Poles Apart: The Debates on Religious Conversion in Post-Independence India

by

Ian Douglas Richards

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Department for the Study of Religion
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Abstract

This dissertation is an historical analysis of the ideological and religious debates over conversion to Christianity in India since its Independence in 1947. In particular, the study focuses on how these debates have played out within various forms of proposed and enacted anti-conversion legislation at the state and federal levels of government. The study identifies the key poles of the conversion debate, first set forth in India’s Constituent Assembly Debates, and which have remained remarkably uniform through 70 years of legislation, rhetoric, and scholarship. Chapter One situates the study within the context of existing scholarship on both conversion and Christianity in India, with a focus on emerging scholarly views of the manifold ways in which conversion can be defined. Chapter Two examines India as a secular nation and attempts to identify the status of religious minorities within a conceptual space which, while secular, reflects a predominantly Hindu worldview. Chapters Three, Four, and Five provide an extensive primary source analysis of the conversion debates preceding the patriation of the Indian Constitution, government reports, High Court rulings, and legislation proposed and enacted between 1947 and 1981. Chapter Six examines a second tranche of anti-conversion legislation enacted at the state level between 2002 and 2008, following the rise to power of the
Hindu nationalist political parties at various levels of government in India. Chapter Seven examines contemporary expressions of the debate over religious conversion in India, with a focus on court challenges to existing anti-conversion legislation. Chapter Eight concludes the study, arguing that what is at stake for India as a secular state with constitutional protections for freedom of religion, is how both conversion’s critics and proponents understand the diversity of motivations for converting, and how this knowledge is applied to ensure religious freedom for all of India’s citizens. Without understanding the motivation which underlie the debate, conversion will remain a contested and at times violently contested issue.
Acknowledgments

While in the midst of yet another draft of this dissertation, I thought to myself, why am I even bothering to finish? What do I hope that such a study would accomplish? The answer came in a passage from my favourite author, Richard Ford’s, story collection *Let Me Be Frank with You*:

*Though I feel that for most people, me included, this pointless speculation allows us to share a consequence with the real sufferers, feel that something can be “shaken loose” in ourselves that wouldn’t get acknowledged otherwise. At the very least, it’s an interesting tool kit in empathy and agency—two things we should all be interested in.*

We should all be interested in empathy and agency; and if this study in any way contributes to an appreciation of these two ideals, I will certainly consider it a success.

There are far too many people to thank in this short space. I would first like to thank Professor Arti Dhand for supervising this work over the long course of its writing—not only for her patience, but also for her profound knowledge and keen editorial eye, which greatly improved this dissertation over its many incarnations.

I would also like to thank the members of my supervisory committee, Professors Reid Locklin and Zaheer Baber. The contributions of these two scholars to this project have been invaluable, and I am most thankful for their support, encouragement, and insight. I would also like to express my gratitude to my MA supervisor, Professor Ronald Neufeldt, whose own work on conversion in India inspired this research well over a decade ago.

Special thanks are due to my parents, Dan and Jacquie Richards, and to my parents-in-law, Don and Janet Traxel, for their encouragement and endless support in so many ways.

This dissertation is lovingly dedicated to my wife, Susan Traxel, and to my sons, Charles and Phinneas Richards. Without them—their encouragement, their love, and their passion for life—this project would have never been finished. The completion of this study is small payment indeed for the many sacrifices they have made on my behalf while it was written.
# Table of Contents

## Chapter One: Introduction: Situating the Study

I. Introduction ............................................................................................................. 1  
II. Theories of Conversion I: Lewis Rambo’s Stages of Religious Change .......... 7  
III. Theories of Conversion II: Chad Bauman, “Primordialism” and Assent .......... 12  
IV. Further Theoretical Considerations: Stanley J. Tambiah: Focalization and Transvaluation ................................................................. 18  
V. Studies on Religious Conversion in India: Legislation ........................................ 22  
VI. Studies on Religious Conversion in India: Sovereignty .................................... 24  
VII. The Primary Issues .......................................................................................... 26  
VIII. Conclusion ...................................................................................................... 31  

## Chapter Two: Foreignness and Hindutva, Demographic Fear and Secularism

I. Origins of the ‘foreignness’ of Indian Christianity ............................................. 34  
II. The Sangh Parivar and Hindutva ........................................................................ 53  
III. Defining Indian Secularism; Critiques of Indian Secularism ........................... 65  
IV. An Analysis of Indian Secularism in light of its crisis and the principle of demographic fear .............................................................. 80  

## Chapter Three: The Constituent Assembly Debates and the Drafting of the Indian Constitution

I. Introduction ............................................................................................................. 89  
II. Freedom of Religion as a Fundamental Right .................................................. 92  
III. Different Conceptions of Religious Belief in the Constituent Assembly ........ 94  
IV. Superfluous or Pernicious? ................................................................................. 96  
V. Contra Conversion ............................................................................................... 100  
VI. Propagation of Religion ..................................................................................... 106  
VII. Why was propagation eventually enshrined in the Constitution? ..................... 111  
VIII. Conclusion ...................................................................................................... 114  

## Chapter Four: The State Missionary Enquiry Reports

I. Historical Background to the State Missionary Enquiry Reports ..................... 116  
II. The Jharkhand Movement .................................................................................. 120  
III. Introduction to the State Missionary Enquiry Reports ..................................... 128  
IV. The Rege Report ............................................................................................... 129  
V. The Niyogi Report .............................................................................................. 133  
VI. India Perceived as a Hindu Nation .................................................................... 134  
VII. Conversion Itself the Issue .............................................................................. 149  
VIII. The Politicization of Religion in the Immediate Post-Independence Period .... 153  
IX. Conclusion ....................................................................................................... 155
Chapter Five: Proposed and Enacted Legislation, 1954-1981 ............................................ 156
I. Introduction .......................................................................................................................... 156
II. The 1950s: Hindu Personal Laws and the Indian Converts (Regulation and Registration Bill),
    1954 .................................................................................................................................. 158
III. The Orissa Freedom of Religion Act, 1967 ................................................................. 164
IV. The Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 ....................................... 168
V. Indian High Court and Supreme Court Responses to Orissa and Madhya Pradesh Freedom of
VI. Arunachal Pradesh, 1978 ............................................................................................... 184
VIII. Conclusion .................................................................................................................... 197

I. Introduction ......................................................................................................................... 200
II. The Murder of Graham Staines and the WadhwA Report ............................................... 202
III. Tamil Nadu, 2002 (Repealed, 2006) ........................................................................... 216
IV. Gujarat, 2003; Amendment, 2006; Rules, 2008 ............................................................ 222
V. Chhattisgarh Freedom of Religion (Amendment) Act, 2006 .......................................... 228
VI. Himachal Pradesh Freedom of Religion Act, 2006 ....................................................... 232
VII. Madhya Pradesh Freedom of Religion (Amendment) Act, 2006 ................................. 235
VIII. Rajasthan Freedom of Religion Act, 2008 ................................................................. 237
IX. Conclusion ...................................................................................................................... 241

Chapter Seven: Post 2008 Developments in the Indian Conversion Debates ............ 243
I. Introduction ......................................................................................................................... 243
II. The Dara Singh Verdict in the Graham Staines Murder Case ......................................... 244
III. The 2012 Challenge of the Himachal Pradesh Freedom of Religion Act, 2006 ............ 256
IV. Sangh Parivar Responses to the Himachal Pradesh Act Challenge ............................... 267
V. Bijoy Chakravarty’s 2011 Anti-Conversion Bill at the Centre ........................................ 272
VI. Conclusion ...................................................................................................................... 276

Chapter Eight: Conclusion ................................................................................................. 278
I. Introduction ......................................................................................................................... 278
II. The Poles of the Debate over Conversion in Post-Independence India ........................... 280
III. Denationalization, Demographic Fear, and Postcolonial Anxiety ............................... 281
IV. The Legislation: What is the issue? Fraudulent Conversions or conversion per se? ...... 284
V. Social Factors: Paternalism: Women, Minors and the Scheduled Castes and Tribes .... 287
VI. Religious Conversion: Crisis or Transvaluation? ............................................................. 291
VII. Can Conversion be Recognized by the State for What it is? ......................................... 296
VIII. Conclusion .................................................................................................................... 299
Bibliography..................................................................................................................301

I.  Primary Sources...........................................................................................................301

II. Secondary Sources......................................................................................................303
I. Introduction

Regardless of geographic location, political system, social class or religious tradition, conversion from one religious affiliation to another “ranks as one of the most destabilizing activities in modern society.”¹ Across religious traditions and across cultures, conversion can represent a rupture with, or turning from, entrenched cultural and religious norms, and with shared sacred histories. Conversion can disrupt the demographic configuration of a state, altering relationships between ‘minority’ and ‘majority’ communities and thereby complicating electoral politics and the redistribution of state wealth. Perhaps more importantly, conversion interrogates shared notions of identity, implying ‘the acceptance of a new locus of self-definition,’² definition and identity which is often viewed as suspect or disloyal—not only to the religious traditions involved but to multiple signifiers including family, social class, and even citizenship.

In spite of these numerous disruptions, conversion is also the locus of considerable human agency, particularly for the underprivileged. In India, where this study is situated, religious conversion, in particular to Christianity, is in large part a lower class phenomenon. It is most often the poor and the disenfranchised who change their religious affiliation.³ The opposition to conversion in India is rooted in a number of historical preconditions: colonial

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³ Although precise demographic information is difficult to come by, The International Dalit Solidarity Network (IDSN) noted that in the 2011 Indian Census, 201.4 million people (16.6% of the total population) were classified as “Scheduled Caste” in India. The ISDN also stated that “while the 200 million SCs constitute a significant proportion of India’s population, the total, if unofficial, number of Dalits in the country is almost certainly considerably higher (possibly as high as 300 million), as Christian and Muslim Dalits are not registered as ‘Scheduled Castes’. The 2011 Census also reported that 24.1 million (2.3 % of the total population) Indian identified as Christian. The ISDN estimates that of India’s 24.1 million Christians 15 to 20 million (62%-95%) are Dalit. [http://idsn.org/news-resources/idsn-news/read/article/india-official-dalit-population-exceeds-200-million/128/](http://idsn.org/news-resources/idsn-news/read/article/india-official-dalit-population-exceeds-200-million/128/)
interaction, the assumption of ‘modernity,’ and the emergence of a modern constitutional bureaucratic state—as well as in the unique social (i.e. caste) structure of Indian society at large and of Hinduism in particular. Conversion’s relative popularity among the underprivileged sections of society as well as its multiple connotations of change in identity—religious, caste, administrative category—have made conversion an issue of significant concern to both the Hindu elite and the Indian state. This concern has led to both explicit and implicit state management of conversion in India. Conversion has been managed explicitly through anti-conversion legislation, access or control of access to positive discrimination policies, ‘re-conversion’ campaigns and through organized violence against converts and their adopted religious communities. Implicitly, conversion has been managed through vigorous anti-conversion rhetoric and accusations of ‘denationalization’.

At this early stage it is important to define conversion within the context of this study. At its most primary level, conversion can be defined as the change in religious affiliation of an individual or group of individuals from one religious tradition to another. This is ‘conversion’ without taking into account any of its various motivations or implications, for the individual convert or for the greater society/community in which the individual convert lives. As for the motives and implications of conversion, that is the particular purpose of this study—to identify and analyze these motives within the Indian context, to determine the impact of conversion on Indian society and public culture and to explore the response of that society and public culture—both explicitly and implicitly—to individuals and groups who change their religious affiliation, as demonstrated in anti-conversion legislation.

The main thrust of this study involves an analysis of the opposition to conversion to Christianity manifest in India in the post-Independence period, with attention to the historical
instances and ideologies behind such opposition. Embedded in this opposition to conversion is a particular vision of India, a vision that can be best described as ‘religious’ through its conflation of religion, culture, and politics. In many respects, this is also an issue of national identity, an identity mediated through both religious and secular understandings of what it means to be ‘Indian.’ What does it mean to identify as a ‘Hindu’, and what is the importance of Hinduism as a religion to the nation of India? And, can India survive if it fails to remain viewed as a, primarily, Hindu nation? As I will attempt to demonstrate, India is much more than a geopolitical entity for both the Sangh Parivar and the other forces behind the anti-conversion legislation examined throughout the course of this study. India is also a motherland, a culture, and a sacred history. The ultimate goal of conversion’s opponents is to preserve and advance this multifaceted conception of India and the perceived Hindu civilization on which it rests. Understanding the primacy of this vision of India is fundamental to any analysis of concerns over conversion to Christianity in India.

While I will attempt to distance my work from a strict ‘Saidian’ critique of Orientalism, I believe it is wise to take the postcolonial historical and cultural project into account when examining pre- and post-Independence Indian historiography. As Gyanendra Pandey points out, colonial historians tended to focus exclusively on religion and religious communities in their histories, especially with reference to violence and communal strife. 4 Postcolonial history has veered towards a less-targeted emphasis on religion and focused as well on issues such as class, caste and culture. Class, caste and culture must be examined, alongside religion, if one is to properly understand the motivating ideology of the Sangh Parivar and its antipathy to

conversion, especially its response to the conversion of a Hindu to a so-called ‘foreign’ religion such as Christianity.

While this study does not explicitly attempt a postcolonial critique of either conversion or the resistance to conversion, postcolonialism inevitably informs this study inasmuch as recognizing its methods and importance directs me to look beyond communal strife and conflicting religious identities to ascertain why the critics of conversion perceive the act as a destabilizing act of ‘denationalization.’

To accomplish this goal, the bulk of this study will focus on the debates preceding the patriation of the Indian Constitution, government reports into missionary activity at the state level and both proposed and enacted anti-conversion legislation put forward at both the state and central levels of government in India. These sources, which have yet to be analyzed in their entirety in a single academic study—particularly the second tranche of state-level anti-conversion legislation, enacted between 2000 and 2007—will demonstrate the poles of the debate over religious conversion in India, as well as provide an access point to the manifold ideological, cultural and religious factors which have led to such profound antipathy towards the phenomenon of religious conversion in India since Independence. What will become clear from the examination of both the primary source materials and the historical and political contexts in which they were produced, is that the antipathy towards conversion is deep-seated for many in India, and not merely amongst right-wing or fundamentalist religious organizations. Opposition to religious conversion is widespread, with not only profound implications for those contemplating conversion, but for India’s many religious minority communities as a whole.

Returning now to religious conversion as a phenomenon, it is considerably more complex than suggested by the simplistic definitions of it in anti-conversion discourse, in the anti-
Conversion legislation under examination, and, equally problematically, in much of the scholarship on the topic. Conversion can be, but is certainly not limited to, ‘the great transformation’ definition. In this understanding of conversion, an individual like Paul of Tarsus on the road to Damascus, experiences a mighty ‘change of heart’ and accepts the new religion fully—in this case Christianity—while completely discarding his old religious tradition. Another way of putting this (in a very ‘Protestant’ way) is that an individual has been ‘saved’ through his acceptance of Christianity and/or ‘born again.’ Though stripped of its Christian particularity, if not its imagery, this has been a dominant academic conceptual model for analyzing conversion, at least until the 1990s: that a change in religious affiliation involves this ‘great transformation’ and that the primary reason for making the decision to convert is, or at least should be, an issue of religious or theological belief.

Ironically, this is the same, very Protestant, definition of conversion assumed by the bulk of opponents to conversion in India, as well as by various Indian state governments in anti-conversion legislation. Conversion can only be the great transformation, a true change of heart, and a true change of belief or it cannot be considered valid. Opponents of conversion, however, argue that such a transformation of belief is unlikely at best, and that most, if not all conversions, are brought about through exterior forces such as coercion and undue influence. So for conversion’s opponents in India, the ‘great transformation’ understanding of conversion is both the carrot and the stick. A change in belief is what defines a true conversion, should it ever happen; such an event, however, is improbable without the nefarious influence of agents seeking actively to convert others, which needs to be disciplined.

While acknowledging that the ‘great transformation’ understanding of conversion is a legitimate definition of the phenomenon—both in India and globally—as noted above, it is not
the only approach to understanding religious conversion, nor will it be the primary understanding that informs this study. There are three reasons for this. First, the ‘great transformation’ is a strongly Christian and strongly Western understanding of conversion, and this can privilege the Christian understanding of religious conversion while precluding alternatives found in other religious, regional, and cultural contexts. Second, scholarship has become considerably more nuanced in its analysis of the modes, meanings, and motivations behind conversion in the past two decades. This study aims to build upon that pioneering work, to look at conversion from multiple academic perspectives and to analyze the numerous motivations and forces behind an individual or group’s decision to change religious affiliation. Third, the ‘great transformation’ understanding privileges an elite understanding of conversion in India while at the same time bureaucratically enforcing it among converts; that is to say, that the government, through enacted legislation, insists that this is the only understanding of conversion with any merit, and that conversion for any other reason is suspect to the point that it must be discouraged by law. Given the underprivileged status of most converts in India, this elite and bureaucratically acceptable understanding of conversion essentially ignores the multiple possible motives for conversion, particularly the motives espoused by converts from the lower classes.

Postcolonial scholarship has been similarly dogmatic in its assumptions, tending to focus on the political aspects of religion, and within the Indian context to see religion as a “thinly veiled arm of political power, in this case imperial power.” This is especially true in the case of conversion. Scholarship undertaken over the past decade, however, has sought to both provide a

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more nuanced definition of what conversion actually entails, as well as to define converts themselves as active agents who, for a host of reasons, made the decision to change their religious affiliation.\(^7\)

The primary change in religious affiliation to be analyzed in this study is the movement, via conversion, of Hindus in India to another religious community. The bulk of the analysis will investigate conversion from Hinduism to Christianity but, to a much lesser extent, also conversion to Islam. Conversions from Hinduism to Christianity and to Islam are particularly contested by conversion’s opponents, most pointedly due to the alleged ‘foreignness’ of these two traditions within the Indian context. The non-indigenous or foreign nature of Christianity and Islam make the acceptance of these traditions by former Hindus particularly problematic for Hindu critics of conversion. Criticism of these conversions tends to move very quickly beyond questions of religious belief and practice and into parallel issues of nationalism, citizenship, ‘dual-loyalties,’ demographic configuration, and residual colonialism.

II. Theories of Conversion-I: Lewis Rambo’s Stages of Religious Change

Lewis Rambo has argued that religious conversion is an “ongoing complex process” and has therefore proposed a multi-tiered model for conversion to demonstrate the “phases of a process that takes place over time.”\(^8\) This model moves considerably beyond the great transformation, arguing that conversion can never be seen as a single event, but rather a life-long process that develops “in a dynamic force field of people, events, ideologies, institutions, and expectations and experiences.” Moreover, conversion “cannot be extricated from the fabric of relationships,

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processes and ideologies which proved the matrix for religious change." Conversion, for Rambo, is a *multifaceted* life change, with motivations and consequences that go considerably beyond the simple issue of belief.

Rambo’s model includes seven phases, which he explicates as follows:

*Context* is the overall environment in which change takes place. Contextual factors either facilitate or constrain change. The *crisis* stage is generally a rupture in the taken-for-granted world that triggers the *quest* stage in which persons actively seek new ways of confronting their predicament. *Encounter* is the contact between questing persons and the advocate of a new alternative. *Interaction* is an intensification of the process in which the advocates and potential converts ‘negotiate’ changes in thoughts, feelings, and actions. *Commitment* is a phase in which persons decide to devote their life to a new spiritual orientation. *Consequences* involve the cumulative effects of various experiences, actions, and beliefs that either facilitate or hinder converting.\(^9\)

Each of these phases bears examination. The *context* stage is further defined as the “ecology in which converting takes place.” Context involves, at the macro level, a convert’s relationships with various political and economic systems and, of course competing religious organizations. At the micro level, context involves “the more personal world of the individual,” in particular the convert’s relationships with family and friends, and how these relationships impact a convert’s thoughts and actions in relationship to religious change. Importantly, Rambo also identifies a “meso-context,” which refers to mediating factors, and which can include “local government, regional politics and economics, and local religious institutions.”\(^10\) Anti-conversion legislation falls squarely into this idea of meso-context, mediating as it does the relationships between the government and a potential convert, and between different religious organizations in India as they seek to grow their memberships. Context is the most important stage in Rambo’s paradigm, and, indeed, in this study of religious conversion in India. And context, like all community identities in India, is a multifaceted phenomenon. Whereas religious belief is hard to verify by

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examining the context in which conversion occurs, we are able to identify the multiple interactions between groups, individuals, and ideologies that can motivate a convert to change religious affiliation.

Rambo’s second stage, *crisis*, is defined as “disordering or disrupting experiences that call into question a person or group’s taken-for-granted world.”\(^\text{12}\) These crises can range from the external, such as coercion by an outside force, to the internal, such as illness, mystical experience, or existential questioning.\(^\text{13}\) To this, in the case of conversion in India, I would make an important addition: socio-economic crisis—in particular the existential questioning regarding a convert’s place in the world as defined by the caste system. This is extremely important in the Indian context; in both anti-conversion legislation and, more pointedly, in government (but non-legislative) sources on conversion, this aspect is either emphasized in a negative fashion or considered illegitimate. The social and economic disparities inflicted by the caste system are often so acutely felt as to be a significant causal factor in conversion to both Christianity and other non-Hindu religious traditions. Crisis, external or internal, has always been a powerful motivation for religious conversion.

Rambo’s third stage is *quest*, which he defines as “encompass[ing] different ways in which people respond to crises and/or the way in which people orient themselves to life.”\(^\text{14}\) In this stage, Rambo wishes to determine the motivation behind a decision to convert. Numerous “motivational structures” exist in this stage: these can include friendship, the desire to improve one’s social or economic opportunities, even the search for “resources” to enrich one’s personal


development or to “enhance self-esteem”.\textsuperscript{15} Rambo argues that the underlying “assumption” of the quest stage is to “maximize meaning and purpose in life.”\textsuperscript{16} This maximization is not merely a quest related to one’s religious life or beliefs, but, more likely, a multifaceted combination of motives, including, but not limited to, religious belief.

Rambo’s fourth stage of religious conversion is the \textit{encounter} stage. This stage is comprised of three sub-stages. The first sub-stage involves the ‘advocates’ of the potential convert and, in particular, if these advocates have been actively seeking the religious conversion of others. The motivations and methods of the advocates will influence the decision of the convert, in concert with the individual’s numerous other personal motivations for potential conversion. The second sub-stage of encounter is the potential convert’s weighing of the benefits (or non-benefits) of converting to another religious tradition.\textsuperscript{17} The benefits are seen as religious and emotional, but importantly also social and economic. Rambo’s third sub-stage of encounter is the “setting of the encounter.” Rambo’s focus in this stage is on the personal or group nature of a potential convert’s encounter with an advocate. Whether the encounter is personal or in a group setting is important as different individuals will respond to different types of outreach. It is often this manner of outreach, and its suitability to the individual circumstance and outlook of the potential convert that can trigger the next stage of Rambo’s paradigm, the decision to create a new religious identity through interaction with a new or different religious group.\textsuperscript{18}

In the fifth stage, \textit{interaction}, the convert begins to learn more about the new religious group, and to more actively participate in the religious life of the new group. Of greatest importance in this stage is the creation of new relationships between the convert and the extant members of the

\textsuperscript{15} Rambo and Farhadian, “Converting: Stages of Religious Change,” 27.
\textsuperscript{16} Rambo and Farhadian, “Converting: Stages of Religious Change,” 27.
\textsuperscript{17} Rambo and Farhadian, “Converting: Stages of Religious Change,” 28-29.
\textsuperscript{18} Rambo and Farhadian, “Converting: Stages of Religious Change,” 29.
new group, as it is these bonds as much as intellectual or religious understandings that can bind a potential convert to her new religious community. This is also the stage where the convert begins to learn more deeply about the beliefs and worldview of the new group and to participate more fully in the group’s ritual and praxis. It is also in this stage that the convert learns the roles and behavior expected of him.\(^{19}\)

Stage six of Rambo’s conversion paradigm is the *commitment* phase. In this phase, the new convert is expected to make a firm decision about her conversion, and to provide some sort of “public demonstration” that one has converted.\(^{20}\) Rambo focuses on “witnessing” or the bearing of testimony in this phase, which is unfortunate as this is a primarily Christian practice. Commitment is also the phase in which “transformative rites” or rituals take place, in order to publicly “consolidate a convert’s beliefs” and to re-identify as a member of the new group.\(^{21}\) In Christianity, for example, this is the stage when baptism occurs. Regardless of the ritual, public acknowledgement of one’s change in religious identity is the key to this stage.

The seventh and final stage of Rambo’s paradigm is *consequence*. In this stage of Rambo’s paradigm the “nature and extent” of an individual’s conversion is assessed.\(^{22}\) For our purposes, this phase is important as it is the stage in which one assesses the impact of conversion, especially in the case of group conversion, “within the social and political domains” of the region in which the conversion took place.\(^{23}\) As well, this stage is important in the context of this dissertation, given the common criticism (and experience!) of converts reverting back to their

\(^{22}\) Rambo and Farhadian, “Converting: Stages of Religious Change,” 32  
original religions in India, or maintaining aspects of their previous religious and social lives as indicative of conversions taking place only in name and not in practice.

Rambo’s seven-stage model for understanding religious conversion is by no means an ideal paradigm. One could argue that it is based primarily on the conversion to Christianity and not on religious conversion *in toto*. Nevertheless, Rambo’s stage paradigm is an important introduction to the phenomenon of religious conversion as it demonstrates clearly and persuasively that religious conversion is a complex, multifaceted process that takes place over time, for many different reasons, not all of which are religious, and that religious conversion can have a profound effect on not only religious but also the social and political arenas in which conversion takes place. As this dissertation will demonstrate, the multifaceted nature of religious conversion and religious identity are indelibly part of religious change in India, even if the laws and rhetoric put forward by conversion’s opponents fail to accept this reality.

III. Theories of Conversion II: Chad Bauman and “Primordialism” and “Assent”

Lewis Rambo’s stage model provides a good overview of the multifaceted nature of religious conversion, and the motivations behind a change in religious identity across the spectrum of different religious groups. Many of the stages are further applicable to a greater understanding of religious conversion in India. In the more specific Indian context, the work of Chad Bauman\(^\text{24}\) provides, I would argue, the most appropriate theoretical approach to conversion in India, especially with regards to conversion by India’s Dalit and tribal communities. Bauman’s

approach involves two primary aspects: “primordialism” and “assent.” We will examine each of these concepts in turn.

Bauman defines his “primordialist” approach in the following way:

Though conversion does represent the pursuit of interests and a response to social strain, these interests and strains are felt more than rationally grasped, based on intuited and not fully articulated desires more than intentional, rational calculation. I call these desires primordial because they have to do with basic and universal human needs such as security, health, and meaning…while the social circumstances of satnamis who converted to Christianity were largely determined by forces beyond their control, they nevertheless did not simply accept these circumstances, but searched for ways to alter, domesticate, and control them. For some, the search ended in Christianity and in this context conversion to Christianity cannot therefore be reduced to the result of economic and political concerns alone, though these undoubtedly played important roles.\(^{25}\)

Taking his primordialist approach to conversion, especially the conversion of the lower strata of Indian society further, Bauman argues that the transformation effected by religious conversion “will not become believable” to the convert unless the individual decision to convert is in some respect religiously informed.

Though religious conversion may be, for some, a logical step in the pursuit of interests—material or ideal—the transformation will not become believable to the convert unless the ‘decision’ arises from the pre-rational depths of his or her spirit with all the force and believability of an external revelation. It is these desires I call primordial because they are fundamental, basic. They include such things as a desire for security (though not necessarily great wealth), health, dignity, a meaningful interpretation of life’s experiences (good and bad), and a program for appropriate action in the world.\(^{26}\)

In many respects this idea of the primordial as fundamental and basic desire suggests that religious conversion is the means for some people (though not all) to transition to a worldview more in keeping with their ultimate concerns. For the lower castes, who are so materially depressed, these concerns are often basic: security, health and dignity, as Bauman argues. That these desires are basic, and that they may also involve social and political motivations does not

\(^{25}\) Bauman, *Christian Identity and Dalit Religion in Hindu India*, 17.

\(^{26}\) Bauman, *Christian Identity and Dalit Religion in Hindu India*, 74-5.
in any way make them non-religious, nor does it, I would argue, make an individual’s conversion invalid because it is not predicated absolutely on the issue of belief.

The nature of these types of motivation fueling conversion are a key theoretical consideration of this dissertation given the Sangh Parivar’s, and the anti-conversion legislation’s, contention that socio-economic and political motivations are not religious, thereby rendering these types of conversion invalid. The anti-conversion legislation’s opposition to conversions not based entirely on questions of belief rests on a fundamental dichotomy between what is perceived as ‘religious’ and what is deemed ‘material.’ Bauman’s concept of primordialism provides a strong, multi-faceted counter to the legislation’s monolithic approach to what constitutes a valid conversion.

Bauman’s definition of conversion, like Rambo’s is also context specific. Conversion is a transformation—of worldviews, of ways of living in the world—that occurs within existing social and cultural realities. Given these social and cultural realities, the transition from one religious community to another is a somewhat lengthy process in which converts are “acculturated to new ways of thinking and acting” and where a certain “degree of syncretism and hybridity” should be expected to exist given these realities and the scope of the change represented by conversion.

Bauman also provides an interesting counter to a fairly dominant academic way of thinking about religious conversion in India, a view that is best exemplified in the work of Gauri Viswanathan. Viswanathan can be said to view conversion as an act of dissent. For the lower castes and tribals, the dissent implied by religious conversion, especially to an ostensibly egalitarian religion such as Christianity, is the rejection of the marginalization, religious and

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27 Bauman, *Christian Identity and Dalit Religion in Hindu India*, 75.
28 Viswanathan, *Outside the Fold*, *passim*; especially Chapters 7 and 8.
social, imposed by the caste system. While Bauman agrees that this is an accurate argument as far as it goes, he suggests that conversion also implies “assent to an alternative social ideal.”

Assenting to the new identity created through religious conversion, therefore, “entails a revalourized humanity and a new way of living perceived to be more appropriate, given the circumstances.”

Now, one might argue—and Viswanathan might—that one can convert without assent. This is true, if a change in belief is all that is implied by a religious conversion. As an example, Viswanathan points to Pandita Ramabai, who even after her conversion continued to dissent, in the form of criticizing the Anglicanism she joined. Ramabai said:

Obedience to the law and to the word of God is quite different from perfect obedience to priests only. I have just freed myself from the yoke of the Indian priestly tribe, so I am not—at present—willing to place myself under another similar yoke by accepting everything which comes from the priests as authorized command of the most High.

Dissent, it could be argued is the primary reason for Ramabai’s religious life, even if she did perform an act of assent in assuming Christianity. For Bauman, however, assent is more than the act of acceptance. In the context of assenting to join Christianity, accepting this new religious faith, members of the Scheduled Castes are removing themselves both from the caste system and the benefits of a government system of positive discrimination. Converts dissent, in the act of leaving the caste system via conversion and assent to the new life as ‘casteless’ Christians, foregoing what could be said to be the only real ‘benefit’ of belonging to the lower castes. For Bauman, conversion cannot be said to occur without both dissent and assent. Moreover, Ramabai can also be said to exemplify both assent and dissent as her conversion, even with her subsequent

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criticisms of Christianity, symbolized, for the community she left, the loss of an important figure. “Ramabai’s Hindu admirers experienced a sense of loss and anguish caused by her conversion and saw her as a great woman, social reformer and a nationalist of the first order.” Ramabai, like those converts who leave the benefits of the reservation system for the lower castes or for other ostensibly non-religious reasons, had to assent to a different life, possibly a more difficult life, complete with different priorities. Pandita Ramabai’s, like all conversions, was an act of both assent and dissent.

As will become clear in our discussion of state-level anti-conversion legislation below, the stated purpose of the laws is to prevent conversions precipitated by “fraud,” “inducement,” or “allurement.” I would argue that the lawmakers who wrote these laws, as well as their supporters, view this as the primary motivation through which Hindus, and especially lower-caste Hindus, are converted to Christianity. Bauman’s conceptual model of conversion responds to such accusations of fraudulent conversions in three ways. First, the belief that most conversions from Hinduism to Christianity are “fraudulent,” implies, at the outset that conversion to Christianity will immediately provide economic benefits to the convert, or indeed that they received economic incentives to convert in the first place. While there is no doubt that many converts to Christianity “may have experienced some material benefit” via their conversion, Bauman notes, it is likewise crucial to clarify that many of the methods said to be used by missionaries—payment of cash, promises of employment, etc.—“were rejected long ago by nearly all Christian missionaries, foreign and domestic, and that the vast majority of India’s Christians today find such obvious allurements to the faith both repulsive and illegitimate.33

Bauman’s second point countering the rhetoric of “fraudulent conversions” is the idea that there are, in fact, numerous advantages, economic and social, to “remaining or becoming Hindu.”\(^{34}\) This is particularly true when one considers the possibility for social ostracism and even violence created by leaving the Hindu fold, as well as the potential loss of one’s benefits under the government system of positive discrimination initiated for India’s lower-caste and tribal peoples.

Bauman’s third point counters the suggestion that individuals convert *only* for material benefits. Bauman argues that other aspects of conversion, especially the idea that it can provide a worldview more in keeping with the convert’s ideals and values, are also benefits, and that they are in fact as important in the motivations for conversion as are any potential material benefits. As such, the debate on “fraudulent conversions” as enshrined in the state anti-conversion legislation, “misses the point:”

All conversions involve self-interest, as do all non-conversions. The Hindu who remains Hindu is acting in her own perceived best interest just as much as the one who converts to Christianity, whether her self-interest is of a material or ideal kind, or whether she can clearly articulate her interests or not. And so there is inducement and allurement in every direction, and of every kind. A more fruitful debate would revolve around what kind of inducement is acceptable and what kind is not.\(^{35}\)

Chad Bauman’s conception of religious conversion in India, like Lewis Rambo’s conversion paradigm, provides a fruitful way in which to see conversion as a multifaceted, context specific act that can spring from numerous motivations and which can accomplish likewise as many goals. The analysis of the primary materials—the Constituent Assembly Debates, the Missionary Enquiry Reports, the two waves of state-level anti-conversion legislation—in the subsequent chapters of this dissertation will harken back to these conceptions

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\(^{34}\) Bauman, “Identity Conversion, and Violence,” 283.

of religious conversion. These primary source materials fail to provide a sufficient understanding of the multifaceted context surrounding the decision to convert, a religious act they wish to bureaucratically manage for their own purposes. It is hoped that the discussion here can, in its small way, lead to a more comprehensive understanding of conversion and how it should be understood in the post-Independence Indian context.

IV. Further Theoretical Considerations: Stanley J. Tambiah: Focalization and Transvaluation

In his 1996 work *Leveling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia*[^36^], Stanley J. Tambiah introduces the concepts of “focalization” and “transvaluation” to explain the means by which localized events can morph into full-scale religious riots in the South Asian context. These concepts can also be modified and applied to the ways in which the Sangh Parivar has used localized and multifaceted conflict between religious, social and economic groups in India to both justify anti-religious minority violence and make religious conversion a matter of national concern, a concern solvable only by recourse to nation-state management. The following section will examine the ways in which transvaluation and focalization can be applied to the issue of conversion in post-Independence India. This is important because anti-conversion legislation is premised upon the argument that conversion creates converts with dual loyalties, thereby threatening the nation-state’s conception of public order. This perceived threat to the nation is then used to justify intervention of the state in managing religious conversion.

Together, focalization and transvaluation are coupled processes:

…by which a series of local incidents and small-scale disputes, occasioned by religious, commercial, interfamilial, or other issues, and involving people in direct contact with one another, cumulatively build up into larger, and larger clashes between growing numbers of antagonists only indirectly involved in the original disputes. This progressive involvement of the ethnic public coincides with their coming under the sway of the rhetoric of rumormongers, who appeal to larger, deeper, certainly more emotive and enduring—and therefore less local context-bound—loyalties and cleavages, such as race, religion, language, nation, or place of origin.37

Focalization, on its own, is the process which “progressively denudes local incidents of their contextual particulars,”38 while transvaluation, which is more important for our purposes, “distorts, abstracts, and aggregates those incidents into larger collective issues of national or ethnic interest.”39

In addition to an analysis of government inquiry reports and the relevant anti-conversion legislation, this study also examines several instances of anti-Christian violence related to conversion, as well as the Indian government’s response to such incidents of violence. In each case, Tambiah’s concept of transvaluation reflects both the manner in which the violence developed, how the Sangh Parivar abetted such violence with rhetoric, and, most importantly, how transvaluation can also be seen in the government’s response to the violence. Transvaluation is particularly evident in the state’s response to the murder of Australian Christian missionary Graham Staines in 1999, which is discussed in Chapter 6. The government’s response to the Staines murder, which is outlined in the Wadhwa Report, demonstrates how transvaluation “distorts, abstracts, and aggregates” particular incidents “into larger issues of national or ethnic interest” centred on the opposition to conversion to Christianity. It is unsurprising, given how powerfully evident transvaluation was in both state and the Sangh Parivar’s responses to the

37 Tambiah, Leveling Crowds, 81.
38 Tambiah, Leveling Crowds, 81.
39 Tambiah, Leveling Crowds, 81.
Staines murder, that the entire second tranche of anti-conversion legislation was enacted following that incident.

Transvaluation can be applied to the Sangh Parivar’s anti-conversion rhetoric as well as to the anti-conversion legislation itself. Conversion to Christianity, while a pan-Indian phenomenon, is relatively insignificant in terms of the actual number of conversions that have historically taken place, and the quantity and vehemence of anti-conversion rhetoric far outpaces the significance of religious conversion in terms of numbers. Conversions, and especially group conversions, are infrequent, isolated, and disturbing to “public order” most frequently in the actual regions where they occur. Nevertheless, the rhetoric of the Sangh Parivar and the enactment of anti-conversion legislation applies to the entire state in which it was enacted and to all of those states’ millions of citizens. Former Prime Minister Atal Behari Vajpayee called for a “national debate on conversions” in the wake of the violence in the tribal regions of Gujarat in 1999, and just prior to the murder of Graham Staines. More recently, conversion has again become an issue of national interest with accusations against Muslims supposedly engaged in “Love Jihad.” Love Jihad is a phenomenon in which young Muslim men are accused of seducing and then forcibly converting young Hindu women. In light of the controversy stirred by accusations of Love Jihad, groups associated with Sangh Parivar have, very publicly attempted to re-convert Muslims and Christians via organized ghar wapsi reconversion campaigns. Local incidents of conversion, and of inter-religious marriage are thus both focalized, that is, “denuded of their contextualized particulars,” and transvaluated “into larger issues of national or ethnic interest” in these cases based on a particular vision of India that sees itself as a Hindu nation state and to which conversion implies an existential threat.
There is another crucial feature of transvaluation that is applicable to anti-religious minority violence, anti-conversion rhetoric, and anti-conversion legislation. Tambiah argues that ethnic violence perpetuated by instances of transvaluation and focalization “gradually lose their local, contextual, circumstantial, and substantive associations, while the violence, lasting a few days, is retrospectively generalized and made into a macro-event or master narrative labeled an “ethnic conflict” between two antagonistic ethnic groups.”[40] This argument can be applied to instances of anti-Christian violence wherein there has been a government report into the violence, such as the Wadhwa Report published in the wake of the Staines murders, or into government reports such as that of the Niyogi Commission. Whatever the multiple and multivalent causes of either communal violence, or disturbance of “public order,” these multiple causes are reduced to a single causative factor: that there had been instances of conversion, and that these conversions were disruptive to the functioning of regional life. By reducing these types of conflicts to a single causative factor, conversion, and ignoring the possibility of other caste, economic and political factors, the binary—the “us and them” of Christianity and Hinduism, of competing religious identities, becomes entrenched. Interestingly, and closely related, anti-conversion legislation in its singular rhetorical focus on “fraudulent” conversions, ignores the multiple motivations and reasons behind an individual’s decision to change religious affiliation and renders conversion as, essentially, always invalid. If conversion, as the anti-conversion legislation implies, is essentially always invalid, then there can be no real understanding or compromise on the issue and the opposing poles of the debate will remain intact. In this case, local events and individual, multivalent motivations for religious change are cast in Tambiah’s mold of “macro-event or master narrative.” The binary between Hindu and Christian is therefore cast on the issue of conversion, and its symbolic meaning for each group. This, as much as any

[40] Tambiah, Leveling Crowds, 81.
other factor, makes any sort of compromise on the issue of conversion extremely difficult, and ensures that the “Hindu” and “Christian” understandings of conversion established in the Constituent Assembly Debates remain, and that the issue remains problematic and potentially incendiary.

V. Studies on Religious Conversion in India: Legislation

In spite of the extensive debate that has taken place at the political level with regards to religious conversion in India, in addition to the many pieces of proposed and enacted anti-conversion legislation, there are in fact very few academic studies that deal with the legislation and other primary source materials analyzed in this dissertation. Two scholars have dealt with anti-conversion legislation in detail: Sebastian C.H. Kim and Ronald W. Neufeldt. Kim’s monograph *In Search of Identity: Debates on Religious Conversion in India* (2003), stands as the most important and most exhaustive contribution to the literature. *In Search of Identity* covers the history of conversion to Christianity in India from the arrival of the first Christian missionaries on the subcontinent to the rise of the Bharatiya Janata Party (BJP) in the 1980s and 1990s, as well as the Sangh Parivar’s contribution to the conversion debate. In terms of legislation, Kim addresses the Constituent Assembly Debates, the state missionary enquiry reports, and the first wave of anti-conversion legislation proposed and enacted between 1967 and 1979. While *In Search of Identity* is a historical study, with a great deal of important analysis on the construction of anti-conversion legislation, it is equally concerned (and perhaps more so) with Indian Christianity’s theological and missiological response to the legislation and the debates they engendered. This dissertation will not actively engage with the Christian theological responses to religious conversion, but will instead focus on the legislation in terms of the response, and in particular the Hindu political and rhetorical response to the laws and the
conversion debate. And while Kim’s work provides an important contribution to this study, it will build upon his seminal work in the field by providing the first extended analysis of not only the initial tranche of anti-conversion legislation but also, the second set of anti-conversion legislation enacted at the state level in India between 2002 and 2007. My analysis will focus not only on the continuities with earlier legislation and government forays into religious conversion, but also on the historical and ideological context in which the second tranche of legislation developed.

The second key academic figure in the analysis of anti-conversion legislation is Ronald W. Neufeldt. While Neufeldt did not write a monograph on either religious conversion in India, or the anti-conversion legislation, he wrote a series of articles\(^1\) on the Constituent Assembly Debates, the missionary enquiry reports, and the Supreme Court challenges to the initial tranche of anti-conversion. An historian, Neufeldt used the Constituent Assembly Debates and the first wave of anti-conversion legislation to access the ideological and historical contexts in which the conversion debates developed. Neufeldt contextualized the conversion legislation and the debates surrounding it within not only the rise of Hindu nationalism in the second half of the 20th century but also the constitutional framework of Freedom of Religion in India and India’s status as a secular state. This is a similar methodological approach to this dissertation, which will primarily focus on the political, ideological and historical issues raised by the anti-conversion legislation and the debates surrounding them. This study will build on the work of Kim and

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Neufeldt, with the crucial contribution of a full analysis of the legislation and developments that commenced in the early 2000s.

VI. Studies on Religious Conversion in India: Sovereignty

As our analysis of the source materials in subsequent chapters will demonstrate, the belief that converts to Islam or Christianity become denationalized or possess dual political loyalties is never far from the surface. A primary issue, therefore, is the question of ‘sovereignty’, which is examined at length in Goldie Osuri’s important monograph Religious Freedom in India: Sovereignty and (anti) conversion which was published in 2013.42 Osuri’s main contention is that, for conversion’s opponents in India, an understanding of India as a Hindu state is in fact normative, and that the perception of India as an indisputably Hindu nation is what links both the motivation behind India’s anti-conversion legislation and the language of the legislation itself. Conversion, therefore, is a crucial site (among several others) in which sovereignty, India’s unique style of secularism and, India’s constitutional safeguards for Freedom of Religion play out.

Osuri begins her study with an important description of the religious marketplace in post-Independence India. Osuri suggests that religion in India is a site of “simultaneous heterogeneity as well as a competitive proclamation of borders.”43 For Osuri, this is a question of religious identity, although I would argue, with Pradeep Chhibber, that this heterogeneity and competitive nature, can also be recognized within religious practice,44 and in competing visions about the nature of the Indian nation-state. Osuri goes on to argue that “these borders become more

43 Osuri, Sovereignty and (anti) conversion, 1.
entrenched when this heterogeneity appears continually subject in political life to the fictions of homogenizing norms, laws, and identities, subjectifying and disciplining discrete religious communities in the interests of regulating national life.”\textsuperscript{45} Both anti-conversion rhetoric and legislation are used as vehicles to regulate religious identity and shape an understanding of Indian culture and public life which is majoritarian and Hindu in nature.

The remainder of Osuri’s study seeks to determine “how a normative understanding of India as a Hindu nation emerged and how conversion played a significant role in this emergence.”\textsuperscript{46} To achieve this end, Osuri uses a complex and abstract reading of the scholarship of Carl Schmitt, as well as an extended Foucauldian analysis of conversion to demonstrate how opposition to conversion in the contemporary Indian context coalesces around both Hindutva and secular understandings of sovereignty and the ostensible risk of denationalization. In doing so, Osuri argues that antipathy towards religious conversion becomes, in a sense, constitutive of Indian political sovereignty itself. As noted above, this study will cleave more closely to Kim and Nefieldt’s methodology, focusing on how the legislation plays out in the practical domain of legislation, and, in particular, the rhetoric of antipathy towards conversion from Hinduism.

VII. The Primary Issues

As a historical study, this dissertation will identity and analyze a number of key themes. The study will begin in Chapter 2 by situating the project within the framework of Christianity’s so-called “foreign” character and identity in post-Independence India, as well as conversion’s position within India’s unique version of secularism and the status of religious minority communities within that particular secular structure. This overview will also identify and analyze

\textsuperscript{45} Osuri, Religious Freedom in India, 1.
\textsuperscript{46} Osuri, Religious Freedom in India, 8.
the Hindu-inspired ideologies and understanding of India as a Hindu nation which underlies
the antipathy towards conversion to Christianity in India and which will be evident in our
examination of the primary source materials

Following this review of history and ideology, the study will move directly into the
analysis of the primary source materials in Chapter 3, beginning with the Constituent Assembly
Debates that preceded the drafting of the Indian Constitution in the late 1940s. The Constituent
Assembly Debates are a crucial springboard for this dissertation, as we are able to identify within
them the key poles of the conversion debate, poles that have remained remarkably constant over
the past six decades. Indeed, the Constituent Assembly Debates are a profound and telling
microcosm of the debates and the rhetoric surrounding conversion from Hinduism to minority
religious traditions in contemporary India. The primary conclusion from the debates is that there
is a fundamental difference in understanding over religious conversion—and its place in secular
India. Conversion and propagation’s opponents in the Constituent Assembly viewed conversion
fundamentally as the right not to be converted while those in favour of including conversion
and/or propagation in the Constitution stressed that to preach one’s religion or to convert another
was an individual and constitutionally protected right for every citizen. Notwithstanding the
various ideological and historical contexts that have arisen in subsequent debates over
conversion, these two positions have remained remarkably consistent. That the anti-conversion
legislation and the debates it has engendered have not closed this ideological gap is a major
reason why religious conversion—and especially conversion to an allegedly foreign religion
such as Christianity and Islam continues to be a major issue in the Indian context.

