women typifies the image of Muslim men as the oppressor of Muslim women as well.<sup>142</sup> By marrying four Muslim women, divorcing at will by saying *talaq* three times, and sexually exploiting Hindu women, Muslim men are not only depicted as destroyers of Indian culture but also as enemies of all women: Presumably they, therefore, require a greater legal control. Hindu right activists legally act on this assumption. For instance, when the above-mentioned Act was enabled, Hindu right activists euphorically called it a victory of gender justice. Under this Act, divorcing through instant triple *talaq* is illegal, null and void, and could attract a prison term of three years for a Muslim husband.<sup>143</sup> The Act was passed to keep the onus on Muslim men intact by portraying them in line with the imaginary of a love-jihadi as the enemies of women of all religions.<sup>144</sup> Such examples compel one to take a holistic approach to understand how historically a sustained image of Muslim men as enemies contributed to recent legal changes in India. At the centre of these changes is the long-held processes of otherization.

## 8. CONCLUSION

This article has addressed a set of interrelated issues connected with the political rise of the Hindu right, the construction of Islamophobic conspiracy theories, and associated legal changes in India that restrict freedom of the marginalized sections of caste and gender. These anti-conversion laws are based on gender and caste stereotypes assuming that marginalized sections easily fall prey to Muslim conversion agendas

140 'In Gujarat, 94.4% of those seeking to convert are Hindu' *The Times of India* (Ahmedabad 2016) <<https://timesofindia.indiatimes.com/city/ahmedabad/in-gujarat-94-4-of-those-seeking-to-convert-are-hindu/articleshow/51419977.cms>> accessed 18 September 2021.

141 Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* (Duke University Press 2006) 1.

142 *Act no. 20 of 2019*.

143 *ibid*.

144 This Act also heads towards fulfilling a long-standing demand of the imposition of a uniform civil code in place of religion-based personal laws by the Hindu right to bring homogeneity in the nation.



due to the lack of an independent rationality and the immature nature of their religiosity. The genealogy of such assumptions goes back to Gandhi. One could argue that ‘upper-caste’ advocates of Indian secularism like Gandhi and the contemporary Hindu right-wing activists continue to share religious views that govern the principles of politics today and prioritize the discussion of religion over social issues like that of caste and gender, what Bourdieu would call it a shrewd political stand rooted in their common caste background and religious morality. In many ways, the choice of conversion by a woman or ‘lower-caste’ man as an authentic act of will is cast into doubt and is presumably thought to be manipulated by external forces.

In the early 2000s, Hindu right-wing activists invented a false theory of love-jihad presumably carried out by Muslim men against Hindu women implicating interfaith marriages as examples of a systematic plot of religious conversion. Rumours of love-jihad were taken seriously by bureaucratic and state-level judicial authorities, which indicates a growing nexus between a right-wing political intervention, state apparatuses, and legal changes in India. At the core of the legality of anti-conversion laws are fabrications, myths, rumours, fears, and gender and caste stereotypes. The legal language and terminologies such as protection and freedom—of women, Dalits, and indigenous communities—shroud real intentions in euphemistic terms behind enacting these laws by the BJP ruled Indian states. In the process, the state acquires the role of a patriarchal and feudal caste lord that does not want to pay attention to converts’ desires. The politicization of religious conversion in India contributes to the creation of the Hindu majority against Muslims and Christians that solely advance the socio-political and economic interests of ‘upper-castes’. To this end, religious conversion is prominent in public debates because it simultaneously intersects the imagined boundaries of nation, caste, religion, and gender. Consequently, any associated legal change concerning religious conversion brings discussions on nationality, identity, community, belonging, individual rights, and the issue of freedom face to face with one another.

The state’s pseudo concern for protecting the honour of Hindu women further contributed to the creation, sustenance, and legalization of the theory of love-jihad. However, in the history of anti-conversion laws, interfaith marriages were never seen as a plot of conversion. Although the image of the Muslim oppressor relates to the long rule of Muslim rulers<sup>145</sup> in India and its subsequent demonization by British orientalists,<sup>146</sup> Hindu right-wing nationalists currently maintain this traditional imaginary by widely publicizing conspiracy theories like love-jihad.

Religious conversion is not a monolithic process. Scholars have shown that various factors direct an individual towards changing one’s religious belief and identification. Historically, if one thinks from the perspective of converts, religious conversion has also served as terrain of multiple possibilities of social mobility and emancipation from oppression. However, Hindu fundamentalists frame all religious conversions as achieved by exerting political pressure externally. Making constitutional provisions

145 Muslim rulers were in power for almost 600 years between the 12th and 18th centuries.

146 British orientalists like James Mill divided the history of India into three parts, Ancient India (Golden Age/Hindu India), Medieval India (Dark Age/ Muslim India), and Modern India (British India/Revival Age).

for religious conversion through ambiguously defined terms such as force, fraud, and allurement in response to some bogus theories of Hindu right activists is also an instance of an impending conservative pressure on the legal fabrics of Indian democracy.

Although the legality of anti-conversion laws, especially regarding interfaith marriages, is questioned from time to time by the Supreme Court, individuals, particularly Muslim youths, undergo suppression by the state. Religious conversion is totally banned under the new legal provisions in various Indian states. Any violation of these provisions is met with hostility by police forces and Hindu vigilante groups. Overall, the legality of religious conversion politics yields political benefits because it can effectively tie itself with the discourse of nation, religion, community, identity, and multiple other narratives of public significance to perpetually maintain fissures between religions to reap benefits from such divides.

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