Chapter 4 examines the state missionary enquiry reports published by the state of
Madhya Pradesh and the former state of Madhya Bharat in 1956. These highly critical reports
into missionary activity in the two states contain language that raised and repeated the arguments against propagation and conversion found in the Constituent Assembly Debates. However, the enquiry reports went beyond the Constituent Assembly Debates in creating and establishing what would become another fundamental underlying argument for criticizing conversion from Hinduism to ‘non-indigenous’ religions, argumentation evident in each subsequent piece of anti-conversion legislation. Both enquiry reports profess a strong rhetoric of denationalization, arguing that conversion from Hinduism to a religion not indigenous to India is an inherently political act, an act likely to destabilize the Indian nation-state and create dual-loyalties (political loyalties) in the new convert. Likewise, it is in the enquiry reports that another fundamental argument against conversion became entrenched: demographic fear. Demographic fear can be defined as the fear held by many Hindus that due to several factors but particularly conversion, Hindus are in danger of losing their status as the majority religious community. This demographic fear is, of course, primarily political in nature and reliant upon an ideological understanding of an Indian nation that is essentially Hindu. It is also important to note within the context of the enquiry reports the genesis of rhetorical arguments against conversion itself, and not just conversion perpetuated by “fraud, force or allurement,” which was the stated reason for the inquiries into missionary activity in the two states. The reports criticize not only conversion, but Christianity itself. The rejection of conversion and missionary activity in the reports was politically inspired; I will contend that it was about power, hegemony, the self-assertion of the majority religious community, and the fear of demographic change in the multi-religious political environment of a newly independent polity.

Between 1954 and 1981 four anti-conversion bills were proposed but not passed into law at the federal level in India, and three anti-conversion laws were enacted at the state level in
India. Chapter 5 provides a close textual analysis of this first wave of anti-conversion legislation in India. This chapter also includes a discussion of the Supreme Court challenges to two of the enacted state anti-conversion laws (Orissa, 1967 and Madhya Pradesh, 1968). The analysis of this first tranche of anti-conversion legislation argues that the motivations behind the criticism of conversion to Christianity in India remained relatively uniform and consistent when judged in light of the debates in the Constituent Assembly and the recommendations of the two state missionary enquiry reports. While the state acts and the Lok Sabha bills were proposed as remedies to conversion brought about by fraud or coercion, political concerns, namely the perceived threat of denationalization, extra-territoriality, and foreign influence loom large in the motivations behind the legislation, superseding, I would argue, any genuine concern over fraudulent conversions. Preserving the pre-eminence of religious traditions deemed indigenous to India is also of great concern to the lawmakers behind this legislation, as is the perceived existential threat to these indigenous traditions posed by conversion to a ‘foreign’ faith. Additionally, the anti-conversion laws and the High Court rulings on these laws strongly reflect the poles of the conversion debate identified in the Constituent Assembly. A focus on the individual or group converting another individual can be viewed as a much more significant concern for lawmakers than the agency of the individual convert. The Supreme Court rulings also demonstrate that the Constituent Assembly and the Constitution effectively failed in providing a definition of ‘propagation’ that was satisfactory to all communities, and, indeed, that conversion as understood by its opponents in the Constituent Assembly was the preferred understanding of the phenomenon. Also of great importance, the first tranche of legislation began a process that has attempted to bureaucratize the ostensibly religious act of conversion. My analysis will show how the legislation empowered politicians, bureaucrats, and even the
police to judge the legitimacy of the religious act of conversion. Understandably, this was seen by critics of the legislation and proponents of conversion as open to abuse on a number of levels.

Chapter 6 analyzes the second tranche of anti-conversion legislation within the context of the now well-established presence of Hindu nationalist political organizations and parties at both the state and central levels of government in India, as well as rising communal discord between India’s Hindu and Christian communities. Between 2002 and 2008, six pieces of anti-conversion legislation were either enacted or amended in the states of Tamil Nadu, Gujarat, Himachal Pradesh, Chhattisgarh, Madhya Pradesh, and Rajasthan. While the second wave of anti-conversion legislation clearly reflects that the poles of the conversion debate set in the Constituent Assembly Debates and is similar in tone and argumentation (denationalization, foreign influence, demographic fear, etc.) to the first wave of anti-conversion legislation, we do note several accretions to the laws and a further politicization and bureaucratization of the religious act of conversion. As well, the legislation is further contextualized within the understanding of a secular India, albeit a secular India with a strong Hindu nationalist presence at all levels of government. As noted above, this chapter provides the first full academic analysis of the second tranche of anti-conversion legislation within the scope of all anti-conversion legislation proposed and enacted in post-Independence India.

Chapter 7 provides a discussion of several key contemporary developments in the conversion debate in India. Our analysis of these contemporary developments in the conversion debates will demonstrate that the poles of the conversion debate remain intact, and all the more so with the election of the Hindu nationalist Bharatiya Janata Party to a majority government at the national level. The Supreme Court of India again waded in to the debates on the place of conversion in India generally in a tangentially related case, reiterating the earlier stand of the
apex court in *Reverend Stanislaus vs. State of Madhya Pradesh*, namely that while the propagation of religion for the purpose of edification was constitutionally protected, the act of conversion itself was not. Christian advocacy groups also challenged Himachal Pradesh’s 2006 anti-conversion law on constitutional grounds in 2011. While the Himachal Pradesh High Court accepted propagation as constitutionally protected and conversion not constitutionally protected as in *Reverend Stanislaus vs. State of Madhya Pradesh* (discussed in full in Chapter 4), the court did strike down, in the name of protecting individual privacy, a number of the legislative Rules in Himachal Pradesh, 2006, rules which required the public registration of a pending conversion with state authorities. Both Christian advocacy groups and groups associated with the Sangh Parivar have weighed in on these new developments, in the main with standard argumentation which reveals that the poles of the debate have yet to really move towards any sort of mutual understanding of the place of religious conversion in post-Independence India. As well, a new anti-conversion bill was put forward at the Centre by a BJP MP, which, while following closely earlier proposed and enacted anti-conversion legislation, also sought to extend the penalties for a fraudulent conversion to the organizations involved, and to cut off the foreign funding of these religious organizations, a new and important accretion to the existing laws.

The themes and lines of argumentation in these contemporary developments are maintained in a remarkably consistent fashion. Conversion is viewed by its opponents as an act *perpetrated* on an individual by an outside group or individual, and conversion is seen as a threat to the integrity of a particular vision of the state with its overtones of denationalization and foreign influence. For supporters of conversion, the act of changing religious affiliation is still viewed, even in these contemporary developments as an individual, constitutionally protected decision that is threatened by politically motivated anti-conversion legislation.
VIII. Conclusion

Throughout the nearly seven decades under examination in this study there remains a fundamental difference in understanding religious conversion—and its place in secular India—between conversion’s opponents and proponents. The reason for the antipathy is primarily political and this antipathy is not the exclusive provenance of the Sangh Parivar. Indeed it is shared by many, undoubtedly strongly secular Indians (and at times even governments!) who, while they may not wish any harm on India’s Christian community nevertheless cannot countenance conversion or comprehend its importance to them. India’s unique secularism, proposing as it does the equidistance between religions as opposed to a strict separation of church and state, has not only allowed government intervention in religious matters, and in which the anti-conversion legislation stands as evidence, but also provided a postcolonial environment in which both real and perceived existential fears about the continuation of India as an independent nation remain. The nature of Indian secularism and the competing and different visions of what that secularism entails, as well as the place of religion within the state in these competing visions, is very much in play. Given the enormous diversity of the Indian nation—linguistic, ethnic, but most importantly religious—opponents of conversion to Christianity have come to not only view India as a nation that is essentially Hindu, but to view the protection of Hinduism as the majority religious community as an utterly necessary political act. Anti-conversion legislation is perhaps the most important way in which conversion’s opponents have attempted to politically and legally establish their conception of the Indian nation, a nation that is essentially and indisputably Hindu.
Chapter 2: Foreignness and Hindutva, Demographic Fear and Secularism

I. Origins of the “foreignness” of Indian Christianity

Even if religious conversion from Hinduism to Christianity (or Islam) came to be appreciated by its Indian critics as a context-specific act with multiple, disparate motivations, there is another aspect of these two faiths that would still render it problematic in the eyes of its Hindu critics. Islam and Christianity are broadly understood by them to be alien faiths, by the opponents of conversion in India, religions which were born outside of India, and which have unforgettable (and possibly unforgivable) historical associations with the two former occupying powers.

Christianity has never overcome its negative association with foreignness in India despite having been extant on the subcontinent for almost two millennia. Christianity is technically ‘foreign’ in the fact that it was not born in India like Hinduism or Buddhism. However, practically every Christian community, as well as most other religious communities in the world, have moved beyond the borders of where they originated, Hinduism and Buddhism included. Point of origin, while considered problematic, is only one issue of concern for certain non-Christian groups in India with regards to Christianity; another major issue is the association of Christianity with foreign domination, especially with British imperial rule. Nearly seventy years after India’s political independence from Britain, this link with foreign domination often nullifies the Indian aspects of most Christian communities on the subcontinent in the eyes of many non-Christian, non-Muslim Indians.

The most ardent opponents of Christianity in India at the present time are the Sangh Parivar. These groups and their ideologues are well known for their anti-conversion and anti-Christian
rhetoric.\(^{47}\) Conversion, especially conversion to Christianity, is a practice hotly contested by the Sangh Parivar. Opposition to conversion, however, is not restricted to the ideologues and members of right-leaning Hindu nationalist groups. Many Indians outside the purview of the Hindu Right see conversion as an act of denationalization, an act that causes the convert to have dual loyalties, or to lose her Indian identity entirely; both of these alleged problems are seen as damaging to the fabric of the Indian nation.\(^{48}\)

While Christianity is not indigenous to India, it would be incorrect to argue that Christianity is utterly foreign to India, or that conversion to Christianity erases one’s ‘Indianness,’ whatever that might be. Importantly, Christians, and Christian converts do not customarily see themselves as possessing dual loyalties, but as committed citizens of India. The view of Christianity as a tradition foreign to India is an ideological and polemical construction, which has developed through the interaction of political necessity, nationalist ideology and both “Western” and Indian academics.

With the possible exception of India’s oldest Christian community, the Thomas Christian community of Kerala, the spread of Christianity in India was often intertwined with economic

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\(^{48}\) Islam is considered a foreign religion in India, as much for its association with the Mughal domination of India during the “medieval period” as for its birth outside the subcontinent. In 1981, 1,100 Dalits in the town of Meenakshipuram, Tamil Nadu, converted *en masse* to Islam, sparking a nationwide debate on conversions. A poll conducted by the newsmagazine *India Today* reported that 57% of Indians polled wanted government intervention to stop conversions. This support level is very high when one considers that approximately 38% of India’s population is comprised of Dalits and non-Hindus. See Abdul Malik Mujahid. *Conversion to Islam: Untouchable Strategy for Protest in India* (Chambersburg Pennsylvania: Anima Publications, 1989), 96, 133 fn. For non-Hindu Right examples citing Christianity as foreign, see *The Report of the Christian Missionary Activities Enquiry Committee, Madhya Pradesh* (*The Niyogi Report*) (Nagpur: Government Printing, 1956). M.K. Gandhi also saw conversion to Christianity as an act of destabilization. Both Gandhi’s opposition to conversion and the *Niyogi Report* will be analyzed at length in subsequent chapters of this dissertation.
and political concerns.\textsuperscript{49} This was especially true in the case of the Portuguese who arrived in India around the turn of the 15\textsuperscript{th} century and initiated trade centers and settlements along the western coast of India, in particular the areas known as Goa, and Daman and Diu.\textsuperscript{50} Until the 1540s, the Portuguese used two methods of attracting converts, one political and one economic: orphanages to raise children in the Christian faith and a system of privileges by which one could advance in the Portuguese administration.\textsuperscript{51} These methods had limited success and eventually the methods for conversion changed significantly, becoming stronger and more coercive.

This stronger, more coercive attempt to convert Goan Hindus consisted mainly of attacks on Hindu religion and the manipulation of socio-economic factors.\textsuperscript{52} Temples and idols were destroyed and laws passed banning the religious practices of Hindu priests. Socio-economic manipulation consisted mainly of changing property inheritance laws, with the hopes, perhaps, of acquiring property for the Catholic Church.\textsuperscript{53} Conversion in 16\textsuperscript{th} century Goa opened the way for converts, particularly those converts from the higher castes, to gain access to the administrative positions in the Portuguese government and it allowed converts to maintain some of the political and social influence that they had traditionally exercised. As Rowena Robinson states: “Christianity was the religion of the rulers and conversion was often viewed as the first step towards acquiring some of the superiority of their position.”\textsuperscript{54}

The example of the Portuguese is important in establishing a backdrop for the attribution of foreignness to Christianity in India. The Portuguese established a system in Goa wherein

\textsuperscript{52} Robinson. \textit{Conversion, Continuity and Change}, 50-51.
\textsuperscript{53} Robinson. \textit{Conversion, Continuity and Change}, 50-51.
\textsuperscript{54} Robinson. \textit{Conversion, Continuity and Change}, 55.
conversion denoted a change of not only religious affiliation, but also a change in social and economic status. Portuguese missionaries provided very little pastoral care and once a convert had been baptized, he was left to his own, chiefly still Hindu devices. Given the lack of continuing religious instruction, the major motivating factors for becoming or remaining Christian appeared to be entirely social, economic and political. Christianity did not belong to the converts; it belonged to the ruling Portuguese. For Hindus who converted to Christianity in Goa under the Portuguese, their change of religion was most often a matter of expediency. The means by which the Portuguese established the Catholic Church in Goa contributes even today to the negative image of, and attributions of foreignness to the entire Christian community in India.

As Portuguese political power declined in the 18th century, so did Catholic missionary work in the Portuguese-controlled areas of the Indian subcontinent. The major reason for Portuguese decline was the ascendancy of British power in the form of the British East India Company. Unlike the Portuguese, the British East India Company was considerably less concerned with the spread of Christianity, and officially, adopted a position of religious neutrality, as did the British government when it assumed official control of India in 1858. This policy of religious neutrality would not remain in effect throughout the era of British rule and issues of empire.

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58 The British East India Company’s new charter enacted in 1813 allowed missionaries to enter India, although the Company tended to be “cautious and pragmatic” vis-à-vis missionaries for many years thereafter. “It was only after many generations of missionary teachers and physicians, both male and female, had come to India in increasing numbers and after missionary schools, colleges and hospitals had proliferated across the length and breadth of India that official attitudes began to soften. Even then…official attitudes and responses in India still showed a certain ambivalence.” See: Robert E. Frykenberg “Christians in India: An Historical Overview of Their Complex Origins” in Robert E. Frykenberg, ed. *Christians and missionaries in India: cross-cultural communication since 1500, with special reference to caste, conversion, and colonialism.* (Grand Rapids, Michigan: W.B. Eerdmans Publishers, 2003), 58.
and mission became important problems facing both the British and the Indian nationalist movement.\(^59\)

There is no question that Protestant missionary groups and many members of the British administration in India supported proselytization and felt the colonial state should support the missionaries and their efforts in a more concrete fashion.\(^60\) However, during the period of British rule in India neither the civil administration nor the missionaries had “the means to enforce conversion,” and, moreover, no matter what the colonial agenda may have been, “the converts usually had their own.”\(^61\)

Issues of mission and empire became more entwined and much more important within the fledgling Indian nationalist movement, which made its appearance on the Indian scene in the later parts of the 19\(^{th}\) century. The late 19\(^{th}\) century was also the era of many “mass conversions” (or “mass movements”) from Hinduism to Christianity. The scope of the conversions seen in the mass movements was indeed substantial. Between 1860 and 1930, India’s Christian population increased from approximately 1.0 million to nearly 5.0 million, with at least 1.0 million if not more of these converts coming from India’s Dalit communities.\(^62\) Intellectuals who claimed to speak for Hinduism became active in combating what they interpreted as the evils of proselytization and conversion.\(^63\) Conversion was seen to be eroding “the base” of Hinduism by converting the lower castes and Dalits, a prospect made especially frightening by the perceived numerical and economic ramifications of whole families, castes, and villages converting to


\(^{60}\) Susan Billington Harper. *In the Shadow of the Mahatma: Bishop V.S. Azariah and the Travails of Christianity in British India* Richmond, Surrey: Curzon Press, 2000, 100-104.


\(^{63}\) It must be noted that these Hindu responses were not confined to those who converted to Christianity but were also aimed at those who converted to Islam and even Sikhism. See Duncan B. Forrester, “The Depressed Classes and Conversion to Christianity, 1860-1960” in G.A. Oddie, ed. *Religion in South Asia: Religious Conversion and Revival Movements in Medieval and Modern Times* (London: Curzon Press, 1977), 49.
Christianity, as was sometimes the case during the mass movements. This potential erosion of the Hindu population from the perspective of Hindu nationalists, demanded a Hindu response.

Of the responses to Christianity in the era following the mass movements, one stands out in its concerns vis-à-vis conversion, and this is the Arya Samaj. The Arya Samaj was instituted by Swami Dayananda Saraswati in 1875. The Arya Samaj attracted Hindus who were looking to establish a “genuine Hindu identity” based on an acceptance of the Vedas as “the most genuine repository of Hindu truth” while at the same time adopting the technological and scientific advancements brought via interaction with the West.64

The Arya Samaj initiated a mechanism for re-conversion through a ritual process known as shuddhi, a process that had been used at many points in Hindu history to remove ritual pollution, “providing a means through which transgressors can be assimilated back into their caste and religion.”65 Earlier in the 19th century, this ritual was conducted to remove ritual pollution acquired by caste Hindus when they travelled outside India. In the 1870s, Saraswati adapted the process to re-convert Muslims and Christians who had previously converted out of Hinduism. In the wake of the mass movements of the late 19th century, as well as the results of the British decennial census instituted in 1871, many caste Hindus and Hindu organizations came to believe that their religion was “threatened” demographically by proselytization. As David Hardiman has argued, this interpretation, which “assumed, often wrongly, that there were clear-cut boundaries between Hindus, Sikhs, Muslims, and Christians,” became a form of “Hindu common sense.”66 For the Arya Samaj, the key to reversing this supposed demographic trend was through “counter-

proselytization,” and “reconversion,” a process which “would culminate in the public performance of *shuddhi.*”

*Shuddhi* became even more crucially important to the Arya Samaj following the famine in western India in 1899-1900. During the famine, many Hindus were converted to Christianity in the region, and scores of orphans were taken in by the missions. Arya Samaj “missionaries” were sent from its regional stronghold of Punjab to the areas hit hardest by the famine to “rescue” Hindu orphans from the missions and to institute *shuddhi* campaigns. By 1900, the Arya Samaj was “acting as a nation-wide organisation in mobilising a counter to the missionaries.”

Unsurprisingly, there was a political flavour to the Arya Samaj’s desire to reclaim converts that had left the Hindu fold. This political flavour of the *shuddhi* movement can be seen in the “demographic fear” sown by the Arya Samaj in both Punjab and Gujarat with regards to conversion, particularly the conversion of untouchables and tribal peoples. Conversion was seen as imperial aggression, which led to considerable insecurity among caste Hindus. An interesting example of this is found in a *bhajan* (song) contained in a Gujarati songbook called the *Anath Bhajanavali* which was published in 1911. One of the songs reads as follows:

If, O father! You do not save us we shall lose our religion;  
For want of a handful of grain, the children will become Christian cow-killers;  
The limited children of India, who are protectors of the cow, will turn into cow-killers  
Brahmins, Kshatiryas, Vaishyas and Shudras will become issueless.  
Today, the very name and vestige of Aryan Hindus will come to an end.

Other notions regarding conversion, particularly denationalization and fraudulent conversions, were also part of the motivations behind the *shuddhi* campaigns of the Arya Samaj. In Gujarat, the Aga Khan, leader of the Muslim Khoja community, was accused by the Arya

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68 Hardiman, “Purifying the Nation: The Arya Samaj in Gujarat, 1895-1930,” 44.  
Samaj of funding Islamic work and conversion in the villages, and American and British missionaries were said to be being sponsored with enormous infusions of foreign money in order to “overthrow Hindu Dharma.”

Perhaps most interestingly, from both a political and religious perspective, was the friction caused in the villages of Gujarat between caste Hindus and the lower-caste and untouchable caste members who had converted to Christianity and Islam. A British government report published in 1904 in Gujarat’s Kheda District, noted that caste conflict in the villages was on the rise after converts began to attend local village schools. Caste Hindus still saw the converts as untouchables and the presence of convert children in the schools raised social tensions considerably. Given the social and political tensions caused by conversions to Christianity, it is not surprising that for many caste Hindus, the Arya Samaj and its recourse to shuddhi, was seen as providing a strong defense against the “aggression” of Christian missionaries, their alleged foreign funders, and their government patrons.

The Arya Samaj example illustrates that conversion was not without political connotations as the Indian nationalist movement began to develop in the nineteenth and early twentieth centuries. As the idea of an independent Indian nation began to emerge as a goal, opposition to conversion became as associated with the nation of India as with Hindu religion. Movements such as the Arya Samaj, initially content with a reformed Hinduism as a solution to India’s social problems, began to see conversion to Christianity, the religion of the colonial rulers, as an assault on their new and emerging view of Indian religion and culture. An important line of counterattack in this response was the alleged foreignness of Christianity, and of Islam.

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70 Hardiman, “Purifying the Nation: The Arya Samaj in Gujarat, 1895-1930,” 47.
The attribution of foreignness to most Christian communities in India is not merely a product of Christianity’s association with foreign domination and the political and ideological developments of the Indian nationalist movement. If it were, the foreignness of Christianity would likely be much less of an issue in contemporary India. In addition to the foreignness issue for groups such as the Arya Samaj, academic scholarship has also played its role in solidifying perceptions of Islam and Christianity as religions foreign to India, thereby enabling both Hindu nationalist groups, and concerned Hindus to level accusations of denationalization at both converts and the Indian Christian community at large.

The view of Christianity as a foreign religion has been reinforced by much of the scholarship that has dealt with Indian Christianity, indeed with much of Indian history in the years immediately preceding and then after Independence. It is also worth noting that very few studies of Indian Christianity actually exist. The academic neglect of Indian Christianity in the academy has also contributed to the overall situation by leaving unchallenged the notion of foreignness. The study of Indian religions has for the most part tended to be a study of Hindu India. This is a methodological quandary that has only recently begun to change.

The first academic methodology to reinforce the idea that Christianity was a foreign religion to India was put forward by the missionaries themselves. The early history of Christianity in India, written in the main by missionaries and their supporters, focused only on the activities of the missionaries and virtually ignored the emerging Indian Christian community, as well as the religious life that was evolving within it. These histories also emphasized the “westward Church expansion” perspective of Christian history which “reinforced the idea that Christians

73 Robinson, Christians of India, 11-12.
were simply a by-product of western imperialism and had no indigenous authenticity.”

Mission-centered historiography also tended to be harsh in its description and analysis of Hindu cultural and religious systems. In its mildest expression, missionaries were portrayed as taking part in the ‘good fight’ against the horrors and excesses of Hindu ‘paganism’ and ‘idolatry.’ This type of discourse could not help but reinforce the idea that Christianity was entirely a foreign construct, especially in the eyes of those Hindus who supported the Indian nationalist movement.

Indian nationalist historiography developed concurrently with the bulk of mission-centered and Western expansionist historical writing on Christianity in India. Indian nationalist historiography was a political exercise the goal of which was to “build up” the Indian nation. In order to be a successful “nation-building endeavor”, Indian nationalist historiography needed to “claim that everything good in India—spirituality, Aryan origins, political ideas, art—had completely indigenous origins.” To justify these claims, controversial practices like proselytization and conversion which were perceived as foreign religious concepts, were labeled anti-national and destabilizing to the fledgling Indian nation by scholars, just as they had by the ideologues of the national movement.

Nationalist ideologues often took upon themselves the role of historian. Indian historian Sumit Sarkar has argued that these nationalist ideologues produced these new histories for multiple reasons:

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76 This is a paraphrase of an assertion made by Romila Thapar found in Gyan Prakash, “Writing Post-Orientalist Histories of the Third World: Perspectives from Indian Historiography” in *Comparative Studies in Society and History*, (1990), 388.

77 There is a tendency in Indian nationalist historiography to view conversion as something that existed in India only after the encounter with the missionary traditions of Islam and Christianity. This argument has been countered by historians such as Ronald Neufeldt, who have argued that conversion or at least conscious competition between rival schools of thought for followers has always existed in India and that “people, including rulers, did shift allegiance from one tradition to another.” See Neufeldt, “Conversion and Propagation in India,” 277-278.
Constructions of histories or lineages as morale-booster, for legitimacy, to link up present aspirations with more-or-less imagined pasts in effort to move towards specific kinds of futures—have all been a standard feature of modern political movements.\(^{78}\)

One such ideologue was V.D. Savarkar, who developed the ideology of *Hindutva* or ‘Hinduness’, which provides the theoretical framework for much of contemporary Hindu nationalism in India.\(^{79}\) Savarkar’s first book of history, published in 1909, was entitled *The Indian War of Independence, 1857*, in which he argued that the British/Indian war of 1857 was a national revolt as opposed to the mutiny it was referred to in standard British historical texts. The mere title of the book (to say nothing of its contents) exemplified the legitimacy nationalist historiography was attempting to give to the ideological concepts of Indian nationalism, particularly the idea that India was and always had been an undivided nation, and that this nation was currently enslaved by foreign domination.\(^{80}\) Given Christianity’s association with foreign domination in both nationalist ideology and political dissidence, nationalist historiography further established the view that Christianity was an alien faith imposed upon a predominantly Hindu India.

The foci of mission-centred historiography and nationalist historiography reflect an identity crisis—a crisis abetted by the oppositional historiographies discussed above—both inside and outside of Indian Christianity in the period surrounding Indian Independence in 1947. Even Indian Christians whose families had been Christian for two millennia (such as the Thomas Christians) or those whose families had been Christians for several generations felt neither

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\(^{80}\) Prakash, “Writing Post-Orientalist Histories of the Third World: Perspectives from Indian Historiography,” 389-390.
“secure in their Indianness in the eyes of their neighbors, or in their own sense of identity.” The insecurity on the part of Christians reflects the strength with which the attribution of foreignness to Christianity had become part of the national discourse. From a methodological standpoint, this identity crisis for Indian Christians remained for decades after Independence: Indian Christianity was, for the most part, described only in mission-centred terms or in reference to colonial force.

While mission-centred historiography and Indian nationalist historiography have reinforced the attribution of foreignness of Christianity in India, postcolonial history, in the vein of Edward Said’s Orientalism has also played a role. A postcolonial understanding of the missionary enterprise in India tended to also see it primarily as an arm of British imperial power and to ignore any of the potential positive aspects of cultural/religious contact and interaction. Susan Harding has argued “it seems that the anti-orientalizing tools of cultural criticism are better suited for some ‘others’ and not other ‘others’—specifically for cultural ‘others’ constituted by discourses of race/sex/class/ethnicity/colonialism but not religion.” Harding’s argument reinforces a point made by Wendy Doniger, that postcolonial history has tended to look at all history, including Indian Christian history, from the top down, as an imposition upon the oppressed colonial citizenry, a method not too different from how British colonial historiography once viewed its Indian subjects. Postcolonial historiography’s focus on the negative aspects of Christianity and proselytization in the imperial context have led some scholars to suggest that historiography of this kind is partially responsible for the “energy fueling

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82 Downs, Essays on Christianity in North East India, 16.
85 Wendy Doniger. “The View from the Other Side”, xi-xii.
anti-Christian attacks that are going on in India today.” While this is perhaps a rather extreme reading, it is certainly tenable that both postcolonial and Indian nationalist historiography have helped inform the more powerful ideological and political movements informing anti-Christian sentiment on the subcontinent. In any case, the anti-colonial nature of both nationalist and postcolonial historiography and the way in which these methodologies associated Christianity with colonial force has helped to portray Christianity as a foreign religion whose influence has been imposed upon the citizens of India.

One might of course question the relative practical impact of a particular scholarly approach on political and religious events and developments. Does postcolonial historiography have the kind of reach suggested by Doniger that it has provided “some of the energy fueling the anti-Christian attacks that are going on in India today?” The key argument here is one of reinforcement. A particular methodology will not have the same reach as the platform of a political party or a sustained campaign by a political party or especially a government. What a methodology can do, in terms of providing a worldview on particular political and historical events, is contribute to the framing of the discussion, not only within academia but also, to an extent, within the greater public culture. What is approved? What is criticized? What is ignored because it somehow does not fit with a particular way of approaching a particular issue? How are these historical and political developments assessed and criticized? How do political actors appropriate certain worldviews and understandings of history to accomplish particular goals?

One can certainly argue the reach of a particular scholarly approach is rarely as great as a scholar may postulate. At the same time, historical understandings, shaped in part by a methodological approach do have some effect; consequently, one cannot ignore how these approaches reinforce

86 Doniger, “Foreword: The View from the Other Side,” xiv.
particular understandings and play their role in shaping various debates. Given the nature of this study, historiography plays an important role that must be assessed and analyzed.

The political and ideological conditions surrounding the Indian nationalist movement and India’s eventual independence from Britain created optimal conditions for the construction of an academic discourse which saw Christianity as foreign in a fashion almost identical to the pragmatic politics and ideology which framed the discussion. This discourse demonstrates not only the highly political nature of Indian nationalist and postcolonial historiography but also the strength of the wall that Indian Christianity would be forced to break through if it were ever to be seen as a meaningful, original, and indigenous contributor to the religious and cultural life of India. While this has yet to fully occur, recent developments in historical and social scientific methodology, in particular recent studies of contemporary Dalit Christian communities in India, attempts are being made to tear down the wall of foreignness attributed to Christianity in the academy.

Many scholars have acknowledged the shortcomings of both the traditional approaches to studying Christianity in India as well as the dearth of good material on the subject. To try and remedy this situation, as well as to attempt to demonstrate both the national and indigenous character of Indian Christianity, in 1973 the Christian History Association of India (CHAI) embarked on a project to write a multi-volume history of Christianity in India that would alleviate these academic (and ideological!) deficiencies.
The first volume of the History of Christianity in India series published by CHAI was not published until 1984. The historical perspective adopted for the whole series as outlined in the foreword of Volume I and in the foreword of each subsequent volume was as follows:

The History of Christianity in India is viewed as an integral part of the socio-cultural history of the Indian people rather than separate from it. The history will, therefore, focus attention upon the Christian people in India; upon who they were and how they understood themselves; upon their social, religious, cultural and political encounters, upon the changes which these encounters produced in them and in the appropriation of the Christian gospel, as well in the Indian culture and society of which they themselves were a part.

At a glance, both the perspective and methodology put forward by the CHAI seem to be exactly what is needed to put the history of Christianity in its proper context within the greater history of India itself. However, according to a member of the editorial board of the project, John C.B. Webster, this methodology is a “significant and difficult paradigm shift” which would require “the adoption of a social history approach to the subject.”

Social history has its limitations in analyzing Indian Christianity, particularly in establishing it as an authentically Indian tradition. It can also further alienate Christianity from traditions considered “truly indigenous,” such as Hinduism, by seeing Christianity only as a “social group”. The social history approach to Christianity in India, especially when applied to the phenomenon of conversion to Christianity in India, also tends to reinforce the perception of Indian Christianity as foreign by reducing conversion to nothing more than an attempt to increase social standing or for material improvement. While this conclusion is certainly one aspect of conversion to Christianity in India, it is, as demonstrated above, only one of many. Moreover, it

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87 Volume II of the series was actually published prior to volume I, apparently for editorial reasons. See “Authors Preface (no page number provided in the text) at the beginning of A.M. Mundadan, History of Christianity in India, Volume I: From the Beginning up to the middle of the 16th Century (up to 1542) (Bangalore: Theological Publications of India for the Church History Association of India), 1984.


is the reason for which conversion is often criticized or dismissed by the Sangh Parivar, or by nationalist figures such as M.K. Gandhi. This further reinforced the attribution of foreignness to Christianity in India.

To succeed in demonstrating that authentically Indian Christianity exists in India, scholars have, it appears, taken the advice of the CHAI and have shifted their focus on how Christian communities and especially Dalit Christian communities have understood themselves. This has required an academic focus on the religious aspects of lived Christianity as opposed to the communal aspects emphasized by the social historical approach.

The new methodologies used in analyzing the Dalit Christian communities, which comprise an inventive blend of field work, ritual analysis, subaltern historiography and cultural studies are scholarly attempts to demonstrate how Dalits have combined aspects of the Hindu-dominated culture of their greater communities and the Christianity they chose for themselves.91

Gauri Viswanathan has argued that conversion is, after all a “transformation” initiated through cultural and religious exchange,92 an interaction not merely confined to issues of social mobility and material improvement. Studying the Dalit Christian community in India from a theological/religious though still academic perspective moves beyond the reduction of conversion to social movement and political imposition and reaction and provides a strong alternative to the argument that Christianity is foreign to India.

Anthropology and Sociology have likewise been important disciplines in contemporary approaches to Indian Christian communities. Anthropology, focusing as it does on the lived social and cultural aspects of Indian society, follows certain of Webster’s social explanations for

91 Doniger, “The View from the Other Side,” xiv.
92 Viswanathan, Outside the Fold, 42.
conversion but also incorporates religion and the interaction of disparate religious symbols in explaining Christianity in India.\textsuperscript{93} An excellent example of this type of methodology is found in Rowena Robinson’s \textit{Christians of India}, published in 2003.

For Robinson, both conversion and the subsequent development of Christian communities in India can be best seen in terms of religio-cultural interaction. This does not mean syncretism per se, especially if “syncretism implies the harmonious interaction of different religious traditions, a rather doubtful proposition given the religious history of the subcontinent.”\textsuperscript{94} Rather, the interaction Robinson proposes to analyze is the simultaneous impact of Hinduism and Christianity on a particular cultural environment, an impact especially apparent in the “folk Christianity” of Christian tribal and Dalit communities.\textsuperscript{95}

This methodology usually gathers its information thorough anthropological fieldwork, the results of which are then applied to historical situations such as conversion or the development of particular religious communities at particular historical moments. Robinson argues that Christianity in India is an interaction that is neither unidirectional, nor static, and often reconfigures itself based on shifts in “social and cultural circumstances.”\textsuperscript{96} These cultural interactions create unique Christian communities that “take from Hinduism” or other religious communities (such as Sufi Islam in south India), but not always in ways which are in concert with each other.”\textsuperscript{97} The essence of this methodological approach is that these Christian communities and their beliefs are understood as unique entities that are constituted through an interaction with a distinctly Indian multicultural and multi-religious milieu.

\textsuperscript{93} Robinson, \textit{Christians in India}, 172. See also: Viswanathan, \textit{Outside the Fold}, 42.
\textsuperscript{94} Robinson, \textit{Christians in India}, 103.
\textsuperscript{95} Robinson, \textit{Christians in India}, 103.
\textsuperscript{96} Robinson, \textit{Christians in India}, 136.
\textsuperscript{97} Robinson, \textit{Christians in India}, 136.
The anthropological approach to Christianity in India exemplified by Robinson views the development of Christianity in India as the result of cultural and religious negotiation between different religious groups. Seeing Indian Christian communities as the product of a negotiation between religious and cultural environments which then create new and authentically indigenous religious forms goes some distance in contradicting the idea that Christianity in India is a foreign imposition on the existing religious fabric of the nation.

In recent decades, Dalits themselves have begun to use the ideas of social liberation and religio-cultural interaction to develop their own Christian theology. This Dalit theology draws upon the disciplines of subaltern historiography and liberation theology.\(^98\) The interaction of these two methodologies provides a unique manner in which to understand how Dalit Christians in India view their own religion.

In Dalit theology, a major impetus behind their reinterpretation of Christian theology and history in India has not been to “search for an Indian impression of their own faith” but “how to overcome their life situation of oppression, poverty, injustice, illiteracy, and denial of identity.”\(^99\) Accomplishing the goal of liberation through theology requires the use of subaltern historiography, so the Dalits can “write histories free from the will of colonial and national elites.”\(^100\) As this is a question of identity, Dalit theology’s main goal has been to “regain fuller human self-identity (or get their face back), which also means to become the subject of their own history.”\(^101\)

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\(^{98}\) Santhianathan Clarke, *Dalits and Christianity: Subaltern Religion and Liberation Theology in India*. (Delhi: Oxford University Press, 1998), 1-58. The Introduction and Chapter 1 of Clarke’s monograph provide detailed information on how subaltern studies and liberation theology are used in much of Dalit theology.


\(^{100}\) Prakash. “Writing Post-Orientalist Histories of the Third World: Perspectives from Indian Historiography, 400.

\(^{101}\) Massey, *Dalits in India*, 128.
Dalit theology confronts the question of Christian identity in India, whether that identity is in comparison or contrast with caste Hindus, elitist Christians, or ‘Western’ missionaries. Theology is also seen as “the locus of Dalit liberation” because it is within theology that Dalits can experience their “identity as they experienced it and comprehended it amongst themselves and before the Divine.”102 Within Dalit theology, one’s theological identity supersedes a social understanding of identity. An identity built upon communion with the divine is seen to liberate the Dalit from the human social structure (especially the caste system) in which she is subjugated, and seeks to construct a more positive identity contingent upon a loving relationship with Deity, a relationship Dalit theology sees as free of the social, cultural, and religious inequality that usually defines their lives. Though this theology contains aspects that were certainly developed in non-indigenous settings outside India, it is in the interaction with the Indian/Dalit cultural context that this theology becomes a unique and authentically Indian mode of expressing the religious goal of liberation.

The use of certain symbols in Dalit theology furthers the argument that Dalit Christianity has become authentically Indian through religio-cultural interaction. The best-known Indian symbol within Dalit theology is the drum, which is “at the heart of the religious world” of the Dalit Christian community of the Paraiyar in South India.103 Christian missionaries were known to force Dalit converts to break their drums upon conversion to Christianity. The drum has now been reclaimed as the Paraiyar symbol of Christ, because Christ performs the same reconciliation in Dalit theology as does the drum within their social world. Within the Paraiyar social world the drum created a space for them in society by “establishing their human identity and the

102 Clarke, *Dalits and Christianity*, 47.
importance of their control over certain functions necessary in ritual performances.” At the same time, the drum separated them from the rest of caste society.

Still, the sound of the Paraiyar drum could be heard by all of society, thereby eclipsing the boundaries of pollution between caste and outcaste. The drum was thus a “symbol of reconciliation with the social world and a separation from and resistance to it.” Christ is likened to the drum because his character is seen as doing the same thing: his life is seen as separating “the pure Jew from the impure Gentile” while at the same time “reconciling” them, even though he was exterior, essentially, to both Jew and Gentile, by living and working amongst the poor and dispossessed, the Dalits. Within the symbolism of the Drum, Dalit theology is both Indian and Christian. It explains an essential message of Christianity within an ancient and completely Indian cultural motif.

Notwithstanding new approaches to the study of Indian Christianity (to say little of the emerging self-understanding of Indian Christians themselves) Christianity and Islam are still considered foreign religions by the Sangh Parivar and, indeed, by a great many academics and Indian citizens. The foregoing section has sought to identify certain of the historical and academic antecedents for the attribution of foreignness to Christianity in India. The foreignness ascribed to Christianity remains a major factor in opposition to and criticism of religious conversion in India.

II. The Sangh Parivar and Hindutva

If Christianity is considered to be a foreign religion by the Sangh Parivar and other commentators, the question that inevitably arises is what religions are indigenous to India?

104 Robinson, Christians of India, 201-202.
105 Robinson, Christians of India, 202.
106 Robinson, Christians of India, 202.
Further, we need to understand why a particular religion’s indigeneity is of such paramount importance, and why conversion from a religion indigenous to India to a foreign religion is an act of such great consequence. The most fruitful avenue for addressing these questions is via V.D. Savarkar’s ideology of Hindutva or ‘Hinduness.’ Savarkar’s ideology of Hindutva established the rhetorical framework on which all subsequent Hindu nationalist rhetoric would rest. Indeed, T. N. Madan has convincingly argued that “in recent years [Savarkar’s Hindutva] has acquired the undisputed status of the manifesto of Hindu fundamentalism”\(^\text{107}\) Therefore, one cannot understand the vision of modern Hindu nationalism held by the members of the Sangh Parivar\(^\text{108}\)—and by extension their antipathy towards conversion to Christianity—without examining and understanding Savarkar’s ideology of Hindutva.

Hindutva defined a Hindu as one who considered the geographic space of India as ‘fatherland’ and ‘holy land’. Savarkar also argued that groups such as Muslims and Christians could not be considered Hindus because their holy land is located outside of India. The demographic and political power derived from being the majority community allowed Hindu nationalists to rhetorically claim that they represented ‘true’ Indian interests. This, combined with a geographic ideology inclusive of other indigenous traditions, but not of Christianity and Islam, also allowed the proponents of Hindutva to present Hinduism as the representative religion of all India. This type of ideological worldview has been part of the political and

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\(^{107}\) Madan. Modern Myths, Locked Minds: Secularism and Fundamentalism in India, 220.

\(^{108}\) Hindutva has been further transformed into a powerful and effective political tool by the member groups of the Sangh Parivar. The most important organizations within the Sangh Parivar are the Rashtriya Swayamsevak Sangh (RSS) and the Vishwa Hindu Parishad (VHP), both of which are “cultural” organizations, and the Bharatiya Janata Party (BJP), which is a political party. Associated with these three main organizations are numerous other “sister organizations” which draw much of their inspiration and ideology from the RSS. See Walter K. Andersen and Shridhar Damle, The Brotherhood in Saffron: The Rashtriya Swayamsevak Sangh and Hindu Revivalism. (Boulder, CO: Westview Press, 1987), 144.
religious environment in India since partition, but it became pronounced beginning in the early 1990s as Hindutva-inspired parties developed into a real political force in India.

Savarkar’s ideology was successful because it replaced an emphasis on religion, in particular sacred scripture, with an emphasis on culture or ‘civilization.’ 19th-century Hindu reformers such as Dayananda Saraswati had placed the Vedas upon a pedestal and looked towards the teachings and principles of these sacred writings as the key to Hindu “success” or “progress” into the modern world.¹⁰⁹ Savarkar also wished to change the outlook of what it meant to be Hindu, and in order to do so, he subsumed Hinduism, the religion, under something which he considered to be greater: Hindu civilization or culture:

Hindutva is not a word but a history. Not only the spiritual or religious history of our people as at times it is mistaken to be by being confounded with the other cognate term Hinduism, but a history in full. Hinduism is only a derivative, a fraction, a part of Hindutva.¹¹⁰

The key to the overarching success of Savarkar’s ideology was his supposed de-emphasis on religion. Savarkar did not so much lessen the role of religion in his definition of Hindu culture, as conflate religion and culture with the idea of a Hindu nation or rashtra. In Savarkar’s Hindutva ideology, religion became ever more associated with nationalism. In fact, religion and nationalism became so intertwined that the lines of demarcation between religion, nationalism, and culture became difficult to distinguish. When one looks at the organizations of the Sangh Parivar in India today, one sees a similar conflation of religion and nationalism. Moreover, Savarkar’s rendition of Hindu culture, and the place of the religion of Hinduism within it, has made religion and more importantly religious identity, especially potent political tools.

Savarkar’s vision of both India’s future and the past were utopian in nature. As Ainslee Embree argues, “when leaders of religious or nationalist movements look to the past in search of

¹⁰⁹ T. N. Madan, Modern Myths, Locked Minds, 220.
“a golden age.” as Savarkar did, “they are usually in search of the future; the past becomes usable as it undergirds the future.” Savarkar did this very thing; he successfully created an idealized Indian past in order to justify his Hindutva vision of the future. 

Hindutva means ‘Hindu-ness’ and so from the very title of his work we can determine that Savarkar was concerned with what it means to be Hindu, or, more precisely, what constitutes Hindu identity. “Hindutva embraces all departments and thought and activity of the whole Being of our Hindu race.” This quotation is instructive in demonstrating what Savarkar was attempting to accomplish ideologically: he was trying to define and create a Hindu civilization with a basis in history. Savarkar was creating a recognizable and powerful Hindu culture and history, and while the creation of this culture was paramount, we cannot forget the base on which Savarkar’s culture rested, which was religious.

It is also important to note at this point that Savarkar’s Hindutva, and its manifestations in the ideology of the Sangh Parivar created a strongly gendered Hinduism, a Hinduism “obsessively focused on the imagined potency—or weakness—of the “Hindu man.” Common to both Savarkar’s Hindutva ideology and historical imaginary was a Hindu civilization populated by Aryan Hindu men armed with the qualities of a strong masculinity, “energy, power, mobility…and daring.” To this concept of virility, Savarkar added a historical interpretation of the ‘non-violent’ Buddhist period in India (particularly under Asoka) as a period of complacency which had damaged the warrior mentality of ancient Hindu civilization and which necessitated

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112 Sumit Sarkar. *Beyond Nationalist Frames*, 246. Sarkar reinforces this point of Embree’s, arguing that “Constructions of histories or lineages as morale-booster, for legitimacy, to link up present aspirations with more-or-less imagined pasts in efforts to move towards specific kinds of futures—have all been a standard feature of modern political movements.”
the “invigoration” of Hindu culture via the principles of *Hindutva*.\(^\text{116}\) The “Buddhist period” in India was viewed by Savarkar, therefore, as a historical “disaster” that “emasculated the Ancient Hindu nation.”\(^\text{117}\)

Savarkar’s ideology of *Hindutva*, particularly as it came to be expressed in the ideology of organizations such as the Rashtriya Swayamsevak Sangh (RSS), celebrated only “Hindu masculinity, especially in its violent forms, and ignored, virtually in their entirety, women and girls, personal and familial relationships.”\(^\text{118}\) *Hindutva*’s gender ideology reflects an “elision of any criticisms, duties or obligations of Hindu men and instead a dense and exclusive focus on the roles, duties, obligations and limitations of Hindu women regarding both the actual family and the ‘greater family’ namely the ‘Hindu nation.’”\(^\text{119}\) A woman’s “purpose” is to exemplify a “faithful motherhood…confined…to the proper training of children,” and providing a “productive womb, mothers of heroes.”\(^\text{120}\)

It is also worth noting, in this context, that this gendered Hinduism found in *Hindutva ideology* is premised on the:

…patriarchal premise of *matruvat paradareshu*—that all women except one’s wife are to be regarded as one’s mothers. The significance of the statement is that both its subject and its intended object or addressee is male—woman is present only as wife or mother…the ideology of domesticity focuses overwhelmingly on personal sacrifice, forbearance and sensitivity to the needs of others in the home.\(^\text{121}\)


\(^{\text{120}}\)Basu et al. *Khaki Shorts and Saffron Flags*, 42; 83.

This gender model, which has been referred to as *dharmapatni*, in which women may work for the greater glory of the Hindu *rashtra* but in a manner subordinate to the greater male “body” of the movement.\textsuperscript{122}

What then is a Hindu? For Savarkar, *Hindutva*, or Hindu identity is based upon three important foundations: first, geographical unity; second, common racial features; and third, a common culture.\textsuperscript{123} Religion, though absent in these three foundational principles, still plays a significant role in the geographical foundation of Savarkar’s *Hindutva* in that Savarkar stated that those inhabitants of India who considered India to be both their holy land and the land of their ancestors were true Hindus.\textsuperscript{124} Muslims or Christians would be unable to consider India to be their holy land even if it was the land of their ancestors. Savarkar states that “the root meaning of the word Hindu…may mean only Indian, yet as it is we would be straining the use of the words too much—we fear to the point of breaking—if we call a Mohammedan a Hindu because of his being a resident of India.”\textsuperscript{125}

Within the phenomenon of religious conversion, this is perhaps the most important aspect of Savarkar’s *Hindutva*—the idea that other religious groups can be only *in* the country not *of* the country. The religious and therefore political allegiances of Muslims and Christians are alleged to be elsewhere, and so they must be suspected of potentially destroying the cultural bonds that hold the Hindu nation together. Muslims and Christians are especially suspect if they attempt to convert Hindus to their foreign faiths as this would destroy the essential link between all Hindus

\textsuperscript{122} Basu et al. *Khaki Shorts and Saffron Flags*, 41.
\textsuperscript{123} Christophe Jaffrelot, *The Hindu Nationalist Movement in India*, 26-7.
\textsuperscript{124} Lise McKean, *Divine Enterprise: Gurus and the Hindu Nationalist Movement*. (Chicago: University of Chicago Press, 1996), 79. Savarkar stated: “Yes, this Bharatbhumī, this Sindusthān, this land of ours that stretches from Sindu to Sindhu is our Punyabhumī (holy land), for it was the land that the Founders of our faith and the Seers to whom ‘Veda’ the Knowledge was revealed.” Savarkar, *Hindutva*, 111. For further information, see also Savarkar, *Hindutva*, 82-84, 110-116.
\textsuperscript{125} Savarkar, *Hindutva*, 83.
in Savarkar’s *Hindutva*, the view of India as holy land. This fear of a change in allegiance upon conversion is not limited to the Sangh Parivar. The idea of denationalization or dual loyalties upon conversion has a long history in India, a history evident in the thought of Gandhi and even B.R. Ambedkar’s writings on conversion, in addition to the primary source documents analyzed in this dissertation.

Savarkar defined the holy land of all true Hindus as “Hindustan” and described Hindustan in geographical terms as a unified nation stretching from the Himalayas to the seas and from the Indus to the seas, basically the same borders that defined India under British colonial rule. Savarkar based his information from a unique (and nationalistic) translation of the *Bhavishya Purana*.

Thereafter the grandson of Vikramaditya, Shalivahan, ascended the throne of his forefathers. Having conquered the irresistible Shakas, the Chinese, the Tartars, the Balhikas, Kamrupas Romans, Khorajas, and Shathas and having seized their treasures and punishing the offenders he demarcated the boundaries of the Aryans and Mlecchas.

The best country of the Aryans is known as Sindhusthan whereas the Mlecch country lies beyond the Indus. This demarcation was made by that great king. (*Bhavishya-Purana [Pratisarga-Parva]*)

Savarkar interprets the text in the following manner: the term “Sindhusthan” is seen as signifying not only the Indus River but also the sea “which girdles the southern peninsula.”

Therefore, the verse, at “a single stroke…calls up the image of our whole motherland”:

Even if we do not accept the tradition that the Brahmaputra is only a branch of the Sindhu which falls into flowing streams on the eastern and western slopes of the Himalayas and thus constitutes both our eastern as well as western frontiers, still it is indisputably true that it circumscribes our northern and western extremities in its sweep and so the epithet Sindusthan calls up the image of our whole Motherland: the land that lies between Sindhu and Sindhu—from the Indus to the Seas.

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Savarkar therefore was arguing that the Hindus had, even in the Puranic times, comprised a territory the same size as British India, and, more importantly, that the Hindus had conceived of this territory (and themselves) as essentially a unified *rashtra* for this same length of time.

Savarkar’s project in presenting the geographical history of India in this manner was two-fold. First, he was appropriating, for Hindus, what the British had ‘accomplished’ in their de facto unification of the subcontinent under one ruler. At the same time, Savarkar was diminishing what the British had accomplished under the assumption that this had already been accomplished by Hindu civilization. Everyone in the nationalist movement—be they violent or non-violent—wanted all of India to be free of British colonial rule. In addition, the nationalists (with the exception of those calling for Pakistan) wanted India to be an independent geographical entity of the same size and scope as British India, which really was a novel way of viewing India. By appropriating history and making the culturally and politically unified subcontinent something that had existed much earlier in history, Savarkar gave a new geographic definition of what it meant to be both Indian and Hindu.

Savarkar’s historical method in this context is clearly problematic. Savarkar provided a lengthy defense of his use of the *Puranas* as history and claimed that his use of them was certainly more accurate than the use of “‘Western’ historical texts in an extended footnote.”¹²⁹ In this footnote, Savarkar suggests that the *Puranas*, and other traditional Hindu works such as the Epics must remain “the main resources of our history…and ever be our national traditions.”¹³⁰ Moreover, Savarkar argues, “the habit of doubting everything in the *Puranas* till it has been

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Savarkar’s way of writing history remains problematic in contemporary Hindu nationalism. Chetan Bhatt has argued that:

Allowing the bare fragments of Puranic and Vedic text to speak directly in an unmediated way to a present consciousness that simply apprehends their content, forcefully elides the active interpretation of those texts from the gaze of a presentist, Hindu nationalism…the Puranic story of the mythological king Vikramaditya (there are several kings so named in the Hindu religious literature) and the battles of his grandson against others was transformed into a nationalist war. The territorial boundary of ‘Sindhusthan’ was made equivalent to the physical geography of the subcontinent, and sharply demarcated against foreigners, Huns and Shakas among them. After the wars of the ‘Vikramaditya era,’ Sindhusthan was left as an undisturbed independent nation of ‘peace and plenty’ for ‘nearly a thousand years.’

It is also important to note the interrelationship between religion, identity and geography in this facet of Savarkar’s Hindutva. Savarkar bases the historical viability of his ‘Sindhusthan’ on what is arguably a religious document, the Bhavishya Purana. Savarkar used religious texts, festivals, and rituals as not only the basis for what they refer to as ‘cultural’ but also as a means of conflating religion and culture.

The equation of religion and culture in this context served a useful purpose for Savarkar in the geographical context of his Hindutva, as it allowed him to demonstrate the religious nature of Hindu identity. A Hindu is a person who was born in “Sindhusthan” and who also considers it her holy land. By tying India, as a geographical entity, to an independent political kingdom stretching from “the Indus to the Seas” in his interpretation of the Bhavishya Purana, Savarkar allowed those who identified as Hindus to make a stronger political claim on an independent India than other resident groups because the very existence of India in its present form was religiously substantiated. Even if one wanted to refer to the Bhavishya Purana as an exclusively

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131 Savarkar, Hindutva, 34-36.
133 Two quotations from Savarkar strikingly reveal the interface between culture and religion in his rhetoric. “The Hindu civilization, as represented in common history, common heroes and common literature, common art, a common law and a common jurisprudence, common fairs and festivals, rites, rituals, ceremonies, and sacraments” Savarkar, Hindutva, 100 (emphasis added); “And culture? The English and Americans feel they are kith and kin because they possess a Shakespeare in common. But not only Kalidas or a Bhasa but, Oh Hindus! Ye possess a Ramayan and Mahabharat in common—and the Vedas!” Savarkar, Hindutva, 134.
cultural document, Hindus had greater claim on India through the Bhavishya Purana due to its indisputable nature as a Hindu text. Religious substantiation of what India is through a Hindu religious text is not something in which other religious groups in India could participate. Moreover, this simultaneously historical and religious substantiation of geopolitical India, justified how Savarkar had always viewed India, as a Hindu nation or rashtra.\textsuperscript{134}

As mentioned above, the second foundation of Savarkar’s Hindutva was the idea of common racial characteristics amongst Hindus. For Savarkar, both nation and nationalism could only be understood in terms of race.\textsuperscript{135} Savarkar defined race in terms of blood: “The second most important essential of Hindutva is that a Hindu is a descendant of Hindu parents, claims to have the blood of the ancient Sindhu and the race that sprang from them in his veins.”\textsuperscript{136} Interestingly, Savarkar refers to those who share a common blood as a race, and does so using the term “race-jati.”\textsuperscript{137} Jati is usually used in reference to sub-castes, but in Savarkar’s case, inter-caste marriage had mixed the blood within the castes making all Hindus the members of one jati, or race.\textsuperscript{138}

The importance of blood in Savarkar’s Hindutva ideology went beyond physiology; it also contained a very interesting philosophical component. For instance, one could become a Hindu and have Hindu blood running through one’s veins by way of incorporation into the race through belief. Savarkar stated:

\begin{quote}
We are not only a nation but a Jati, a born brotherhood. Nothing else counts, it is after all a question of the heart. We feel that the same ancient blood that coursed through the veins of Ram and Krishna, Buddha and Mahavir, Nanak and Chaitanya, Basava and Madhava, of Rohidas and
\end{quote}

\textsuperscript{135} Neufeldt. “The Hindu Mahasabha and Gandhi,” 143.  
\textsuperscript{136} Savarkar, Hindutva, 110.  
\textsuperscript{137} Savarkar, Hindutva, 84.  
\textsuperscript{138} Bhatt, Hindu Nationalism: Origins, Ideologies, Modern Myths, 94-95.
Tiruvulluvar courses throughout Hindudom from vein to vein, pulsates from heart to heart. We feel we are a jati, a race bound together by the dearest ties of blood and therefore it must be so.\textsuperscript{139}

A Hindu, then, is not necessarily only an individual who is biologically Hindu (or racially ‘Indian’), but someone who has, in all respects, adopted the Hindu way of life,\textsuperscript{140} and only he who “loves the land that stretches from Sindhu to Sindhu from the Indus to the seas as their fatherland [can] consequently claim to inherit the blood of the race that has evolved.”\textsuperscript{141}

This ‘choice,’ based on sentiment or affection for all that is Hindu and for the land stretching from the Indus to the Seas, involved in being a member of the Hindu race played a crucial role for Savarkar. First, sentiment became a measuring stick in terms of whether or not someone was a Hindu.\textsuperscript{142} *Hindutva* is foremost an ideology of identity; thus, an individual’s Hindu-ness can be measured in terms of how committed one is to the ideals of the Hindu rashtra, even more so than an individual’s biological race. When this commitment is removed or, as is suggested in the case of Muslims and Christians, directed someplace outside of the Hindu holy land, one is not a Hindu, even if one has a thousand years of actual Indian blood running through her veins. Commitment to the Hindu rashtra and membership in the Hindu race-jati required commitment and participation in Savarkar’s third essential element of *Hindutva*, the common Hindu culture.

In reference to the Muslims and Christians of India, Savarkar stated that:

they cannot be called Hindus in the sense in which the term is actually understood because, we Hindus are bound together not only by the tie of the love we bear to a common fatherland by the common blood that courses through our veins…but also by the ties of the common homage we pay to our great civilization—our Hindu culture.\textsuperscript{143}

\textsuperscript{139} Savarkar, *Hindutva*, 89-90.
\textsuperscript{140} Neufeldt, “The Hindu Mahasabha and Gandhi,” 143.
\textsuperscript{141} Savarkar, *Hindutva*, 91.
\textsuperscript{143} Savarkar, *Hindutva*, 91-92.
Blood and race had brought the Hindus together and culture would to provide shared history, culture and goals that would enable a Hindu rashtra to be established.

Savarkar stated that the culture shared by all Hindus included “a common history, common heroes, a common literature, a common art, a common law and a common jurisprudence, common fairs and festivals, rites and rituals, ceremonies and sacraments.”

It is within this list, as basic as it may seem, however, that we begin to see the xenophobia inherent in Savarkar’s definition of Hindu culture.

After describing what constitutes Hindu culture in Hindutva—Who is a Hindu? Savarkar’s narrative immediately turns to how Muslims and Christians cannot share in this culture, no matter how long their tenure on the subcontinent. It would have seemed that if Muslims or Christians had become Hindu culturally by taking upon themselves Hindu ‘blood,’ and the love of India they would indeed be Hindus according to Savarkar’s definition, but for Savarkar this is simply insufficient. “They belong, or feel that they belong, to a cultural unit altogether different from the Hindu one. Their heroes and their hero-worship, their fairs and their festivals, their ideals and outlook on life have now ceased to be common with ours.”

The only way Indian Christians or Muslims could become Hindu was by giving up their religion and adopting Hinduism—that is, it would seem, by converting. “[Y]e have only to render whole-hearted love to our common Mother and recognize her not only as Fatherland (Pitribhu) but even as Holy (Punyabhu) and ye would be most welcome to the Hindu fold.”

Such a statement would not be surprising if Savarkar was making his basis for Hindu identity religion alone, but Savarkar states again and again that his basis for identity is cultural. The

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144 Savarkar, Hindutva, 100.
146 Savarkar, Hindutva, 115.
requirement to see India as holy land aptly demonstrates that a significant aspect of Savarkar’s Hindu culture was religious in nature. Given that in Savarkar’s ideology of Hindutva the geographic entity of India is both Fatherland and Holyland, the ultimate concern for Hindus would appear to be the geographical space of India as a sacred entity. The requirement to see India as Holyland was an impossibility for both Indian Christians and Muslims. As a result, these two communities, to this day have:

the perpetually unfinished burden of demonstrating their love and loyalty to the Hindu nation in a manner that could only reach completion, if at all with the abandonment of their faiths and the adoption of an Hindutva ideology that considered them enemies.147

It is important to note that Savarkar’s ideology of Hindutva has been modified over time and that not all of the organizations included under the umbrella of the Sangh Parivar follow each and every aspect of the ideology. The BJP, especially, has had to moderate the tenor of its Hindutva in order to achieve greater political success. Within the context of this dissertation, however, the nature of Hindutva as outlined by Savarkar is crucially important as it provides an ideological substructure to the idea that Christianity and Islam are foreign and therefore suspect religious traditions, that conversion can engender denationalization and dual-loyalties among converts, and that India is indisputably seen as Hindu in both cultural and religious terms by those in the Sangh Parivar.

The implicit conflation of Hindu and Indian in Savarkar’s Hindutva, and indeed, in much of post-Independence anti-conversion rhetoric has made calling oneself a Hindu—or calling oneself something else in general and especially if one has converted—an act of political rupture. Other religious groups, but particularly Muslims and Christians, now had to explain the political legitimacy of their presence in India regardless of how long they had actually been in India.

Perhaps more importantly, an ideological delineation was made between true Indians—Hindus—and those adherents of other religions who just happen to be resident in India. This delineation is strongly reflective of a key pole of the post-Independence conversion debate: that Christianity and Islam are foreign religions and that, therefore, adherents of these traditions are themselves, if not foreign, in possession of dual-loyalties in terms of politics. It also raises the question of what place, if any, minority religious communities with origins outside of the subcontinent have in an independent India. This is a question of constitutional secularism, and how secularism and Freedom of Religion have been determined and expressed in independent India, to which we now shift.

III. Defining Indian Secularism; Critiques of Indian Secularism

Having discussed the nature and definitions of both conversion and ‘religion’ in the Indian context, as well as the attribution of ‘foreignness’ to Islam and especially Christianity, the next crucial conceptual discussion involves the unique nature of secularism in India, and the nature of freedom of religion in the Indian Constitution. India’s unique form of secularism—it must be stressed—is not the separation of religion or ‘Church’ and the state. Secularism is not presented as a wall between religion and politics, as it has most commonly come to be understood in secularism as practiced or at least proposed in the West. Rather, India’s secularism in its purest theoretical sense can be defined as ‘equal respect’ for or ‘equidistance’ between all religions.

Brenda Cossman and Ratna Kapur argue that Indian secularism—in its sense of equal respect for all religions—is best conceptualized in the manner in which it both reflects and opposes the traditional (and Western) liberal democratic conception of secularism. The traditional liberal democratic vision of secularism is based on three principles: first, liberty and freedom of religion; second, citizenship and the right to equality and non-discrimination; and third,
neutrality, and the separation of state and religion.\textsuperscript{148} Cossman and Kapur write that freedom of religion, as well as the right to equality and non-discrimination have been—and continue to be—“recognized as important constitutional values in their own right as well as a foundation of Indian secularism.”\textsuperscript{149} The difference between the liberal democratic and Indian conceptualizations of secularism is in reference to the principles of neutrality and the separation of religion and the state. The nature of the relationship of the state to the religious communities within the state therefore is the key difference between the liberal democratic vision of secularism, and India’s vision of secularism.

The contested nature of secularism in India that remains to this day, is best seen as developing from the divergent opinions on the role of the state in religion as expressed by M.K. Gandhi and Jawarharlal Nehru. In its most basic rendering, the divergence in Gandhi and Nehru’s views on secularism can be put in the following fashion. Nehru believed that secularism should seek a strict separation of religion and politics, in a manner very similar to the liberal democratic conception of secularism. Nehru’s vision of secularism—termed \textit{dharma nirapeksata}—was developed many years before Independence, and he argued quite forcefully for the state to remain neutral in regard to all religions and religious matters.\textsuperscript{150} In contrast, Gandhi saw religion as an indispensable part of human life, including politics, and therefore advocated religious tolerance and religious pluralism as the most effective means of promoting religious harmony.\textsuperscript{151} Gandhi based his conception of secularism on \textit{sarva dharma sambhava}, the principle of equal respect for all religions. Gandhi argued that the separation of religion and

\textsuperscript{148} Brenda Cossman and Ratna Kapur, \textit{Secualrism’s Last Sigh?} Hindutva and the (mis) rule of Law. (New Delhi: Oxford University Press, 1999), 56.
\textsuperscript{149} Cossman and Kapur, \textit{Secularism’s Last Sigh?}, 56-7.
\textsuperscript{150} Cossman and Kapur, \textit{Secularism’s Last Sigh?} 55-56.
politics was not only undesirable in the Indian context, it was also impossible. In the end, 
sarva dharma sambhava provided an Indian context for a unique Indian secularism, and, consequently, 
became the dominant conceptual model for secularism, both politically and legally.\textsuperscript{152}

The purpose of this concept of equal respect for all religions is, ostensibly, to protect all 
religions, and especially India’s minority religious communities, enabling them to exist and 
function within a nation with a strong numerical majority religious tradition, i.e. Hinduism. 
Hinduism is also protected under the principle of equal respect and allowed to function and 
develop in its own unique fashion. However, this principle of equidistance does not imply that 
there is state sponsorship of any, or all, religious traditions in India, nor should it be seen to 
imply that religious considerations are always considered in matters of state administration. They 
are not. What equidistance means is that the state can participate in the religious life of the 
nation, indeed that it expects to participate generally,\textsuperscript{153} but that it also has the power to intervene 
when public order or the effective functioning of the state is considered to be threatened by either 
certain religious practices or particular religious movements.

While Indian secularism has developed in this particular way as equal respect for all 
religions, it needs to be stressed that this formation was contested not only during the 
Independence movement and the framing of the Constitution, but more or less continuously 
throughout India’s nearly seven decades as an independent state. According to Anuradha 
Dingwaney Needham and Rajeswari Sunder Rajan, India’s unique conception of secularism was

\textsuperscript{152} Cossman and Kapur, \textit{Secularism’s Last Sigh?}, 56-7.
\textsuperscript{153} Given the Indian polity’s interpretation of secularism as the “protection” of all religions, India has a much greater 
investment in matters of religion than most Western Countries. As Anuradha Dingwaney Needham and Rajeswari 
Sunder Rajan write, India “makes a huge investment in matters of religion, unlike any nation in the West—for 
example by administering religious trusts, declaring holidays for religious festivals, preserving the system of 
different personal laws for different communities, undertaking the reform of religious law, having secular courts 
interpreting religious laws, and so on. This raises the problem of where the boundaries of state secularism are to be 
developed by the framers of the Indian Constitution to accomplish several goals in the fledgling Indian state:

to serve as a means of unifying the recently partitioned and hugely heterogeneous nation; offer religious freedom and the protection of the state to the number of sizable minority religious communities who constituted it; reform Hindu practices, particularly caste discrimination; and set the nation on the path of ‘modernization’ and ‘progress.’ However, the last two items on this agenda never really took off with any momentum.  

For most of the decade between 1994 and 2004, the Bharatiya Janata Party (BJP) was, while part of a coalition government, the dominant ruling party at the Centre. The BJP returned to power in 2014 with a majority government, and Narendra Modi as Prime Minister. The BJP is the political face of the Sangh Parivar, the association of linked cultural organizations and political parties that have promoted the ideology of Hindutva which “seeks to establish the political, cultural, and religious supremacy of Hinduism, and the Hindu nation.” In seeking the establishment of a true, Hindu nation, or rashtra, the Sangh Parivar has, discursively and ideologically, established a significantly anti-religious minority position. The Sangh Parivar has also both criticized and co-opted the principle of secularism to advance its Hindutva agenda. Calling the Indian variant of secularism ‘pseudo-secularism,’ and arguing that this form of secularism has focused on and favored India’s minority religious communities at the expense of Hindus, the Sangh Parivar has presented an ideological construction of Hinduism under threat, a construction accepted, at least in part, by the millions of Indians supporting the Sangh Parivar both politically and culturally. Conversely, the success of the Sangh Parivar, both in its criticism of secularism and its attempt to erode the concept as it had been accepted to that point, led many scholars to question the success of India as a secular state, and whether secularism as envisioned in India’s Constitution could continue to exist in its traditional form.

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Numerous Hindutva-inspired thinkers have criticized the nature of Indian secularism. Sita Ram Goel has provided the most interesting criticism of Indian secularism from a purely Hindu or at least Hindutva perspective. Goel, a well-known writer, publisher of books promoting Hindu nationalism, and critic of Islam and Christianity, wrote and published India’s Secularism: A New Name for National Subversion in Hindi in 1985, with an English translation released in 1999.\textsuperscript{156} Goel’s tract provides an excellent overview of ‘pseudo-secularism’ as envisioned by Hindu nationalists, and, perhaps more importantly, provides an entry point into notions of Hindu tolerance, and how Hindu nationalists see that tolerance as being exploited by the Indian state and its interpretation of secularism.

Goel begins his tract by setting up a distinction between what he sees as the world’s two major religious traditions: the “Advaita traditions” which include “the ancient traditions of India, Iran, Egypt, Greece, Rome, China and Japan,” and, before the spread of Christianity, “the Celt, German, Frank, Slav, and Scandinavian peoples.” In point of fact, according to Goel, most of the world practiced the Advaita religion prior to rise of monotheism.\textsuperscript{157} The Advaita religion was known for its polytheism, and that “all gods and goddesses” are seen as “symbols of one infinite, ineffable, and indescribable supreme power.”\textsuperscript{158} Consequently, a practitioner of this Advaita religion is responsible only for himself individually, and proselytization is simply “not countenanced in this tradition,” but is rather an indication of a “fall from faith” if it is indeed conducted at all.\textsuperscript{159}

\textsuperscript{157} Goel, India’s Secularism, 3-4.
\textsuperscript{158} Goel, India’s Secularism, 6.
\textsuperscript{159} Goel, India’s Secularism, 8.
As a land full of practitioners of the Advaita religion, India knew no religious violence or bloodshed “in the name of dharma” until the arrival of the Muslims on the subcontinent. This, according to Goel, was further complicated by Christian missionaries, and the adoption of the “alien concept of secularism from Europe.”

Exactly why this may be is unclear, as Goel suggests that to “preach secularism to this society was like showing a lamp to the sun.” Hinduism and the indigenous Advaita faiths of India are viewed as both inherently tolerant and inherently secular. The concept of secularism as imported from the west, even in its uniquely Indian variant, is viewed as nothing more than “animosity towards Hindu society.”

Goel goes on to explain how secularism has been “turned against Hindu society.” Secularism understood as sarva dharma sambhava is inherent to Hindu society and it was a major mistake of nationalist politicians to include Christianity and Islam within the concept as ‘dharmas’ to be treated equally. This is due to both religions’ imperialistic ambitions. Accepting them as ‘dharmas’ in the same fashion as Hinduism or Buddhism makes it all but impossible to “resist their imperialistic expansion” according to Goel. As well, India’s so-called minorities have become much more aggressive under the official state policy of secularism, enabling them to inject huge amounts of foreign funds into the country, all of which is seen as being used to fund missionaries and the conversion of Hindus.

Goel’s tract is obviously a polemic, but despite its rather florid condemnations of Islam and Christianity and its rosy picture of Hinduism’s ‘inherent’ tolerance and secularism, it is important for two reasons. In the first case, it is important as a reflection of certain Hindutva

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160 Goel, India’s Secularism, 21.
161 Goel, India’s Secularism, 27.
162 Goel, India’s Secularism, 62.
163 Goel, India’s Secularism, 28.
164 Goel, India’s Secularism, 62.
values with regards to both the position of minorities and what constitutes Indian society. “There is no place for Christianity in India today,” Goel writes. Likewise, “any culture which is not prepared to come to terms with Hindu culture, the culture of Sanatana Dharma, has to go. There is no place for any alien culture to flourish on the soil of India in the name of minority rights.”

In the second case, Goel’s tract and its understanding of Indian secularism, while excessive in its rhetoric, is followed in spirit if not in language by more nuanced commentators connected with the Sangh Parivar. Arun Shourie, for example, in his book, A Secular Agenda, bluntly argues that “Indian secularism consists of branding others communal.” The reason for Shourie’s contention is not altogether different from Goel’s: “that the individual should be the unit for policies and laws of the State, and not the religion or caste to which he belongs or the region in which he lives; that nothing should be conceded to a religion-based group or organization which is denied to or not available to a secular group or organization.” Does this in fact mean that, other than on the issue of individual constitutional rights, that there should be no group protections, no positive discrimination? In fact, this is the meaning of ‘pseudo-secularism.’ True secularism and not the ‘pseudo’ Indian variant, as it is called by many in the Sangh Parivar, is based entirely upon individual rights with no enshrined group protections, or personal laws. While one can entertain this argument on its merits, what is its motivation? How would this change minority-majority interactions?

In the preface to his book Pseudo-Secularism in India, Kanayalal M. Talreja spells out that motivation:

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165 Goel, India’s Secularism, 63-65.
167 Shourie, A Secular Agenda, ix.
It is pseudo-secularism, because the present Congress government does discriminate one citizen from another on the basis of religion, does not apply uniform laws for all citizens of the country, discriminates minority from majority, and has conferred on the members of the minority communities special privileges, which are denied to the members of the majority community, the Hindus.\textsuperscript{168}

Secularism, as a western concept and not the inherent tolerance of Hinduism as envisioned by ideologues such as Goel and Shourie leads, in Talreja’s analysis, to communalism, and, worse, to the denial of rights and privileges to the Hindu majority. It is only through strict recourse to individual rights and the revoking of special privileges for minority communities that Hindus can fully and freely participate in their own state, based on their own culture and religion.

Cossman and Kapur argue that under the surface of secularism as understood by Goel and Shourie, that is, formal and absolute equality between religious groups lies “an unapologetic appeal to brute majoritarianism and an assault on the very legitimacy of minority rights.” Cossman and Kapur go on to argue that “the protection of minorities from the rule of the majority” is a “cornerstone of democracy.”\textsuperscript{169} Such majoritarianism, when taken to its logical extreme, they argue, creates a state in which:

The practices of the Hindu majority come to be viewed as neutral, and the State in turn is seen to be acting neutrally only when it reinforces these practices. Thus, Hindus do not need “special rights” because of the extent to which all legal rights come to be based on Hindu cultural norms and practices. The discourse of secularism comes to reinforce the norms of the dominant Hindu community.\textsuperscript{170}

It is for Cossman and Kapur, therefore, only by protecting minority rights that true tolerance can exist. In contrast, for the critics of ‘pseudo-secularism,” real religious tolerance exists already within Hinduism, but this tolerance can only flourish under a system of formal and absolute equality. And only a nation based on Hinduism can be said to be truly tolerant, and therefore completely secular.

\textsuperscript{169} Cossman and Kapur \textit{Secularism’s Last Sigh?} 68.
\textsuperscript{170} Cossman and Kapur \textit{Secularism’s Last Sigh?} 68.
With the rise of the Sangh Parivar as a potent political force in the 1980s and, especially, the 1990s following the destruction of the Babri Masjid in Ayodhya, the Indian variant of secularism became a concept of significant debate. In what has come to be known in the academic literature as ‘the crisis of secularism,’ a number of well-known and respected Indian scholars began to evaluate the relative success of secularism, and, whether it possessed the ability to maintain religious harmony and respect for minority religious groups under the political pressure exerted by the Sangh Parivar. Given the importance of the concept of secularism in India generally: in terms of freedom of religion; the relationship between religion and the state; in terms of interreligious tolerance; the opposition to it by particular religious groups; and its management by the state via legislation: it becomes important to situate the position and criticism of secularism within this academic discourse.

Strongly critical of Indian secularism and its inability to maintain religious tolerance and harmony are Ashis Nandy and T. N. Madan. Both of these scholars claim a personal commitment to religious tolerance, and both also believe that secularism no longer possesses the capacity to enforce, or perhaps better put, maintain religious tolerance and harmony in India. Nandy and Madan suggest that a return to the religious ways of living in India’s past will perpetuate a return to tolerance. We will focus on Nandy and Madan in this section, as their critiques of Indian secularism focus on a ‘return’ to India’s indigenous traditions as a way of creating tolerance and interreligious harmony.

Ashis Nandy, a well-known Indian cultural critic and public intellectual, is representative of those scholars who view Indian secularism as a failure, and who believe that secularism should be abandoned in favor of alternative means of achieving religious tolerance and harmony.
Nandy claims that he is not a secularist but in fact an anti-secularist. Nandy’s primary argument is that “the ideology and politics of secularism [in its Indian variant as equal respect for all religions] have more or less exhausted their possibilities,” and that the principal reason for this exhaustion is that the principle of secularism imported from the West and notwithstanding its modification in the Indian context, positions religion in opposition to the state’s imperative to ‘modernize’ the nation.

Nandy bases his argument against secularism on a distinctive definition of religion, or how religions operate in the South Asian context. Nandy suggests that religion in South Asia has been split in two: religion as faith, which implies “religion as a way of life, a tradition that is definitionally non-monolithic and operationally plural;” and religion as ideology, which is “religion as a sub-national, national, or cross-national identifier of populations contesting for or protecting non-religious, usually political or socio-economic interests.” It is how these two aspects of religion interact—and which aspect is privileged by the state and by the educated elites—that guides Nandy’s disavowal of secularism.

Nandy acknowledges that secularism as ‘equal respect’ or equidistance between religions is not only in keeping with the standard public definition of secularism in India, but also the manner in which a plurality of Indians would view the concept. However—and this is his main contention—it is not the notion of secularism which is preferable to the state, intellectuals, or the middle classes. Nandy argues that the principle of secularism as a separation of religion and

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173 Cossman and Kapur, Secularism’s Last Sigh?, 82.
175 Cossman and Kapur, Secularism’s Last Sigh?, 82.
politics is not only preferable to the state and to the English-educated elites it is also “part of a larger package consisting of standardized ideological products and social processes—development, mega-science, and national security being some of the most prominent among them.”\textsuperscript{177} It goes without saying that to this can also be added the ideology of nationalism. Put more succinctly, secularism in its much more stringent sense of the separation of religion and politics would allow India, as a nation-state, to modernize all the faster. When secularism is articulated in this manner, and positioned alongside modernity, development, and nationalism, it becomes coercive and even violent, as opposed to promoting tolerance and harmony.\textsuperscript{178}

To escape a secularism which has led to intolerance, Nandy suggests a move back to “religion-as-faith,” in which the lived religious tolerance of India’s various religious communities—both minority and majority—serves as a repository and guide for religious harmony. This tolerance, found in India’s religious past and outside of state-sanctioned secularism “not only means a tolerance of religions, but a tolerance that is religious.”\textsuperscript{179} This tolerance, in many respects echoes Gandhi’s notion “that those who thought religion and politics could be kept separate, understood neither religion nor politics.”\textsuperscript{180} Nandy concludes his argument in the following way:

The moral of the story is this: it is time to recognize that instead of trying to build religious tolerance based on the good faith or conscience of a small group of de-ethnicized, middle-class politicians, bureaucrats, and intellectuals, a far more serious venture would be to explore the philosophy, the symbolism, and the theology of tolerance in the faiths of the citizens and hope that state systems in South Asia may learn something about religious tolerance from everyday Hinduism, Islam, Buddhism, or Sikhism, rather than wish that ordinary Hindus, Muslims,

\textsuperscript{177} Nandy “The Politics of Secularism and the Recovery of Religious Tolerance,” 333.
\textsuperscript{178} “While appealing to believers to keep the public sphere free of religion, the modern nation-state has no means of ensuring that the ideologies of secularism, development, and nationalism themselves do not begin to act as faiths intolerant of others. That is, while the modern state builds up pressures on citizens to give up their faith in public, it guarantees no protection to them against the sufferings inflicted by the state itself in the name of its ideology. ”See Nandy “The Politics of Secularism and the Recovery of Religious Tolerance,” 333.
\textsuperscript{180} Nandy “The Politics of Secularism and the Recovery of Religious Tolerance,” 327.
Buddhists, and Sikhs will learn tolerance from the various fashionable secular theories of statecraft.\textsuperscript{181}

In spite of claiming to be an anti-secularist, Nandy does not completely disavow the notion of secularism as equidistance between all religions. After presenting the two dominant concepts of secularism, Nancy ignores the equidistance between religions thesis in order to focus the full force of his criticism on the complete separation of religion and politics that he claims is advocated by the modern Indian state, intellectuals, and middle classes. In a sense, Nandy rejects secularism \textit{in toto} without addressing how his argument in favour of rejuvenating religious tolerance from the well of India’s historical religious tolerance might be applied to the Indian variant of secularism. Rajeev Bhargava has argued that “there is space” in Nandy’s critique “for an alternative proposal consistent with modern secularism.”\textsuperscript{182} However, since Nandy rejects the notion of modernity he sees as implicit in both secularism and the modern nation-state, he rejects secularism completely. In addition, this complete dismissal of secularism is somewhat naive in its practical application. While Nandy’s move to resuscitate religious harmony through all of India’s religious traditions is seemingly worthwhile, Nandy’s contention that there exists in South Asia’s religious traditions some innate repository of religious tolerance is a nostalgic and romanticized construction of India’s past. Religious conflict has always been part of India’s history—between separate religions such as Hinduism and Buddhism, between Hindu sects, even between rival Hindu philosophical schools. Nandy’s recourse to an inherent religious tolerance within Hinduism (and other Indian traditions, though not exclusively indigenous ones) is very similar to the supposedly inherent secularism and intolerance espoused by \textit{Hindutva} ideologues such as Sita Ram Goel and Arun Shourie. Perhaps most importantly, even if such a well of inherent religious harmony existed and was able somehow to be tapped, Nandy provides no


means of applying this knowledge and experience to politics and the operation of a modern
nation-state. As a consequence, Nandy’s prescriptions lose a great deal of their potential
resonance as a critique of secularism. It is likewise unlikely that ‘modernity,’ however defined or
however rejected by Nandy will ever lose its ideological impact in India, or arrest the Indian
state’s drive towards modernization, either politically or in reference to development and
economic growth.

Sociologist T. N. Madan is also strongly critical of the nature and success of Indian
secularism, and, like Ashis Nandy, argues that what he sees as the fundamentally religious nature
of Indian society is the most likely source from which religious tolerance and harmony can be
constructed. Madan’s argument for the failure of secularism is based on three claims. First, that
secularism as a “shared credo of life is impossible” in the South Asian context; second, that
secularism is “impracticable as a basis for state action” and; third, that secularism is “impotent as
a blueprint for the foreseeable future.”183 Each of these interrelated arguments bears further
explication.

The reason for secularism’s impossibility as a “shared credo” of life, according to Madan,
is the fundamentally religious nature of Indian society and culture, best represented in the fact
that the majority of people in South Asia are “in their own eyes active adherents of some
religious faith.”184 More crucial to Madan’s argument is that this plurality of South Asians who
consider themselves ‘religious’ includes both the ‘majority’ Hindu community and a number of
‘minority’ religious communities. Madan argues that secularism is, for the minority religious
communities, “a dream…that wishes to shape the majority in its own image, that wishes to

183 Bhargava, “What is Secularism For?” 522.
University Press, 1998), 298.
impose its will upon history but lacks the power to do so under a democratically organized polity.” On the other hand, for the majority Hindu community, secularism is “a vacuous word, a phantom concept, for such people do not know whether it is desirable to privatize religion, and if it is, how this may be done.”

Likewise, secularism is, for Madan “impracticable as a basis for state action.” Madan argues that secularism has actually facilitated the rise of religious extremism, quite the opposite of its stated goal of promoting equal respect for all religions. The reason behind this failure of secularism has been the concept’s (and the state’s) trivialization of religious differences. Still, while the state trivializes religious differences, it also, according to Madan, privileges the religious over the strictly secular (the ‘profane’) and in doing so, fails to create an environment where a “relation of equality” between the religious and the profane can actually exist.

Given these different understandings of secularism between the majority and minority communities, Madan suggests that Indian secularism is in fact a “social myth.” This social myth of secularism is powerful enough to cover the failure of both the majority and minority religious communities to separate religion and politics. It would also require everyone concerned: scholars, government, and religious leaders to “take both religion and secularism seriously.”

What does this mean for Madan? What it means is that, as with Ashis Nandy, one must turn towards all of India’s religious traditions in order to achieve what should be secularism’s greater goal, that of religious tolerance.

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185 Madan, “Secularism in Its Place”, 298.
186 Madan, “Secularism in Its Place”, 298
188 Rajeev Bhargava, The Promise of India’s Secular Democracy (New Delhi: Oxford University Press, 2010), 257.
It is through identifying and then implementing tolerance derived from India’s religious traditions, therefore, that Mandan argues that secularism can be modified to work effectively in the Indian context. Up until now, Madan believes, this has not occurred. This is in part due to his view that secularism is an “alien cultural ideology,” a “gift of Christianity” that has not achieved the expected headway in the South Asian context. This, of course, is a polemical misreading of history. Christianity is no more bound to secularism than is Hinduism or any other tradition. Notwithstanding its origins in a Christian cultural milieu—although one could certainly argue that an Enlightenment-inspired cultural milieu is a more appropriate wellspring—secularism is far from universally embraced by Christians and is particularly rejected by those Christians who see it as destroying the formerly religious fabric of their respective nations. Secularism’s failure to accomplish its goals, Madan therefore suggests, can be traced to a misplaced focus on this ‘alien’ ideology and not on forms of tolerance indigenous to the subcontinent. The “disavowal of religion within secularism” in favor of the “westernized” language of secularism which “denies” the place of religion in South Asian life has thus even made the Indian variant of secularism complicit in “the new forms of religious violence.”

Religious tolerance, then, can only be retrieved “outside of the bounds of secularism” as it has come to be understood and practiced in India. Madan’s view is, in this regard, strongly reminiscent of Gandhi’s understanding of religious tolerance, as will be discussed in detail in Chapter 4.

194 Cossman and Kapur, Secularism’s Last Sigh? 85.
IV. An Analysis of Indian Secularism in light of its crisis and the principle of demographic fear

It is my contention, that what is at issue in India’s so-called crisis of secularism is how the state can manage the promises it has made—(1) in terms of personal laws; (2) in terms of positive discrimination to its ‘scheduled’ people: the religious minorities, the scheduled castes and tribes, and quite possibly in the contemporary era, (3), India’s youth against the backdrop of the rise of Hindu nationalism and increasing anti-minority sentiment.

Secularism in India, I would argue, is concerned with the state much more profoundly than it is with religion or even freedom of religion. It is a product of and creation of the state—first in its origin in the Enlightenment and then its conceptual adoption in the independent Indian state. Religion, when juxtaposed against secularism in the context of the nation-state is reduced almost in its entirety to a matter of identity. This is especially true in the Indian context. While one could fairly argue that Indian culture, Hindu or otherwise, has been quite ‘tolerant’ from a theological/metaphysical perspective, although this too can be questioned\(^\text{195}\), the caste system has generally been fairly rigid in terms of ritual and social restrictions. The caste system was not tolerant of social difference in the way that Hinduism was more tolerant of differing religious worldviews. The caste system also provided an existing framework for creating and sustaining different communities. Upon the caste system, which was usually adopted by other religious communities—Muslims, Christians, and Sikhs—throughout India’s history, came the accretions of the British Raj. The microscopic and meticulous cataloguing of the subcontinent’s peoples by the British administration in their decennial censuses: of India’s castes, their religions, their tribes, their \textit{jatis} or sub-castes. Communities—and more importantly communal identities—

\(^{195}\) Smith. \textit{India as a Secular State}, 30.
began to crystallize and boundaries harden where they had previously been more fluid.196 Following the British colonial administration’s decision to judge India’s inhabitants by their “own laws”, the laws the Raj chose to see as representative—Brahmanical orthodoxy for lack of a better term197 and Muslim Shariah law—heightened and emphasized differences between communities even further.

As important as the ‘creation’ or at least the crystallization of these communities as religious or ethnic units, was the numerical value that was assigned to these units—either majority or minority. Majority and minority communities are important for the obvious impact such numbers can have on the functioning of government in a democratic polity. As Arjun Appadurai has argued, however, the categories of minority and majority also produce what he calls “the anxiety of incompleteness.”198 As we have noted already, groups such as the Arya Samaj were consumed with a demographic fear that Hindus would lose their numerical majority due to conversion and the allegedly more rapid natural increase of India’s Muslims and Christians. Appadurai explains this demographic fear in the following manner:

The tip over into ethnonationalism and even ethnocide in democratic polities has much to do with the strange inner reciprocity of the categories of ‘majority’ and ‘minority’ in liberal social thought, which produces what I call the anxiety of incompleteness. Numerical majorities can become predatory and ethnocidal with regard to small numbers precisely when some minorities (and their small numbers) remind these majorities of the small gap which lies between their condition as majorities and the horizon of the unsullied national whole, a pure and untainted national ethnos. The sense of incompleteness can drive majorities into paroxysms of violence against minorities.199

These denotations, minority and majority, are products of the modern nation state—they are to be found in the enumerating and classification of the censuses conducted by states, in

199 Appadurai. Fear of Small Numbers, 8.
policies which set a reserved number of assigned seats for minority units in a legislative body, or in systems of positive discrimination for employment or other benefits. While in India this began with the British colonial administration, it continued into the post-Independence period. The emerging Indian state had a large majority religious community and numerous, smaller religious communities with which it had to deal. The Indian notion of secularism was implemented by the state in order to balance majority and minority rights and to, hopefully, manage relationships with these communities and the state.

The Indian state, therefore, has been forced to use the tools, as well as the modern liberal philosophical underpinnings of the nation state, to manage minority and majority populations within a multi-religious environment. Secularism can also be seen, vis-à-vis Appadurai, as the state’s defense against the type of ‘brute’ Hindu ethnonationalism of which Cossman and Kapur warned should secularism be further eroded. Secularism, for now, I would argue, is the state’s best defense against the Sangh Parivar’s desire for a Hindu “national whole, a pure and untainted national ethnos.” While it does so with varying degrees of success, this protection of minority rights is a responsibility of the state, to be enforced by the power of the state. Recourse to some supposed well of interreligious harmony along the lines espoused by Madan and Nandy is, to put it mildly, both impractical and insufficient, not to mention risky.

The question, for this study, is where conversion from one religious community to another stands within the secular Indian state. In a secular state with constitutional protections for freedom of religion, why is conversion even the subject of debate, never mind laws enacted by state governments to manage it and ensure its legitimacy? Focusing on its context only within the framework of the secular state itself, conversion is a major issue because it changes religious

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200 Appadurai, Fear of Small Numbers, 8.
identity outside of the explicit consent of the state. Individuals make the decision to change identity. And, if a significant number of individuals convert, this also changes the numeric balance of recognized identities or even creates new ones. In doing so, conversion can alter which community has access and in what size and in what form to state resources. The crisis of secularism, then, also reflects the antipathy towards conversion in India. For opponents of conversion, secularism fails (or has failed) to manage interreligious relationships in such a way that they are maintained. By maintained, I mean equally treated in such a way that no individual desires to change religious affiliation. Now, obviously, this is somewhat theoretical, and does not take into account the manifold reasons motivating an individual to change religion. However, when propagation and conversion are seen as attacks or impositions on existing religious communities—as activities that threaten the religious freedom of others—the secular state can be seen to be failing in its duty to equally protect each religious community. The secular state has the power to define communities, to protect them in the context of majority vs. minority, and, to an extent, distribute state resources amongst them. The question becomes, then, is it the state’s responsibility to protect religious communities with the powers granted to it by the Indian Constitution by intervening in individual choice and regulating conversion?

If the answer to the question raised above is yes, and it is within the secular state’s mandate to manage conversion and protect India’s religious communities, what exactly are the proposed and enacted anti-conversion laws protecting against? How are they facilitating equal respect for all religions? This is where it becomes interesting as the machinery of the state, the rights and responsibilities in the Constitution come into play against theological and religious argumentation as well as various arguments ranging from traditional notions of ‘Hindu tolerance’ to sacred geography to the place or acceptance of proselytization in the history of the
subcontinent. Conversion—the question of it, the opposition to it, the proposals against it—hinge in many respects on notions of Indian secularism. This is not so much on the enforcement of Indian secularism, but upon its ideals: in particular, how the state manages and protects minority religious communities, vis-à-vis the Hindu majority. Must the state control and manage religious conversion to execute the ideal of secularism it has proposed? Can it get back to the ideal that secularism’s many proponents suggest has been lost? And is anti-conversion legislation—which is in fact very rarely enforced—the way in which to accomplish that goal?

The existence and discursive power of anti-conversion legislation could imply that secularism of the Indian variety is in crisis or—following the argumentation of Ashis Nandy and T.N. Madan—that it has failed. As noted above, Nandy has argued that Hindutva-inspired Hindu nationalism was a development that in part came about because of how Indian secularism has been envisioned and managed by the state. Yet, secularism, while imperfect, can only be said to have truly failed if the rise of an anti-secular ethnonationalism such as Hindutva had destroyed completely the secular ideal and secular machinery of the Indian state. Secularism may be imperfect and ethnonationalism is indeed a real concern in contemporary India. However, India is not a Hindu theocracy, the rise of Hindutva ideologies notwithstanding. India is still a democracy which attempts to implement, with varying degrees of success, a secular agenda. That India’s secular democracy is imperfect is no reason to abandon it to the forces of ethnonationalism, and which is precisely the ethnonationalist goal. With no other legitimate options on the table for attempting to achieve interreligious harmony, and the political power of the state behind it, Indian secularism remains to best option for maintaining any sort of religious peace.
Indian secularism does of course have its defenders in the academy. Zaheer Baber, for example, has argued that postcolonialism—and in particular the postcolonial take on Indian secularism by scholars such as Nandy—is in fact somewhat neocolonial in itself. Quoting Aijaz Ahmad, Baber writes:

Colonialism is now held responsible not only for its own cruelties but for ours too”…Contemporary Indians are apparently devoid of any agency."201

Examining Nandy’s critique of secularism, Baber argues that in Nandy’s emphases on the supposed tolerance—interrupted only occasionally by interreligious violence—of pre-colonial and pre-modern Indian communities, Nandy is positing a ‘Golden Age’ of Indian history. “The “values” of the past that are (supposedly) invoked to establish an inherent Hindu tolerance are never actually articulated.”202 Moreover, there is no articulation of how such values—whatever they might be—would actually work on the ground in the contemporary social, religious and political context of 21st century India.

Baber goes on to argue that secularism is still the best option for India—despite the drawbacks and the potential for its abuse outlined by its critics above. In the first place, Baber believes that, following Andre Beteille, “the test of an idea or an institution should be its capacity to meet our present needs…and not its provenance…geography can never be a decisive test for the social value of an idea or institution.”203

Baber’s issues with postcolonialism’s nativist critique of secularism raise other important questions. If critics can accept and integrate other apparatus of modernity such as law courts, self-determination, liberty and justice, why not secularism? These postcolonial critiques of

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202 Baber. Secualrism, Communalism and the Intellectuals, 42.
203 Baber, Secualrism, Communalism and the Intellectuals, 42.
secularism appear to rely on an essentialized understanding of India that, ironically, hearkens back to a British characterization of India as essentially religious and irrational.

Baber’s arguments can also be applied to the phenomenon of religious conversion in India. Conversion is often criticized as a process unique to the proselytizing religions of Christianity and Islam, as a construct utterly foreign to indigenous Indian religions prior to the incursions of the Mughals and the British. And while it may be that religious conversion—to Christianity, to Islam—obviously has great import to a large number of Indian citizens who profess those religions, the reality of its ‘foreign’ origin matters in an India whose majority community is Hindu. That it matters is reflected in critiques of religious conversion that suggest the adoption of Christianity or Islam creates dual loyalties and denationalizes converts.

Christianity’s foreign origins mattered to Gandhi and foreignness even mattered to chief constitutional architect and Dalit activist B.R. Ambedkar. Ambedkar, though he himself eventually converted to Buddhism, rather brusquely dismissed conversion from Hinduism to Christianity or Islam as options for himself and his followers on the grounds of denationalization.204

The idea that Hinduism is indigenous to India matters viscerally to a significant section of the Indian public. As subsequent chapters will demonstrate, questions of foreignness, in terms of both religion and religious conversion, are important presuppositions within the context of anti-conversion legislation. It is also crucial in understanding the context of religious tolerance in India. This brings us back to the so-called crisis of secularism. Is it indeed a crisis of secularism or simply a critique of secularism? Is the critique of secularism, though understandable, destroying the best measure of interreligious tolerance available to India as a nation-state?

204 Viswanathan, Outside the Fold, 234-235.
Likewise, is anti-conversion legislation a secular approach by the state for maintaining religious harmony? Is this legislation evidence of the failure of secularism to protect India’s minority religious communities? Or is anti-conversion legislation itself a critique of secularism, leveled by lower levels of government, at a federal government that it believes has failed to maintain equal protection of all religious communities? The remainder of this dissertation will address anti-conversion legislation in light of these important questions.
Chapter 3: The Constituent Assembly Debates and the Drafting of the Indian Constitution

I. Introduction

The first foray into the state management of religious conversion in post-Independence India can be found in the Constituent Assembly Debates, which preceded the patriation of the Indian Constitution. The Constituent Assembly was charged with drafting the constitution for an independent India and convened on 9 December 1946 in New Delhi. The Constituent Assembly would eventually consist of 296 members who had been indirectly elected to the body by India’s provincial legislatures following negotiations between leaders of the Indian Independence movement and the British Cabinet Mission. The Constituent Assembly was not a sovereign body until 15 August 1947 when India formally achieved independence from Britain. The Constituent Assembly’s inaugural meeting was attended by 210 members, which included 155 high-caste Hindus, 30 representatives from the Scheduled Castes, 5 members from the Scheduled Tribes, 5 Indian Christians, 5 Sikhs, 4 members from the Muslim community, 3 Anglo-Indians, and 3 Parsis. The Constituent Assembly would eventually count 80 Muslims as members, however at the inaugural meeting 76 Muslims boycotted at the behest of the Muslim League.205

From that date in December 1946 until the Assembly adopted the final draft of the Constitution on Nov 6, 1949, India’s religious and social communities, and her political parties, “thought out loud about what [Independent] India should look like.”206 These extensive and at times heated debates provide outstanding insight into “the founding of a postcolonial polity,” as

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does the Constitution itself. While the Constitution as patriated follows roughly a ‘Western’ constitutional model, it is also uniquely Indian in its original take on what it means to be a secular state, and in the principles designed to structure relations between India’s numerous religious, social and linguistic communities. I would argue that the Indian Constitution and the debates which preceded its enactment provide also a microcosm of the tensions underlying the many debates and struggles that India would face, and which India continues to face, in the decades since Independence: personal and religious law versus a uniform civil code, positive discrimination and certain reservations for minority social and religious groups, the relationship between the Hindu majority and the minority communities, freedom of religion, and the place of the state in Indian public life and culture.

Before moving into the debates on conversion in the Constituent Assembly, the unique nature of Indian secularism must first be recalled. India’s unique understanding of secularism has significant ramifications for understanding the antipathy towards conversion in India generally, as well as for contextualizing the conversion debates in the Constituent Assembly, and the language of the subsequent Freedom of Religion Acts. Rather than the theoretical separation of Church and State (or religion and politics) as in the American/French model of secularism, Indian secularism as it was postulated during the Independence movement, in the Constituent Assembly, and in the Constitution itself was based on the philosophy of sarva dharma sambhava, or “equality of all faiths.” This is an important distinction. Politics and religion are not separated per se in this model of secularism rather the theory was that “no religious group

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208 For a fairly exhaustive bibliography of the scholarship on secularism in India see Adnan Farooqui and Vasundhara Srinath “Annotated Bibliography” in Mushirul Hasan, ed. Will Secular India Survive? ed. (Gurgaon: imprintOne, 2004), 385-397.
would be able to dominate politics...even if it was in a majority.”\textsuperscript{210} It is also important to note that this Indian conception of secularism—as the equality of all faiths—follows closely Gandhi’s understanding of religious pluralism. Gandhi saw religious pluralism as predicated on the tolerance of other faiths: each religion was ‘equal’ and merely a different pathway to ultimate truth. It is worth noting that this understanding of religious tolerance and equality also informed Gandhi’s antipathy towards proselytization and religious conversion.\textsuperscript{211} Proselytization and conversion were antithetical to Gandhi’s understanding of different religions as merely different branches of the same tree. This understanding of secularism was a profound influence on the Constituent Assembly debates, and was a key argument against the inclusion of language that legitimated proselytization and conversion. I would also argue that this understanding of secularism further reified the importance of religion as community or as a mode of identity versus religion as subjective belief, in addition to making allegedly non-proselytizing religious communities such as the Hindus much more defensive and protective of their community and its position in society and in politics.

Importantly, the Constituent Assembly debates are a profound and telling microcosm of the debates and the rhetoric surrounding conversion from Hinduism to minority religious traditions in today’s India. Within these debates we see the same arguments against conversion \textit{per se}, and on whether and how religious conversion should be regulated by the state, as we see in contemporary debates on these subjects. Indeed, the same unresolved arguments and tensions are brought forward, on both sides of the debate, time and again. A close examination of the issues of the propagation of religion and conversion in the Constituent Assembly Debates, therefore, will enable us to identify and understand the established arguments for and against religious

\textsuperscript{210} Chandhoke, Neera. “Re-presenting the Secular Agenda for India, 57.
\textsuperscript{211} Harijan dated 30-1-1937. Quoted in The Rege Report, 40.
conversion in post-Independence India, how these arguments morphed into constitutional principles, and how these constitutional principles inform the legislation designed since Independence to regulate religious conversion.

II. Freedom of Religion as a Fundamental Right

The Right to Freedom of Religion is enshrined as a fundamental right in Article 25 of the Constitution of India, which reads:

(1) Subject to public order, morality, and health, and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law-
   (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
   (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

(3) Explanation I.- The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

(4) Explanation II.- In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.\(^{212}\)

For our purposes, clause (1) of Article 25 is of the greatest importance. This is the clause that states that rights of both Freedom of Religion and ‘propagation’ of religion are constitutionally guaranteed, although subject to the rather vague constraints of “public order, morality, and health.”\(^{213}\) Article 25 and its inclusion of the right to propagate religion would become one of the most hotly debated sections of the Indian Constitution during the constitutional drafting process.

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\(^{212}\) Article 25, Constitution of India (Updated up to the 94th Amendment Act), (New Delhi: Government of India, Ministry of Law and Justice), [http://lawmin.nic.in/coi/coiason29july08.pdf](http://lawmin.nic.in/coi/coiason29july08.pdf) I will hereafter cite any constitutional references as “*Constitution of India*” with the appropriate article, clause, and sub-clause.

\(^{213}\) *Constitution of India*, 25(1).
The Constituent Assembly’s first act was to set up an Advisory Committee headed by Sardar Vallabhbhai Patel, which in turn set up five sub-committees, including the Fundamental Rights Sub-Committee and the Minorities Sub-Committee. Both of these committees would address the issues of Freedom of Religion and of conversion and the propagation of religion.

The Fundamental Rights Sub-Committee was the first of the committees to examine the place of religion in the new Constitution and produced a number of draft articles, several of which directly addressed the issue of religious conversion. Of the numerous draft articles submitted to the Fundamental Rights Sub-Committee that addressed the subject of conversion, two stand out for their ability to frame the two poles of the conversion debate. In the first, K.M. Munshi, former Home Minister of Bombay, made three proposals regarding freedom of religion and conversion. First, that “freedom of conscience and the right freely to profess and practice religion” must be “subject to public order, morality, or health;” second, that minors under the age of eighteen should be forbidden from converting without parental consent and; third, that conversions achieved through coercion, undue influence or material inducement should be prohibited by law. In the second instance, in his draft articles, Dalit leader and chief constitutional architect B.R. Ambedkar argued that “The State shall guarantee to every Citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.” These proposals clearly outline the poles of the conversion debate both within the proceedings of the Constituent Assembly and in the debate as it has subsequently developed. Munshi’s proposals focused on the

215 Neufeldt, “To Convert or Not to Convert,” 383.
216 Memorandum on the Safeguards for the Scheduled Castes. Submitted to the Constituent Assembly on behalf of the All India Scheduled Castes Federation, 1947. Article II; Section I Clause 14. [http://www.ambedkar.org/ambcd/10A.%20Statesand%20Minorities%20Preface.htm#inter]
individual’s right *not to be converted* while Ambedkar’s understanding of conversion stressed the right to preach one’s religion or to convert to another as an *individual right* for every citizen.²¹⁷

### III. Different Conceptions of Religious Belief in the Constituent Assembly

The opposing and yet connected views of Munshi and Ambedkar, outlined even before the more extensive debates on conversion and the propagation of religion later on in the Constituent Assembly Debates, alert us to a pattern of argumentation that we will see time and time again, not only in the Constituent Assembly Debates but in the language of the Freedom of Religion Acts, the Supreme Court rulings on conversion and in anti-conversion rhetoric generally. Language of the sort used by Munshi—that conversion brought about by coercion or inducement should be illegal and that minors should require parental consent, were not just precursors but in many cases identical to the language of the various state Freedom of Religion Acts. Ambedkar’s arguments that religion is a matter of individual choice, in particular the choice to change religious affiliation if that is what the individual desires, implies that the individual chooses to convert, that she is not converted by another individual or group. Munshi’s argument, which is by far the most common Hindu response to conversion, and certainly the primary *Hinduva* response, as we shall see, is that one is converted and that the convert’s individual choice to be the religion he has always been is being taken away by the related acts of proselytization and conversion.

What the arguments of Munshi and Ambedkar also alert us to, is that notwithstanding the issue of religious identity and its important place in both the Constituent Assembly Debates and the Freedom of Religion Acts, conversion can also be viewed as a clash between different

²¹⁷ Kim, *In Search of Identity*, 43.
conceptions of religious belief. Using the Gandhian understanding of religious truth, of different religions as merely different paths to an ultimate and singular truth, conversion becomes, essentially, an act of, or at least rupture, against this type of understanding. Conversion *per se* is the issue and for proponents of this conception of conversion, the state, therefore, has the obligation to either closely manage it, or to ban it outright. I would also supplement this line of reasoning by arguing that conversion can be perceived as an act of violence on religious identity. If religions are equal and merely different expressions of ultimate reality, and if religious identity becomes a greater and greater issue in India as time moves forward, conversion can be seen as an act which destabilizes the ground upon which religious identity and therefore community relationships stand.

Returning to the debates themselves, the Sub-Committee on Fundamental Rights approved a modified version of K.M. Munshi’s draft articles on 26 March 1947. After further discussion and drafting, the Fundamental Rights Sub-Committee settled on the following articles concerning Freedom of Religion and conversion. “All persons are entitled to freedom of conscience and profession of religion subject to public morality, order morality and health” (Article 16); “that no person under the age of 18 shall be made to join or profess any religion other than the one into which he was born” (Article 21) and; “that conversion from one religion to another brought about by coercion or undue influence shall not be recognized by law...and shall be an offence (Article 22)”. The final report of the Sub-Committee on Fundamental Rights was submitted to the Advisory Committee on 16 April 1947.

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218 *In Search of Identity*, 152-153.
220 Kim, *In Search of Identity*, 43-44.
After the Sub-Committee on Fundamental Rights submitted its report to the Advisory Committee, the Sub-Committee on Minorities studied the report and recommended a number of amendments. The Minorities Sub-Committee recommended that the right to propagate religion be included, that minors be allowed to convert if their parents convert, and that conversions should only be recognized if confirmed by a magistrate.²²¹ It was then the Advisory Committee’s task to examine the draft and the amendments before submitting the articles to the full body of the Constituent Assembly for further debate. Unsurprisingly, there was considerable, and at times heated, debate over these articles and amendments within the Advisory Committee, most of which surrounded the meaning of the term propagation.

IV. Superfluous or Pernicious?

Ronald Neufeldt’s analysis of the Advisory Committee’s debate over propagation suggests that arguments over the term were divided between those members who saw propagation as either “superfluous or pernicious.” Advocates of superfluity argued that propagation was an issue of freedom of expression and had therefore already been dealt with. Several Christian members of the Advisory Committee were adamant that propagation be included as a fundamental religious right and not left to legislation, fearing that legislation may lead to more severe controls on conversion. Meanwhile, those who saw propagation as pernicious saw the inclusion of propagation as divisive.²²² K.M. Munshi, for example, argued that the term propagation could allow for forced conversions, while others argued that it was biased towards the traditionally proselytizing missions of Christianity and Islam.²²³

²²¹ Neufeldt, “To Convert or Not to Convert,” 384.
²²² Neufeldt, “To Convert or Not to Convert,” 384.
²²³ Kim, In Search or Identity, 45, 46.
Following the debates in the Advisory Committee meetings and the study of the amendments suggested by the Sub-Committee on Minorities, the Advisory Committee amended the existing three articles drafted by the Sub-Committee on Fundamental Rights before submitting a draft to the Constituent Assembly proper. The interim report submitted to the Constituent Assembly on 23 April 1947 had edited the three original articles down to two which now read:

(Article 13) All persons are equally entitled to freedom of conscience, and the right to freely profess, practise and propagate religion subject to public order, morality or health, and to the other provisions of this chapter.

(Article 17) Conversion from one religion to another brought about by coercion or undue influence shall not be recognized by law.224

Propagation, despite the considerable debate surrounding it in the Advisory Committee had been included as a fundamental right, prohibition of conversion by inducement or coercion had been left in, and there was no longer any mention of prohibiting minors from converting. These articles were not set in stone, however. The full membership of the Constituent Assembly would be free to put forward amendments to the Fundamental Rights articles, and it was in the full Constituent Assembly that the final draft of the Constitution would be established. Concern over both of the articles submitted by the Advisory Committee to the Constituent Assembly was maintained by both Hindu and minority community members of the Assembly and it was in the debates of the full Constituent Assembly that we see the most profound expression of concerns over conversion and the propagation of religion in Independent India.225

The proposed clauses on Fundamental Rights were introduced in the Constituent Assembly on 1 May 1947. Clause 13, which included the contested term ‘propagate,’ was

224 Kim, In Search of Identity, 46.
225 Chaube, Constituent Assembly of India: Springboard of Revolution, 145-146.
accepted by the Assembly without amendment. Advisory Committee Chairman S.V. Patel congratulated the Assembly on the passage of the clause:

I congratulate the House on agreeing to pass this very controversial matter which has taken several days in the Committees and gone through several Committees. There might be differences of opinion, but on the whole we have tried our best to accommodate all sections of the people.\textsuperscript{226}

Clause 17 would prove to have a much more difficult passage through the Constituent Assembly than it did through committee.

Clause 17 was also introduced in the Constituent Assembly on 1 May 1947. K.M. Munshi, who had drafted the initial wording of the articles in the Sub-Committee on Fundamental Rights, moved an amendment that would add the word ‘fraud’ to the article, as well as restore the previously dropped language prohibiting the conversion of minors. Munshi argued that:

\begin{quote}
the idea behind this proposal is that very often, if there are conversions by fraud or undue influence or during minority, certain changes in the legal status take place, certain rights are lost. This will have only this effect that the rights will remain exactly the same as at the moment a person was converted by fraud or coercion or undue influence and in the case of a minor at the moment of conversion.\textsuperscript{227}
\end{quote}

F.R. Anthony, a Christian from Bengal, accepted Munshi’s amendment to Clause 17 in principle, but proposed his own amendment that minors under the age of 18 should be allowed to convert if “the parents or surviving parents have been converted and the child does not choose to adhere to its original faith”.\textsuperscript{228} Anthony went on to argue that if minors were prevented from converting even if their parents had done so, it would be tantamount to placing an “absolute embargo” on all conversions:

\begin{quote}
Not a single adult who is a parent, however deeply he may feel, however deeply he may be convinced, will ever adopt Christianity, because, by this clause you will be cutting off that parent from his children. By this clause you will say, although the parents may be converted to Christianity, the children shall not be brought up by these parents in the faith of the parents. You
\end{quote}

\textsuperscript{226} CAD Volume III Part IV: http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
\textsuperscript{227} CAD Volume III Part IV: http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
\textsuperscript{228} CAD Volume III Part IV: http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
will be cutting at the root of family life. I say it is contrary to the ordinary concepts of natural law and justice. You may have your prejudices against conversion; you may have your prejudices against propagation. But once having allowed it, I plead with you not to cut at the root of family life. This is a right which is conceded in every part of the world, the right of parents to bring up their children in the faith that the parents want them to pursue. You have your safeguards. You have provided that conversion by undue influence, conversion by fraud, conversion by coercion shall not be recognised by law.\textsuperscript{229}

Several other Christian members of the Constituent Assembly put forward arguments against Munshi’s amendment to Article 17. One of the more interesting arguments was put forth by the Reverend J.J.M. Nichols-Roy from Assam, who suggested that precluding minors from conversion, regardless of whether or not their parents had converted, ignored the spiritual dimension of religious conversion. After noting that he had himself converted at the age of 15, Nichols-Roy asked the assembly:

Why should a youth who has such a call of God be prevented by law from changing his religion and calling himself by another name when he feels before God that he is influenced by the Spirit of God to do that and is ready even to sacrifice his life for that? This part of the amendment about minors is absolutely wrong when we consider it from the spiritual standpoint. From the standpoint of conscience I consider that it is altogether wrong not to allow a youth from the age of twelve to eighteen to exercise his own conscience before God. It will oppress the consciences of the youths who want to exercise their religious faiths before God.\textsuperscript{230}

Nichols-Roy and F.R. Anthony, therefore, put forward the two standard arguments by Christian Constituent Assembly members against Munshi’s amendment to prohibit the conversion of minors: that parents should have the right to raise their children in the religion of their choice (even if they have converted), and that one should not, indeed, could not ignore the spiritual dimension of religious conversion, even if the potential convert was below the age of majority.

\textbf{V. Contra Conversion}

On the other side of the debate were numerous arguments in support of Munshi’s amendment to Article 17. Purushottamadas Tandon of Uttar Pradesh argued that “Congressmen

\textsuperscript{229} CAD Volume III Part IV http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
\textsuperscript{230} CAD Volume III Part IV http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
deem[ed] it improper to convert from one religion to another” and that they have accepted the possibility of conversion “only at the request of some persons, whom we want to keep with us in our national endeavour.”

Tandon went on to argue quite forcefully that while the “three words [of Munshi’s amendment] 'coercion', 'fraud,' and 'undue influence' are included as provisos and are meant to cover the cases of adult converts, these words are not applicable to converts of immature age. Their conversion is coercion and undue influence under all circumstances.”

Noting as an example that a minor would be forbidden by law to sell property, why, Tandon argued, would one think that a minor would have the maturity and mental capacity to change religious affiliation? Tandon also saw no real problem with a minor having to wait until the age of 18 to change religion, even if that child’s parents had converted to another faith.

Another interesting argument in favour of Munshi’s amendment to Article 17 was put forward by P.R. Thakur, a Bengali, and member of the Scheduled Castes. Thakur noted that:

This clause of the Fundamental Rights is very important from the standpoint of my community. You know well, Sir that the victims of these religious conversions are ordinarily from the Depressed Classes. The preachers of other religions approach these classes of people, take advantage of their ignorance, extend all sorts of temptations and ultimately convert them. I want to know from Mr. Munshi whether "fraud" covers all these things. If it does not cover, I should ask Mr. Munshi to re-draft this clause so that fraud of this nature might not be practised on these depressed classes. I should certainly call these "fraud".

Thakur’s claim is instructive on a number of accounts. First, it recounts a standard argument against conversion, particularly conversion of the lower castes, namely that these groups are taken advantage of and either coerced into converting or induced into converting, usually by the promise of some form of material gain. This argument was far from new. It was used by Gandhi, particularly during the mass movements, and by numerous other Hindu leaders following the Communal Award introduced by Ramsay MacDonald in 1932. However, one rarely heard this

231 CAD Volume III Part IV http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
232 CAD Volume III Part IV http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
233 CAD Volume III Part IV http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
argument from a member of the Scheduled Castes. Moreover, this, as we shall see in subsequent
chapters, remained a standard argument against conversion both of the so-called ‘weaker
sections of society’, and of conversion in general, particularly in the state Freedom of Religion
legislation. As a standard argument against conversion by caste Hindus it would be possible to
dismiss the argument as upper-caste paternalism—that uneducated and unsophisticated members
of the Scheduled Castes and Tribes are in no position to ‘rationally’ change religious affiliation.
Given the source of the argument, however and the implicit definition of the Scheduled Castes as
Hindus at risk from conversion which it contains, both the motivation for and substance of the
argument becomes considerably more complex.

Thakur and Tandon’s fears of exploitation, either of minors or the Depressed Classes,
were echoed by other members of the Constituent Assembly. Algu Rai Shastri argued that the
protection of minors signified in Article 17 was to protect children from parents, who converted
“out of their greed,” 234 while Jagat Narait Lal was angry that the minority members of the
Assembly would argue against any amendment to Article 17, given the passage of Article 13: “I
was expecting that after the acceptance of clause 13, no representative of any minority in this
House will have any ground for any objection.” Lal went on to argue that:

This House has gone to the farthest limit possible with regard to the minorities, knowing well the
fact that there are a few minorities in this country whose right to carry on propaganda extends to
the point of creating various difficulties. I do not want to go into its details. The previous speaker
had referred to certain things in this connection. I submit that that should be sufficient.
Honourable Tandonji by his observation that on reading the mind of most of the Congress
members of this House he did not want to keep "right to do propaganda" (on the statute), has
rightly interpreted the mind of most of us. The fact is that we desire to make the minorities feel
that the rights which they had been enjoying till now shall be allowed to continue within
reasonable limits by the majority. We have no desire to curtail them in any way. But we do not
concede the right to do propaganda. I want to appeal to those who profess to speak for the
minorities not to press for too much. They must be satisfied with this much. It will be too much to
press for more. That would be taking undue advantage of the generosity of the majority. That will
be very regrettable. It is difficult, rather impossible, for us to go to that limit. I think that the

234 CAD Volume III Part IV: http://parliamentofindia.nic.in/ls/debates/vol3p4.htm
amendment tabled by Mr. Munshi becomes essential if the right to propagate is conceded. The House should, therefore, accept it.\textsuperscript{235}

From these examples documenting arguments in favour of K.M Munshi’s amendment to Article 17, we are again able to see the standard arguments against conversion—both in the Constituent Assembly and as they will continue to develop in the post-Independence period. The conversion of minors and members of the Scheduled Castes and Tribes posed two problems. First, conversion raised a number of issues in terms of the Indian civil and personal law framework. How would one be classified \textit{by the state} after conversion? What would it mean in terms of reservations, positive discrimination, or other means instituted by the state to, for lack of better terms, maintain equality and order and manage society? Second, both minors and the Depressed Classes were seen as either unfit or incapable of the ability to \textit{independently} choose to change religious affiliation, which made them, in the context of this argument, particularly susceptible to conversion through fraudulent or coercive means. These examples also show the beginnings of language used to describe the allowance of conversion and propagation of religion as examples of the ‘tolerance’ of the majority community, with the idea that if these activities were to be allowed to continue, they needed provisions to prevent them from being judged as actions \textit{against} the majority community. Rhetoric of this type, as we shall see, also became standard in anti-conversion discourse.

Articles 13 and 17’s initial passage through the Constituent Assembly gave rise to so many amendments and objections to amendments that the final language of the articles could not be established. So, after the question of conversion had been considered in three committees and the Constituent Assembly proper, the membership had been unable to come to any solid conclusion of the place and meaning of propagation and conversion in Independent India. The

\textsuperscript{235} CAD Volume III Part IV \url{http://parliamentofindia.nic.in/ls/debates/vol3p4.htm}
Assembly therefore made the decision to refer the clauses back to the Advisory Committee for further consideration, with the Assembly to re-examine the issue in August 1947.\textsuperscript{236}

The Advisory Committee had completed its review of the Interim Report of the Subcommittee on Fundamental Rights by August 1947 and Clause 17, which had been referred back to them, was once again put before the Constituent Assembly on 30 August 1947. In this supplementary report, the Advisory Committee had elected to maintain Clause 17 as it had been initially written: “conversion from one religion to another brought about by coercion or undue influence shall not be recognized by law.”\textsuperscript{237} All of the amendments proposed in its first trip through the Constituent Assembly, including the contentious amendments regarding the conversion of minors had been ignored. The unchanged language of the draft article was seen as a mixed blessing by Christian members of the Assembly as well as the Indian Christian community in general. In the months leading up to the resubmission of the Advisory Committee’s report there had been a great deal of discussion in Christian circles about the possible ramifications of Article 17, and while it was a relief that minors would now be, ostensibly, allowed to change religious affiliation, Christians were concerned that the term “undue influence” was ambiguous and could lead to all conversions being seen as brought about through this type of influence.\textsuperscript{238}

In an unexpected turn, Advisory Committee Chairman S.V. Patel announced that in addition to rejecting the amendments to Article 17, the Advisory Committee had decided to move that Clause 17 be eliminated as a fundamental right entirely:

The Committee discussed this and there were several other suggestions made by the House and the clause was referred back to the Committee. After further consideration of this clause, which

\textsuperscript{236} CAD Volume III Part IV \url{http://parliamentofindia.nic.in/ls/debates/vol3p4.htm}
\textsuperscript{237} CAD Volume V Part II \url{http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm}
\textsuperscript{238} Kim, \textit{In Search of Identity}, 48-49.
enunciates an obvious principle, the Committee came to the conclusion that it is not necessary to include this as a fundamental right. It is illegal under the present law and it can be illegal at any time.  

This argument, presented as it was in the midst of some of Partition’s worst violence, failed to generate the same heat as it had during its first trip through the Assembly, however there were two strong arguments put forward by Hindu members of the Assembly to keep the clause as written. The first came from M. Ananthasayanam Ayyangar of Madras. He suggested that a secular country would prohibit conversion entirely, particularly in the Indian context where conversion could possibly be used for increasing the number of seats in the legislature:

> It is unfortunate that religion is being utilised not for the purpose of saving one's soul but for disintegrating society... What has religion to do with a secular State? Our minorities are communal minorities for which we have made provision. Do you want an opportunity to be given for numbers to be increased for the purpose of getting more seats in the Legislatures? That is what is happening. All people have come to the same opinion that there should be a secular State here; so we should not allow conversion from one community to another... This may be an out-of-the-way suggestion but I would appeal to this House to realize the dangerous consequences otherwise. Later on it may attain enormous propositions.

Ayyangar’s argument was far from an irrelevance; indeed it was a very prescient insight into how electoral politics would develop in post-Independence India. In his commentary, Ayyangar is undoubtedly speaking of religious-based electorates—the communal awards for Muslims, Sikhs and Christians provided in the Government of India Acts. And while separate electorates based on either religion or caste were not implemented in the Constitution, after Independence “the changing power relations in [Indian] society were processed politically through elections.”

By the 1960s, India’s lower caste and tribal communities were granted certain reservations in terms of education and for jobs in the civil service, and from the opportunities provided by this positive discrimination, there emerged thereafter an educated and

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239 CAD Volume V Part II [http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm](http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm)

240 CAD Volume V Part II [http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm](http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm)

more ‘modern’ political leadership which helped various backward caste communities to recognize their numerical strength and that it could be used to achieve much greater influence in the political process.\textsuperscript{242} So, while Ayyangar suggested a secular state rendered religiously-based electorates unnecessary, the provisions that had been made in the Constitution and subsequently for differently defined minorities still changed the social dynamic of Indian politics. National political parties like the Congress, and subsequently the caste Hindu dominated BJP, had to now negotiate directly with the social-political groups of the lower castes for support. Demographics became as important in the context of low-caste political mobilization as it had been in separate electorates based on religious identity.

Conversion, is still of utmost importance in this case. The social groups granted reservations under India’s system of positive discrimination—the scheduled castes and tribes—are defined bureaucratically as Hindus. Conversion to Christianity or Islam, in the case of the scheduled castes, though not the scheduled tribes, makes access to these reservations impossible. Perhaps more importantly conversion, at least theoretically, may make it more unlikely for the scheduled castes to support the national political parties. In the case of the BJP, which has had some difficulty mobilizing support from the lower castes to begin with, conversion can be seen to further complicate the negotiations between them and lower-caste political groups, which is required for electoral success.\textsuperscript{243}

The second primary argument against keeping clause 17 was made by R.V. Dhulekar. Dhulekar’s argument against the removal of Clause 17 hinged on the idea that conversions were destabilizing and anti-national in character:

There is ample proof, both within this House and outside that many who live in this country are not prepared to be the citizens of this country. Those who have caused the division of our land desire that India may be further divided. Therefore in view of the present circumstances I think that this clause should be retained. It is necessary that full attention should be paid to this...I submit that we cannot now tolerate things of this nature- We are being attacked, and we do not want that India's population, the numerical strength of the Hindus and other communities should gradually diminish, and after ten years the other people may again say that we constitute a separate nation. These separatist tendencies should be crushed.  

Both of these arguments are worth noting as they, too, become standard arguments against conversion in the post-Independence period. These arguments also reflect ‘demographic fear’, meaning the belief that conversions would reduce the numerical majority of Hindus, thus altering the demographic composition of the country and destabilizing the Indian polity. In the case of Dhulekar, it is also worth noting that conversion is associated strongly with anti-colonial sentiment. Two additional fears are at work here: first, that conversion could lead to agitations for autonomy and that India may consequently be further partitioned (as it had been at the behest of the British) along religious lines; second, that conversion, especially to Christianity, was still a colonial act supported by the British and other foreign players in India, and dangerously destabilizing to the fledgling Indian state. Conversion and proselytization’s association with colonialism was a potent consideration: it runs through the Freedom of Religion Acts, and it remains so today.

In spite of these strong arguments put forward by Dhulekar and Ayyangar, the Constituent Assembly agreed with Patel that Clause 17 was superfluous and therefore unnecessary as a Fundamental Right. The motion to remove Clause 17 passed easily. While conversion was dropped from the Fundamental Rights section of the draft constitution, there would be even more questions about and arguments against conversion in the Constituent Assembly when the term propagation was debated. We now turn to that discussion.

244 CAD Volume V Part II [http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm](http://parliamentofindia.nic.in/ls/debates/vol5p11b.htm)
245 Kim, *In Search of Identity*, 148-150.
VI. Propagation of Religion

The first draft of the Indian Constitution, based on the work of the committees and the initial debates in the Constituent Assembly was compiled by the Constituent Advisor, B.N. Rau, and given to the Drafting Committee on 27 October 1947. The Drafting Committee, which was chaired by B.R. Ambedkar, then went through the draft constitution clause by clause, submitting a reworked draft to the President of the Constituent Assembly on 21 February 1948. The draft constitution prepared by the Drafting Committee was published and publicly available for comment throughout 1948, after which the Constituent Assembly would entertain any additional debate and amendments prior to adopting the language as set out in the draft. In terms of propagation, the relevant article of the draft constitution was Article 19 which reads:

Article 19 (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience, and the right freely to profess, practise and propagate religion.

The Constituent Assembly took up Article 19 for debate beginning 3 December 1948. Once again, the term ‘propagation’ was the subject of considerable discussion. With reference to conversion removed prior to the writing of the draft article, the term propagation became both the rhetorical conduit to a discussion of conversion and the term upon which resistance to the article would stand or fall. Arguments against the inclusion of propagation at this point continued to follow the pattern of either “pernicious or superfluous” identified by Ronald Neufeldt in the work of the Advisory Committee. For some members of the Constituent Assembly, propagation was seen as superfluous (and a nuisance) in a secular state that was to recognize all religions as equal. Tajamul Hussain argued against propagation in this vein:

246 Neufeldt, “To Convert or Not to Convert,” 386.
247 Kim, In Search of Identity, 51-52.
248 Kim, In Search of Identity, 51-52.
Supposing I honestly believe that I will attain salvation according to my way of thinking, and according to my religion, and you, Sir, honestly believe that you will attain salvation according to your way, then why should I ask you to attain salvation according to my way, or why should you ask me to attain salvation according to your way? As I said, religion is between oneself and his God...Do not demonstrate it for the sake of propagating...If you start propagating you will become a nuisance to others. So far it has been a nuisance.249

More striking were the ‘pernicious’ arguments against propagation that accused those who propagated their religion as agents attempting to undermine Hindu religion and culture. This line of argumentation was put most forcefully by Lokanath Misra, whose extensive commentary on Article 19 in the Constituent Assembly also included a telling conflation of India’s proposed constitutional secularism and the place of Hindu religion in the nation:

Article 19 is a Charter for Hindu enslavement. I do really feel that this is the most disgraceful Article, the blackest part of the Draft Constitution. I beg to submit that I have considered and studied all the constitutional precedents and have not found anywhere any mention of the word ‘propaganda’ as a Fundamental Right, relating to religion... Justice demands that the ancient faith and culture of the land should be given a fair deal, if not restored to its legitimate place after a thousand years of repression.250

Misra then went on to argue that Hinduism was inherently tolerant and secular, highlighting what he saw as the inherent differences between a religion like Hinduism and a proselytizing tradition such as Christianity or Islam:

To my mood Vedic culture excludes nothing. Every philosophy and culture has its place but now the cry of religion is a dangerous cry. It denominates, it divides and encamps people to warring ways. In the present context what can this word ‘propagation’ in Article 19 mean? It can only mean paving the way for the complete annihilation of Hindu culture, the Hindu way of life and manners...Hinduism is just an integrated vision and a philosophy of life and cosmos... But Hindu generosity has been misused and politics has overrun Hindu culture.251

While it would be a generalization to ascribe Misra’s views to the greater ‘Hindu’ community, Misra’s arguments are telling in how closely they follow the ideology and rhetoric of the more militant vein of Hindu nationalism (Hindutva) that would develop in the years following Partition, and especially the rhetoric of the past two decades. Like Misra’s contentions,

249 CAD VII Part 19 http://parliamentofindia.nic.in/ls/debates/vol7p19.htm
250 CAD VII Part 19 http://parliamentofindia.nic.in/ls/debates/vol7p19.htm
the rhetoric providing ideological structure for the Sangh Parivar saw Partition as a consequence not only of British colonialism, but of the conversion and propagation activities carried out by Christians and Muslims during India’s “1000 years of suppression.”

As these past two passages voiced by Misra demonstrate, Hinduism as a culture and as a religious tradition was itself considered to be not only tolerant but also secular by many Hindus. Given this allegedly inherent theological and metaphysical generosity, as well as Misra’s equation of ‘propagation’ with ‘propaganda,’ the purpose of the Constitution in protecting religious freedom, then, became a question of which form of secularism was going to win the day—the Nehruvian-style separation of Church and State (religion is a private and strictly individual matter), or Gandhian-style secularism in which all religious traditions were to be considered equal (religion is a public matter which must be respected, and the respect of which must be safeguarded by the State), ‘subject to public, order, health, and morality.’

Despite these pointed criticisms of granting the right to propagate as a fundamental right in the Constitution, Article 19 was accepted by the Constituent Assembly as it had been drafted. A reworked draft of the entire constitution was submitted to the President of the Constituent Assembly on 3 November 1949. In the new draft, the language regarding the right to “freely profess, practise and propagate religion subject to public order, morality, and health” was maintained exactly as it had been in Article 19 in the initial draft constitution. The only minor change was that Article 19 was now numbered Article 25 and this article was approved and adopted by the Constituent Assembly on 26 November 1949.

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252 CAD VII Part 20 http://parliamentofindia.nic.in/ls/debates/vol7p20a.htm
253 Neufeldt, “To Convert or Not to Convert,” 320.
254 Kim, In Search of Identity, 54.
Even after what seemed like the relatively easy passage of Article 25 following some strong and emotional arguments against the inclusion of propagation, there remained an undercurrent of Hindu opposition to propagation, and by extension, to conversion. T.T. Krishnamachari and K.M. Munshi had been key figures in enunciating the arguments for propagation in such a way that the opposing members of the Assembly were able to accept them. First, Krishnamachari noted that Hindus were already engaged in the act of religious propagation, so the issue should not be propagation itself but the definition and management of the activity:

> It is perfectly open to the Hindus and the Arya Samajists to carry on their Shuddhi propaganda as it is open to the Christians, the Muslims, the Jains, and the Buddhists, and to every other religionist, so long as he does subject to public order, morality, and the other conditions that have to be observed in my civilized government.\(^{255}\)

Second, Munshi, who endorsed Krishnamachari’s argument in favour of propagation, suggested that propagation was not only part of Christianity, but of all religions.

> It was on this word that the Indian Christian community laid the greatest emphasis, not because they want to convert people aggressively, but because the word ‘propagate’ was a fundamental part of their tenet...So long as religion is religion, conversion by exercise of the conscience has to be recognized.”\(^{256}\)

Here again the issue is the *type* of propagation, and therefore the ‘type’ of conversion. Non-aggressive, reasonable propagation and ‘real’ spiritual conversions were acceptable in the case of all religions to most members of the Assembly. However, implicit in the argument that Hindu groups were likewise engaging in propagation and conversion activities was the idea that if Hindus were engaging in these activities they were somehow less political—because what is certainly clear from the Constituent Assembly Debates and from the pointed anti-conversion rhetoric that would emerge less than a decade after the Constitution’s patriation with the publication of the *Niyogi* and *Rege Reports* into missionary activity at the state level (discussed

\(^{255}\) CAD VII Part 20 [http://parliamentofindia.nic.in/ls/debates/vol7p20a.htm](http://parliamentofindia.nic.in/ls/debates/vol7p20a.htm)

\(^{256}\) CAD VII Part 20 [http://parliamentofindia.nic.in/ls/debates/vol7p20a.htm](http://parliamentofindia.nic.in/ls/debates/vol7p20a.htm)
in Chapter 4), is that Hindus and the minorities did not see conversion and propagation in the same way—religiously or otherwise. Moreover, the state did not and frankly could not, establish what entailed a real or at the very least acceptable conversion. How was anyone to prove conversion by exercise of the conscience?

VII. Why was propagation eventually enshrined in the Constitution?

In spite of all of the debate and all of the rhetoric, the right to more or less freely propagate religion was enshrined in the Indian Constitution. Why? Sebastian Kim has argued that:

It is necessary to probe further into why they [the Hindu members of the Constituent Assembly] were willing to concede the right of conversion to the Christian minority. This cannot be fully explained as a result of the convincing arguments of Christians, or as an outcome of the Christian campaign for religious freedom since there is no evidence of a long-term change in the Hindu attitude towards conversion.257

While Kim is perhaps going too far in his argument that Hindu members of the Constituent Assembly “concede[d] the right of conversion,” he is correct in stating that the convincing arguments of Christians alone could not possibly have led to the inclusion of propagation as a fundamental right—just as it would be impossible to argue that the statements made by members of the Assembly on the other side of the debate were unsuccessful in their attempt to remove propagation as a fundamental right. A number of factors led to the acceptance of propagation. To begin with, the inclusion of religious freedom (and by extension propagation) in the fundamental rights was as much about the communal rights of the religious minorities as it was with individual freedom of conscience. This was particularly true in the historical context in which the rights were being debated: the immediate aftermath of Partition’s extreme communal violence. The inclusion of propagation as a fundamental right within the context of Partition can be seen as

257 Kim, In Search of Identity, 54.
an attempt to re-establish communal harmony.\textsuperscript{258} I would also argue that a majority of Congress members of the Assembly—even if inherently, even naturally, suspicious of conversion—nevertheless were committed liberal secularists. These individuals strongly believed that a secular India could and eventually would overcome religious differences. Their commitment to religious equality, to a uniquely Indian secularism, made both propagation and conversion a lesser concern, and their dominant position in the Constituent Assembly ensured that greater communal harmony was of primary import.\textsuperscript{259}

While these historical and ideological contexts are important factors for understanding why propagation passed as relatively smoothly as it did, \textit{realpolitik} was also an important deciding factor. The Christian and other minority members of the Assembly and the Congress under the leadership (on this particular file) of S.V. Patel,\textsuperscript{260} made a compromise on the issue. Patel “quietly and privately” pressured the minorities to surrender on the contentious issue of separate electorates.\textsuperscript{261} Congress members were determined that the separate electorates which were such a crucial aspect of 1935’s Government of India Act would be eliminated from independent India’s Constitution. In the end, the Congressmen achieved their goal of avoiding separate electorates for religious communities. Separate electorates were, of course, maintained for the Scheduled Castes and Tribes. This goal of removing separate electorates for religious minorities was achieved with the assistance of those very minority communities. Overall, the minorities hoped to achieve a strong bargaining position with the Congress, and by extension

\textsuperscript{260} Rudolph and Rudolph, “Living with Difference in India: Legal Pluralism and Legal Universalism in Historical Context,” 48-49.
\textsuperscript{261} Rudolph and Rudolph, “Living with Difference in India: Legal Pluralism and Legal Universalism in Historical Context,” 47.
Hindu majority, by foregoing separate electorates. In particular, Christian members of the Assembly are believed to have agreed to the removal of separate electorates because Hindu members of the Assembly had agreed to safeguard propagation as a fundamental right in the Constitution. This was a calculated political compromise on both sides of the debate. Still, the arguments and strong feelings for and against propagation and conversion would remain as India’s independent political system matured.

**VIII. Conclusion**

For many Hindus, for many Indians even, conversion will always be a problematic issue. If the connotation is not always negative, conversion is almost always an issue of some confusion. The arguments for and against conversion—and particularly the arguments against—in the post-Independence context are laid out clearly in the Constituent Assembly Debates. And, as will be demonstrated in subsequent chapters, these arguments are put forward repeatedly by the Sangh Parivar as well as by various levels of the Indian state via anti-conversion legislation: conversion engenders anti-nationalist and/or separatist tendencies; conversion weakens community-based identities; conversion destabilizes minority/majority rights; conversion takes advantage of the so-called weaker sections of society; Hindu religion and culture are at risk because of conversion; conversion is rarely if ever a true change of heart. These arguments are remarkably consistent, and the proposed and enacted anti-conversion legislation put forward in later decades is emblematic of the concern and confusion engendered by conversion in Indian public culture.

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262 Sumit Sarkar. “Conversions and the Politics of Hindu Right” in *Economic and Political Weekly* 34 (26) (1999), 1692. Sarkar notes [in the wake of the murder of Graham Staines in 1998]: “What is worrying is the confusion the question of Christian conversions can still evoke, even among well-intentioned and progressive people. There are very few who would not condemn the Staines murder, yet this could be accompanied by something like a sotto voce 'but' about conversions.” This was also apparent, as we will see in opinion polling conducted after the Meenakshipuram conversion in Tamil Nadu in 1981. See also: Mujahid, *Conversion to Islam*, 96, 133fn.
It is also important to note here that in the Constituent Assembly Debates and the later Freedom of Religion Acts, conversion is most likely to be an issue when it involves the conversion of Hindus to Christianity. Conversion to Islam and conversion per se are unquestionably issues, but not to the extent that conversion from Hinduism to Christianity has been an issue in India. Sumit Sarkar has argued that this may merely be an issue of ideological pragmatism: legislation or rhetoric which strongly attacks or seeks to control such an ostensibly important tenet of certain denominations of Christianity would be met with considerably more resistance—political fallout, international censure, possibly even violence—if applied in the same fashion to India’s much more numerous Muslim population.\textsuperscript{263} While this is undoubtedly a contributing factor, Christianity’s association with colonialism, and in particular to a colonial power of much greater historical immediacy is, to my mind, of equal if not greater consequence. This is plainly seen in the context of the Constituent Assembly Debates. In subsequent years, this colonial connection remained, not only under the guise of nationalism, but in public discourse as well, with the Indian Left commonly viewing “Christianity and white missionaries as invariably agents of western imperialism and Indian Christians as always collaborating with colonial rule.”\textsuperscript{264}

Finally, conversion is also likely to be become an important political issue and/or a matter of communal strife at historical moments when either the political narratives of ‘imagined’ religious (or caste) communities conflict or when these communities clash over the political distribution of power and resources—particularly with regards to state programs of positive discrimination.\textsuperscript{265} During the Indian nationalist movement and the Constituent Assembly Debates.

\textsuperscript{263} Sarkar, “Conversions and the Politics of Hindu Right” 1692.
\textsuperscript{264} Sarkar, “Conversions and the Politics of Hindu Right” 1692-1693.
Debates, the issue was separate electorates. As the independent Indian polity matured and evolved, conversion controversies emerged as communities attempted to access (or maintain privileged access) to state programs of positive discrimination or to negotiate political coalitions (either official or unofficial) between traditional caste Hindu political structures and emergent low-caste and religious minority political mobilizations.

The debate in the Constituent Assembly over conversion and propagation represents a microcosm of the theoretical and rhetorical poles of the controversy over religious conversion. However, the ultimately unanimous decision of the Assembly to ratify Article 25 of the Indian Constitution, including its contentious provision for the fundamental right to propagate religion failed to bring any permanent closure to either the legal status or majority acceptance of either propagation or conversion. Just six years after the patriation of the Indian Constitution, the Indian government once again became an active participant in the debates over conversion with publication of two influential state-level enquiry reports into missionary activity. It is to these two reports that we now turn.
Chapter 4: The State Missionary Enquiry Reports

I. Historical Background to the State Missionary Enquiry Reports

In 1954, the state governments of Madhya Bharat and Madhya Pradesh both published highly critical and arguably polemical enquiry reports into missionary activities in their respective territories, reports that still remain influential in anti-conversion rhetoric fifty years later.266 As influential as the reports have been, particularly the Niyogi Report from the state of Madhya Pradesh, the recommendations made regarding missionary activity were not binding and the reports dealt, for the most part, with the widespread ideological antipathy towards conversion, doing so in language that raised and repeated the arguments against propagation and conversion found in the Constituent Assembly Debates. However, the reports went beyond the debates in creating and establishing what would become the standard underlying arguments for criticizing conversion from Hinduism to ‘non-indigenous’ religions, argumentation evident in each subsequent piece of anti-conversion legislation. Together, the enquiry reports and the Constituent Assembly Debates provide the rhetorical substructure for all anti-conversion legislation, both in the period 1967 to 1981, and in the years between 1998 and 2007.

Regardless of how long and how well (or how poorly) they had integrated into the cultural fabric of the subcontinent, Christians and Muslims have been associated with previous colonial powers and in the case of Islam, with the bifurcation of the nation at Partition. The

fragility of the new Indian nation, real or imagined, and the preservation of its geographic and political integrity, was of primary importance to the Congress government in the immediate post-Independence period. The importance of this integrity to the Congress government was complicated by a significant influx of foreign missionaries into India in the first five years after Independence, a fact that also raised concerns within the greater Hindu community. Consequently the Congress government felt obligated to act and in 1952, “an unprecedented number of applications for visas for new missionaries of recognized societies were refused.”

Not only did Hindu communal groups, such as the Hindu Mahasabha, protest the motives of this large influx of foreign missionaries, various levels of the Indian government also charged that missionaries were engaging in political activities and, in particular, encouraging the tribal peoples amongst whom they worked to agitate for their own nation(s). In 1955, India’s federal government established a new policy regarding the entry of foreign missionaries. New missionaries were to be denied entry unless they possessed “outstanding qualifications or specialized experience in their lines.” The purpose of the “outstanding qualifications” clause was, ostensibly, to ensure that qualified Indians were the first choice for employment. However this policy also had the secondary feature of regulating the number of religious workers entering the country, and, more interestingly, the national origin of Christian religious workers allowed in ‘politically sensitive’ areas of the subcontinent. Government policy at the Centre made it clear that missionaries were to be discouraged from working in tribal or border areas and that missionaries required governmental permission to open new “centres or institutions,” which

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267 Smith, India as a Secular State, 200.
268 Smith, India as a Secular State, 201-202.
269 Smith, India as a Secular State, 205.
270 Smith, India as a Secular State, 206.
would allow the government some control (or at least knowledge) over the quantity and source of the foreign capital coming into the country for missionary purposes.

One of the major issues facing the government was the demographic composition of states such as Madhya Pradesh and Madhya Bharat (now the states of Madhya Pradesh, Chhattisgarh and Jharkhand). These two states held significant populations of Other Backwards Castes (OBCs), Scheduled Castes (SCs), and Scheduled Tribes (STs). For example, in the 1931 census Madhya Pradesh had an upper caste population of only 13%, while OBCs held 41% of the population, SCs 14%, and STs 22%. Missionaries were indeed extremely active among tribal and low-caste populations, so the fear was that any extensive conversion of tribals or the lower-castes could alter the demographic composition of the states and, if this caused a change in voting behaviour, possibly limit the power of the Congress, both at the central and state levels. Limiting missionary activity in tribal areas, therefore, was seen as a legitimate political option for minimizing this perceived demographic and by extension political threat.

The decision of the Central Government to limit missionary activity in tribal and frontier areas, however, bears consideration beyond demographics, particularly the argument that tribal groups were agitating for their own state with the tacit participation of foreign missionaries. The Rege Report from the former state of Madhya Bharat, which will be analyzed in detail later in this chapter, clearly identifies these ‘missionary-inspired’ agitations as the campaign for an

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271 Christophe Jaffrelot. “The Sangh Parivar Between Sanskritization and Social Engineering” in T.B. Hansen and Christophe Jaffrelot, ed. The BJP and the Compulsions of Politics in India (Second Edition). (Delhi: Oxford University Press, 2001), 42-44. I will argue, as does Jaffrelot, that, at least proportionately, the 1931 census data provides a reasonable picture of Madhya Pradesh’s social composition—especially as it would have appeared in the immediate post-Independence period. Jaffrelot also provides the data for the former state of Madhya Bharat: Upper Caste: 19%; OBCs: 37%; SCs 17%; STs 13%
independent Naga homeland in the state of Assam, and the Jharkhand Movement in eastern India.  

In spite of the presence of Christian missionaries in the Jharkhand and Naga regions, the historical realities of those regions’ political agitations demonstrate that these were more properly explained as indigenous political movements, movements based primarily on tribal identity as opposed to movements based on religious identity, never mind an identity which would be considered particularly or predominantly Christian. While it is true that many Nagas and many Jharkhandis were indeed Christian, the assumption that Christian missionaries—and by extension the conversion of tribals to Christianity in these areas—were behind the agitations does not hold up to scrutiny. What these agitations and the responses to them do demonstrate, however, are the historical and political realities that can cause conversion to become a prominent issue for various levels of the Indian Government. Both the movement for an independent Nagaland and the Jharkhand movement were predominantly based on political issues—access to state resources and levels of regional autonomy—and not on religious identity. Various levels of the Indian government at that time, however, went back to religion and to the standard political arguments against conversion rather than confronting what the agitations were really all about, which was the initial post-Independence stirring of lower-caste and tribal political mobilization. While the Indian polities eventually confronted these mobilizations from below in mostly political terms, religion and in particular the ‘bogeyman’ of religious conversion seems to repeatedly play a rhetorical role in these confrontations. The rhetoric and, eventually, legislation, that grew out of the Jharkhand movement provides an excellent example of this phenomenon.

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II. The Jharkhand Movement

The Jharkhand Movement was a socio-cultural mobilization initiated in the 1920s when the tribals, or adivasis, in the Chhotanagpur region of central India began organizing politically and calling for their own state, to be called Jharkhand. The Chhotanagpur Unnati Samaj (CUS) was founded in 1921 and was the first Jharkhandi organization to demand a separate state, submitting their demand to the Simon Commission in 1928. The CUS was initially comprised only of Christian tribal students; however, it opened itself up to the inclusion of non-Christians and re-named itself the Adivasi Mahasabha under the leadership of Jaipal Singh in 1939.

Prior to Indian Independence, Jharkhandi identity—like many regional or ‘sub-national’ identities—was somewhat subsumed under the greater cause of the Independence movement. Once the departure of the British was imminent, however, these “sub-national imagined political communities began to assert themselves in order to give concrete expression to their political aspirations.” As real political power shifted to the Congress party, sub-national groups like the Adivasi Mahasabha began to feel isolated culturally, economically, and politically from the decisions of the new central government. Agitation became the manner in which these communities attempted to assert themselves politically and gain access to what they felt was their fair share of the political and economic pie.

Jaipal Singh was a member of the Constituent Assembly, and we are fortunate to have the text of his contributions to the Assembly to compare with the contributions of both proponents and opponents of conversion and propagation to the debates. While Singh does not address conversion directly, he does address the issue of separate electorates, the removal of which, as we have noted, was a concession many Christians were willing to make in order to include propagation of religion in the Fundamental Rights of the Constitution, but which Singh himself was not willing to concede. Singh’s speeches in the Constituent Assembly also directly address the issues of separatism and national integrity, which are two of the primary arguments used against conversion since Independence, and used most forcefully in the missionary enquiry reports.

With regards to the issue of separate electorates, Singh argued that the reservation of seats in the provincial and national legislatures was essential for India to be truly democratic and, especially, for tribal uplift:

One honourable Member said that he was glad that the Muslims and the Christians had given up something, given up the reservation of seats. Sir, the Adivasis are not giving up anything because they never had anything. It seems very surprising that people should talk of democracy when their whole conduct has been anti-democratic in the past. What have the general community done for these backward people in the past? Has there been anything in the statute to prevent them from putting up the Adivasis in more seats than were due to them according to their population?

Singh makes a clear distinction here in terms of identity. Regardless of the decision of the Muslim and Christian communities’ leaders to give up separate electorates, the Adivasis were not about to give up anything. Going further Jaipal Singh argued that the reservation of seats leads to lower-caste and tribal uplift, democratic equality, and national unity. “It is essential that these people should be compelled to come out of their jungle fastnesses [sic]. It is for that reason

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277 CAD Vol 9 Pt 17 [http://parliamentofindia.nic.in/ls/debates/vol9p17a.htm]
reservation is very necessary. If you want unity in this country, we must all get together.”

Singh’s major speech to the Constituent Assembly argued passionately for both a unique tribal identity and the need for separate electorates for at least 10 years after the patriation of the Constitution, and probably considerably more, in order to ensure that the Adivasis took their proper “share in the national life.”

Singh also addressed the issue of separatism and national integrity in the Constituent Assembly. As will become evident in our discussion of the Enquiry Reports and the Freedom of Religion Acts, when conversion becomes an issue to the point that legislation to manage it is advocated, it is often due to a belief that the integrity of the nation is somehow at issue. There is almost always recourse to nationalism, although the nature of that nationalism has changed over time. With regards to separation Singh said:

Some people harp on separatism being implied in reservation of seats. Some people have a kink and they like to explain everything away by attributing separatism to any difference of opinion. It has become the fashion in this country to call every rebel a Communist. Similarly, those of us who desire that the backward groups in our society should be compelled to come by the front door and not by backdoor and the front door is open reservation, are dubbed as separatists. It does not lie in the mouth of people to talk of separatism when 30 million Adivasis have been treated as political untouchables over centuries. It does not lie in the mouth of those people to tell Adivasis what democracy is.

While Singh’s arguments focus on the issue of separate electorates, they are important to our analysis of propagation and conversion for several reasons. First, they foreshadow the upcoming discussion of conversion in the missionary enquiry reports and the Freedom of Religion acts. Particularly in the enquiry reports, conversion and propagation are accused of destabilizing the fledgling Indian nation and leading to separatist tendencies. Christian converts stand accused of divided loyalties using language almost identical to that seen in Singh’s contributions to the
Constituent Assembly debates. Second, the Jharkhand movement and its so-called agitations for a separate state are considered in the enquiry reports as one of the main reasons for the Madhya Pradesh and Madhya Bharat government’s investigation into conversion and missionary work. Singh’s commentary indicates at the outset that his concern is one of tribal identity and that he is most concerned with the tribal as opposed to the Christian affiliation of himself and the many of the members of the Jharkhand Party that he led. Third, the issue of separate electorates itself was raised as a concern for members opposed to conversion and propagation earlier in the Constituent Assembly Debates, especially how conversion could, eventually, lead to a demographic rebalancing, including additional political power for previously excluded groups.

The Jharkhand movement’s main political organization, the Jharkhand Party was formed in 1950 by Jaipal Singh and the party began the process of solidifying a regional identity based on the tribal culture and symbology of the region. The Jharkhand movement used the unique socio-cultural heritage of the region to establish a region-specific identity—basically an ethnic identity that demanded recognition of its own geographic region for full expression. Residence in the geographic space of Jharkhand therefore became as important for the movement as “the social category of tribes.” The demand for both physical and political space made the community identity of Jharkhand a significant issue at both the regional and national levels, particularly after the Jharkhand movement’s political success in the Lok Sabha elections of 1952 and 1957, where they were the principal opposition to the Congress in the Chhotanagpur region.

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The political success of the Jharkhand Party versus the Congress in the elections of the 1950s was relative. Even when the Jharkhand Party won more seats than the Congress in the region, as they did in 1957, they still had only six seats in the entire Lok Sabha. As a regional political party, their reach was limited. However, in 1953, Jawaharlal Nehru appointed the States Reorganisation Committee (SRC) whose mandate was to examine the calls for a reorganization of India’s states, primarily on linguistic lines. These different movements all submitted reports to the SRC, and Jaipal Singh’s Jharkhand Party did as well. Though Jharkhand was not accepted as a new state when India was reorganized in 1956, the report submitted demanding Jharkhand’s statehood is an excellent example of the rationale behind developing an ethno-regional identity.  

So, from the above, it can be fairly argued that the Jharkhand movement was, inasmuch as Christian players were certainly involved politically, more appropriately understood as an ethno-regional movement as opposed to a religious one. Stuart Corbridge suggests that this ethno-regionalism, particularly in the immediate post-Independence period can be seen from two perspectives. In what Corbridge calls the “perversity model,” Jharkhandi activists’ call for a separate geographical state based on the ethnic characteristics of its citizens would have been appropriate under the aegis of the British Raj, where the tribes were isolated both administratively and geographically from their fellow Hindus. Corbridge argues that the Indian state believed that under colonial rule, tribals were “deliberately isolated from their Hindu neighbours and left to stagnate in what amounted to a group of national parks. By contrast, in the perversity model, the governments of post-Independence India are said to have followed integrationist tribal policies based upon a philosophy of positive discrimination for tribal

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development.”285 The tribes through the Jharkhand movement, therefore, were seen by the state to be rejecting integration into the greater Indian polity via central state policy.

In Corbridge’s second model for the ethno-regionalism supporting the Jharkhand movement, he argues that ethno-regionalism was seen by the members of the movement itself as “an eminently rational response to a state of internal colonialism existing in the area….the state is maintaining the underdevelopment of the tribals both by not attacking the power of the non-tribal rural oligarchy and by treating the tribal areas as an internal colony.”286 For the tribes, the supposed integrationist policies of the state, therefore, were viewed as a means to both preserve upper-caste political hegemony in the region as well as perpetuate an economic development model in the resource-rich tribal areas that favoured the state. Corbridge argues that, for the proponents of this model, “the value of the resources extracted from the tribal areas greatly outweighs the funds employed by the central and state governments for tribal welfare and development…and the net imbalance would have been felt most keenly in the mineral and forestry-rich tribal economies of Bihar, Orissa, and Madhya Pradesh.”287

Given that in these two competing models, political, social, and economic factors appear to be the strongest factors underpinning the development of the Jharkhand movement, why were Christianity and conversion to Christianity in Jharkhand seen as such pivotal causal factors in the movement by many Hindus and in particular in the state missionary enquiry reports? This question will be answered in two parts. In the first part, which I will discuss immediately below, we will examine the historical and certainly political relationship between Christianity and the Christian missions and tribals in Jharkhand immediately prior to and immediately following

Independence. The second part, which involves the *politicization* of religion after Independence, and of which the *Niyogi* and *Rege* Reports provide ample documentation, will be discussed following our assessment of the reports.

According to Romila Thapar, it has been “assumed by ethnographers and historians…that Christianity appealed to the tribal population [in Chhotanagpur] because they saw in it an egalitarian religion with the help of which they could shake off *zamindar* oppression.”288 Chad Bauman also makes this point, arguing that the “adivasi peasants…were cruelly oppressed by their generally upper caste landlords (*zamindars*) who appeared to be in league with the judges—also upper-caste—which prevented the peasants from seeking legal redress.”289

While Thapar goes on to argue that this “cruel oppression” by the *zamindars* has been over-represented in the literature, and that the struggle between the tribals and the *zamindars* is more appropriately seen as a “reflection of a more ‘prosperous’ situation in which the *zamindars* and farmers struggled for a greater share of the [agricultural] produce and not only one in which an absolutely impoverished tribal peasantry was being ground under the heels of extortionate Hindu, Moslem, or alien *zamindars*.”290 What is indisputable is that in the pre-Independence period—and in some cases, immediate post-Independence period—dispossessed tribals in the region of “Jharkhand” received missionary assistance—monetary and legal—from both the Lutheran and Roman Catholic missions in land disputes. In partial consequence, between 1850 and the *Niyogi* Report’s publication in 1956, there were over 300,000 tribal converts to Roman Catholicism in the Chhotanagpur region alone.291 Moreover, the various Christian missions also assisted tribal groups in the Jharkhand region in setting up numerous different “self-help

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290 Thapar and Sidiqqi, “The Pre-Colonial and Colonial Situation,” 48-49.
collectives,” namely banks, and credit societies.\textsuperscript{292} Undoubtedly, this legal and economic assistance afforded to tribals by the Christian missions, as well as the financial uplift it provided motivated many tribals to convert to Christianity. However, and more importantly, it also contributed to the impetus for the development of the Jharkhand movement as a political entity—an entity that in the early 1950s did reasonably well electorally versus the Congress. And while, as Bauman notes, “many Jharkhandis clearly looked forward to a Jharkhand ruled by Christians, the movement was by no means merely a Christian movement. By the 1950s, support for the Jharkhand movement was widespread among adivasis and even among other communities in the region.”\textsuperscript{293}

Thus, in the years leading up to the publication of the missionary enquiry reports in 1956—both pre and post-Independence—Christians and the Christian missions, including foreign missions, were indeed involved politically in a movement which was calling for a separate state. And while, as Corbridge et al. persuasively argued, the Jharkhand movement was much more an agitation for an ethnically separate state within the Indian Union and not an independent state along the lines of Pakistan,\textsuperscript{294} the political involvement of a religious tradition politically and historically associated with India’s former colonial rulers could not help but inspire fear—justified or not—among legislators. Conversion to Christianity, in this context, came to be viewed as a political weapon against the policies and integrity of the fledgling Indian state, and required management by legislation, if it was to be allowed at all.

\textsuperscript{292} Bauman, “Post Colonial Anxiety and conversion sentiment in the Niyogi Report,”198.
\textsuperscript{293} Bauman, “Post Colonial Anxiety and conversion sentiment in the Niyogi Report,”199.
\textsuperscript{294} Corbridge, Jewitt and Kumar “ Introduction: Jharkhand in Prospect and Retrospect, 4
III. Introduction to the State Missionary Enquiry Reports

In the 1950s, the decade following the patriation of the Indian Constitution, both Hindu communal groups (such as the Hindu Mahasabha) and multiple levels of the Congress government charged that missionaries were engaged in political activities and destabilizing the nation through their work among tribals and the lower castes. Official central government policy and the general concern regarding foreign missionaries led two Indian states, Madhya Bharat (part of today’s Madhya Pradesh) and Madhya Pradesh, to make further enquiries into the activities of Christian missionary organizations. Both of these state governments published reports on their enquiries into missionary activity in 1956, and both reports provide significant insight into the development of anti-conversion sentiment in the early years after Independence.

It is important to note that these two reports were not the first instance of government intervention with regards to conversion on the subcontinent. Several of India’s Princely States enacted laws that attempted to prevent or manage conversions prior to Independence. According to Donald E. Smith, “approximately seventeen Indian states had such legislation in effect” at the time of India’s Independence and, even after these states joined the Indian union, the “laws were enforced in some cases until 1950.”295 We begin our discussion of the enquiry reports with Madhya Bharat’s The Christian Missions Enquiry Committee’s Report, 1956.

IV. The Rege Report, 1956

The Introduction of Madhya Bharat’s The Christian Missions Enquiry Committee’s Report, 1956, commonly known as the Rege Report after the committee chair M.B. Rege, states that

295 Smith, India as a Secular State, 177. See pages 176-181 of India as a Secular State for an excellent analysis of several of the anti-conversion laws enacted by the Princely States.
Christian missions “were brought into the limelight particularly by reason of the demand for a separate state for the Nagas of Assam. There was a popular cry that their [the Missions] activities were not above board and that they tended to create a rift in the national life of India.” As a result of this popular complaint, the Madhya Bharat legislature commissioned an enquiry into missionary activity within the state. The main allegations against the missions were, first, that the missionaries were indulging in political activities and, second, that they were either forcibly or fraudulently (via temptation of monetary and other gains), converting illiterate aboriginals and other backward people and thereby offending the feelings of non-Christians. The enquiry was to be conducted by interviews with numerous witnesses to such conversions, and by a questionnaire that was distributed to the missionaries and to “other known political, religious, and social Institutions as well as to prominent individuals interested in the problem as also to Government Officials.” The Enquiry Committee was commissioned in 1954 and published its report in 1956.

Within the context of the first stated reason for the report, the accusation that Christian missionaries were indulging in political activities, the first issue addressed in the Rege report is that of ‘extra-territoriality.’ Extra-territoriality was the assumed influence of the missionaries among the tribal peoples in their alleged agitations for a separate state. There were two political movements, noted in detail above, that were in operation at the time of the Report, and which were of concern to the fledgling Indian government: the agitation for a Naga homeland in Assam and the Jharkhand movement in central-eastern India. This fear of a political separation by tribal communities is certainly apparent in the Rege Report, though much less so than in the

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296 Rege Report, 1.
297 Rege Report, 3.
298 Rege Report, 2.
299 Smith, India as a Secular State, 201-2.
Niyogi Report of 1956. The reason for this fear, of course, was the fact that the majority of missionary work in Madhya Bharat amongst the lower castes and especially tribal groups was conducted by foreign missionaries.\textsuperscript{300}

While the Rege Committee did report that they had “no tangible evidence of any active anti-national propaganda by the missions themselves,”\textsuperscript{301} they attempted to make causal links between the religious work of the missionaries and politics. For example, the Committee reports that the Rev. Fr. Mocha of the Roman Catholic mission in Jhabua, “admitted that people were given information on politics to make them good citizens.”\textsuperscript{302} Immediately after this statement, however, the authors of the Rege Report stated “all the activities of this mission are among the Adiwasis [tribals]. One would wish that politics is dissociated from religion.”\textsuperscript{303} This statement points out two very real fears held by many Hindu politicians in early post-Independence India. First, the fear that the nation would be further divided as it was with the partition of India in 1947, and, moreover, that the nation could be again divided along religious lines. The second fear revealed by accusations of extra-territoriality was the fear that foreign ‘forces,’ which had dominated India for so many years during the British Raj, could continue to have political influence in an independent India via missionary activity. The missionaries working amongst the tribals, particularly those groups who were agitating for their own state in Assam and Madhya Bharat/Madhya Pradesh through the Jharkhand movement, were primarily foreign. Even the idea that foreign influence could in some way be further dividing the nation through any sort of association with tribal political movements appears to have been a very real fear for the government of Madhya Bharat.

\textsuperscript{300} Rege Report, 21.
\textsuperscript{301} Rege Report, 20.
\textsuperscript{302} Rege Report, 25.
\textsuperscript{303} Rege Report, 25.
While the *Rege Report* was only able to make allusions to missionary support for political independence movements in the state, it did repeatedly refer to another area of perceived political influence: the phenomenon known as ‘denationalization.’ Denationalization can be defined as the loss of nationality, nationality which is ‘lost’ in this case through conversion to a religion not indigenous to India, and which can be associated with a former colonial power (the British) or an emerging colonial power (the United States). Missionaries seeking converts in India had been accused of denationalization since the mid-19th century when the Protestant missionary movement’s encounter with India was reaching its zenith. Indians who converted to Christianity were seen to be at risk of losing their national identity through association with the ‘religion’ of the colonial regime, and the emerging neo-colonial regime of the United States.304

The ideas of extra-territoriality and denationalization in reference to missionary activities in the years immediately following Independence are reflective of what Chad Bauman defines as “post-colonial anxiety,”305 a political anxiety seemingly experienced by many Hindus and by various levels of the Indian government, and represented through opposition to the particular and allegedly “non-Hindu” religious act of conversion, and expressed in religious language. Bauman defines the post-colonial anxiety driving anti-conversion sentiment in the following manner:

[R]esistance to conversion to Christianity in this context emerged not out of concern for the spiritual state of converts so much as anxieties, real and perceived, about the survival of the fledgling Indian nation. These anxieties placed certain Hindus in a defensive posture, causing them to seek, as a bulwark against national disintegration, a primordial, unalterable, and unifying cultural essence. Given the ethnic and linguistic diversity of the Indian nation, which prevented unity on ethnic or linguistic grounds, many identified “Hindu-ness” (*Hindutva*) as that unifying essence…to those who embraced such a definition of Hindu unity, converts to Christianity (or Islam) were by definition foreigners, to be treated with suspicion as potential traitors, and at the very least represented a threat to national unity. While resistance to conversion was expressed in

the idiom of religion (that is, preserving Hinduism), therefore, it was provoked by political concerns.306

The *Rege Report* describes the convert from Hinduism to Christianity in the following terms, in a manner strongly suggestive of the post-colonial anxiety outlined by Bauman:

To the convert there is a feeling of elevation and of being superior to his erstwhile community whom he begins to despise and a serious rift is created in the National life...Such a person, it is observed, puts himself before his community and country. He is a Christian first and then an Indian.307

In addition to the anxiety caused by the perceived threats of denationalization and extra-territoriality, it is not surprising that, in 1956, many Hindus, indeed many Indians of any religious group, would be familiar with or even have experienced the superior, arrogant and systematically prejudiced attitudes of their former colonial rulers, the British. Neither is it surprising that those who converted to the ‘alien’ religion of the rulers might also start to act as though they were somehow superior to Hindus or be perceived to be acting in such a manner. Language stating that converts from Hinduism to Christianity were denationalized or a “Christian first and then and Indian” implicitly reveals the extent of the authors of the *Rege Report*’s post-colonial anxiety. Moreover, it also reveals the *Rege Report*’s preferred ideological response to such fears--to view India as, essentially, a Hindu nation. Conversion to Christianity, an alien faith, therefore, becomes a question of national allegiance for the convert. A “Christian first and then and Indian” could quite as easily be read as “a foreign subject first and then an Indian.” Denationalization through conversion was a real fear for the authors of the *Rege Report*, and this anxiety over denationalization appears to be of much greater import than their criticisms of conversion effected by fraudulent means.

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In a literal sense, the Rege Report identified some of the positive activities of the Christian Missions while rightly pointing out some of the questionable methods of proselytization both historical and contemporary used by some missionaries to secure converts. The Rege Report suggested these methods included inducement and allurement, usually in the form of some sort of financial gain or overall economic improvement. The report also pointed out the need for an expanded government role in alleviating the poverty of the tribals and Scheduled Castes in the state—and this not only to prevent these groups from converting to Christianity—though prevention of conversion was undoubtedly a welcome side effect. The Rege Report’s recommendation for registration with the government of conversions from one religion to another\(^{308}\) and its allusions to the alleged extra-territorial and denationalizing tendencies of the missionaries were harbingers of much more strident language for the management of conversion in the Niyogi Report and the first tranche of Freedom of Religion Acts. Movement in this direction can be clearly seen in the Niyogi Report.

V. The Niyogi Report

The Report of the Christian Missionary Activities Enquiry Committee, Madhya Pradesh, or Niyogi Report was also published in 1956, after two years of enquiry by a committee commissioned by the Madhya Pradesh government in 1954. The enquiry was commissioned because:

“from time to time…the conversion of illiterate aboriginals and other backward people was affected by the Christian missionaries either forcibly or through fraud or temptations of monetary gain” and that “the feelings of non-Christians were being offended by conversions of this type.”\(^{309}\)

\(^{308}\) *Rege Report*, 43.

\(^{309}\) *Niyogi Report*, 1.
The Committee visited “Seventy-seven centres…and an approximate number of 11,360 people were contacted.”\textsuperscript{310} The committee contacted not only mission employees but also Hindus and non-Hindus who lived in the areas surrounding the missions for information. The committee also sent out 385 questionnaires, 330 to Hindus, and 55 to Christians, in order to acquire more information.\textsuperscript{311} The Report stated that Protestant missionaries cooperated fully with the committee as did the Roman Catholic Missions, at least initially. The Catholics withdrew their cooperation in 1955 and filed not only a statement of protest but also petitioned the Madhya Pradesh High Court for a petition to end the enquiry. This petition was denied in early 1956.\textsuperscript{312}

A close examination of the report shows that, while suspect methods of conversion are definitely an issue, this was not the primary issue. The main issue, as in the case of the Rege Report, appears to be a form of “post-colonial anxiety,” articulated through opposition to religious conversion \textit{per se}, and the perceived repercussions such conversions would have on the Indian nation and, more subtly, on Hindu culture. The issues that initially confronted the Committee were allegations of fraudulent conversions among the tribals and scheduled castes within the state of Madhya Pradesh, both a narrow and a supra-local issue. However, the report goes beyond this issue to examine conversions in general and, quite strangely, the pros and cons of Christianity in general.\textsuperscript{313} As the Report’s introduction states:

\begin{quote}
The material gathered in the initial stages of the enquiry revealed to the Committee that its significance far transcended the bounds of any one country or region in the world and that it was calculated to have worldwide repercussions. That compelled the Committee to view the subject as an integral part of a larger picture on the broad canvas of world history. The
\end{quote}

\textsuperscript{310} Niyogi Report, 2.  
\textsuperscript{311} Niyogi Report, 4-5.  
\textsuperscript{312} Niyogi Report, 5.  
\textsuperscript{313} It is also important to note at this point that later critics of conversion and missionaries in India, particularly from the Hindu Right, use almost the exact same line of argumentation—beginning with opposition to suspect conversion and then moving on to critiques of all religious conversions and of Christianity itself. Additionally, that argumentation reflects a continuation of “postcolonial anxiety” beyond the immediate post-Independence period into the 21\textsuperscript{st} century. For an excellent example of this phenomenon see, Arun Shourie, \textit{Harvesting our Souls: Missionaries, their design, their claims}. (New Delhi, ASA Publications, 2000).
Committee had to consult a number of published books, pamphlets and periodicals for determining the nature and form of their recommendations.\textsuperscript{314}

The issues of concern for the Committee were much greater than the conversion of a demographically insignificant number of tribals—the issue of conversion was seen to have “worldwide repercussions.” In conducting a wide-range examination of these repercussions, the \textit{Niyogi} Report moved considerably beyond its stated goal of “clear[ing] up doubts and disputes that may exist,” and promoting “good will, friendliness and peace among the various sections of the people”\textsuperscript{315} and into a an analysis of the merits and demerits of Christianity as a religious movement.

It is informative to take a brief look at the composition of the Enquiry Committee that authored the \textit{Niyogi Report}. The chairman of the Committee was M.B. Niyogi (thus the name by which the report is popularly known), a former Chief Justice of the Nagpur High Court, five Committee members and a secretary. All of the members were Hindu with the exception of S.K. George, a member of the Syrian Orthodox Church. While the government of Madhya Pradesh claimed that the Committee was comprised of “men of unbiased and impartial outlook”\textsuperscript{316} certain Christian groups, in particular the Catholic community as we noted above, took issue with both the composition and impartiality of the committee. While it would certainly be unfair to say the Committee was biased simply because it was comprised primarily of Hindus, the Catholic Bishopric in the state certainly viewed the enquiry as compromised and biased, as the Bishopric’s petition to the High Court to end the enquiry demonstrates.\textsuperscript{317}

\textsuperscript{314} \textit{Niyogi Report}, 2.
\textsuperscript{315} \textit{Niyogi Report}, 2.
\textsuperscript{316} \textit{Niyogi Report}, 177.
\textsuperscript{317} \textit{Niyogi Report}, 5.
The *Niyogi Report* follows a pattern similar to the *Rege Report* before moving above and beyond that document both in the scope and the level of analysis of anti-conversion and anti-Christian sentiment. The *Niyogi Report* identifies four major areas in which mission activity and conversion were said to be threatening the fledgling Indian nation. These areas are extra-territoriality; anti-national propaganda; denationalization of converts; and the removal of untouchables and tribals from the Hindu fold.

Extra-territoriality, within the context of the *Niyogi Report* can be defined as the Committee’s view that India’s Christian community desired its own separate nation, a nation formed along the lines of Pakistan.\footnote{Niyogi Report, 3.} The Committee reported that a great deal of foreign money was injected into the Christian missions active in the tribal areas of Madhya Pradesh,\footnote{Niyogi Report, 3.} money which was viewed by the Committee as potentially preparing the area for political separation. The Committee’s concern is certainly understandable given the partition of India and Pakistan less than a decade previously in 1947,\footnote{Niyogi Report, 1, 60.} and it is at least conceivable that the initial fear of conversion expressed by the Committee is a direct result of the communal nature of Partition. Additionally, the Committee undoubtedly feared that if all tribal peoples participating in the Jharkhand movement in the region converted to Christianity, their political power could be strong enough that India could again be divided on religious grounds. While it has been demonstrated that the Jharkhand movement was primarily an ethno-regional movement that sought a separate state \textit{within} the Indian Union, it is apparent from the language of the report that, at least among the report’s authors, there existed considerable anxiety that the tribals of Jharkhand sought a sovereign state, and possibly a sovereign, Christian state. While with

\footnote{Niyogi Report, 3.} \footnote{Niyogi Report, 3.} \footnote{Niyogi Report, 1, 60.}
hindsight this seems an unfounded and possibly even irrational fear, it is powerfully reflective of the post-colonial anxiety experienced in the state at that time.

The second area in which missionary activity was seen as damaging to the fabric of the fledgling Indian nation was that of anti-national propaganda. This is a profound assertion, as the evidence given for this anti-national propaganda is comprised of both anti-State and anti-Hindu statements allegedly made by Christian missionaries and recent converts. In the report’s accusation that the missionaries were spreading anti-national propaganda we begin to see a conflation of religion and nation—or, as Bauman argues: the recourse of the Report’s authors to “a primordial, unalterable, and unifying cultural essence.”321 This primordial essence, of course, is indisputably Hindu.

The *Niyogi Report*, at its most fundamental level, is a document advocating resistance to conversion to Christianity—an ostensibly individual and religious act—in order to preserve another religion, Hinduism, both religiously and politically. However, as this chapter has attempted to demonstrate, the desire to manage conversion in the case of both state enquiry reports was primarily political in nature. Questions of ‘faith’ and ‘belief’ are secondary and almost inconsequential.322 In the context of both reports it is difficult to differentiate between religious and political concerns, and this is hardly surprising given that:

Religion’s role in the modern world has been vastly reconstituted, so much so that religious debates and conflicts are no longer primarily waged over matters of belief, the true god or salvation, or other substantive issues of faith as they once were; it is instead religion as the basis of identity and identitarian cultural practices—with co-religionists constituting a community, a nation, or ‘civilization,’—that comes to be the ground of difference and hence conflict.323

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The conflict between conversion and Hindus (or the Indian state) seeking to manage or proscribe it is therefore a question of identity, and of conflicts between identities. And it is the inherent identification of ‘Hindu’ as ‘Indian’ by opponents of conversion, and at times by the state, that is most powerfully apparent in these reports.

The first mention of anti-national propaganda in Madhya Pradesh provided by the Niyogi Report is found in Chapter I Part II of the report which reads: “on the integration of the states, Missionaries became afraid of losing their influence. So they started an agitation, playing on the religious feelings of the primitive Christian converts, representing the Madhya Pradesh Government as consisting of infidels and so on.” More evidence of the Niyogi Report’s conflation of religion with the nation can be found in this statement: “Missionary organizations are so wide-spread in this country that they seem to constitute a state within a state.”

Why is it that these Christian Missions are deemed to be a ‘state?’ There are three possible reasons, in the case of the Niyogi Report, for seeing Christian Missions as a state within a state. The first reason is the partition of India: the country had indeed been divided into two states based on religion, and by the former colonial rulers. In this case, a fear of further divisions is certainly understandable if not entirely justified given the size of the Christian population and the government’s powerful desire to maintain political unity and the integrity of the newly independent Indian state. The authors make reference themselves to the partition of India on religious grounds. The second potential reason is India’s ‘immaturity’ as an independent, secular state at the time the report was written. India had only been independent for nine years and the fear of foreign influence was still everywhere visible. The third reason pertained to the

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324 Niyogi Report, 7.
325 Niyogi Report, 32.
326 Niyogi Report, 1, 60.
understanding held by those who took offense to conversion, including the authors of the report and possibly the government of Madhya Pradesh, that India was a majority Hindu nation, particularly when this conflation of religion and nation is placed in the context of postcolonial anxiety. If the nation is therefore Hindu, then it follows that the state must be Hindu also. Consequently, other religious groups, including Christians, and the Missions that contribute to the establishment of Christian communities, can be viewed as comprising a separate ‘state’ simply because they are not Hindu. This is reminiscent of V.D. Savarkar’s contention that Christians and Muslims are unable to share in this sacred concept of the nation because their ‘holy land’ is not India but Palestine, or in the case of the Muslims, Arabia.327

The third area of missionary activity damaging the nation of India according to the Niyogi Report was the denationalization of converts, an area closely linked to the accusations of anti-national propaganda against the missionaries discussed above. The Niyogi Report introduced its attack on the denationalization caused by Christian missionaries with two examples. In the first example, the committee reports that missionaries in Hoshangabad district had replaced the expression ‘Jai Hind’ (Hail India) with ‘Jai Yeshu’ (Hail Jesus). In the second example, it is reported “those who come under the influence of the missionaries begin to greet each other with the words ‘Jai Yeshu’ instead of ‘Jai Rama’”.328 As insignificant as these anecdotal examples of change in salutation may appear, the change was seen as powerfully symbolic of potential denationalization by the authors of the report. Why? Replacing ‘Hind’ with ‘Jesus’ makes sense as an issue of concern in the report’s context of denationalization. The Niyogi Report’s issue with replacing Rama with Jesus post missionary influence is, however, more opaque. One possibility

327 Sarvarkar, Hindutva, 113: “For though Hindusthan to them [Muslims and Christians] is Fatherland as to any other Hindu yet it is not to them a Holyland too. Their holyland is far off in Arabia or Palestine. Their mythology and Godmen, ideas and heroes are not Children of this soil. Consequently their names and their outlook smack of a foreign origin. Their love is divided (emphasis added).
328 Niyogi Report, 131.
is that the replacement of ‘Jai Rama’ with ‘Jai Yeshu’ is of concern given Rama’s dual identity as both deity and national hero, especially in more modern representations of Rama. In these modern representations, Rama is often cast as the founder of the Hindu nation. In this way, politics and religion are conjoined in a powerful symbol, which is in keeping with the Niyogi Report’s strong reaction to the alleged ‘pre-emption’ of Rama in common salutation by the Christian figure of Jesus. Denationalization, in this context, could then be interpreted as the declaration of the supremacy of the Christian god over the supremacy of the state/nation (as represented by Rama) and, more intriguingly, the supremacy of the Christian god over the supremacy of an important Hindu god, whose presence in a common salutation was viewed as religious and completely apolitical.

It would be rather simple to dismiss these examples as mere anecdotes if they had not been used by the Niyogi Committee itself as evidence of the denationalization of converts. Furthermore, one cannot help but notice the significance inherent in using such symbols to introduce the Niyogi Report’s section on denationalization: the nation itself comes to be implicitly identified as Hindu, Hindu gods are viewed as, if not supreme, then natural, and the placement of Jesus above an important Hindu god Rama is not a matter of individual religious concern, but instead a political matter of national concern.

The application of the adjective ‘Hindu’ to the idea of nation implied by the Niyogi Report in its discussion of denationalization raises the question of whether or not Christians were seen to possess ‘dual allegiances.’ Dual allegiance refers to the idea that the Indian Christian would owe allegiance to both the state of India and to Christ. This is not problematic, argue the authors of

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the report *unless* “there was a conflict of loyalties between Christ and State,” in which case “the true Christian had necessarily to choose obedience to Christ.”

The report acknowledges that there is normally “no conflict” between spiritual and national allegiance, however, “conflict between loyalty to the State and loyalty to the Church cannot be ruled out.” While I am not suggesting that there could never be a time where a Christian would choose Christ over her nation, it is worth noting that, both rhetorically and ideologically, there is no such concern in the Niyogi Report regarding a Hindu choosing a Hindu god or precept over the desires and political imperatives of the state of Madhya Pradesh.

By claiming that conversion to Christianity created dual allegiances among converts, the Niyogi Report established a very important ideological and rhetorical argument. Hindus in India, in principle, do not share the dual allegiance issue with Christians. A Hindu cannot possess these divided loyalties between religion and the state because the state is essentially Hindu both culturally and religiously. The Committee reinforces this argument by positing two politico-religious theories that demonstrate the risk to the state itself when Hindus convert to Christianity.

The first theory related by the Niyogi Report is that of an unholy union between American missionaries and the American government to prevent Communism from spreading into India, though by 1956 Communism had been firmly established in the subcontinent. The Roman Catholic Church was also seen to be part of this conspiracy. The Niyogi Committee reported that “the Catholic Church and the American Democracy are united in their frantic drive for gathering proselytes to Christianity to combat Communism: the former to extend its religious empire and the latter to obtain world leadership.”

While one can argue quite rightly that ‘American

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331 *Niyogi Report*, 60.
332 *Niyogi Report*, 62.
Democracy’ was attempting to gain influence in various geopolitical spheres (including South Asia) at the time the Report was written to fight its rival ideology of Communism, the report provides no real evidence of how America was using ‘its’ Christian converts in India to combat the Communist threat posed by the Soviet Union. The argument is based entirely on the premise that because certain missionary groups come from America they were willing pawns of the American government and that the American government is inherently Christian and therefore committed to advancing a Christian agenda of some kind. The authors of the report are therefore conflating Christianity with the American government in much the same way as they conflate Hinduism and the Indian state, an understandable argument but not a historically correct one. As for the Roman Catholic Church, it too may have been against Communism (although this too is a debatable assertion) but the main point of its presence in this politico-religious theory is the notion of the authors of the Niyogi Report that ‘Catholic’ countries were actually politically controlled by the Vatican. The authors refer to present-day states “based on religion” and assume that the influence that religious institutions such as the Catholic Church can exert on governments is tantamount to full control.

The second religio-political theory promoted by the Niyogi Report is the idea that missionaries, in particular American missionaries, planned to establish an ideological foothold in India through converting the lower castes and tribals and to cause these segments of society to agitate for their own independent state(s). This theory is also a fine entry point for discussion on the fourth major area of contention cited by the Report, the fear of the removal of untouchables and tribals from the Hindu fold via conversion. The Niyogi Report contends “people converted to Christianity would be mostly from the outcastes or the aboriginals who can

333 Niyogi Report, 60.
334 Niyogi Report, 61.
be primed with hatred against their countrymen, if for no other reason than that the latter are ‘idolators’ and that the former belong to the Kingdom of God.”  

335 It would be next to impossible to contradict the claim that a group of people could be stirred to political agitation via religious pressure. However, in the case of the lower castes and tribals, it would be equally as effective, if not more so, to create an agitation based on social and economic concerns, in particular discrimination at the hands of caste Hindus. The Niyogi Report, unlike the Rege Report, only acknowledges the possibility of the Indian government (and Hinduism’s) own responsibility for the socially bereft, illiterate, and ‘ignorant’ situation of the tribals and lower castes in passing:

The earlier the Government realises its sole responsibility to provide social services like education, health, medicine and other amenities to people living in the Scheduled Areas, the better it would be to prevent exploitation of or proselytization of illiterate aboriginals. We recommend that Government should lay down a policy that the responsibility to provide social services in these areas will be solely of the State Government and adequate services should be provided as early as possible. Non-official organisations should be permitted to run or maintain social service institutions only for the members of their own religious faith.  

336 There is, as we have seen, an assumption that permeates the Niyogi Report and Gandhi’s rhetoric on untouchability and conversion, as well as in the State Freedom of Religion laws, that untouchables and tribals are in fact Hindu, whether or not they define themselves as such. This assumption is revealed in such language as that quoted above, where the lower castes and tribals are referred to as persons “who can be primed with hatred against their countrymen,” after conversion, though it is more likely to come about as a result of their depressed economic and social status. The lower castes and tribals can, therefore, be primed with hatred for their countrymen when they indulge in the religious act of shifting allegiance from the Hindu community (where they had been assigned by upper-caste Hindus) to the alien faith of

335 Niyogi Report, 61.
336 Niyogi Report, 137.
Christianity. Such hatred for their fellow Indians does not and rhetorically cannot exist when the scheduled castes and tribals remain ‘Hindu.’

At a practical level, it should not be surprising that the authors of the Niyogi Report would be fearful of losing numerous tribals to conversion in light of the fact that, at the time of the report’s publications, 57.4% of Madhya Pradesh was populated by members of the Scheduled Castes, Scheduled Tribes and other Backward Classes.\textsuperscript{337} From the standpoint of electoral politics in a democracy, that is a very large voting bloc and, were the lower castes and tribals ever to fully organize and agitate for political separation, it would have been a rather large agitation indeed.

Consequently, it would seem, tribals were important to the government of Madhya Pradesh, not only for their ‘deep Hindu roots’, but for their importance in ensuring an electoral Hindu majority. More importantly for the author of the reports, conversion from Hinduism to another tradition, and especially Christianity, was intolerable given a vision of India which sees the nation as essentially Hindu:

Can any right thinking man assert that such vile attacks on the religion of the majority community in India is part of the Christian religion or is conducive to public order and morality… The voluminous oral and documentary evidence before us shows that attacks on Hindu religion, its gods and deities, are an important and integral plank of Christian propaganda, and are being indulged in…in all parts of the state.\textsuperscript{338}

Article 46 of the Indian Constitution\textsuperscript{339} requires the state to protect the weaker sections of society, viz., the tribals and the Scheduled Castes. One way of accomplishing this ‘protection’ while simultaneously ensuring a Hindu majority was to attempt to absorb these weaker sections into the greater Hindu community. This absorption of the Scheduled Castes and tribes by the

\textsuperscript{337} Niyogi Report, 23.
state can most charitably be billed as protecting them from religious exploitation at the hands of Christian missionaries.\textsuperscript{340} Another way to view the absorption of outcastes and tribal peoples into the Hindu fold, however, is that absorption protects the Hindu nation from exploitation at the hands of foreign political power.

VI. India perceived as a Hindu Nation

The language of both the Rege Report and the Niyogi Report echoes the concerns and ideas expressed in Hindutva ideology. The assertion that a convert “is a Christian first and then an Indian” is unquestionably the main ideological argument of the Rege Report. The authors of this Report see the connection between religion and nation in much the same way as Savarkar would have seen the connection: Hinduism was born and developed in India—it is indisputably an Indian creation.\textsuperscript{341} As such, Hinduism—both in its cultural and religious manifestations—must be indisputably part of the national life of all Indians. As the religion of the majority, it must also therefore take precedence politically. Christianity, and Islam for that manner, were born outside the subcontinent and in converting to either of those traditions, the convert is identifying herself, at the most fundamental level, with an entity which is indisputably outside of, and alien to, the Indian nation. An adherent of this worldview, where Hinduism and the nation of India are so closely intertwined, cannot help perceive the conversion of Hindus to Christianity at the hands of foreign missionaries as tantamount to political treason, and as violent attack on both the nation of India and its religion, Hinduism.

\textsuperscript{340} Niyogi Report, 30.
\textsuperscript{341} Sarvarkar, Hindutva, 113. “For though Hindusthan to them [Muslims and Christians] is Fatherland as to any other Hindu yet it is not to them a Holyland too. Their holyland is far off in Arabia or Palestine. Their mythology and Godmen, ideas and heroes are not Children of this soil. Consequently their names and their outlook smack of a foreign origin. Their love is divided. (emphasis added).
The fear of denationalization in the Niyogi Report operates at a similar level. The denationalization of Hindus who convert to Christianity provides Hindus with a threatening ‘Other’ against which to juxtapose a new vision of Hindu identity and Indian nationalism.³⁴² The creation of this threatening ‘Other’ also enables a powerful conflation of culture, religion and nationalism. This interplay is accomplished by using political ends as a defense against religious conversion, a concept that appears to be of primarily individual religious concern in a secular nation-state. Through its antipathy towards the principle of religious conversion per se and not merely to suspect means of obtaining converts, the Niyogi Report proposed a vision in which the nation of India was Hindu in its most essential nature, and then attempted to demonstrate how this perceived attack on religion represented by conversion thereby threatened the integrity of the nation itself.

The Rege Report also demonstrates this intertwining of religion and culture within the immediate post-Independence political context, in particular with its consideration of the caste system. The Rege Report accurately points out that most of the converts to Christianity came from the lower strata of Indian society, and it also notes that many of these converts joined the ‘alien’ faith of Christianity because of their humble place in society and the lack of social and economic status granted them by both the upper castes and the government. The Rege Report states “there must be a thorough heart searching in the Non-Christian Communities and particularly the Hindus for finding out the reasons for the tendency of the ignorant masses to quit their fold.”³⁴³ Note that it is the Hindus, and in this case it must be the upper caste Hindus as they are not part of the “ignorant masses” being converted, that must conduct a “thorough heart searching” and tackle their own apathy towards the lot of the lower castes.

³⁴³ Rege Report, 40.
This type of language echoes Gandhi’s prescription for the removal of untouchability, in particular his idea that caste Hindus must have a change of heart and ‘repent’ in order to banish untouchability from Hinduism.\textsuperscript{344} Any attempt for the untouchables and other low castes to improve their own lot and to empower themselves or speak for themselves was seemingly unacceptable, particularly if their decision was to leave the fold of Hinduism via the route of conversion.\textsuperscript{345}

The social and religious position in which the authors of the \textit{Niyogi Report} place the Scheduled Castes and tribes is reflective of the place in which they find themselves in the \textit{Rege Report} as well as the contemporary worldview of the Sangh Parivar. The \textit{Niyogi Report} claims that throughout their tenure in Madhya Pradesh, Christian missionaries had claimed that the tribals were not Hindus, but “animists.”\textsuperscript{346} The Committee disagrees and in a manner similar to that of the authors of the \textit{Rege Report} they invoke the words of Gandhi in reference to the tribals. The authors point out that when asked if tribals in the Kond Hills area were Hindus as opposed to animists Gandhi replied “[Y]es…because \textit{I know} that in spite of being described as animists these tribes have from times immemorial been absorbed into Hinduism…their roots lie deep there.”\textsuperscript{347} The reference to Gandhi is instructive on at least two accounts. First, for the authors of the \textit{Niyogi Report}, it is Gandhi and the upper-caste ‘guardians’ of Hinduism who determine what religion a tribal belongs to, not the tribals themselves.\textsuperscript{348} In essence, Gandhi is arguing that the tribals \textit{must} be Hindus, whether they personally identify with that classification or not. Second, Gandhi’s quotation identifies a perception of Hinduism which is central to \textit{Hindutva} rhetoric that

\textsuperscript{345} Viswanathan, \textit{Outside the Fold}, 220-223.
\textsuperscript{346} \textit{Niyogi Report}, 26.
\textsuperscript{347} \textit{Niyogi Report}, 26. Italics added.
\textsuperscript{348} See Viswanathan, \textit{Outside the Fold}, 220-223, for a parallel discussion of Gandhi’s relationship to untouchables and his “refusal” to let them speak for themselves about what or who they were.
Hinduism absorbs, whereas other missionary religions like Christianity and Islam, and like the British Raj, ‘divide and conquer’.

The acceptability of absorbing the tribals into the Hindu fold, within the Niyogi Report, is based upon two fundamental ideas. First, is the idea that the tribals have always been Hindu and were never considered ‘animists’ or anything else until the British arrival in India.\(^{349}\) Second, and more important, is the idea that “coercion and religious persecution have been unknown in Hindu society,”\(^{350}\) which aptly describes the myth of Hindu tolerance.\(^{351}\) Describing Hinduism as absorbing and hyper-tolerant softens the simultaneous and rather harsh claim implied by the reports that India is, despite allusions to secularism, an essentially Hindu nation. The only way for the Hindu state to circumvent a charge of anti-secularism is to view Hinduism as primarily a culture, in particular a culture that can and must absorb all religions.

VII. Conversion itself the Issue

At the outset of our discussion of the Rege Report it was noted that the report had been written in response to two accusations levelled by the general public against the Christian missionaries. The first accusation was that the missionaries were indulging in political activities and potentially assisting certain tribal groups in their agitations for a separate political state. The second accusation was that the missionaries were “either forcibly or fraudulently and by temptation of monetary and other gains, converting illiterate aboriginals and other backward people and thereby offending the feelings of Non-Christians.”\(^{352}\) The second accusation is worthy of further discussion, especially as this accusation further demonstrates the conflation of religion and culture in the Rege Report.

\(^{349}\) Niyogi Report, 26.
\(^{350}\) Niyogi Report, 63.
\(^{352}\) Rege Report, 3.
Conversion, it has been argued, was never, at least until the 19th century and the advent of movements such as the Arya Samaj, a part of the Hindu religion. The reason for the absence of conversion is the fact that Hinduism was primarily viewed as an ‘ethnic religion’. Hinduism was confined to a particular geographic area—the Indian subcontinent, for the most part—which was further populated by peoples with additional religions that were also ‘born’ in that particular geographic region. Conversion, in this understanding of Hinduism, was a non-issue. It was only India’s encounter with the Semitic religious traditions of Islam and Christianity that familiarized Hindu culture with the concepts of proselytization and conversion. The negativity of the Hindu encounter with conversion was exacerbated by the fact that these two proselytizing religious traditions were also associated with political entities which conquered and ruled large areas of the subcontinent.

Hindu acceptance of conversion has never fully been realized and this realization has failed to occur for the reason that conversion itself, and not just the methods used to affect it, have been dismissed as foreign. Conversion is not seen as part of Hindu culture and even shuddhi is a contested practice for many Hindus. This is because conversion goes against one of the most closely held beliefs of many Hindus, the idea that Hinduism is inherently tolerant of all religions, and that it views these different religions as, essentially, equal. Gandhi was a proponent of this concept of tolerance and his words regarding the subject are quoted at the conclusion of the Rege Report:

The different religions are beautiful flowers from the same garden, or they are branches of the same majestic tree. Therefore, they are equally true, though being received and interpreted through human instruments equally imperfect. It is impossible for me to reconcile myself to the idea of conversion

353 Smith, *India as a Secular State*, 163.
354 Smith, *India as a Secular State*, 163.
after the style which goes on in India and elsewhere today. It is an error which is perhaps the greatest impediment to the world’s progress towards peace.  

Hinduism is, in some respects, a very tolerant religious tradition, not only of the diverse theologies that come under the umbrella of the term Hinduism, but of other religions, at least at the metaphysical and/or theological level. However, one cannot say that Hindu culture is tolerant. A primary reason is the pervasive nature of the caste system. It is the religiously derived social structure provided by the caste system which has in many respects structured and ordered Indian civilization through the course of its history. I would argue that Indian society’s general unwillingness to fully break with the caste system despite improvements over the past two centuries is one of the primary causes of the failure of missionaries to convert more significant numbers of Hindus given the metaphysical freedom, and freedom of religious belief, rightly associated with Hinduism.

Hindu religion is not existentially threatened by Christian doctrine or theology, even with discriminatory claims made historically by Christians of Hinduism’s supposed idolatry and decadence. The political threat made by conversion in the Rege Report, is how conversion was perceived to be a prime motivation behind agitations for a separate state, in particular the Jharkhand movement, by the tribal population in Madhya Bharat. The Niyogi Report identifies this same political threat in Madhya Pradesh. The primary issue with religious conversion, then, is denationalization and extra-territoriality. That these movements were primarily agitations by members of the scheduled tribes and castes is why, of the five major conclusions drawn by the authors of the Rege Report, the first two conclusions are directed at the conversion of members of these groups. Moreover, the scheduled tribes and castes, when they perform the religious act of conversion, are, at least potentially, disrupting the caste system on which, it can be argued, the

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356 Smith, India as a Secular State, 30.
perpetuation of Hindu culture depends. Or, at the very least, these conversions threaten the perpetuation of elite, caste-Hindu culture and political hegemony. This cultural threat, when combined with the threat of potential political separation, violates a worldview in which Hindu culture, nationalism, and religion are so closely intertwined.

Ainslie Embree has argued that Indian culture possesses a startling ability to “encapsulate almost any religious or cultural entity,” using as an example the fact that the many communities within the ‘foreign’ and supposedly ‘casteless’ religions of Islam and Christianity have themselves adopted the caste system. If Hinduism ‘encapsulates,’ rather than tolerates other religions and cultures, the logical conclusion must be that Hindu culture, when viewed from within the tradition, is a complete system, both religiously and socially. Consequently, Hindu culture has no need for external religious influence neither has it any particular need for dialogue with these alien religious and cultural systems.

If an integral part of Hindu culture and religion is its members’ belief in its inherent ‘tolerance,’ one can see how the process of conversion itself is a primary issue for the authors of the Rege Report and the Niyogi Report. Christianity is not demonstrating tolerance for Hindu religion by encouraging Hindus to switch their allegiance to another religious community, particularly a community with origins outside of India. Furthermore, Christianity, with its anti-caste notions of social equality, has the potential to further erode a critical social basis of Hindu culture and religion, to say nothing of entrenched socio-economic relationships. This erosion could also have significant political ramifications. In the Rege Report and, especially, in the Niyogi Report, disappointment and criticism over the means of conversion quickly escalates into antipathy towards conversion in general. This antipathy is firmly based in the worldview

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expressed in the reports which, implicitly, sees India as a Hindu nation and which sees conversion as not simply a movement from one religious community to another, but a movement which strips the convert of his national and cultural identity, of her ‘Indianness’. And in a worldview that so tightly conflates Hindu religion, culture and nation, conversion undermines, if not attacks, the totality of all that is India.

VIII. The Politicization of Religion in the Immediate Post-Independence Period

While the examples provided in the previous two sections of this chapter argue that religion was indeed politicized in the immediate post-Independence period, and that the Rege and Niyogi reports amply demonstrate this politicization, the historical, and postcolonial context of that politicization bears somewhat further analysis. As noted above at several points, within the context of both reports it can be difficult to differentiate between religious and political concerns, and this is hardly surprising given that religion has, as many scholars have argued, moved away from questions of “belief and salvation” to questions of identity. The reification and hardening of boundaries between religious and other communal groups and their competition for political space and influence that had begun under the British Raj remained in full effect after Independence. It is not necessary to accept the premises of the profoundly political conclusions of the Rege and Niyogi reports to understand that the numerous criticisms raised within them were caused by political fears over conversion; fears expressed in a religious idiom, and in such a way that what is ostensibly a religious act, came to be seen as primarily a political one.

Conversion was seen by the authors of both reports to have profound political importance. The reports suggested that numerous tribals and lower caste people were converting to Christianity, that this could profoundly change the demographic composition of the states

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involved, that tribal groups in the states were agitating for a separate political entity, that this separate political entity had at least the potential of becoming sovereign, and that Christians and the missionaries that converted them were behind, or at the very least involved, in these agitations.\textsuperscript{360} The \textit{Niyogi Report} identifies this sentiment quite powerfully:

Cries of Christiansthan, or Massisthan are foolish and dangerous. Young, independent India, still smarting under memories of the partition of India on grounds of religion is very sensitive to anything dangerous to the solidarity and security of the country.\textsuperscript{361}

While there were certainly many Indian Christians active in the Indian Independence movement, and most Indians were loyal citizens of the state, for Hindu Indians who feared for the survival of the fledgling Indian nation, or as Bauman argues, “willing to exploit such anxieties for political gain,”\textsuperscript{362} proscribing conversion and suggesting that to become Christian was to become denationalized was a rhetorical defense mechanism against possible political disintegration. This fear, combined with the often triumphal language of Christians and a view of Christianity which saw it as “meddling and imperialistic” in nature\textsuperscript{363} raised political defenses, a view, that, if religion had not become an issue primarily concerned with identity as opposed to belief, would have never been required.

In the immediate postcolonial period, issues related to the conversion to Christianity, therefore, were almost necessarily politicized. Religion as the primary origin of communal identity in India, as it had become under colonialism, is therefore best viewed as a competition, a competition for “bodies, political bodies, bodies which constituted, according to Hindu nationalists, the grounds of Indian unity, and therefore needed to be preserved in order to

\begin{thebibliography}{99}
\bibitem{Bauman} Bauman, “Postcolonial Anxiety and Anti-Conversion Sentiment in the \textit{Report of the Christian Missionary Activities Enquiry Committee}, 182.
\bibitem{Niyogi} \textit{Niyogi Report}, 158.
\bibitem{Bauman3} Bauman, “Postcolonial Anxiety and Anti-Conversion Sentiment in the \textit{Report of the Christian Missionary Activities Enquiry Committee}, 203.
\end{thebibliography}
preserve the unity of India itself.” For Hindu nationalists in that period, who notwithstanding their identification with Hindu religion, were better defined as Hindu politically, the nature of Hindu religion and spirituality, with which they conflated the Indian state, would not prevent the Indian state from growing and remaining intact. For the authors of the reports, the primary concern was the concern for bodies, with all the political implication represented by numbers, and not souls. The major concern with conversion was not apostasy or the rejection of a Hindu system of belief. As I have argued, Hinduism has historically been open to the acceptance of different systems of belief and theology. Rather, the rejection of conversion was politically inspired; it was about power, hegemony, and the self-assertion of the majority religious community in a multi-religious environment. Interestingly, this is the same motivation for the criticism of conversion levelled by the enquiry reports: a profound concern with numbers and not with souls. In that sense, the religious groups on both sides of the debate were acting politically, with political and possibly even electoral gain superseding salvation by a significant factor.\(^\text{365}\)

IX. Conclusion

The Rege Report and the Niyogi Report were enquiries into missionary activities within their respective state borders. Although the reports made recommendations for dealing with Christian missionaries and conversions, the recommendations were not binding and the reports dealt, for the most part, with the ideological antipathy towards conversion by both concerned Hindus and the state itself. In the wake of these reports, however, several Indian states put forward and enacted anti-conversion legislation and several members of India’s national


parliament put forth similar anti-conversion bills in the Lok Sabha. It is to this legislation that I turn my focus in the next chapter.
Chapter 5: Proposed and Enacted Anti-Conversion Legislation, 1954 to 1981

I. Introduction

As discussed in Chapter 4, by 1956, the state governments of Madhya Bharat and Madhya Pradesh had published extensive and highly critical enquiry reports into missionary activities in their respective territories, reports that still remain influential in anti-conversion rhetoric and legislation fifty years later.\textsuperscript{366} The reports made their recommendations in language that raised and repeated many of the arguments opposing propagation and conversion found in the Constituent Assembly Debates. In addition, the enquiry reports foreshadowed subsequent anti-conversion legislation, both proposed and enacted, and provided the rhetorical substructure for most anti-conversion legislation, both in the period 1967 to 1981, and in the years between 1998 and 2007.

Regardless of how long they had been extant on the subcontinent or how well they had integrated into its cultural fabric, Christians and Muslims were associated with previous colonial powers and in the case of Islam, also with Partition. The fragility of the new Indian nation, real or imagined, and the preservation of its geographic and political integrity was of primary importance to the Congress government at both the Centre and state levels, and to concerned Hindus more generally. In the wake of the enquiry reports and continuing antipathy towards the conversion of Hindus from all strata of society, but particularly the Scheduled Castes and Tribes, to Christianity, four anti-conversion bills were proposed at the Centre, and three anti-conversion laws enacted in the states of Orissa, Madhya Pradesh, and Arunachal Pradesh between the years 1967 and 1981.

This chapter will analyze the four proposed anti-conversion bills at the Centre between 1954 and 1981, as well as the three pieces of anti-conversion legislation actually enacted at the state level between 1967 and 1978. The chapter will also examine the Orissa and Madhya Pradesh High Courts’ and the Indian Supreme Court’s rulings on appeals of the constitutionality of the Orissa and Madhya Pradesh “Freedom of Religion Acts,” which were delivered in 1977. These rulings by the Supreme Court set the legal precedent for both retaining the initial tranche of anti-conversion legislation and allowing the second tranche to emerge in the early 2000s.

Our analysis of this first tranche of proposed and enacted legislation will demonstrate that the motivations behind the criticism of conversion to Christianity in India remained relatively uniform and consistent when judged in light of the debates in the Constituent Assembly and the recommendations of the two state Missionary Enquiry Reports. While the state acts and the Lok Sabha bills are proposed as remedies to conversion brought about by fraud or coercion, political concerns, namely the perceived threat of denationalization, extra-territoriality, and foreign influence loom large in the motivations behind the legislation and, I would argue superseding concerns over fraudulent conversions. The importance and pre-eminence of religious traditions deemed indigenous to India is also of great concern to the lawmakers behind this legislation, as is the perceived existential threat to these indigenous traditions posed by conversion to a ‘foreign’ faith. Additionally, the anti-conversion laws and the High Court rulings on these laws strongly reflect the poles of the conversion debate identified in the Constituent Assembly. A focus on the individual or group converting another individual can be viewed as a much more significant concern for lawmakers than the agency of the individual convert. The High Court rulings also demonstrate that the Constituent Assembly and the Constitution effectively failed in providing a definition of ‘propagation’ that was satisfactory to all communities.
As well, the first tranche of anti-conversion legislation and the High Court rulings to be discussed in this chapter raised a number of new concerns that are now important to both the criticism of conversion and the criticism of the legislation itself. Politicians—including Prime Minister Jawaharlal Nehru—and the greater Indian Christian community criticized the definitions of ‘fraud,’ ‘allurement,’ and ‘inducement’ contained in the Acts as too broad, too vague, and thus open to possibilities of abuse. Also of concern was the way in which the legislation empowered politicians, bureaucrats, and even the police to judge the legitimacy of a religious act: conversion. This judgement was seen by critics of the laws as open to abuse on a number of levels.

As in the Constituent Assembly debates and the State Missionary Enquiry reports, the themes of ‘postcolonial anxiety’ and the conflation of religion and nation—particularly for Hindus—is evident in all of the legislation put forward in the years between 1954 and 1981. Conversion, particularly to a religion deemed foreign, such as Christianity, continues to be viewed as a threat to the integrity of the emerging Indian state and as a violent attack upon an essentially Hindu nation and its majority religious community.

II. The 1950s: Hindu Personal Laws and the Indian Converts (Regulation and Registration Bill), 1954

The Niyogi and Rege Reports published in 1956 were not the only Indian government forays into analyzing conversion or which suggested that conversion be regulated made in the 1950s. A series of Hindu ‘personal laws’ enacted at the Centre as well as a bill introduced in the Lok Sabha known as the Indian Converts (Regulation and Registration) Bill, 1954, also targeted conversion from Hinduism to another religious tradition, and particularly to the ‘alien’ religious traditions of Christianity and Islam.
The Hindu ‘personal laws’ were a series of federal acts passed into law during the 1950s that applied only to Hindus. Under the Indian Constitution, Jews, Muslims, Christians, and Parsis had their own personal laws; that is, family laws regarding marriage, divorce, inheritance, maintenance, and other legal areas traditionally covered by their own religious-based laws, and applicable only to these communities. These Hindu personal laws, while not explicitly prohibiting or regulating conversion in the explicit manner in which the Freedom of Religion Acts would subsequently do so, did provide an indirect deterrent to any Hindu individual who might be considering converting to another religious community, primarily through a loss (or potential loss) of economic privileges and rights within a family, as well as the loss of identity within greater Hindu society.

The first of the personal laws to affect conversion was the Hindu Marriage Act, 1955. Under this law, a husband or wife has legally acceptable grounds to immediately divorce a partner who has ceased to be a Hindu by virtue of converting to another religion. While there is nothing within this Act that would force a partner to divorce upon the conversion of their spouse, it is quite clear to see how this law would provide a fairly potent deterrent to conversion.367

The second personal law implemented in the 1950s that affected conversion was The Hindu Succession Act, 1956. Under this law, the individual convert from Hinduism to another religious tradition would retain the right to inherit as a Hindu, as previously outlined in Indian law. However, the children born to the convert subsequent to her conversion (and the descendants of these children) would no longer hold any right to inheritance from the family, unless these

367 The Hindu Marriage Act, 1955 (Act No. 25 of 1955)
children and descendants themselves became Hindu.\textsuperscript{368} Reconversion to Hinduism, in this context, then, can be seen as a financial incentive for the children of a convert.

Two additional Hindu personal laws can also be considered as deterrents to conversion. The Hindu Minority and Guardianship Act, 1956, stipulated that a Hindu who converts to another religious tradition can be disqualified from being the legal guardian of his minor children, or the legal guardian of his wife, if the wife is under the age of 18. Under the auspices of the Hindu Minority and Guardianship Act, 1956, the minimum age for the wife in a Hindu marriage is 15 years old, so if a husband over the age of 18, but with a wife under the age of majority converts from Hinduism to another religion, he would no longer be considered the legal guardian of his wife.\textsuperscript{369} The Hindu Adoptions and Maintenance Act, 1956, outlines that a spouse shall have no say in their partner’s decision to adopt a child if that spouse has converted to another religion. Moreover, the spouse who has not converted can give her child in adoption without her partner’s consent if that partner has converted. Additionally, under the Hindu Adoptions and Maintenance Act, 1956, a Hindu wife cannot claim financial maintenance from her husband following a separation or divorce if she has converted to another religion. However, a Hindu wife is entitled to live separately from her husband and receive financial maintenance from him if he has converted to a religious tradition outside of Hinduism.\textsuperscript{370}

The stringent penalties for converts in these Acts both financially and in terms of family control, were undoubtedly strong deterrents against conversion from Hinduism to another religious tradition—or at least seen as lawmakers to be such a deterrent. If a potential convert was aware of the legal implications of his conversion, and how conversion could change his

\textsuperscript{368} The Hindu Succession Act, 1956 (Act No. 30 of 1956)
\textsuperscript{369} The Hindu Minority and Guardianship Act, 1956 (Act No. 32 of 1956)
\textsuperscript{370} The Hindu Adoptions and Maintenance Act, 1956 (Act No. 78 of 1956)
financial outlook or parental control over his family under the law, conversion could appear much less appealing than it may have otherwise, and impossible in practice without the potential for significant financial hardship. It is also important to note that legally, under the auspices of each of these Acts, a “Hindu” was defined as a “Hindu by religion in any of its forms or developments” which included Buddhists, Jains, or Sikhs as well as any individual who had converted to or reconverted to Hinduism, Jainism or Sikhism.\(^{371}\) It is conversion to a ‘non-indigenous’ faith—Judaism, Christianity, Zoroastrianism, Islam—which leads to the loss of rights under these acts, not any conversion to an indigenous or ‘Hindu faith’ as defined in the laws. The loss of family rights under these laws, therefore, is a direct result in the loss, or at least change, of religious identity effected by conversion.

The first, and ultimately unsuccessful, foray into direct regulation of conversion through legislation was made in 1954, when the Indian Converts (Regulation and Registration) Bill was introduced in the Lok Sabha by Congress Party member Jethalal Joshi. This bill, had it been adopted, would have had three main provisions. First, under the auspices of the bill, individuals or institutions (i.e. missions and/or missionaries) would have had to obtain a license from the District Magistrate in the area in which they were working in order to participate in any conversion ceremony or activity. Second, the District magistrate would maintain a register of all conversions in the district, and the individual wishing to convert would be required to declare his intention to change his or her faith one month prior to the religious ceremonies of conversion.

\(^{371}\) See Clause 2(1) of the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, and the Hindu Adoptions and Maintenance Act, 1956. ; See also: Kim, *In Search of Identity*, 74-75. Clause 2(1) of each of these acts reads: “This Act applies- (a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj, (b) to any person who is a Buddhist, Jaina or Sikh by religion, and (c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.
actually taking place.\textsuperscript{372} Third, both the license holder (i.e. the individual or institution performing the conversion) and the individual convert would be required to furnish the district magistrate with the particulars of the conversion within three months of the ceremonies taking place.

Debate surrounding this bill lasted a full year in the Lok Sabha, from December of 1954 to December of 1955 when the bill was ultimately rejected. Although the bill was somewhat general in its language and could certainly be seen as including conversion to any religion, the debate in the Lok Sabha made it clear that the bill was aimed at conversion to Christianity and, specifically, at Christian missionaries, their perceived arrogance, and their allegedly political motivations for proselytizing.\textsuperscript{373} For example, the bill’s sponsor, Jethalal Joshi, argued that foreign missionaries used “bribery, coercion, and vicious propaganda” to secure converts, thereby making the legislation he had introduced an utter necessity.\textsuperscript{374} Joshi’s argument was particularly effective in the defense of his bill when he quoted Raj Kumari Amrit Kaur, a Christian member of Nehru’s cabinet and a de-facto representative of the various Indian Christian communities to the then Prime Minister.\textsuperscript{375} As noted in the Lok Sabha by Joshi, Kaur had previously written:

Conversion or the desire to impel other persons to change their faith has always savoured of an arrogance which must surely be against the doctrine of life for which Christ lived and died.\textsuperscript{376}

\textsuperscript{372} Neufeldt, “To Convert or Not to Convert”, 324:
\textsuperscript{373} Smith, \textit{India as a Secular State}, 184-185.
\textsuperscript{374} Smith, \textit{India as a Secular State}, 183.
\textsuperscript{376} Quoted in Smith, \textit{India as a Secular State}, 183-184. This quote would also have been effective as it mirrored many of Gandhi’s arguments against both conversion and organized Christianity’s “failures” to live up to what he saw as the example and “truth” of Christ’s life and the principles found in the New Testament. It is also not surprising that Raj Kumari Amrit Kaur would present a similar argument against conversion as Gandhi, given her close association and relationship with Gandhi during the independence movement. See: Brown, “Indian Christians and Nehru’s Nation-State,” 224-225.
The political nature of conversion, more specifically the perception of conversion as primarily a political act, was perpetrated against Hindus and the sovereign nation of India, was also a matter of significant concern for Congress member G.H. Deshpande. In his contribution to the debate over this bill in the Lok Sabha, Desphande argued:

There is a political motive behind this conversion. It is not merely religious, there is a political motive behind it. What we suspect is that there are some imperialist powers who are not free even today from their dreams of imperialism. They probably think there was a Pakistan, why should there not be in India a Christianstan even?\textsuperscript{377}

Desphande’s argument is strongly reflective of and historically concurrent with the ‘post-colonial anxiety’ model of conversion criticism discussed above in reference to the \textit{Niyogi Report}. The recent memory of Partition, the association of Christianity with colonialism and concerns regarding potential American interference in South Asian regional politics all combined to view conversion as a destabilizing, and even anti-national act in the rhetoric of the debate over this bill.

Joshi’s bill was a private member’s bill and was opposed by the Congress government, and in particular by Prime Minister Jawarharlal Nehru. Nehru noted that despite extensive debate and attempts in the Constituent Assembly to find a way to regulate conversion, the Assembly had failed to address the issue of conversion adequately. Importantly, Nehru also noted that to enact such legislation without the approval or input of the people most affected by it—the Indian Christian community—would be tantamount to harassment:

Personally, I would not pass such a measure unless it has the fullest support from the principal parties who are likely to be affected by it. If this measure apparently is meant to apply to Christian missionaries carrying on this conversion, I would like the real decision to lie with the Christian members of this house. Let them decide. In principle there is no difference. Nobody wants deception; nobody wants coercion. In practice this attempt to prevent that may well give rise to other forms of coercion.\textsuperscript{378}

\textsuperscript{377} Quoted in Smith, \textit{India as a Secular State}, 184.
\textsuperscript{378} Quoted in Smith, \textit{India as a Secular State}, 184; \textit{Lok Sabha Debates} 2/9, 2 December 1955: 1093-1119.
Nehru’s opposition in principle came from his longstanding conviction that the solution to any form of religious conflict between communities was through both rejecting any form of religious coercion that was, indeed, part of the bill, and fostering an environment of respect and tolerance.\textsuperscript{379} Nehru stated:

\begin{quote}
We must not do anything which gives rise to any feeling of oppression or suppression in the minds of our Christian friends and fellow-countrymen in this country.\textsuperscript{380}
\end{quote}

Nehru’s opposition to the bill and to even the suggestion of mistreatment towards any of India’s minority religious communities was also motivated by both his ardent secularism and his shrewd sense of \textit{realpolitik}. Nehru understood as many of his colleagues in the Congress, and especially his colleagues at the state levels of government did not, that India’s two largest minority religious communities, the Christians and Muslims, were part of a large international religious community, with fellow communities in many different nations around the globe. Any perception of ill treatment or harassment “was bound to have international repercussions on India’s world standing,” and any grievances from either of these faith communities “would be publicized on a broad international stage and in the domestic political arenas of countries whose support India needed.”\textsuperscript{381} The Congress-dominated Lok Sabha followed Nehru’s lead and the bill was rejected at the end of 1955. It would be another 33 years before another piece of anti-conversion legislation, with India-wide repercussions, would be introduced in the Lok Sabha.

\begin{footnotesize}
\footnotesuperscript{379} Kim, \textit{In Search of Identity}, 76.
\footnotesuperscript{380} Quoted in Smith, \textit{India as a Secular State}, 184; Lok Sabha Debates 2/9, 2 December 1955: 1093-1119.
\footnotesuperscript{381} Brown, “Indian Christians and Nehru’s Nation-State,” 234, 222.
\end{footnotesize}
III. The Orissa Freedom of Religion Act, 1967

The earliest enacted Freedom of Religion law was established in the state of Orissa in 1967 and was entitled The Orissa Freedom of Religion Act.\textsuperscript{382} The Orissa Act, 1967, describes its purpose as “An act to provide for prohibition of conversion from one religion to another by use of force or inducement or by fraudulent means and for matters incidental thereto.”\textsuperscript{383} The stated intent of the Orissa Act, therefore, was to prevent forcible conversions or conversions perpetrated by fraudulent means.

However, when one examines further the language of the Orissa Act, 1967, the impression derived is not that conversion by fraudulent means is under investigation and that the regulation of this practice is of primary importance, but that conversion in general, in any form, to a non-indigenous religion is the major issue at play. The stated object of the Act is as follows:

Conversion in its very process involves an act of undermining another’s faith. The process becomes all the more objectionable when this is brought about by recourse to methods like force, fraud, material inducement and exploitation of one’s poverty, simplicity and ignorance. Conversion or attempts to conversion in the above manner, besides creating maladjustments in social life, also give rise to problems of law and order. It is, therefore, of importance to provide for measures to check such activities which also indirectly impinge on the freedom of religion.\textsuperscript{384}

The most important point revealed by the stated objective of the Orissa Act was that conversion was seen, first and foremost, as a process which undermines another’s faith and which creates maladjustments in social life. Religion and social life—what could be otherwise defined as public culture—are inextricably linked in the language of the Act. Furthermore, the language implies that a change of religion negatively impacts the social life of the entire society. There is little doubt that this legislation was enacted not only in opposition to suspect means of

\textsuperscript{382} It should be noted that Orissa was the first state to enact an anti-conversion law after Independence. Prior to 1947, 17 princely states had anti-conversion laws in effect. See Ronald W. Neufeldt, “Hindutva and the Rhetoric of Violence,” 172fn, and Smith, India as a Secular State, 177-179.

\textsuperscript{383} Lalit Mohan Suri, ed. The Current Indian Statutes, (Chandigarh: Law Register Press, 1968), 4 [emphases added].

\textsuperscript{384} Suri, The Current Indian Statutes, 5 (emphases added).
conversion; from the outset, conversion itself and its effects on the greater, chiefly Hindu
society, was also under examination.

The prescribed punishment for converting someone via the objectionable means outlined
in the Orissa Act, 1967 was a one-year prison sentence, a fine of Rs. 5,000 or both. Interestingly,
the fine for converting a minor, woman, or a member of the Scheduled Castes or Tribes was two
years imprisonment, a fine of Rs.10,000 or both. Presumably, these additional penalties in the
Act were included to protect what the government viewed as the “weaker sections of society.”
The increased fine for converting a minor or woman or member of the Scheduled tribes or castes
was based on the idea that those who convert individuals from these groups were exploiting their
“poverty, simplicity, and ignorance.”

The language of “poverty, simplicity, and ignorance” in reference to the Scheduled
Castes and tribes (to say nothing of its reference to women) strikes one as quite paternalistic in
tone, and echoes the concerns raised in the Rege and the Niyogi Report concerning the so-called
“weaker sections of society.” The lawmakers who drafted the Orissa Act implied quite clearly
that the ignorance of Scheduled Castes and Tribes was too great for them to decide for
themselves if they wished to change their religious affiliation. This paternalism inherent in the
Orissa Act is one of its basic ideological underpinnings. Given that the Scheduled Castes and
Tribes are deemed too simple to grasp the meaning and import of their conversion, it logically
follows that conversion can only come about through suspect means such as fraud or allurement
perpetrated by the missionaries working in their midst. Conversion, therefore, is proscribed in the
Act, with the assumption that legislating against it will protect all of society, and especially its
‘weakest’ members from any of the social maladjustments that conversion may cause.

385 Suri, The Current Indian Statutes, 5.
386 Suri, The Current Indian Statutes, 5.
As was foreshadowed by Nehru in his commentary on the Indian Converts (Regulation and Registration Bill), 1954, and which, as we shall see, becomes a primary criticism of most subsequent anti-conversion legislation, the fear of the Christian community surrounding the Orissa Act was that the new regulations would “create more evils than it would remedy.” 387 While the stated intention of the Orissa Act was conversion via the undesirable means of “force, fraud, and allurement” the Act was also clear that it viewed conversion—indeed all conversions—as a process which undermines the faith of another individual. Again, this is a common criticism of later anti-conversion legislation. The definitions of fraudulent conversion used in the Act,388 were viewed by critics of the legislation as broad, not especially precise, and therefore open to the possibility of abuse by government administrators and/or investigators.389 Government administrators would be given, essentially, final say in what constituted a real or true religious conversion, and a significant fear among Christians was that political considerations of the religious majority could color bureaucratic decisions regarding an ostensibly religious choice. A choice, most Christians believed, which was already protected under the fundamental right to propagate religion contained in Article 25 of the Indian Constitution.

IV. The Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968

The state of Madhya Pradesh enacted its own anti-conversion act in 1968, entitled the Madhya Pradesh Dharma Swatantrya Adhiniyam. The Adhiniyam is extremely similar in nature and language to the Orissa Act of 1967, and the stated purpose of the act is to

387 Smith, India as a Secular State, 184.
388 Orissa Freedom of Religion Act, 1967 (Act No 2. Of 1968). Of particular concern to critics was the clause stating conversion effected by “force or inducement or by fraudulent means and for matters incidental thereto” was the primary issue facing the authors of the legislation.
389 Kim, In Search of Identity, 77.
provide for the prohibition of conversion from one religion to another to another by the use of force or inducement or by fraudulent means and for matters incidental thereto.\textsuperscript{390}

In addition to the extremely similar language used, the Orissa and Madhya Pradesh Acts are identical in terms of the punishments for participation in a conversion. Punishments for converting someone via the objectionable means outlined in the \textit{Adhiniayam} included a one-year prison sentence, a fine of Rs. 5,000 or both. In the case of a fraudulent conversion of a minor, woman, or a member of the Scheduled Castes or Tribes, the punishment was two years imprisonment, a fine of Rs.10,000, or both.

Where the \textit{Adhiniyam} went beyond the Orissa act, was in its stipulation that conversions must be registered with the District Magistrate, who was then required to submit a “register of conversions” to the state government every month.\textsuperscript{391} Failure to register a conversion with the District Magistrate carried additional penalties for the individual who performed the conversion, though not for the individual convert. Any person found to have converted another person and who then failed notify the District Magistrate of the district in which the ceremony had taken place, faced imprisonment of up to one year, a fine of Rs.1,000 or both.\textsuperscript{392} The registration of conversions with the local District Magistrate, with the emphasis on the identity of the person performing the conversion, is included in each subsequent piece of enacted anti-conversion legislation, both in the 1967 to 1981 period, and in the laws established in several states between 2002 and 2008.

As well as the addition of the conversion register, the \textit{Adhiniyam} includes a very interesting introductory note, a note which is quite different from the note found in the Orissa Act, and which bears further consideration:

\begin{flushright}
\textsuperscript{390} Madhya Pradesh Dharma Swatantrya Adhininyam, 1968 (Act no. 27 of 1968).  \\
\textsuperscript{391} Madhya Pradesh Dharma Swatantrya Adhininyam, 1968. (Act no. 27 of 1968).  \\
\textsuperscript{392} Madhya Pradesh Dharma Swatantrya Adhininyam, 1968. (Act no. 27 of 1968).
\end{flushright}
It is observed that large scale conversions are taking place mostly among the Adiwasis and persons belonging to other backward classes in the State. The illiteracy and poverty of the people is exploited and promises of monetary, medical, and other aid are given to allure them to renounce their religion and adopt another religion. The Bill seeks to prohibit such conversions by use of force or by allurement or by any fraudulent means. 393

This introductory note makes clear the major issues that the Madhya Pradesh government hoped to address through the legislation, as well as reflecting a similar ideological slant as the Niyogi Report. Of particular interest in the introductory note to this piece of legislation is that “medical and other aid” is placed under the rubric of “allurement” and that this aid is considered to exploit the illiteracy and poverty of the state’s tribal peoples (adivasis). The government policy on the entry of foreign missionaries put forward by Prime Minister Jawaharlal Nehru and the Congress government in the early 1950s is instructive in this context.

At the end of 1954, and following considerable debate, Nehru’s Cabinet issued new guidelines for the entry of foreign missionaries into India. Nehru felt that the federal government had been too lenient in the past in its acceptance of foreign missionaries, having essentially had no restrictions on their entry into the country up to that point. While Nehru wanted this entry policy to change, he also realized that a new, more restrictive policy would need to be sensitive to the fact that Christian community was likely to view any restriction on foreign missionaries as not merely an intrusion in their religious activities, but also a symbol of Hindu intolerance. 394 The new policy, which was officially implemented in November 1954, excluded missionary activity in sensitive tribal and frontier areas, required government approval for the formation of new missions, required foreign missions to be sponsored by Indian Christian organizations, and also required foreign missionaries from both inside and outside the Commonwealth to obtain visas to enter the country. However, doctors and nurses entering as missionaries or with

393 Madhya Pradesh Dharma Swatantrya Adhininyam (Act no. 27 of 1968)
missionary organizations, and whose focus would be on medical activities, would not be required to obtain a visa and would be freely admitted.\textsuperscript{395}

While it is unclear if Nehru’s easy acceptance of medical practitioners working under the auspices of various Christian Missions was based on a belief that medical aid was not an \textit{inducement} to conversion, what is clear is that the potential for social uplift provided by these practitioners superseded any fears he may have had about alienating state governments, such as in Madhya Pradesh, who most certainly viewed any medical aid provided by the Missions as an \textit{inducement}, as well as a potentially fraudulent means for securing converts. Moreover, the offer of medical aid or assistance in underserved areas provided by the missions was certainly not seen by Nehru as exploitative, but as a positive contribution by the Christian community—foreign and domestic—to the nation.

The explanatory note in the \textit{Adhiniyam} clearly implies that medical aid was viewed by the government of Madhya Pradesh as an allurement, by which missionaries could induce conversion among persons from the lower social strata of Indian society. Chad Bauman has argued that:

\begin{quote}
It is not unreasonable to suggest that the ability of Christians to provide education and effective healthcare in parts of the country where the government itself cannot do so constitutes a kind of allurement. Power, as manifest in these and other ways is aphrodisiacal, and given Christianity’s association with the west and western power in the popular imagination (and very often in reality), all converts to Christianity must therefore remain vulnerable to the allegation of having converted for less than ‘purely spiritual’ reasons.\textsuperscript{396}
\end{quote}

The question, then, is the context and extent to which the allurement to convert is allowed within Indian civil society. Bauman goes on to argue that all religious converts have, in a sense, been induced or allured into doing so. Even in the case of a completely \textit{spiritual} conversion the new religious worldview of the convert can be viewed as an inducement to change religious

\begin{footnotes}
\end{footnotes}
affiliation. The question civil society must ask is which, if any, mode of allurement or inducement is inappropriate or harmful. As Nehru’s missionary entry policy demonstrates, the medical aid provided by the Missions was perceived by many as a public good, even if it may have led to some conversions. In this example, as was often the case in questions of missionary policy, Nehru and local levels of government disagreed sharply over the impact of many aspects of missionary activity.

In the case of both the Madhya Pradesh Dharma Swatantrya Adhiniyam and the Orissa Freedom of Religion Act, critics from India’s Christian communities argued that the laws were primarily designed to regulate missionaries or local Christian clergy or officials involved in proselytization and conversion. This is, of course, a fundamental aspect of these two laws, as well as the language of each subsequent piece of anti-conversion legislation put forward at both the state and central levels of government. As a consequence of the legislation’s focus on the converter, as opposed to the convert, when these laws came to be enforced, Christian organizations appealed to first the High Courts of Orissa and Madhya Pradesh and ultimately India’s Supreme Court, arguing that Christians held the fundamental right to propagate their religion and, by extension, seek converts under Article 25 of the Indian Constitution. This led to appeals arguing that both the Orissa and Madhya Pradesh laws were ultra vires the Constitution. These notable appeals were addressed by the Indian courts between 1972 and 1977.

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V. Indian High Court and Supreme Court Responses to Orissa and Madhya Pradesh Freedom of Religion Acts, 1972-1977

The Freedom of Religion Acts have been used only sporadically since the laws were introduced. However, individuals were charged under both the Orissa Freedom of Religion Act, 1967, and the Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 in the early 1970s, decisions which were appealed to the Orissa and Madhya Pradesh High Courts, and then the Supreme Court of India. The language of the judgments, both by the Orissa and Madhya Pradesh High Courts, and the Supreme Court are instructive on a number of accounts, but in particular on the evolution of the understanding of conversion versus propagation and the acceptance, by the Supreme Court of India, of arguments against conversion and proselytization which began in the Constituent Assembly Debates and with the publication of the Niyogi Report in 1956.

Following the arrest of a number of Catholic catechists, a Catholic priest, and several Baptist evangelists under the auspices of the Orissa Freedom of Religion Act, both Catholic and Protestant groups challenged the law and petitioned the Orissa High Court, arguing that the Act was not only beyond the competence of a state Legislature to enact, but also ultra vires the fundamental rights guaranteed by the Constitution of India. The Orissa High Court accepted the appeal made in Yulitha Hyde vs. State (1973) and ruled that the Orissa Freedom of Religion Act was in fact unconstitutional. In the ruling, the Orissa High Court Justice R.N. Misra stated that:

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400 National Commission for Minorities. Report of the NCM Visit to Orissa, 6-8 January, 2008. This NCM report, written in the wake of Hindu-Christian violence in the Kandhamal District of Orissa in late 2007-early 2008, noted that officials interviewed by the NCM in the region had not only never used the Orissa Freedom of Religion Act, 1967 to prosecute missionaries, they were not even aware of any cases in which the law had been used. See page 3 of the report: http://ncm.nic.in/pdf/orissa%20report.pdf See also Chad M. Bauman. “Identity, Conversion and Violence: Dalits, Adivasis and the 2007-08 Riots in Orissa”, 282.

401 Kim, In Search of Identity, 78-9.
The true scope of the guarantee of article 25 (1) of the Constitution, therefore, must be taken to extend to propagate religion [sic], and as a necessary corollary of this proposition, conversion into one’s own religion has to be included in the right so far as Christian citizenship is concerned.\textsuperscript{402} Justice Misra ruled the Orissa Act unconstitutional on three specific grounds. First, Misra argued that conversion was a “necessary corollary,” or logical extension, of the propagation of religion, and that propagation was a religious duty for Christians. Therefore, given propagation of religion’s definition as a Christian duty, as well as its inclusion in the fundamental right to Freedom of Religion under Article 25(1) of the Constitution, conversion itself was also protected by the Article.\textsuperscript{403}

Second, Justice Misra ruled as too vague the definition of inducement in the Act—so defined as including “the offer of any gift or gratification, either in cash or in kind, and shall also include the grant of any benefit, either pecuniary or otherwise.”\textsuperscript{404} In his ruling, Misra argued that both Catholic and Protestant petitioners admitted that various types of inducements or conversion existed, ranging from the “satisfaction of basic physical wants” to “mild threats such as divine displeasure.”\textsuperscript{405} The mildness of these inducements and threats in concert with the vagueness of the definition of inducement in the Act rendered it essentially impossible to properly enforce the law, according to Justice Misra.

Third, Justice Misra accepted the petitioners’ argument that the state legislature did not possess the legislative competency to legislate on the matters covered by the Act because conversion as defined in the act is a matter of religion, and not a matter of public order. Recall that Article 25(1) of the Indian Constitution guarantees the right to freely propagate religion

\textsuperscript{403} Mrs. Yulitha Hyde and Ors. Vs. State of Orissa and Ors. AIR 1973 Ori 116 [\url{http://indiankanoon.org/doc/453517/}]
\textsuperscript{404} Orissa Freedom of Religion Act, 1967.
\textsuperscript{405} Neufeldt, “Conversion and the Courts,” 13.
subject to public order, health and morality. State legislatures, according to the ruling, do possess
the right to legislate on matters of public order but given Misra’s view of propagation and
conversion as fundamental religious rights and not matters of public order, the Orissa Act failed
the test of legislative competency.\textsuperscript{406} Only the Centre possessed the power to enact laws which
would affect religious practice or, even potentially, alter fundamental rights guaranteed under the
Constitution.

Two years later in 1975, a case was brought against the constitutional validity of the
Madhya Pradesh Dharma Swatantrya Adhiniyam in the Madhya Pradesh High Court by
Reverend Stanislaus of Raipur, who had challenged the law by refusing to register conversions
as required under the Act.\textsuperscript{407} Reverend Stanislaus challenged the Adhiniaym on the same two
grounds as the appeal of the Orissa Freedom of Religion Act, namely the competency of a state
legislature to enact such a law, and that the law was \textit{ultra vires} Article 25 of the Constitution.

In opposition to the judgment made by the Orissa High Court, Justice P.K. Tare ruled that
the Madhya Pradesh act was not in violation of the Constitution, and that the law in fact
supported Freedom of Religion for all citizens by prohibiting questionable means of conversion,
which was by his ruling, a matter of public order. The Madhya Pradesh ruling stated:

\begin{quote}
What is penalised is conversion by force, fraud, or by allurement. The other element is that every
person has the right to profess his own religion and act according to it. Any interference with that
right by the other person by resorting to conversion by force, fraud or allurement cannot, in our
opinion, be said to contravene Article 25 (1) of the Constitution of India, as the Article guarantees
religious freedom subject to public health...On the other hand it [the Act] guarantees that
religious freedom to one and all including those who might be amenable to conversion by fraud,
force and allurement. As such, the Act, in our opinion, guarantees equality of religious freedom to
all, much less can it be said to encroach upon the religious freedom of any particular
individual.\textsuperscript{408}
\end{quote}

\textsuperscript{406} Mrs. Yulitha Hyde and Ors. Vs. State of Orissa and Ors. AIR 1973 Ori 116
\textsuperscript{407} Neufeldt, “To Convert or Not To Convert,” 396.
\textsuperscript{408} Rev. Stainislaus vs State Of Madhya Pradesh And Ors. AIR 1975 MP 163 [\texttt{http://indiankanoon.org/doc/429501/}]
A particular aspect of this part of Justice Tare’s ruling needs to be highlighted here: Tare focused here on the letter of the law, namely that purpose of the act was not to deter all conversions but *only* conversions brought about by force, fraud and allurement. As such, Tare’s focus was on those individuals—or communities—who “might be amenable to conversion by fraud, force and allurement,” not those who sought to convert others. In comparison, Justice Misra’s ruling in Orissa focused on the rights of Christians to propagate, and, by extension, convert others. The difference in interpretation came down to which group’s constitutionally guaranteed freedom of religion was being encroached upon: those seeking to convert others, or those being converted.

Another aspect of Justice Tare’s decision in Madhya Pradesh that stands out is his argument that the purpose of propagation is not, ultimately, conversion as it was viewed in the Orissa ruling, but that the propagation is for the purpose of “edification.”\(^{409}\) This view of propagation as a vehicle for edification, as we shall see, is very similar to the Supreme Court of India’s view of propagation as a “means of transmit[ting] or spread[ing] one’s religion by an exposition of its tenets.”\(^{410}\)

Given Justice Tare’s conclusions that conversion by “force, fraud, or by allurement” is the primary issue at hand in the *Adhiniyam*, and that conversion by these suspect methods is indeed a question of “public order,” he ruled that the state of Madhya Pradesh did possess the legislative competency to establish the legislation. Moreover, Tare ruled, the *Adhiniyam* cannot be considered to be *ultra vires* the Constitution as it does, in fact, protect the Freedom of Religion of those sections of society who may be susceptible to conversion by fraudulent means.

\(^{409}\) Neufeldt, “Conversion and the Courts,” 14.

\(^{410}\) Rev. Stanislaus *vs State of Madhya Pradesh and Ors.* 1977 AIR 908, 1977 SCR (2) 611

As Ronald Neufeldt notes, Tare viewed the Adhiniyam as “a protective measure for those who need the protection of the state.”

The opposing verdicts given by the Orissa and Madhya Pradesh High Courts regarding the constitutional validity of their respective Freedom of Religion Acts led to both cases being brought before the Supreme Court of India in 1977. The Supreme Court examined both Acts together and ruled on the two main legal issues brought up in both High Court cases: the constitutional validity of the Acts, and the competence of state legislatures to enact such laws. The Supreme Court judgment came out strongly in favor of the Madhya Pradesh High Court’s reading of the laws. The Supreme Court’s decision, written by Chief Justice Ajit Nath Ray, stated that it was in agreement with the High Court of Madhya Pradesh on both accounts—that the two Acts were not in violation of Article 25(1) of the Constitution, which upheld the validity of both the Orissa and Madhya Pradesh acts, and that state legislatures did indeed possess the legal competence to enact them. The Court stated that it found no justification for the view that it [Article 25 of the Constitution] grants a fundamental right to convert persons to one’s own religion. It has to be appreciated that the freedom of religion enshrined in the Article is not guaranteed in respect of one religion only, but covers all religions alike, and it can be properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following other religions. What is freedom for one is freedom for the other, in equal measure, and there can therefore be no such thing as a fundamental right to convert any person to one’s own religion.

Given that the key aspect of the judgment conveyed by the above quotation is that Article 25 (1) of the Constitution does not guarantee the right to convert another person, but merely to “propagate” one’s religion a closer examination of the Supreme Court’s definition of propagation within the context of Article 25(1) is appropriate.

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The Supreme Court explained that propagate, properly defined, is to “transmit or spread from person to person or place to place; carry forward or onward; diffuse; extend; as propagate a report; to propagate the Christian Religion.” Further, what this means in the context of Article 25, according to Chief Justice Ray, is “not the right to convert others but to transmit or spread one’s religion by an exposition of its tenets.” As noted above, this definition mirrors the Madhya Pradesh ruling’s contention that propagation exists as a vehicle for edification and not, ultimately, conversion. Chief Justice Ray went on to argue that:

It has to be remembered that Article 25 (1) guarantees freedom of conscience to every citizen, and not merely to the followers of one particular religion, and that, in turn, postulates that there is no fundamental right to convert another person to one’s own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the “freedom of conscience” guaranteed to all citizens of the country alike.

The Supreme Court also addressed the meaning of “guarantee” under Article 25 by referencing the 1954 Supreme Court case, *Ratilal Punamchand Gandhi vs. State of Bombay*. In that ruling the Supreme Court held that:

Subject to the restrictions which the Article imposes, every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others.

Given this precedent, the Supreme Court concluded that there was “no justification for the view that Article 25 grants a fundamental right to convert persons to one’s own religion.”

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A number of scholars have criticized the Supreme Court’s definition of propagation in *Rev. Stanislaus vs. State of Madhya Pradesh*. For example, Brenda Cossman and Ratna Kapur argued that the Supreme Court’s definition of propagation, as outlined above, creates a “dubious distinction…between propagating and proselytizing…a distinction that makes little sense to the religions of Islam and Christianity.”

It is a distinction that only makes sense from the unstated norm of the Hindu majority, which includes neither proselytizing nor conversions, and which sees itself as the target of the proselytizing of Islam and Christianity. The Supreme Court has interpreted the right to propagate not from the perspective of its importance to religious minorities, but rather, from the perspective of the right of the majority community to be free from interference with its religious practices, and it used a formal understanding of equality, emphasizing the equal treatment of all citizens, to support its conclusions.

Cossman and Kapur go on to argue that the Supreme Court failed to acknowledge the particular importance of propagation and conversion to India’s minority Christian community, focusing instead on the right for Hindus to be free from “religious interference.” The notion of conversion’s interference with a citizen’s freedom of conscience, thus, led the Supreme Court to place conversion outside the protection of freedom of religion, in spite of its importance to the Christian community.

H.M. Seervai, a scholar of Indian Constitutional law and the former Advocate General of the Indian state of Maharashtra, also took issue with the Supreme Court’s focus on the right to be free from religious interference at what he saw as the sacrifice of freedom of religion for the Indian Christian community. For Seervai, freedom of conscience and freedom of religion must “harmonize” in order to establish a legal environment where real freedom of choice in religion can exist:

419 Cossman and Kapur, *Secularism’s Last Sigh?* 111-112.
420 Cossman and Kapur, *Secularism’s Last Sigh?* 112.
421 Neufeldt, “Conversion and the Courts”, 17.
The right to propagate a religion gives a meaning to freedom of choice, for choice involves not only knowledge but an act of will. To propagate religion is not only to impart knowledge and to spread it more widely but to produce intellectual and moral conviction leading to action, namely the adoption of that religion. Successful propagation of religion would result in conversion. [Chief Justice] Ray mistakenly believed that if A deliberately set out to convert B by propagating A’s religion that would impinge on B’s “freedom of conscience…conversion does not in any way interfere with freedom of conscience but is a fulfillment of it and gives meaning to it. It is submitted that the above view harmonizes with the legislative history or Art. 25 (1) [of the Indian Constitution] and the inclusion of the word “propagate” in it. It harmonizes with a matter of common knowledge that several religions are proselytizing religions as a matter of religious duty, and it harmonizes with the meaning of the words “propagate,” “convert,” and “conversion,” “freedom of conscience” and the right to freely profess and practice religion.422

A prominent subtext of most anti-conversion legislation, as well as the court rulings analyzed above is that a crucial aspect of the laws is to protect the “weaker sections of society,” namely the Scheduled Tribes and Castes, who, due to their position in society are susceptible to the conversion efforts of the Christian community. However, one could easily argue, as both Cossman and Kapur and H.M Seervai have, that the understanding of propagation and conversion in the anti-conversion laws and the Supreme Court judgments is in fact a definition which makes the idea of propagation more palatable to the majority Hindu community, and that it exists for this purpose, much more so than to protect the freedom of conscience of weaker sections of society.

The definition of ‘propagate’ in the language of the judgment also reflected the mutual misunderstanding of what both the terms ‘conversion’ and ‘propagate’ meant to Hindu members of the Constituent Assembly versus what they meant to Christians within the context of the Constituent Assembly Debates. These differing interpretations, of course, were primary drivers of the arguments for and against both terms in the debates, and in the final language of Article 25(1). Within the debates, it can be fairly argued that acceptance of the term ‘propagate’ by Christians, or those sympathetic to the Christian community in the Constituent Assembly, was

422 Seervai, Constitutional Law of India, 1289.
based on the understanding that an individual may propagate her religion but that an individual
_decides individually_ whether or not they will convert from one religious tradition to another. For
Christian members of the Assembly, conversion was a personal choice, a choice they expected to
be protected under the “freedom of conscience” clause of Article 25. Conversely, many Hindu
members of the assembly accepted propagation but, arguably, not conversion under the
assumption that conversion is an act _perpetrated upon_ an individual by another, that is, not a
decision of individual conscience.\(^{423}\) The Supreme Court’s definition of propagation as
“spreading the tenets of one’s religion” or existing for the purposes of “edification” falls squarely
within the “Hindu” understanding of propagation and conversion found in the Constituent
Assembly Debates. In this sense, at least for the Indian Christian community, the legal
interpretation of propagation can be seen to fall far short of what they fought for in the
Constituent Assembly.

The Supreme Court’s ruling in the case of _Rev. Stanislaus vs. Madhya Pradesh_ also
confirmed that the states did possess the legislative competency to enact anti-conversion
legislation, arguing that if forcible conversions were not prohibited “public disorder in the
States” would be created. \(^{424}\) Chief Justice Ray noted that “public order is of wide connotation”
and can be defined thus:

> “Public Order” is an expression of wide connotation and signifies a state of tranquility which
prevails among the members of a political society as a result of internal regulations enforced by
the Government which they have established. \(^{425}\)

Within the context of this definition, the Supreme Court noted that Article 25 and 26 of the
Constitution is “expressly made subject to public order, morality, and health.” \(^{426}\) More

\(^{423}\) Kim, _In Search of Identity_, 54-55.
\(^{424}\) _Rev. Stanislaus vs State of Madhya Pradesh and Ors_ 1977 AIR 908, 1977 SCR (2) 611
\(^{425}\) _Rev. Stanislaus vs State of Madhya Pradesh and Ors_ 1977 AIR 908, 1977 SCR (2) 611
importantly, the Supreme Court held that “if a thing disturbs the current life of the community, and does not merely affect an individual, it would amount to a disturbance of the public order.” 427

Recall that the explanatory note in the Orissa Act stated that conversion created “maladjustments in social life” as well as giving rise to “problems of law and order.” 428 And that the Niyogi Report stated that it commenced its enquiry into missionary activities in Madhya Pradesh because “the feelings on non-Christians were being offended by conversions of this type (i.e. forcible or fraudulent conversions.)” 429 In both of these examples, a community—the greater Hindu community—is said to be offended by suspect means of conversion and that as a consequence, conversion is also giving rise to issues of law and order. The Supreme Court ruled that conversion effected by these undue means “would in all probability, give rise to an apprehension of breach of public order, affecting the community at large.” 430 Given the potential of fraudulent or induced conversions to cause even the “apprehension” of a breach in public order, the Supreme Court ruled that both Orissa and Madhya Pradesh’s Freedom of Religion Acts were legitimate and that state legislature’s did in fact possess the competency to enact the legislation, in its responsibility to protect public order. 431

429 Niyogi Report, 1.
431 Ronald Neufeldt has written that previous Supreme Court cases have argued that “to justify a piece of legislation as being in the interests of public order there must be more than simply a perception that there might be a disturbance of some sort. The responsibility to protect public order is not met simply by placing a ban on the propagation of one’s views or a ban on religious processions.” See Neufeldt, “Conversion and the Courts,” 17, fn. 18.
Sebastian Kim argues that the while Supreme Court verdict in *Rev. Stanisalus vs. Madhya Pradesh* “guaranteed ‘freedom of conscience’ not to change one’s religion, in practice, it severely limited ‘freedom of conscience’ to change one’s religion” by effectively preventing a Christian’s right to propagate her religion.\(^{432}\) Perhaps more importantly, the Supreme Court’s ruling set a legal precedent allowing further anti-conversion legislation to be enacted with the support provided by the court’s verdict. The Supreme Court ruled conclusively that the states possessed the legislative competency to enact legislation to protect against forcible and fraudulent conversions, and that, even though the decision has been criticized by scholars and the Indian Christian community, the Indian Constitution does not necessarily protect the right to convert. This ruling by the Supreme Court had wide-ranging effects, including a significant influence and impact on all subsequent anti-conversion legislation.

**VI. Arunachal Pradesh, 1978**

In 1978, a year after the Supreme Court’s ruling in the case of *Reverend Stanislaus vs. Madhya Pradesh*, and in the wake of considerable anti-Christian violence in India’s northeast,\(^{433}\) the third of the initial tranche of State Freedom of Religion acts was enacted in the then Union Territory of Arunachal Pradesh. The official title of the act is the Arunachal Pradesh Freedom of Religion Act. It should be noted however, that the original title of the Act was the Arunachal Pradesh Freedom of Indigenous Faith Bill. Under this title, the bill was refused presidential assent by President Neelam Sanjeeva Reddy. After its title was changed to the Arunachal Pradesh Freedom of Religion Act, Reddy gave his assent to the bill and it became law in the then Union Territory of Arunachal Pradesh.\(^{434}\)

\(^{432}\) Kim, *In Search of Identity*, 81.


\(^{434}\) Banerjee, *Religious Conversions in India*, 260.
While the Arunachal Pradesh Act contains a similar scope and language to the laws enacted in Orissa and Madhya Pradesh it is most notable for its emphasis on indigenous faiths.

As a bill, the purpose of the Act was written as follows:

A Bill to provide prohibition of conversion from indigenous faith of Arunachal Pradesh to any other faith or religion by use of force or inducement or fraudulent means and for such matters connected therewith.\(^{435}\)

Presidential assent for the bill was only granted after the bill was not only renamed—to the Arunachal Pradesh Freedom of Religion Act—but also the law’s purpose changed so as to apply to an individual of any religious community and not just a community defined as indigenous.\(^{436}\)

Following on the advice of the President, the purpose of the Act was re-written.

To provide for prohibition of conversion from one religious faith to any other faith by use of force or inducement or by fraudulent means and for matters connected therewith.\(^{437}\)

Nevertheless, “conversion” is defined in the final language of the Act, not as “renouncing one religion and adopting another” as in the Madhya Pradesh and Orissa Acts, but as “renouncing an *indigenous faith* and adopting another faith or religion.”\(^{438}\)

Given both the Bill and the final Act’s emphasis on conversion from an indigenous faith to another tradition, the legislation’s definition of ‘indigenous’ bears further scrutiny. Indigenous religions in the Arunachal Pradesh Freedom of Religion Act were defined in the following manner:

‘Indigenous’ means such religious beliefs and practices including rites, rituals, festivals, observances, performances, abstinence, customs as have been found, sanctioned, approved, performed by the indigenous communities of Arunachal Pradesh from the time these communities have been known and includes Buddhism as prevalent among the Monpas, Menbas Sherdupens, Khambas, Khamtis and Singhpooos, Vaishnavism as preached by Noctes, Akas and Nature worships including worships of Dogi-Polo, as prevalent among the indigenous communities of Arunachal Pradesh.\(^{439}\)


The prohibition of forcible conversion clause in Arunachal Pradesh, 1978 also refers to indigenous faith, states that “no person shall attempt to convert, either directly or indirectly any person from indigenous faith by use of force or by inducement or any fraudulent means nor shall any person abet such a conversion.”

The language of the Arunachal Pradesh Act makes no mention of whether ‘induced’ conversions from non-indigenous faiths back to the indigenous faiths listed in the Act’s definition were subject to the punishments outlined in the Act. The punishments for forcible conversion to, again, a non-indigenous religion, were similar to the punishments in the Madhya Pradesh and Orissa Acts: up to two years imprisonment and a fine of up to Rs.10,000. Interestingly, there was no stipulation for increased punishment in the Arunachal Pradesh Freedom of Religion Act for converting a minor, woman, or member of the Scheduled Castes or Tribes. As in the Madhya Pradesh Act, registration of conversion was compulsory: all conversions were to be registered with the Deputy Commissioner of the district in which the conversion took place, with a failure to do so resulting in imprisonment of up to one year, a fine of Rs. 1,000 or both.

The implication and purpose of the Arunachal Pradesh Act, with its focus on indigenous faiths is plain. In the interest of “public order,” conversion from an indigenous faith to a non-indigenous faith is “not only to be discouraged, but, as far as it is possible, prevented.” And, as noted above, while conversions from an indigenous faith to a non-indigenous faith are actively discouraged by the Act, no such language exists within the act that would provide similar regulation or discouragement for a conversion or reconversion to an indigenous faith. Under this

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442 Neufeldt, “To Convert or Not to Convert,” 391.
rationale, indigenous faith and nationalism—or a *Hindutva*-like understanding of what it means to be ‘Indian’—are seemingly synonymous.\(^{443}\) As Brojendra Nath Banerjee noted in his analysis of Arunachal Pradesh, 1978, the initial Arunachal Pradesh Bill’s Statement of Objects and Reasons argued that “the problems of conversion from one indigenous faith to any other faith or religion…has been creating unhealthy and undesirable friction in the unsophisticated and simple tribal communities of Arunachal Pradesh threatening social peace and public order.”\(^{444}\) The rationale that conversion *away* from an indigenous faith disturbs public order (and not a conversion in the other direction) implicitly argues that Christianity is an alien faith, and that conversion is a subversive act against the interests of the state in a way that membership in or conversion to an indigenous faith could never be.\(^{445}\)

**VII. Additional Anti-Conversion Bills put forward in the Lok Sabha, 1967, 1978, and 1981**

Three bills that were similar in scope and recommendations to the State Acts discussed above, were introduced in the Lok Sabha: the Backward Communities Religious Protection Bill in 1967; the Freedom of Religion Bill in 1978; and 1981 the Compulsory Registration of Religious Conversions Bill.

In 1967 the Backward Communities Religious Protection Bill was introduced in the Lok Sabha in concurrent with the first anti-conversion law enacted in the state of Orissa. The object section of this bill was the most explicit of any of the four anti-conversion bills introduced in the Lok Sabha. The bill’s object stated that the purpose of the bill was to “protect the members of the Scheduled Castes, Scheduled Tribes and Backward classes from the proselytizing activities of

\(^{443}\) Neufeldt, “To Convert or Not to Convert,” 391.
\(^{444}\) Banerjee, “Religious Conversion in India,” 263.
\(^{445}\) Banerjee, “Religious Conversion in India,” 264.
foreign Christian missionaries.” In addition to explicitly designating foreign Christian missionaries as the major issue with regards to fraudulent conversion in India, this bill is also notable for its explicit rhetorical and ideological links with the Arunachal Pradesh Freedom of Religion Act, 1978. The definition of indigenous faith in Arunachal Pradesh Act appears to follow quite closely the definition of “a religion of Indian origin” contained in the 1967 Backward Communities Religious Protection Bill. In the 1967 bill, a religion of Indian origin included “Hindu religion in any of its forms or developments,” “Buddhist, Jaina or Sikh religion” and any “religion the founder of which was born in the territories of India.” Converting to a religion not “of Indian origin” required the potential convert to file a written statement of intent to the District Magistrate, an investigation by the District magistrate into the “contemplated change of religion” and registration on a conversion registry. No such application or registration was required for any person “whereby he takes to his ancestral religion or any religion of Indian origin.”

The latter two aspects of the bill identified here are important. While the Orissa Freedom of Religion Act was also enacted in 1967, it did not require any registration of converts with district authorities. The Madhya Pradesh Act of 1968, however, did require those performing the conversion to register, though individual converts were not required to register with their District Magistrate. Neither the Madhya Pradesh nor Orissa Freedom of Religion Acts required a potential convert to file a statement of intent to the District Magistrate, nor did they require an

447 The Backward Communities Religious Protection Bill Bill No. 134 of 1967, Introduced in the Lok Sabha on 1 December, 1967, 2. We can also note here that the definition of “Hindu” contained in the The Backward Communities Religious Protection Bill is not only common with Arunachal Pradesh, 1978, but also with the legal definition of “Hindu” in the Hindu Code bills enacted in the mid-1950s, and discussed in section II above.
investigation by the District Magistrate into the “contemplated change of religion.” Conversion regulation of this magnitude, wherein permission from a government authority was required before a conversion ceremony could proceed was not implemented at the state level until 1989, when the government of Orissa established the Orissa Freedom of Religion Rules to accompany the Orissa Freedom of Religion Act, 1967. Each of the state Freedom of Religion Acts established after 2002 (and which are examined in detail subsequently in Chapter 6) require potential converts to receive permission from their local District Magistrate in order to convert, and after the Magistrate has performed an investigation into the proposed conversion.

The second highlight of The Backward Communities Religious Protection Bill is the explicit statement that no investigation or registration is required for a reconversion to one’s ancestral (and therefore indigenous) religion or any conversion to a “religion of Indian origin.” While this “favouritism” of indigenous religions is implicit in Arunachal Pradesh, 1978, it is not spelled out in the fashion it is in this case. This is a clear example of Christianity (and Islam) being defined as alien faiths in the Indian religious milieu. The foreignness of Christianity, and its potential for denationalizing converts, or creating dual loyalties in converts, appears to be a significant fear for the authors of the bill, as it was for the Niyogi and Rege report committees. Ultimately, the Backward Communities Religious Protection Bill of 1967 was not passed into law by the Lok Sabha, and it was another 11 years before another piece of national anti-conversion legislation was introduced at the Centre.

In 1978, and historically concurrent with the Arunachal Pradesh Freedom of Religion Act, Janata Party member O.P. Tyagi introduced the Freedom of Religion Bill in the Lok Sabha, a bill designed to prohibit conversions by force, inducement or fraud, and to protect especially members of the Scheduled Tribes and Castes, minors and women. This bill contained all of the

\[450\] Orissa Freedom of Religion Rules, 1989
definitions and all of the prohibitions included in the three State Freedom of Religion Acts. This included the stipulation that the unlawful conversion of a minor, woman, or member of a Scheduled caste or tribe, would result in double the prison time and double the fine as the unlawful conversion of an adult male. 451 Interestingly, while one of the major reasons that he 1954 Indian Converts (Regulation and Registration) Bill failed to pass was the opposition of Prime Minister Nehru, the Freedom of Religion Bill, 1978 enjoyed the support of then-Prime Minister Morarji Desai. Even with Desai’s support of the Bill, it disappeared with the Janata government in 1980, and was never enacted into law.

Notwithstanding the fact that Tiyagi’s bill was never enacted, while it was before the Lok Sabha it caused considerable unrest within India’s various Christian communities. The primary concern, of course, was the national characteristic of the bill, and that its passage would implement the strict conversion regulations seen in Madhya Pradesh and Orissa nation-wide. The Christian community also had several more pointed criticisms of the proposed legislation. In an open letter published in May 1979, the Archbishop of Delhi, Angelo Fernandes, rejected the language of the bill on a number of accounts, several of which reflect earlier criticisms of the enacted state anti-conversion laws made by the Indian Christian community.

Noting, as the Orissa High Court did, that the definitions of the terms “force, fraud and inducement” in Tiyagi’s bill were both extremely vague and ambiguous, Fernandes went on to argue that these definitions were also “positively mischievous:”

They would enable an ordinary inspector of Police to arrest somebody like a Mother Theresa on a non-bailable warrant if the charitable act of picking up a leper from the streets is interpreted as “inducement.” A philanthropist who shares his goods with others, a teacher or nurse who engages in some special service of his/her fellowmen could be punished for practicing “fraud” if one of those benefitting wished to alter his religious beliefs! One who preaches that men living a sinful life will incur divine displeasure will be committing an offence punishable by a one year’s imprisonment. The connotation given to the word ‘inducement’ would seek to put an end to the devoted service rendered

451 Neufeldt, “To Convert or Not to Convert, 324-325.
by Christians for the uplift of the downtrodden if any of the beneficial would feel inclined to adopt Christianity.  

The Archbishop also criticized the power granted to the police and government officials to determine if a conversion is genuine. Fernandes wrote that this increased the possibility for misuse of the provisions in the bill and for local politics to play an improperly large role in what he believed to be a purely religious matter in a secular county.

Archbishop Fernandes, like many Christian critics of the Tiyagi bill, did not dispute that forcible or fraudulent conversions needed to be curtailed. What they questioned was, even to the small extent that these ‘unhealthy’ practices were taking place, whether the legislation was the best way of addressing the problem in the context of India as a secular state:

Is it right to involve the state—a secular state—in the question of religious conversion and therefore, of religious belief? Is it the business of Parliament to create a climate of fear and suspicion in the area of free choice of religion? There is nothing like this with regard to freedom of political belief and freedom of the press. Why then a different standard in the area of religion?

The presence of anti-conversion legislation and the strong penalties contained therein therefore served to ramp up distrust, fear and suspicion, amongst both the majority and minority communities. The presence of a law banning forcible conversions would not necessarily put the mind of the majority Hindu community at ease. It could just as easily intimate that the problem of fraudulent conversions was enormous, creating additional discord between Hindus and their Christian neighbours. And, for Christians, these laws not only struck at propagation and conversion, which for many was a fundamental aspect of their religious practice; the laws also interjected an enormous amount of government, even police oversight—and arguably

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452 A Call to Justice by Archbishop Angelo Fernandes, 1 May, 1979. Published in full as an appendix to Bannerjee, Religious Conversions in India, 356.
453 A Call to Justice by Archbishop Angelo Fernandes, 1 May, 1979, 359.
454 A Call to Justice by Archbishop Angelo Fernandes, 1 May, 1979, 359.
interference—into their religious practice. It starts with conversion, the Christian community reasoned, but where does it end?

In December of 1981, Janata Party member Vasant Kumar Pandit tabled The Compulsory Registration of Religious Conversions Bill. Pandit’s bill called for the compulsory registration of all religious conversions, and was proposed in the wake of the conversion of several hundred Dalits to Islam in the small Tamil Nadu town of Meenakshipuram earlier in 1981. In his submission to the Lok Sabha, Pandit argued that “in recent times conversions have taken place on a ‘mass scale’ under circumstances which leave doubts about those conversions being voluntary nor out of free will, nor a genuine change of faith.” The compulsory registration of conversions, Pandit said, would prevent such “non-voluntary” conversions from taking place.

Pandit’s comments in the Lok Sabha when he introduced the Bill effectively encapsulates much of the sentiment behind anti-conversion rhetoric, ranging from the Constituent Assembly Debates, through the enquiry reports and into the first tranche of proposed and enacted legislation. Pandit’s bill stipulated that in addition to the requirement to register a conversion with relevant district authorities, converts would be required to provide a memorandum to the community from which the person was converting. G.M. Banatwalla, an Indian Union Muslim League member from Kerala, said in the Lok Sabha debate surrounding the introduction of the bill, that the “memorandum” requirement was “an invitation to anti-social elements to create disorder.” Pandit’s response to Banatwalla’s standard criticism captures a typical response for proponents of anti-conversion legislation:

We have a registrar of birth, marriages, and a registrar of deaths. The change of faith means almost a rebirth of the person. I do not know why so much objection is being taken. I think the question of law

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456 Neufeldt, “To Convert or Not to Convert,” 394.
and order will arise—and it has arose—when there are doubts that the conversions were not of a free conscience but were made through compulsion and enticement…In recent years, particularly from the new census figures, we do see that large numbers of people are changing their faith. By this Bill, I merely want to give the person a full change to think over the whole thing, because mass conversions are now taking place. If it is a question of one or two individuals I do not mind. But when mass conversions take place it definitely leaves a doubt whether it is really the result of a true change in faith.457

As in the Constituent Assembly Debates, there was the misunderstanding of the importance—or conversely the fear—of conversion on both sides of the debate. Christians could not understand how Hindu opponents of conversion could fail to see its regulation as a denial of their fundamental religious rights. Christian opponents of the proposed legislation were unable to comprehend how conversion rankled Hindus; not only form a religious perspective but from a political, even psychological one, where postcolonial anxiety and demographic fear combined to see conversion as an attack, both on Hindu religious practice and, by extension, the nation as well.

Demographic fear, or the idea that conversions could fundamentally alter India’s demographic and electoral balance appears to be the primary factor in Pandit’s motivations for introducing this bill. In stating that conversions had, in recent times, taken place on a “mass scale” Pandit was undoubtedly referring to the Meenakshipuram conversions of untouchables to Islam which had taken place earlier in 1981. In February of 1981, 1,100 untouchables living in Meenakshipuram Village, Tirunaveli District, Tamil Nadu, converted to Islam, sparking a nation-wide debate on conversion.458 Interestingly, the debate surrounding conversion sparked by the events in Meenakshipuram was not limited to the Sangh Parivar or right-wing Hindu journalists and ideologues, but came also to include the Congress-led government at the Centre

457 Neufeldt, “To Convert or Not to Convert,” 394. (Emphases added).
and a surprisingly high percentage of the Indian population in general. The magnitude of the national debate surrounding conversions at this particular time once again demonstrates the contested nature of conversion in Indian society as a whole, especially amongst the majority Hindu community, and regardless of their political affiliation.

It is instructive, therefore, to examine the Meenakshipuram controversy in greater detail, especially the Central government’s response to this ‘mass’ conversion. The federal Congress government led by Indira Gandhi accepted the argument put forth by the Hindu Right that the Meenakshipuram conversions had been facilitated through financial inducements provided by “oil-rich Arabs.” A note prepared for a meeting of the Central government’s consultative committee in the Ministry of Home Affairs in the wake of the Meenakshipuram conversions, which was subsequently leaked to the press, demonstrates the extent of the central government’s belief that these conversions had been induced via foreign funds:

Financial aid from Gulf countries to Muslim institutions, mosques and groups has…been coming in, in many cases not through proper channels. There is enough indication that the zeal with which the Jamaat-e-Islami-Hind and other revivalist groups are working in this area to accelerate the conversion of Harijans, is at least partly attributable to the resources these parties have acquired from the Muslim countries and the pan-Islamic organizations over the last two or three years.

The Gandhi government’s belief that “petro-dollars” were driving the conversion of untouchables to Islam was mirrored in articles written in several major Indian newspapers, including papers which customarily did not possessive an editorial line sympathetic to Hindu

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459 Mujahid, Conversion to Islam: Untouchables Strategy for Protest in India, 96, 133fn. A poll conducted by the magazine India Today in October of 1981 revealed that 57% of Indians polled wanted government intervention to stop conversions. In northern Indian cities, the support was 78%. The support level of 57% is very high when one considers that 38% of India’s population consists of untouchables and non-Hindus.

460 Mujahid. Conversion to Islam: Untouchables Strategy for Protest in India, 87-8. The issue of foreign money, and especially the government’s swift response in terms of enacted legislation requiring Central government approval for certain groups (in particular missionary groups) to accept financial contributions from abroad raises the issue once again of dual allegiances. See the discussion of dual allegiances presented in Chapter 3 above.

461 “Note prepared for the meeting of the consultative committee in the Ministry of Home Affairs to be held on the 14th of September, 1981.” Quoted in Jaffrelot, The Hindu Nationalist Movement in India, 341.
nationalism. These articles argued that Muslim proselytizing groups were not only funding missionary groups but that converts to Islam had been paid directly out of these funds.\textsuperscript{462}

As a consequence of the belief that conversions such as the ones in Meenakshipuram had, at the very least, the potential of being driven by foreign funds, the Central government enacted the Foreign Contributions (Regulation) Act in 1981, which prevented several organizations, including Christian missionary groups, from receiving foreign financial contributions without Central government permission.\textsuperscript{463} The government also initiated a study of the Meenakshipuram conversions, and the \textit{Meenakshipuram Report} was published in November of 1982. Interestingly, the \textit{Meenakshipuram Report} criticized the government response to the conversion controversy. The \textit{Meenakshipuram Report} stated that the individuals who made accusations of inducement were unable provide “any detail as to “who paid whom, etc.'” and that, in the final analysis, it was “not possible to say in this regard anything categorically about the involvement of foreign money.”\textsuperscript{464} Abdul Malik Mujahid argues that “Muslims, even prosperous Tamil Muslims, can hardly offer inducements to match the government concessions that untouchables are foregoing by being converted.” In the case of the motivation behind the Meenakshipuram conversions, Malik suggests, it is “not the material benefits, it is the self-respect the decision involves.”\textsuperscript{465}

Pandit’s bill, with its desire to register conversions and with its language of “mass conversions,” was demonstrative of the extent to which demographic fear was not merely an issue for the Sangh Parivar and Hindu nationalists, but an issue that could also become a matter of national concern for many Indians, regardless of political persuasion. The extent to which the national government, and perhaps more importantly, the press, responded to the conversion of

\textsuperscript{462} Jaffrelot, \textit{The Hindu Nationalist Movement in India}, 340-341.
\textsuperscript{463} Mujahid, \textit{Conversion to Islam: Untouchables Strategy for Protest in India}, 98.
\textsuperscript{465} Mujahid. \textit{Conversion to Islam: Untouchables Strategy for Protest in India}, 89.
untouchables to Islam is telling. Approximately 1,100 people converted to Islam in the village of Meenakshipuram village and the media estimated that the entire number of converts in the year of the controversy, 1981, was no more than 2,900 in all of the villages in the area. These numbers did not reflect a threat to the Hindu numerical majority; neither did they support any fear that the majority could end up a minority in the future. The nationwide response to these “mass conversions” and the threat they entailed went considerably beyond their numerical significance, as is often the case in criticisms of and responses to cases of religious conversion.

Christophe Jaffrelot has written that in the 1980s that many Hindus—and not only the Sangh Parivar—saw Hinduism as somehow “under siege,” and that this idea of being under siege was an “underlying theme “ in much of the Sangh’s public religious rhetoric. This siege mentality was exacerbated by (contested) demographic studies produced following the 1981 census that Hindus “could become a minority in the Indian population by the year 2281 or even 2231. Pandit’s bill expressed a strong demographic fear, a fear which also informed the various other State Acts and Lok Sabha bills, but which was also very much part of the historical moment in which it was introduced. Pandit’s commentary in the debate surrounding the introduction of the bill is strongly reflective of this fear:

In recent years, particularly from the new census figures, we do see that large numbers of people are changing their faith. By this Bill I merely want to give the person a full chance to think over the whole thing because mass conversions are now taking place.

The siege mentality of Hindus identified by Jaffrelot, to be sure, was reflective of demographic fear and exacerbated by both the questionable projections of Hindu decline in studies made following the 1981 census and the heated rhetoric in Indian public culture following the Meenakshipuram conversions. However, the siege mentality can also be linked to

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467 Jaffrelot, The Hindu Nationalist Movement in India. 342.
the building presence of Hindu nationalism in India’s political scene and on a particular aspect of *Hindutva* ideology: the presence, of an “Aryan Golden Age;” a period in Hindu history pure and unsullied by interaction with other religions or with other peoples and other nations. V.D. Savarkar’s vision of both the future and the Hindu past were utopian in nature. As Ainslee Embree argues, “when leaders of religious or nationalist movements look to the past in search of a golden age, they are usually in search of the future; the past becomes usable as it undergirds the future.”

Savarkar did this very thing; he successfully created an idealized Indian past in order to justify his *Hindutva* vision of the future.

This desire for an unblemished Hindu future based on a Golden Age prior to contact with Islam and Christianity can also help explain demographic fear. As Arjun Appadurai explains:

> Numerical majorities can become predatory and ethnocidal with regard to small numbers precisely when some minorities (and their small numbers) remind these majorities of the small gap which lies between their condition as majorities and the horizon of the unsullied national whole, a pure and untainted national ethnos.

These examples demonstrate how significant *Hindutva* ideological desires are based on the importance of the Hindu majority, and eventually, a Hindu totality or fully Hindu nation. Demographic fear is, therefore, predicated on both the fear of what might happen if Hindus should lose their majority status, as well as just how close Hindus are to achieving a pure national ethnos. Interestingly, and as our discussion of Pandit’s Bill has shown, this fear was also shared by a large number of Hindus who do not customarily support Hindu fundamentalist politics.

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470 Sarkar. *Beyond Nationalist Frames*, 246. Sarkar reinforces this point of Embree’s, arguing that “Constructions of histories or lineages as morale-booster, for legitimacy, to link up present aspirations with more-or-less imagined pasts in efforts to move towards specific kinds of futures—have all been a standard feature of modern political movements.”
The responses to the Meenakshipuram conversions also demonstrate how strong a response conversion can generate in India. The responses to the Meenakshipuram conversions reveal that many members of Hindu society outside of the Sangh Parivar also see conversion as something that primarily arises out of manipulation or financial inducement, especially where the lower castes and other ‘weaker sections of society’ are involved. These responses, of course, fail to consider the multitude of possibilities of as to why the conversions of Meenakshipuram took place, including the possibility that the conversions were themselves a protest against Hindu society from within, or that in some other way these converts were exercising their religious and political agency. Malik suggests that the Meenakshipuram converts knew that by converting they would be deeply wounding those whom they saw as their oppressors and that they were conducting, in effect, a “psychological war” against the social and political inequities of Hindu culture. While the war imagery may be somewhat strong, as we have noted, the decision to convert from Hinduism to another tradition has often been made with the idea of dignity in mind, and with the possibility of escaping the social inequality imposed by the caste system.

Despite the general unease of the majority Congress government with the Meenakshipuram conversions, indeed the unease of much of the Indian population with regards to the Meenakshipuram conversions, Pandit’s bill failed to pass and no new anti-conversion legislation would be tabled, at any level, for two decades.

VIII. Conclusion

In this chapter, I analyzed the first tranche of anti-conversion legislation introduced at the state and central levels of government in India, as well as the High Court and Supreme Court challenges that arose from these laws. At the practical level, the Supreme Court rulings in favour

\footnote{Mujahid. *Conversion to Islam: Untouchables Strategy for Protest in India*, 82-85; 105-106.}
of the Orissa and Madhya Pradesh Acts ensured that, at the state level at least, further anti-conversion legislation could be enacted. For Christians, both the legislation and the court rulings on the legislation demonstrated that while propagation may be protected by the Constitution, conversion per se was not.

The analysis of this legislation has also demonstrated that the ideological motivations supporting the criticism of conversion to Christianity in India have remained uniform and consistent when judged in light of the debates in the Constituent Assembly and the recommendations of the two state Missionary Enquiry Reports. While the legislation exists, ostensibly, to prevent fraudulent conversions, the political issues of denationalization, extra-territoriality and foreign influence remain as primary drivers of opposition to religious conversion. The legislation also demonstrates increasing recourse to the rhetoric of indigeneity, with conversion, or re-conversion, to indigenous Indian religious viewed as an apolitical act when compared with conversion to Christianity or Islam. A growing worldview that viewed conversion to a foreign religion as an existential attack on the nation of India, is a primary factor in this rhetoric of indigeneity.

The first tranche of anti-conversion legislation and the High Court rulings also brought to the forefront issues important to the Indian Christian community vis-à-vis conversion. Politicians and the Indian Christian community criticized how the legislation instituted the bureaucratic management of conversion. Critics viewed the definitions of ‘fraud,’ ‘allurement,’ and ‘inducement’ contained in the Acts as too broad, too vague, and therefore open to possibilities of abuse. Of particular concern was the way in which the legislation empowered politicians, bureaucrats, and even the police to judge the legitimacy of a religious act: conversion.
Finally, and as in both the Constituent Assembly debates and the State Missionary
Enquiry Reports, opposition to conversion itself is of much greater import in the legislation than
is the desire to prevent conversion perpetuated by fraud or allurement. Moreover, conversion,
within the context of the laws, is an act performed on an individual, not an individual decision
made through the agency of an individual actor. Working together, these ideological
underpinnings solidified opposition to conversion and empowered the state to both manage and
interfere with what the Indian Christian community had always believed was an individual
matter of freedom of conscience.

While conversion remained an issue in India over the next 20 years, no new anti-
conversion legislation was put forward at any level of government. Hindu-Christian relations and
anti-conversion legislation again became a major national issue in the early 2000s, with the
murder of Australian missionary Graham Staines, the increased presence and power of the Sangh
Parivar at both the state and national levels of government, and the enactment of six new state
anti-conversion laws.

I. Introduction

Between Vasant Kumar Pundit’s Lok Sabha bill in 1981 and 2002, no new anti-conversion legislation was proposed or enacted at either the state or federal levels in India. The existing laws enacted between 1967 and 1978 remained in effect during this two-decade lull in new anti-conversion legislation. Even with the additional standing of the laws granted by the Stanislaus Supreme Court case of 1977, the various Freedom of Religion laws were not well-implemented and only sporadically enforced by the states. The paucity of data and information with regards to the enforcement and the impact of the laws on minority religious communities on the ground render the actual legal impact of the laws quite difficult to assess. Where we can see the impact of the first tranche of Freedom of Religion laws clearly is in the language and legal focus of the second round of Freedom of Religion laws which were enacted in the early 2000s. Discursively, the second series of laws follow the first tranche extremely closely, with new and important accretions. This chapter will analyze the language of each of the new Freedom of Religion Laws, noting the additions and changes in emphases from the first series of laws, as well as the theoretical and political implications of the new laws.

The analysis of the second tranche of anti-conversion legislation reveals a number of key findings, both in terms of the continuity of arguments against conversion seen in the Constituent Assembly Debates, the Missionary Enquiry Reports, and the first tranche of legislation, as well as several important accretions which greatly strengthened the laws. Perhaps most importantly, the laws and anti-conversion rhetoric were politicized to a degree not previously seen.

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473 Laura Dudley Jenkins, “Legal Limits on Religious Conversion in India” Law and Contemporary Problems 109 (Spring 2008), 123.
All of the anti-conversion legislation analysed so far has stated, explicitly, that the prevention of fraudulent and coerced conversions is the primary factor for necessitating these laws. In this second tranche of legislation, and in the responses to it, however, we witness a much more recognizable shift of opposition from fraudulent conversions to conversion \textit{in toto}. Given this shift, the anti-conversion laws in the second tranche are much more stringent in their management of conversion, with the various state governments granting themselves the sole power to determine the validity of not only a conversion, but even the validity of a conversion ceremony. Given the language of the laws, I would argue, most if not all conversions are expected to be coerced, necessitating state intervention and bureaucratic management at all levels of the conversion process.

The legislation and opposition to conversion in both the second tranche of anti-conversion legislation and the debate surrounding conversion in this historical period is politicized to a degree not previously seen. The Sangh Parivar, in particular the VHP, is particularly notable for the strength of its anti-conversion rhetoric and in both minimizing anti-Christian violence and blaming the Christian community for their own woes, citing conversion as the primary motivation for the violence the community has endured. The anti-conversion legislation reflects this politicization—particularly the annoyance or disturbance of public order and morality engendered by conversion. The legislation accomplishes this by implementing measures which allows \textit{any} individual or group who may claim to be prejudicially affected by an individual conversion to demand an investigation by the state into that conversion, or to act as an intervenor in such a case.

In addition, most, if not all of the previously identified arguments against both fraudulent conversions and conversion per se are maintained in the second tranche of legislation. The
language of indigeneity is a crucial aspect of the second set of laws. Reference to ‘ancestral’
religions is seen in almost all of the laws, with re-conversion to an ancestral religion (in almost
all cases this would be Hinduism) not falling under the auspices of the Acts; this language gives
concrete legislative expression to the earlier identified issues of denationalization, extra-
territoriality, and demographic fear. The paternalistic attitude towards women, minors and the
Scheduled Tribes and Castes is also evident in the second tranche of legislation. Importantly, the
language of the second tranche of anti-conversion legislation, and in the rhetoric surrounding it,
raises important questions of the state’s role, and to what degree it can intervene in religious
matters in a secular state with constitutional Safeguards for the freedom of religion.

II. The Murder of Graham Staines and the Wadhwa Report

It was a full 17 years after the Meenakshipuram conversions to Islam in 1981 before
conversion once more became a matter of explicit concern at the national level in Indian politics.
Beginning in the middle of 1998, a number of attacks on Christians by Hindus said to be
affiliated with various arms of the Sangh Parivar were reported in the remote tribal areas of
Gujarat. Accusations ran from the burning of churches and New Testaments, to physical assaults,
rapes and, in one case, the exhumation of a Christian whose corpse was then thrown in to a
Methodist church. Incidents such as these were common in other states as well during this
period, particularly Orissa, though much more sporadically than in Gujarat, and the unrest
received moderate coverage in the Indian media. 474 In news reports on these incidents, the VHP
played a large rhetorical role, not so much by actually defending the violence as in determining
and justifying its causation. Following the gang-rape of four nuns in Madhya Pradesh in
September of 1998, VHP Central Secretary B.L. Sharma was quoted in the Hindu as saying that

474 Sarkar, “Conversions and Politics of Hindu Right,” 1692
the incident was caused by “the anger of patriotic youth against anti-national forces,” and that “they, the Congress Party, may close its eyes to the black deeds of the missionaries, to their efforts to convert Hindus, but we in the VHP will not shut our eyes to the activities of these traitors.” As brutal as some of this violence was, and as telling as were comments such as these from VHP leadership, sporadic anti-Christian violence continued until December 1998, and in January 1999, the anti-Christian violence became a much more sustained campaign.

In early December 1998, Indian Christians observed a nationwide day of protest, including the shut-down of missionary schools, in protest against the recent attacks on the Christian community. Beginning on Christmas Day, attacks on Christian churches and missionary schools began in earnest, particularly in the Dangs district of Gujarat. In addition, stores and businesses belonging to Christians were reportedly damaged and looted and a number of Christians physically assaulted. The VHP and the Bajrang Dal (the VHP’s youth wing) officially denied involvement in this anti-Christian campaign however they were linked to the violence through the membership of many VHP and Bajrang Dal activists in a new organization called the Hindu Dharma Jagran Manch (HDJM) and in their commentary on the violence in the media. Most analysts believed that the VHP and the Bajrang Dal had created the HDJM as a sort of front organization to “deflect the focus from themselves and the Bharatiya Janata Party government in Gujarat led by Chief Minister Keshubhai Patel,” with regards to the attacks on Christians. In the media, VHP leadership attempted to shift focus from Hindu attacks on Christians by asserting that the attacks had in fact been by Christians against Hindus and, more

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475"VHP Justifies Attacks on Missionaries” in *The Hindu* December 29, 1998. In singling out the Congress party in his quotation, Sharma was referring to the Congress government in power in Madhya Pradesh at the time of the incident. Sharma was also quoted in the article as saying that MP’s Congress government would no doubt be “unnecessarily energetic” in dealing with the gang-rape incident, give it ‘undue importance,” while also accusing Congress of acting “as if India is still under colonial rule.”

importantly, by citing the conversion of Hindus to Christianity as the primary cause of the violence. The VHP argued that they would never “allow the area to be converted into another Mizoram or Nagaland.”477 VHP Executive President Ashok Singhal told the press on December 29, 1998 that there was a 'foreign hand' behind the recent violence and that he had “information that some Christian leaders had come into the country from other countries to fuel the violence.” The motive of the violence perpetrated by Christians, Singhal said, was to “bring unity among various sub-sects of Christians to create conducive [sic] atmosphere for conversion and evangelisation programmes in the country.”478

In the wake of the violence at the tail-end of 1998, Indian Prime Minister Atal Behari Vajpayee visited the Dangs region of Gujarat on January 11, 1999 to assess the situation in the state. After talking to representatives of the Christian community and the Sangh Parivar, as well as residents in the affected region, Vajpayee told the media that “the prevailing situation in the south of Gujarat was not as serious as it turned out to be” and then called for a national debate on conversions. Vajpayee said he “was concerned over the points raised by two [Gujarati] Gandhian leaders, Mr. Chunibhai Vaidya and Mr. Ghelubhai Nayak that the religious conversion by the Christian missionaries was at the root of all the trouble in the district.”479

Throughout the Christian-Hindu violence at the end of 1998 and the beginning of 1999, Vajpayee had refused to sanction the strong rhetoric of the VHP with regards to conversion and had in many ways attempted to distance himself and the BJP from the situation. Indeed, in the same press conference in which he called for the national debate on conversions, the Prime

Minister also strongly condemned the BJP-led Gujarat state government’s handling of the situation as it had developed, and said unequivocally that any members of the Sangh Parivar who had been involved in the violence would be “punished as per the law.”

However, in a very shrewd political manoeuvre, Vajpayee put the onus of proof back on Christians by calling for the national debate on conversion. Vajpayee had often been presented as the ‘mild face of the BJP’ and his call for a national debate—made in measured language and supported by concerned Gandhians—could hardly be seen as provocative, and most certainly not provocative in the same way in which the VHP executive had framed the issues surrounding the violence. Notwithstanding this measured language and approach, the argument was the same. Through the call for a national debate and his immediate acceptance of conversion as a major causative factor for the violence, Vajpayee had deftly turned the tables on the Christians and implied that they were “ultimately responsible for their own woes.”

The Christian community would once again have to prove that they were not a disloyal, anti-national minority community and that their practices of proselytization and conversion were not a powerfully destabilizing activity. Responding in this manner, Vajpayee was simply following a time-proven strategy used by opponents of conversion in the Constituent Assembly Debates, in the Missionary Enquiry Reports, and in the proposed and enacted conversion legislation to that date: note the destabilization caused by conversion; assume that conversion is in almost all cases fraudulent; insert the government into this debate in the name of “public health and morality”, as per Article 25 of the Constitution; and place the burden of conversion’s legitimacy on converts and the greater Christian community. Vajpayee’s call for a national debate on conversions also had the

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secondary feature of diverting attention from the Sangh Parivar’s role in the violence, as well as the BJP-led state government’s uneasy and ineffectual relationship with Gujarat’s Scheduled Tribes in the Dangs region, where most of the violence had taken place.\footnote{Walter Fernandes. “Attacks on Minorities and a National Debate on Conversions” in \textit{Economic and Political Weekly}, Volume 34, No. 3/4 Jan 16-Jan 29, 1999, 84.} Attention would be much more difficult to divert after the culmination of this round of Hindu-Christian violence, the murder of Australian missionary Graham Staines and his two young sons in the tribal areas of Orissa on January 22, 1999.

On January 22, 1999 Graham Staines an Australian evangelical missionary was leading a “jungle camp,” a three day bible study/spiritual outreach meeting for isolated Christians in the Mayurbhanj district of Orissa. Staines primary work in Orissa was with tribal people suffering from leprosy, but he did from time to time go into remote areas of the district to hold these jungle camps and was an active participant in the local Christian community. On the night of January 22, a mob of local Hindu activists attacked Staines and the group travelling with him, which included his two young sons. In the early hours of January 23, Staines and his two sons were burned alive while they slept in their vehicle, prompting widespread outcry not only from Indian Christian communities but from Christian organizations around the world.\footnote{It is worth recalling, in this context, Jawaharlal Nehru’s prediction that even the suggestion of mistreatment towards any of India’s too largest minority communities, the Christians and Muslims, was “bound to have international repercussions on India’s world standing” and that any grievances from either of these faith communities “would be publicized on a broad international state and in the domestic arenas of countries whose support India needed.” This was certainly apparent in the negative international response to the Staines murders. See Brown, “Indian Christians and Nehru’s Nation State,” 222, 234.}

The murder of Graham Staines and the government investigation into the incident—as well as the numerous pieces of anti-conversion legislation enacted in its wake—has acted in a very real way as a symbol of the extent of Hindu opposition to missionaries and to conversion throughout India. The incident also led to the institution of the Wadhwa Commission, a
commission of enquiry implemented by the Government of India into Staines’ death. This report is invaluable for its detailed account of the events leading up to Staines’ murder. However, the report is also emblematic of most government reports on conversion in that conversion per se becomes the major issue under investigation. What begins as an investigation into who killed Graham Staines and his sons, and why they were killed becomes more a discussion of who was converting whom in the rural areas of Orissa where Staines worked and whether those conversions were being affected via fraudulent means. As Laura Jenkins has noted, the investigation of the killers motives often “shifts to also question the motives and converts in the area,” particularly tribal converts.484

The D.P. Wadhwa Commission of Inquiry into the murder of Graham Staines and his two sons was established by the federal Home Ministry almost immediately after the incident. The commission was led by Supreme Court Justice D.P. Wadhwa and submitted its report after a five-month investigation. While the report was strongly criticized as a whitewash by a number of different human rights organizations (which will be discussed below), and by contradictory reports on the murders from other levels of government, it remains the primary federal investigative conclusion and explanation for the incident.

At the outset, the Wadhwa report notes that its purpose is three-fold. To assess:

(a) the facts and circumstances relating to the killing of Mr. Graham Stewart Staines, an Australian national and his two sons on 22nd /23rd January, 1999 in village Manoharpur, District Keonjhar, State Orissa.,

(b) the role, if any, played by any authority, organization or individual in/or in connection with the aforesaid killings; and

(c) any other matter connected with or incidental thereto as the Commission may consider appropriate. 485

484 Jenkins, “Legal Limits on Religious Conversion in India,” 117.
The report accomplishes the first aspect (part a) of its mandate extremely well; it is likely the best record of the series of events leading up to the murders. The success of the second and third aspects of its mandate are more imperfect—with Indian Human Rights organizations criticizing the commission’s failure to acknowledge the influence of the Sangh Parivar on the perpetrators led by one Dara Singh (part b), and the local and national Indian Christian communities for the report’s degeneration into an enquiry focused on conversion *per se* rather than a full examination of strained Hindu-Christian relations in the area (part c).

With regards to the influence of the Sangh Parivar on the motive of the killers, the Wadhwa Commission clearly exonerated any Sangh Parivar group from any influence on either those who killed Staines or in instigating any other incidents of Hindu-Christian violence in the region in the months leading up to the murders. Despite the testimony of numerous witnesses, both Christian and Hindu, that Dara Singh and his associates were members of the Bajrang Dal and that Bajrang Dal slogans were shouted throughout the attacks—testimony of which was documented in the report—the Commission concluded that:

> There is no evidence to suggest that any of the person involved in the crime, was in fact a member of either the Bajrang Dal or BJP or any organization. There is nothing to suggest in the evidence before the Commission or in the investigation conducted by the crime branch and the CE3d [sic] thus far that there is involvement of any organisation even that of Bajrang Dal in the planning and the execution of the crime.

In spite of the witness statements to the Wadhwa Commission and state police intelligence reports linking Dara Singh to various organizations associated with the Sangh Parivar, and without going into significant detail about *why* they came to the opposite conclusion, the Commission said that Dara Singh and his associates were merely *perceived* to be members of the Bajrang Dal. The only evidence provided to support this claim of perception over actual affiliation was Singh’s insistence in a television interview conducted after the attacks denying

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486 *Wadhwa Report*, 42.
both his involvement in the crime or affiliation with any group, and an affidavit from the Bajrang Dal’s Orissa Coordinator Pratap Sarangi that claimed that Singh had never been a member of the Bajrang Dal. The report noted that neither the State government nor the National Council of Churches contradicted Sarangi’s affidavit as the primary supportive evidence for their conclusion.⁴⁸⁷

It was the Wadhwa Report’s conclusion regarding the Sangh Parivar’s lack of influence on the Staines attacks that disconcerted various Indian Human Rights organizations. The South Asian Human Rights Documentation Centre (SAHRDC) released a scathing indictment of the Wadhwa Report shortly after its release with a primary focus on providing counterevidence to the Commission’s claim of the Sangh Parivar’s non-involvement.

Ironically, the section on motive for the Staines murders which concludes the Wadhwa Report, and its conclusion that the conversion of poor members of the Scheduled Tribes from Hinduism to Christianity in the district was Singh’s primary motive would not have been any different had they accepted Sangh involvement or influence on the murders. If anything, it would have only strengthened their conclusions. Nevertheless, in a manner reminiscent of the Niyogi Report, the discussion of the motive for the murders rather quickly becomes an analysis of the motives for conversion to Christianity in general, in particular the motives for conversion by converts from the Ho and Santhal tribes. The language of the conversion analysis also contains the same presuppositions as the Niyogi Report and the Freedom of Religion Acts legislated between 1967 and 1978: that conversion is passive, that it is affected through fraud or economic incentive, that individual agency is unimportant, and that both conversion and shifting religious demographics should be monitored by the state.

⁴⁸⁷ Wadhwa Report, 42.
Interestingly, the Motive section begins with a demographic comparison of religious affiliation in the Keonjhar district of Orissa in 1998. The Hindu population of the district in 1998 was 1,493,966 or 97.6% of the population, while the Christian population totaled just 4,707 or 0.3%. No reason is given for the inclusion of this data, which would seem to quite strongly argue against any legitimate issues of demographic transition as the motivation behind the Staines killings. The report then moves on to the primary motive for the murders: “that there were conversions of illiterate and poor Hindu tribals to Christianity on certain premises, but these conversions were not necessarily inspired by Staines.”

The Motive section of the report goes on to document the testimony of a number of Christians regarding their conversions to Christianity and their assessment of the region’s Christian community. The selected testimony focused on the poverty and illiteracy of the converts, as well as cases where either medical help or spiritual help provided by missionaries or members of the local Christian community led to recovery from various illnesses. In the case of poverty, the report notes the testimony of John Mathai, a linguist and employee of the Indian Evangelical Mission in Bangalore, who had been working in the region. Mathai noted that

The conversion to Christianity is mostly confined to poor and illiterate people in the tribal areas. But there are educated people also in the tribal areas who have embraced Christianity. I cannot say if in any town or city any educated or well to do person has embraced Christianity. There would be about 4-5 such educated persons in the tribal area who have embraced Christianity.

In the case of medical or spiritual help, Timothy Mumu, pastor of the Christian church at Manoharpur explained his conversion to Christianity to the Wadhwa Commission as follows:

[He said he was] suffering from an acute illness of fever and some incurable disease for one year. He remained bedridden for one month, took a lot of medicines and spent more than Rs. 2000/- for his treatment and yet he could not be cured. He said his wife lost all hopes [sic] and then she heard that if a Christian prays for somebody he would get cured. His wife called some Christians

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489 Wadhwa Report, 48.
490 Wadhwa Report, 49.
to his house. He, however, continued his medicines and within one week he was cured. Then he decided to become a Christian. He also said that in his village, Manoharpur, most of the persons who became Christians were those who suffered from incurable illnesses but after becoming Christians they had been cured. 491

Testimony along these lines led the Wadhwa Commission to the following three conclusions:

1) Conversion was confined to poor and illiterate tribals belonging to the Ho and Santhal Tribes
2) Conversions were done of people who were suffering from acute ailments and they were nurturing a hope they would be cured if they themselves converted to Christianity.
3) Economic conditions of the converted Christians, however, did not show any improvement as deposed by the witnesses. However, the Investigating Team found that since the converted Christians stopped taking ‘handia’ (rice beer) and saved money by avoiding unnecessary expenditure on ‘bali’ (sacrifice) of hens and goats which the local tribals believed in, their savings were utilised for a better life. 492

The testimony documented above, as well as the three conclusions of the investigating team revealed a number of pre-existing conceptions regarding conversion to Christianity in India—conceptions that run in a relatively straight line from the Constituent Assembly Debates, through the Niyogi Report, and the initial tranche of anti-conversion legislation: that poor and illiterate people are the primary targets of conversion, that better-off, literate people do not normally convert, and that medical help—even though in the testimony documented any medical assistance or positive medical outcomes appears to be of a spiritual nature—is a subtle form of coercion. While the testimony in this section repeatedly stressed that economic condition of Christian converts did not tend to improve after their conversion, the Commission went out of its way to note that a convert’s rejection of alcohol and sacrifice did in fact improve his or her financial situation. The idea that people convert to improve their economic situation, as opposed to converting due to a real change in belief is a primary criticism of both conversion and missionary activity. Despite included testimony that directly and repeatedly contradicted the notion of conversion for material gain, the Commission constructed an indirect link based on a convert’s change in behavior and how that change may improve their financial circumstances.

491 Wadhwa Report, 49.
492 Wadhwa Report, 50.
The conception of conversion for material gain as a primary motivating factor for conversion to Christianity thus remains intact, solidifying the conception that these conversions were not real conversions, that is, a change in religious faith but conversions brought about by inducement.

The South Asia Human Rights Documentation Centre (SAHRDC), a New-Delhi based human rights advocacy network,\(^\text{493}\) wrote a stinging dismissal of the Wadhwa Commission report, making a number of worthwhile points about the report’s conclusions, and how these conclusions represent the greater debate over conversion in Indian politics, particularly party politics.\(^\text{494}\)

The South Asia Human Rights Documentation Centre (SAHRDC) wrote a stinging dismissal of the Wadhwa Commission report, making a number of worthwhile points about the report's conclusions, and how these conclusions represent the greater debate over conversion in Indian politics, particularly party politics.\(^\text{494}\)

The main contention contained in the SAHRDC’s response to the findings of the Wadhwa Commission was that the report failed to note Dara Singh’s connection to the Sangh Parivar, in particular the Bajrang Dal, notwithstanding a host of documentary evidence suggesting a very close association. Interestingly, the Commission provided considerable documentation of Singh’s association with the Sangh Parivar in its report, none of which “was discredited by the Commission,” but which was “simply dismissed.”\(^\text{495}\) The SAHRDC then went on to argue that this failure to make the connection between Dara Singh and the Sangh Parivar was, in the main, the playing of party politics, quite a formidable accusation against a sitting Supreme Court Justice. The SAHRDC noted that, in the federal election year of 1999, the Sangh Parivar—of which the ruling BJP was a primary member—was absolved of any responsibility in

\(^{493}\) The South Asia Human Rights Documentation Centre is a New Delhi-based activist network that “seeks to investigate, document, and disseminate human rights treaties and conventions, human rights education, refugees, media, prison reforms, political imprisonment, torture and summary executions, disappearances, and other cruel, inhuman, or degrading treatment.” The SAHRDC also “collects information on human rights, specifically on violations of civil and political rights, “and, “sends action alerts requesting national and international human rights to the international human rights community to appeal to Governments in South Asia to stop the violation of human rights in their counties.” [http://www.hrdc.net]


\(^{495}\) “Judicial Commission or Injudicious Cover Up? [http://www.hrdc.net/sahrdc/resources/wadhwa.htm], 1.
Orissa’s communal violence by the Wadhwa Commission, and that the Commission accused Orissa’s Congress-led government of a “weak administration” which provided the environment in which the Staines killings could take place. The SAHRDC responded that the blame attributed to the Congress-led government “undermines the legitimacy of the Commission’s findings and otherwise legitimate concerns about policing in Orissa.”

The SAHRDC’s response to the Wadhwa report also noted that the Commission was in essence “hamstrung” by the BJP-led union government even before it began its official investigation. Just days before the Wadhwa Commission was initiated, three members of the federal Cabinet (George Fernandes, Murli Manohar Joshi, and Navin Patnaik) were sent to Orissa to investigate the murders. Following a three-hour visit, the ministerial team determined that it had discovered no involvement by members of the Bajrang Dal and, as the Commission would ultimately find, it was a failure of the Congress-led Orissa government that had led to the commission of the murders. As noted above, it was in the aftermath of the Staines killings and the anti-Christian violence in Gujarat that Prime Minister A.B. Vajpayee had made his call for “a national debate” on conversions. Vajpayee’s call for a national debate on religious conversion in concert with the initial investigation by Cabinet highly politicised both the killings and the context in which the Wadhwa Commission investigated and delivered its report. It can also be argued that conclusions of the Commission and the politicization of the murders by the Centre effectively shifted the debate to a discussion of conversion itself. The Sangh Parivar, and in particular the VHP, certainly used this shift in the terms of the debate to justify the anti-Christian

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violence and the Staines murders as unfortunate but understandable responses to missionaries converting tribals to Christianity.499

The SAHRDC’s other main criticism of the Wadhwa Commission’s report and conclusions was its failure to place the anti-Christian violence culminating in the death of Staines and his sons in any sort of national context. The Wadhwa Report neither mentions the violence in Gujarat over the previous year or that there were more recorded instances of anti-Christian violence in India over the course of 1998 (116) than in all 51 years since India’s Independence.500 Rather, the report viewed the Staines killing as an aberration, an isolated event with no connection to either increased anti-Christian violence or the Sangh Parivar’s involvement in the increased number of communal-based crimes against Christians. The political cover provided by the Centre, by Vajpayee’s call for a national debate on conversion, and by the report’s conclusions, effectively shifted the issue to conversion itself. Notwithstanding “outrage expressed domestically and abroad” for the Staines killings and the violence in Gujarat, conversion itself was viewed as the motive behind the anti-Christian violence, and, as such, understandable if not justifiable. 501

The conclusion of the SAHRDC’s analysis of the Wadhwa report questioned Justice Wadhwa’s rationale for absolving the Sangh Parivar of accountability in the Staines killings, while at the same time concluding that Staines himself was not, at least explicitly, involved in converting tribals in Orissa to Christianity. The SAHRDC suggests that either Justice Wadhwa was playing party politics pure and simple or that he was attempting to “diffuse accusations and anger over the killings by holding that Staines was not involved in conversions, and that the

Sangh Parivar was not behind his murder.” Even if Wadhwa’s rationale was to diffuse tension, the SAHRDC argued that manipulating the report to achieve a resolution of the communal tension in the region engendered by the Staines killings was “irresponsible, unconscionable, and contrary to the purpose of the Commissions of Inquiry Act, 1952.”

It was in the wake of the anti-Christian violence in Gujarat and the murder of Graham Staines and his two sons in Orissa that the second tranche of anti-conversion legislation at the state level began to emerge. Between 2002 and 2008 six pieces of anti-conversion legislation were either enacted or amended in the states of Tamil Nadu, Gujarat, Himachal Pradesh, Chhattisgarh, Madhya Pradesh, and Rajasthan. The remainder of this chapter will analyze the language and implications of the second tranche of anti-conversion legislation.

III. Tamil Nadu, 2002 (Repealed, 2006)

The first state to enact anti-conversion legislation since Arunachal Pradesh in 1978, the southern Indian state of Tamil Nadu passed the “Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance, 2002” in early 2002. This ordinance was replaced by an identically titled Act (no. 56) later in 2002. Interestingly, the ordinance was instituted under the following conditions:

Whereas the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing.

Now, therefore, in exercise of the powers conferred by clause (I) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance.

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The Chief Minister of Tamil Nadu at the time of the legislation was Jayalalitha Jayaram, whose All India Anna Dravida Munnetra Kazhagam (AIADMK) party enjoyed at the time an on-again off-again electoral alliance with the BJP, an agreement the parties had formulated beginning in 1998. This relationship, along with ideological agreement on many issues between the two parties, may have necessitated the ‘immediate action’ against conversion provided by the ordinance. It is noteworthy in this context that the state felt no need to propose or implement any type of anti-conversion legislation in the aftermath of the Meenakshipuram conversion in 1981, even with the AIADMK’s M.G. Ramachandra sitting as Tamil Nadu’s Chief Minister at the time. The increased political influence of the BJP and the greater Sangh Parivar in driving anti-conversion legislation during the second round of state laws cannot be underestimated.

Moving back to the language of the ordinance, the stated purpose of the law, like all of the anti-conversion legislation that has been discussed is the “prohibition of conversion by allurement, fraudulent means or force.” The Act provides definitions for each of the terms allurement, convert, force, and fraudulent.

Allurement is defined as:

[the] offer of any temptation in form of: (1) any gift or gratification either in cash or in kind; (2) grant of any material benefit, either monetary or otherwise

Convert is defined as:

to make one person renounce one religion and adopt another religion.

Force is defined as including:

a show of force or threat of injury of any kind including a threat of divine displeasure or social excommunication.

505 Jenkins, “Legal Limits on Religious Conversion in India,” 121.
Fraudulent means is defined as including:

misrepresentation or any other fraudulent contrivance.  

The language of Tamil Nadu, 2002—in terms of the law’s definitions and prohibitions, is almost identical to the language of the Orissa 1967, Madhya Pradesh 1968, and Arunachal Pradesh, 1978 Acts. The punishments are also similar—fines, imprisonment, or both, although the monetary value of the fine in Tamil Nadu 2002 is, unsurprisingly, considerably higher, at Rs. 50,000. As in Madhya Pradesh, 1968 and Arunachal Pradesh, 1978, those individuals desiring conversion, as well as the person facilitating the conversion are required to register the conversion with the state government.  

Of particular note in these definitions above, and in a pattern observable in all subsequent anti-conversion legislation, the definition of force includes the “threat of divine displeasure.” If the propagation of religion is permissible under Article 25 of the Indian Constitution—and even if, pace the Supreme Court’s definition of propagation in Reverend Stanislaus vs. Madhya Pradesh as the “effort to transmit or spread the tenets of his religion”—an individual propagating her religion must be able to inform the potential convert what the religion believes about non-adherents. In the case of certain sects within Christianity and Islam—whether one agrees with this particular belief or not—it is a tenet of the religion that a potential convert may risk either divine displeasure or their own individual spiritual advancement by staying in his current religion.  Under an anti-conversion law such as Tamil Nadu 2002, therefore, it is illegal for an individual seeking to either propagate her religion through an exposition of its tenets or seeking the conversion of another individual by relaying information regarding possible divine displeasure.

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511 South Asia Human Rights Documentation Centre (author). “Anti-Conversion Laws: Challenges to Secualrism and Fundamental Rights” in Economic and Political Weekly 43(2) (January 12, 2008), 64.
displeasure, thereby “limiting the information that can be made available to the potential convert and thereby impinging upon the meaningful exercise of his or her freedom to change religion.”

In the case of the threat of divine displeasure a perhaps more important question would be how the courts, or a government bureaucrat, could interpret such a threat. Laura Jenkins has argued that the major challenge in implementing a law such as Tamil Nadu, 2002 is the “need to read minds. How can one determine whether converts have been forced, lured, or tricked?” This is a very real concern in the context of a critic of the language in anti-conversion legislation. Why are government bureaucrats being charged with determining what constitutes a real conversion? Indeed, why are bureaucrats responsible for deciding whether an ostensibly religious act is in fact even valid? For a proponent of the legislation, however, overly broad definitions of force, fraud, and allurement can be viewed as the language which provides the legislation with its substantial powers of deterrence. This is particularly true in the case of a threat of divine displeasure. For Christians and Muslims, this threat of divine displeasure or even an acknowledgement of the threat is bound to arise in the process of propagation or preaching. It is certainly possible, as Laura Jenkins also notes, that the courts or government officials will attempt to avoid having to read the minds of potential converts by relying on “assumptions and stereotypes” regarding those most likely to convert. As we have noted, anti-conversion rhetoric has provided numerous stereotypes—illiterate and ignorant to name just two—with which to view the Scheduled Castes and tribes, the primary demographic of converts to Christianity.

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512 South Asia Human Rights Documentation Centre (author). “Anti-Conversion Laws: Challenges to Secualrism and Fundamental Rights,” 64.
513 Jenkins, “Legal Limits on Religious Conversion in India,” 120.
514 Jenkins, “Legal Limits on Religious Conversion in India,” 120.
Notwithstanding the intervening three decades of Indian history, to say nothing of a considerably changed political environment in India, the language of Tamil Nadu, 2002 is essentially unchanged from the language in Orissa, 1967 and Madhya Pradesh, 1968. It would be possible to dismiss the similarities in language as a matter of legislative precedent or convention if not for the fact that many of the ideological and religious assumptions underlying the Act have remained the same. The continuity of these assumptions is evident if we more closely examine two particular parts of the act: the greater danger implicit in stronger punishments for converting a woman, Dalit or tribal, and the utter lack of agency granted to the convert.

One major continuity between the first and second series of laws, indeed a trend evident as well in both the Constituent Assembly Debates and the Enquiry reports, is the increased penalties for the conversion of a minor, woman, or member of the Scheduled Castes or Tribes. Tamil Nadu, 2002 specifies punishment of 4 years imprisonment (rather than three) and a fine of Rs.100,000 (compared to Rs. 50,000) for one who converts member of one of these ‘weaker sections’ of society. In Chapter 3’s discussion of the Constituent Assembly Debates, we noted the intense debate surrounding the conversion of minors in the debates of May 1, 1947. Those debates centred over the issue of whether a minor could be converted in any context. The Constituent Assembly debated whether any conversion of a minor—not merely a coerced conversion—and including the conversion of a minor whose parents had converted to another religion, would be recognizable under the Constitution. Purushottamdas Tandon went so far as to argue that the conversion of a minor “legally and morally speaking” could never be considered valid—regardless of whether or not her parents had converted. Christian members of the

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516 CAD Vol III Part IV. [http://parliamentofindia.nic.in/ls/debates/vol3p4.htm](http://parliamentofindia.nic.in/ls/debates/vol3p4.htm)
Assembly responded that a true conversion was possible before the age of majority, but more forcefully by arguing that

You will place an embargo absolutely on the right of conversion...[as] not a single adult who is a parent, however deeply he may feel, however deeply he may be convinced, will ever adopt Christianity, because, by this clause you will be cutting off that parent from his children. By this clause you will say, although the parents may be converted to Christianity, the children shall not be brought up by these parents in the faith of the parents. You will be cutting at the root of family life.\textsuperscript{517}

While the conversion of a minor has never been prohibited outright, its management has been a part of both series of anti-conversion legislation, as well as in the conversion debates generally since at least the time of the Constituent Assembly.

The rationale for protecting minors from conversion through legislation—their immaturity and inability to properly assess and compare competing religious ideas and philosophies—loses much of its potency in the ascription of similar inability and simplicity to women and members of the Scheduled Tribes and Castes. Laura Jenkins has argued that, in the case of women, both governments and religious leaders have been “preoccupied” with “saving women from traditional practices via conversion or, conversely, from conversion itself.”\textsuperscript{518} In the case of conversion from Hinduism to another and particularly non-indigenous religion in India, Jenkins has argued that part of the concern for lawmakers is

The constitutive role of women in religious communities, both biologically and ideologically, by giving birth to and training the children, and in some cases serving as tangible boundary markers of the community.\textsuperscript{519}

While Jenkins argument is correct insofar as it goes\textsuperscript{520}, one could also argue that this is simple paternalism and infantalization, or, rather, paternalism put forward under the guise of protection of a group deemed ‘weak’—in this particular case, women.

\textsuperscript{517} CAD Vol III Part IV. \texttt{http://parliamentofindia.nic.in/ls/debates/vol3p4.htm}
\textsuperscript{518} Jenkins, “Legal Limits on Conversion in India,” 124.
\textsuperscript{519} Jenkins, “Legal Limits on Conversion in India,” 124.
Paternalism is further evident in the anti-conversion laws given the additional protection provided for the Scheduled Tribes and Castes. For as long as the Scheduled Castes and Tribes has been the primary demographic of converts to Christianity\textsuperscript{521}, these so-called weaker sections of Indian society have been situated semantically, and in almost all cases, as victims of conversion, and therefore, like women and minors, in greater need of the ‘protection’ offered by the state under the guise of the additional penalties outlined in the various Freedom of Religion Acts. This language of victimhood is an outcome of a stereotypical view of the Scheduled Tribes and Castes—passive, simple, and uneducated people who can be easily deceived into changing religious affiliation by unscrupulous Christian missionaries looking for easy converts. The lack of agency granted to the weaker sections of society in need of this additional protection in the form of increased penalties for converting them is intensified by the lack of agency ascribed to any convert, regardless of social status by anti-conversion legislation.

Interestingly, following the defeat of the BJP-led coalition in the federal elections of 2004, Tamil Nadu’s Chief Minister Jayalalitha rescinded Tamil Nadu, 2002 in 2006, citing opposition to the law among the state’s minorities and low-caste Hindus—viz., the people most likely to convert from Hinduism or seek the conversion of others. While no arrests were ever made under the auspices of Tamil Nadu, 2002, the antipathy towards conversion which motivated the legislation continued in other Indian states over the next several years, leading to the enactment of a number of other pieces of anti-conversion legislation.\textsuperscript{522}

\textsuperscript{521} Sarkar, “Conversion and Politics of Hindu Right,” 1694-1695
\textsuperscript{522} Jenkins, “Legal Limits on Conversion in India,” 119-121.
IV. Gujarat, 2003; Amendment, 2006; Rules, 2008

Four years following the anti-Christian violence that plagued the state of Gujarat’s Dangs district, the state government of Gujarat passed the Gujarat Freedom of Religion Act, 2003. The stated purpose of the Gujarat law was “an Act to provide for freedom of religion by prohibition of conversion to religion to another by the use of force or allurement or by fraudulent means and for matters incidental thereto.” The language of the Act, again, is almost identical to Tamil Nadu, 2002 as well as Orissa, 1967 and Madhya Pradesh, 1968. The definitions included in the Act are as follows:

Allurement is defined as:

Offer of any temptation in the form of: (i) any gift or gratification, either in cash or in kind; (ii) grant of any material benefit, either monetary or otherwise.

Convert is defined as:

Means to make one person to [sic] renounce one religion and adopt another.

Force is defined as including:

[including] a show of force or a threat of injury of any kind including a threat of divine displeasure or social excommunication.

Fraudulent means is defined as including:

misrepresentation or any other fraudulent contrivance.

The punishments for contravening the act are identical to Tamil Nadu, 2002. A fine of Rs. 50,000 and up to three years imprisonment, with the punishment increased to a fine of up to Rs. 100,000 and four years imprisonment in the case of the conversion of a “minor, a woman, or a

person belonging to the Scheduled Castes or Scheduled Tribes.” Also as in Tamil Nadu 2002 (and Orissa, 1967 and Madhya Pradesh, 1968) a potential convert, as well as those participating in the conversion must notify the district government that a conversion is scheduled to take place. In Gujarat, 2003, failure to notify the proper authority of an expected conversion can result in a fine of Rs. 1,000 and/or imprisonment of up to one year.

Where Gujarat, 2003 moves beyond previously enacted anti-conversion legislation is in its stipulation that both advance notice to the state government and the permission of a District Magistrate is required for the conversion ceremonies to go ahead, and that such ceremonies can take place if and only if the District Magistrate concludes that the planned conversion has not been brought about though force, fraud or allurement. This inclusion of government permission prior to conversion ceremonies taking place is an important accretion to the language of subsequent Freedom of Religion Acts in other states.

Also of note in the Gujarat legislation is the language included in the Act’s “Statement of Object and Reasons”, which reads as follows:

Reports have been received by the Government that conversions from one religion to another are made by use of force or allurement or by fraudulent means. Bringing in legislation to prohibit such conversions will act as a deterrent against the anti-social and vested interest groups exploiting the innocent people belong [sic] to depressed classes and will enable them to practice their own religion freely. It will be useful also to maintain public order and to nip in the bud the attempts by certain subversive forces to create social tension. The Government has therefore, decided to enact a law to prevent conversion of religion by use of force or allurement or by fraudulent means.

The language contained in the Statement of Objects and reasons is a clear indicator of a number of the primary themes running through not just state anti-conversion legislation but in the criticism of conversion in toto. For example, the statement notes that the Act will serve as a

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“deterrent against the anti-social and vested interest groups exploiting the innocent people belonging to the depressed classes.” Given that the language of the act does not prohibit “re-conversion,” which would in most cases be a return to Hinduism, the “anti-social” and “vested interest groups” must be seen as Christians, Christian missionaries, Muslims, or even the depressed classes themselves, particularly if they are judged to be converting for any sort of material or economic reason. The irony of this resides in the well-documented role of groups related to or sympathetic to the Sangh Parivar in the Hindu-Christian clashes in the Dangs in 1998-1999, and in the Muslim-Hindu violence seen throughout the state in 2002. Additionally, in arguing that the law will enable people to practice their religion freely the government is suggesting, as has been noted numerous times in this study, that conversion, and by extension propagation as well, is anti-secular.

It is true that conversion can cause social tensions to escalate as the Statement of Objects and Reasons in Gujarat, 2003 outlines. However, it is primarily the idea or threat of conversion which causes this escalation. Given that, the arguments set forth by the Sangh Parivar and the use of antipathy towards conversion as a sort of rallying cry for Hindu-centric and at times anti-minority rhetoric and actions. Prime Minister Vajpayee’s call for a national debate on conversion in early 2000 is reflective of the use of anti-conversion sentiment for this end. Conversion per se is, as always, the primary issue for the Sangh Parivar and for even non-Sangh opposition to conversion; not the small number of actual religious conversions.

Finally, the Statement of Objects and Reasons in Gujarat, 2003 explicitly refers to the idea of public order. In Article 25 of the Indian Constitution, the propagation of religion is subject to “public order, morality, and health.” By referring explicitly to public order, but without explaining exactly how, or how strongly, conversions affect public order in a negative
fashion, the Act seeks to use Constitutional protections for the Freedom of Religion to justify the prohibitions in the law. It is unclear in this case why any of the state anti-conversion legislations are actually necessary if limits to propagation are already in effect constitutionally. The most realistic conclusion is that in Gujarat, 2003, as in the other Freedom of Religion Laws, constitutional protections are not strong enough to prevent religious conversions from taking place, particularly among the Scheduled Castes and Tribes.

While data is extremely limited, arrests of converts and those seeking to convert others have been made under the auspices of Gujarat, 2003. The Hindustan Times reported in 2006 that several Christians were arrested after members of the scheduled tribes converted to Christianity without the permission of district authorities.

The government of Gujarat attempted to pass an amendment to its initial 2003 anti-conversion law in 2006. Under the proposed Bill, titled “Gujarat Freedom of Religion (Amendment Bill), 2006, Act 30 of 2006,” the government sought to re-frame its definition of convert. In the initial Act, article 2(b) read: ““Convert” means to make one person to renounce [sic] one religion and adopt another religion.” The Amendment Bill would have changed the definition to:

“Convert” means to make one person to renounce [sic] one religion and adopt another religion; but does not include to make one person to renounce [sic] one denomination and adopt another denomination of the same religion.

A paragraph of explanation for the change in definition for “convert” was also to be included: Explanation: For removal of doubt, it is hereby illustrated that for the purpose of this Act:

534 “Gujarat Police Arrest Six Christians on Charges of Religious Conversion”, Hindustan Times, September 23, 2006. “Gujarat police have filed a case against eight Christian activists following allegations that they were indulging in religious conversions without informing the local authorities. Police said they were tipped off about the mass conversion exercise in a Hindu tribal village in Godhra.” Quoted in Jenkins, “Legal Limits on Religious Conversion in India,” 121, fn. 60.
The Statement of Objects and Reasons for the Amendment Bill argued that the existing definition “does not elaborate the specific mention of a particular denomination of religion. It is said that conversion amongst “the inter denomination [sic] of the same religion should be excluded from the Act. It is, therefore, considered necessary to elaborate and clarify the term ‘convert’ to make it more specific.”

Gujarat’s Governor, Naval Kishore Sharma, refused to sign the Bill into law and returned it to the Legislature, arguing that the definitions of various denominations in Section 2(b) were “particularly objectionable.” It has also been noted that Gujarat’s Jain community was “especially vociferous in its objection” to being defined as a denomination of Hinduism.

In 2008, the state of Gujarat released its Gujarat Freedom of Religion Rules, 2008 which outline the means by which prior permission for religious conversion will be granted under the Gujarat Freedom of Religion Act, 2003. The forms are extensive as is the process for receiving permission to change religious affiliation. Both the potential convert and the religious authority performing the conversion ceremony are required to submit applications to their local District Magistrate one month prior to the conversion taking place, after which the District Magistrate is required to conduct an investigation (through a local Police Inspector) and issue a decision within a month of receiving the application. A minor requires permission from her legal guardian.

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538 Conversion Bill Rejected by Gujarat Governor, The Asian Age, August 1, 2007 Quoted in “Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights,”64.
539 South Asia Human Rights Documentation Centre (author). “Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights,”64. See also Jenkins, “Legal Limits on Religious Conversion in India, 122.
in addition to state approval.\textsuperscript{540} Also required under the rules, the District Magistrate must to submit a quarterly report of all conversions applied for and conducted to the state government\textsuperscript{541}

While the forms appear as customary bureaucratic documents, two issues do stand out. The first issue is whether the convert is the member of the Scheduled Castes or Tribes. The second issue is the requirement for potential converts to disclose their occupation and monthly income. Both of these disclosures are reflective of the historical rationale for opposing conversion, both forcible and otherwise. In the first instance, knowledge of a potential convert’s membership in a Scheduled Caste or Tribe reflects the paternalism inherent in both tranches of anti-conversion legislation. While such knowledge is of course requisite for implementing the state’s positive discrimination and reservation policies, it can also change the process of the investigation into an individual’s decision to convert. Given that the Scheduled Castes and Tribes are the main demographic constituents of the group most likely to convert, and that the legislation calls for more stringent penalties in the case of their conversion, any investigation is likely to be more stringent in this case, with the additional result being that an individual from the Scheduled Castes and Tribes will have less recourse to appeal any decision made by the District Magistrate on account of their socio-economic position in society. The question regarding a potential convert’s occupation and income is also reflective of a stereotypical view of converts to Christianity and the motivations behind their conversion. Such a question suggests that conversions for material reasons are often suspected as most converts are likely to be poor and viewed as easily persuaded, or coerced, by the possibility of material gain. The state bureaucracy’s desire for information regarding the potential convert’s occupation and income is, therefore, in keeping with an established criticism of conversion seen throughout the post-

\textsuperscript{540} Gujarat Freedom of Religion Rules, 2008. \\
Independence period, an opposition which suggests that conversion for material reasons is the expected causal factor behind any religious conversion. The stereotyping of potential converts in this manner is also clearly evident in Himachal Pradesh, 2007 which is discussed below.

V. Chhattisgarh Freedom of Religion (Amendment) Act, 2006

When Chhattisgarh became a state on November 1, 2000, it inherited the Madhya Pradesh Dharma Swantanrya Adhiniyam Act of 1968, carved as it was out of 16 districts of southeastern Madhya Pradesh. In 2006, Chhattisgarh enacted the “Chhattisgarh Freedom of Religion (Amendment) Act (Act 18 of 2006)” which amended several sections of the original Madhya Pradesh, 1968 legislation. It is important to look at each amendment put forward in the amended Act as these amendments very much strengthened the legislation.

The first and most important amendment made to Chhattisgarh, 2006 was to the definition of conversion in section 2 of Madhya Pradesh, 1968. In Madhya Pradesh, 1968, conversion (section 2(b)) was defined as “renouncing one’s religion and adopting another.” To this definition, Chhattisgarh, 2006 added the following proviso: “the return in ancestor’s original religion, or his own original religion, by any person shall not be construed as ‘conversion.”

This is a crucial addition and distinction from the original language of Madhya Pradesh, 1968, clearly articulating that reverting to one’s original religion, which in almost all cases would be Hinduism, could not be considered a conversion and would therefore be outside of the scope of any anti-conversion legislation.

The term original religion is also reminiscent of the language of Arunachal Pradesh, 1978, wherein conversion was defined as “renouncing an indigenous faith and adopting another

faith or religion." The implications of this amendment in Chhattisgarh, 2006 are clear: re-conversions, of any kind, are acceptable, which would put any sort of reconversion campaign initiated by the VHP or any other group associated with the Sangh Parivar outside of the scope of the legislation. Also crucial is the proviso that a return to the "ancestor’s original religion" is also not to be deemed a conversion at all. Conceivably, then, any conversion by a Christian or Muslim to Hinduism would not even be considered a conversion as the convert would merely be returning to her ancestral religion—which, again, would almost certainly be Hinduism. Taking this rationale further, a conversion to the ancestral religion of Hinduism would be outside the scope of the law even if the convert’s family had been Christian or Muslim for any number of generations. One is forced to conclude that not only any re-conversion but any conversion to Hinduism is not only acceptable under Chhattigarh, 2007, but, indeed, even to be encouraged.

The remaining amendments included in Chhattisgarh, 2007 are primarily those that increase the penalties, both in terms of prison time and fines, to levels commonly seen in the second tranche of anti-conversion legislations. Section 4 of the amended Act increases prison time from “one year” to “three years” and fines from Rs. 5,000 to Rs. 20,000 for the conversion of an adult male. For the conversion a minor, female, or member of the Scheduled Castes or Tribes, prison time is increased from “two years” to “four years” and the fine from “Rs. 10,000” to “Rs. 20,000.”

Additionally, Section 5 of the Act was amended to require 30 days-notice to the District Magistrate before a conversion can take place. The District Magistrate is also granted the power to refuse any conversion to take place, though, under the law, such a decision may be appealed by the potential convert. Section Five of Chhattisgarh, 2006 also included a “Bar of Jurisdiction”

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(Section 5-B) which precludes any convert from suing or initiating proceedings in a Civil Court against “any order passed by any officer or authority under the Act” (i.e. the District Magistrate who would take the decision to allow or disallow a potential conversion). Section 5-C takes this a step further, disallowing any “prosecution or legal proceeding…against the State Government or any other person exercising any powers or discharging any functions or performing any duties under this Act.”

The final amendment to Chhattisgarh, 2006 in Section 6 makes any offence under the Act “cognizable,” as well as stipulating that “no person accused of an offence punishable under the Act shall be released on bail unless the Public Prosecutor has been given opportunity to oppose the application for such a release.” Under the Indian Penal Code, “cognizable” is defined as an offence for which “a police officer can make an arrest without a warrant.” With this amendment, therefore, the force of the Indian Penal Code is being invoked. The police may act without a warrant if conversion is even suspected and public prosecutors must be given the opportunity to challenge the bail conditions of anyone arrested under the auspices of the Act.

The accretions to the original law in the amendments enacted in Chhattisgarh, 2006 are therefore clear. Re-conversion either to Hinduism, if one had previously been a Hindu, or to Hinduism as the ancestral religion are not to be considered conversions at all and the punishments for contravening the Act are substantially increased. The amendments preventing a potential convert from seeking redress in Civil Court or in being released on bail without a

547 A cognizable offense means that a police officer does not require a warrant to make an arrest. Additionally, only serious offenses, that is, offenses that normally result with a term of imprisonment of three years or greater are usually deemed cognizable. Whether an offense is considered cognizable or non-cognizable “depends on whether it is shown as cognizable or non-cognizable in the First Schedule” of the Indian Penal Code. See: Sunil Goel. Courts, Police, Authorities and the Common Man. (New Delhi: Srishti Books, 2011), 117.
Public Prosecutor having the opportunity to oppose a convert’s release basically ensure that one’s ability to change one’s religion is in the hands of the District Magistrate. This is a particularly strong accretion given the typical demographic group of a convert to Christianity: poor, a member of the Scheduled Tribes and Castes, and unlikely to have either proper legal representation or connections within the senior levels of the bureaucracy.

VI. Himachal Pradesh Freedom of Religion Act, 2006

The northwestern state of Himachal Pradesh enacted its own freedom of religion legislation, “The Himachal Pradesh Freedom of Religion Act, 2006 (Act 31 of 2006)” in 2006, with an additional set of rules for the enforcement of the Act implemented in 2007. Interestingly, this bill was enacted by a Congress-led government, which is a rare occurrence in the second tranche of anti-conversion laws. The language in Himachal Pradesh, 2006 is in concert with both the first tranche of anti-conversion legislation (and in particular Orissa, 1968) and the basic language of the second set of laws (in particular Chhattisgarh, 2006). As in the case of the Chhattisgarh Act, no notice to or intervention from the District authorities is required if a person “reverts back to his original religion.” The District authorities are to receive notice of a pending conversion 30 days prior to the conversion ceremony taking place, and the District authorities are required to enquire into the situation surrounding the conversion “by such agency as he may deem fit.”

549 Jenkins, “Legal Limits on Religious Conversion in India,” 121. While Laura Jenkins suggests that such a development—that a Congress led government enacted anti-conversion legislation implies that “restrictions on “forcible” conversions could continue, perhaps at the national level, “ I would argue that its implementation is more likely the result of the local political and social environment, as well as a manifestation of a general unease with conversion per se. It is also worth noting that no anti-conversion, to date, has been enacted at the Centre and that both Congress and BJP-led governing coalitions have been resistant to even proposing legislation of this nature.


The punishments for contravention of Himachal Pradesh, 2006 are standard with both tranches of anti-conversion legislations. Both the convert and the person performing the conversion face imprisonment of up to two years and a fine of Rs. 25,000 in the case of an adult male, and up to three years and Rs. 50,000 in the case of a minor, female, or member of the Scheduled Castes or Tribes.\(^552\)

Of greater interest and detail is the Himachal Pradesh Freedom of Religion Rules, which were released to accompany the initial 2006 legislation in July of 2007. The rules were published to provide an explanation of how the provisions of the act were to be implemented.\(^553\) The forms to be completed by a potential convert and submitted to the District magistrates are also available. Several points from the rules and from the registration forms themselves are illuminating. Section 3(2) of the Rules contains the following stipulation. After the District authorities have conducted their investigation into a potential conversion the conversion is allowed to be logged in a “Register of Notices and Complaints of conversion “provided that the person giving notice and any other person likely to be prejudicially affected shall be given adequate opportunity to associate himself with any such enquiry.” \(^554\) What is unclear from this clause is who may qualify as a prejudicially affected person. Is it a religious authority form the convert’s former religion? Is it a member of the potential convert’s family who may be upset by the individual’s decision to convert? Could it be a member of the local government or a member of a group associated with the Sangh Parivar who is opposed to any religious conversion for any multitude of different reasons? Could it even be someone who merely has a personal issue with the potential convert? Since a prejudicially affected person is not defined in the rules, what is

clear from the language of Section 3(2) is that any attempt to convert is further complicated by the fact that essentially anyone can protest a potential conversion, for any reason. This clause, therefore, could both greatly extend the 30-day investigation period prior to a conversion taking place and allow each and every conversion registered in the state of Himachal Pradesh to be contested by essentially any person.

The forms that must be filled out and submitted to the state government, both by the potential convert and the District Magistrate, are also instructive of the historical rationale for opposing conversion, both forcible and otherwise. Most of the questions for the potential convert in the forms are common, demographic-related questions such as: age, sex, marital status, number of dependents, and whether the convert belongs to a Scheduled Caste or Tribe. The most intriguing question on the forms, however, is the “occupation and monthly income of the person converted.”\(^{555}\) Such a question suggests that conversions for material reasons are often suspected as most converts are likely to be poor. The state bureaucracy’s desire for information regarding the potential convert’s occupation and income is a clear indication that conversion for material reasons is an expected causal factor behind any religious conversion. Moreover, having such information prior to a conversion taking place would allow the investigation to follow along the lines of that assumption. And, if a prejudicially affected person—who, for any number reasons, or who may come under political pressure, may believe that all religious conversions have material motives—can contest any conversion prior to it taking place, material inducement is even more likely to be seen as the primary causative factor for a conversion, and thus its disallowance.

The language and rules of Himachal Pradesh, 2006, therefore, provide a very powerful deterrent to any conversion, despite the Act’s stated object to prohibit only forcible conversions. As in both tranches of anti-conversion legislation, the language used suggests that State governments, at the outset, assume most if not all conversions to be forcible, and that the primary ‘force’ used to convert people from Hinduism to Islam and, especially, Christianity, is material inducement. The language of Himachal Pradesh makes this prejudice considerably more explicit than in the previous legislations.

VII. Madhya Pradesh Freedom of Religion (Amendment) Act, 2006

The state of Madhya Pradesh amended its original anti-conversion legislation, the Madhya Pradesh Dharma Swantantra Adhiniyam Act of 1968, in 2006. The amendments to the original bill are primarily clauses which require a declaration, to the relevant authorities, of the intention to convert 30 days prior to the conversion taking place. The language used in the amendment is informative. Section 5(I) declares that the potential convert “will declare such an idea in front of District Magistrate or in front of the Executive Magistrate specially authorized by District Magistrate of related District, that he wishes to change his religion on his own and at his will and pleasure.” On its own, such language would seemingly be in keeping with the major impetus behind any and all of the State Freedom of Religion Acts: that of preventing conversion by force, fraud, or coercion. However, Section 5(II) of the Amendment Act also requires the “related priest, who directly or indirectly participates in such a conversion…[and] desires any person for the conversion of his religion from one to another will give details of the related religion’s purification ceremony in which such conversion takes place along with date, time, and place and the name and address of the person whose religion is to be changed.” Additionally, 

under Section 5(III) the District Magistrate turns matters over to “the Police Superintendent,” who, in turn, ensures through local investigation if any objections are there with regard to the proposed religion conversion.” These are substantial accretions to the original Madhya Pradesh Act, of 1968, and for the following reasons. First, by requiring both the potential convert and the religious authority to provide advance notice to the District authorities, the law implicitly suggests that a potential convert cannot be taken at her word that she truly desires to change her religion. Second, the proviso that the nature of the conversion ceremony itself must be provided to the magistrate is suggestive that the government can decide not only if the conversion itself is valid, but if the actual ceremony or ritual is acceptable. How such a proviso is to be explained in secular nation, is, obviously, not discussed. Third, a local police investigation is required prior to a conversion taking place. The language of Section 5(III) is the most extreme—the nature of the police investigation prior to a conversion being approved mandates that the investigator must determine “if any objections are there with regard to that proposed religion [sic] conversion” before the ceremony can take place.

What is unclear given the opacity of the language is whether any objection—by the potential convert’s family, by the religious authorities of the potential convert’s previous religion, by local governing authorities or even organizations related to the Sangh Parivar—is enough to prevent a conversion from being sanctioned. Under the auspices of Madhya Pradesh, 1968, the rationale for the legislation is to prevent conversions effected through force or coercion. Without clarification, it is possible that under the amended Act, the nature of the conversion could in fact be secondary to local concerns about religious conversion per se—not merely if the conversion was brought about by undue means—but if it in some way is detrimental to public order, health or morality. This is a significant change to the legislation, and,
I would argue, indicative of a recognizable shift in the second tranche of anti-conversion legislation away from questions of coercion to questions about the place of conversion itself in Indian society.

The shift from opposition to conversion by coercion to conversion per se in the amended Madhya Pradesh Act is born out in the legislation’s “Statement of Objects and Reasons.” The Statement of Objects and Reasons notes that under Madhya Pradesh, 1968, “it is prohibited to convert anybody forcibly, or by inducement or by using any fraudulent method from one religion to another. Even then, there are no such provisions included in the Act through which some help can be received to find out about the conversion of that religion which come under violation of the Act.” 558 The testimony of a convert, or of a religious authority performing a conversion ceremony is insufficient, therefore, to determine whether a conversion is acceptable under the terms of the legislation. Given that, “the main purpose of the Act turns futile because of such deficiencies because there is no device to find out and prevent violation of the Act of any religion conversion.” 559 Again, it is the government which must decide the validity of the conversion. And, again, given the typical demographic of the convert—poor, and likely from the Scheduled Castes and Tribes—most if not all conversions are likely to be viewed as contra the legislation. The amended legislation allows the government to decide not only the validity of a conversion but the public acceptability of any religious conversion within society.

VIII. Rajasthan Freedom of Religion Act, 2008

The state of Rajasthan first proposed anti-conversion legislation in 2006 with the Rajasthan Freedom of Religion Bill (Act 12 of 2006). While the state legislature passed the

legislation, Rajasthan’s State Governor Pratibha Patil refused assent for the bill, stating that she would not grant assent to the Bill until “it was cleared” by India’s then President APJ Abdul Kalam. More than a year later, Patil forwarded the bill to President Kalam, to see if he would provide assent for the bill, thus enacting it into law. This too failed, with President Kalam refusing to grant assent to the Bill and electing to send the Bill back to the Rajasthan State Assembly for additional debate and another vote. In 2008, the Rajasthan Freedom of Religion Act was finally passed by the state’s legislature and granted assent by State Governor SK. Singh.

The 2006 Bill and the approved Act of 2008 are essentially identical pieces of legislation. Several aspects of Rajasthan, 2008 require careful consideration. As in Arunachal Pradesh, 1978 and Chhattisgarh, 2006, ancestral religion is a key point. Rajasthan, 2008 defines conversion (Section 2B) in the following manner:

“Conversion” means renouncing one’s own religion and adopting another; (Explanation: Own religion means [the] religion of one’s forefathers).

While in my reading of this definition of conversion, the language does not necessarily suggest that re-conversions which in most cases would, of course, be back to Hinduism, are to be excluded from the controls included in the Act, the South Asia Human Rights Documentation Centre (SAHRDC) argued that the Act’s definition of conversion excludes re-conversions under the law, just as clearly as the explicit exclusion of re-conversion under the amendments contained in Chhattisgarh, 2006. Regardless, it is possible to see how re-conversion could, at

564 South Asia Human Rights Documentation Centre (author). “Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights,” 64.
the very least, be excluded from punishment in practice under Rajasthan, 2008, given the place given in the language to the religion of one’s forefathers. Re-conversions, particularly to the ancestral faith (Hinduism) are not as primary an issue, under Rajasthan, 2008 or any of the other Acts which use this language of indigeneity, as they are viewed as a reversion to a natural state of religious affairs. As noted in Rajasthan 2008’s Statement of Object and Reasons (discussed in greater detail below) unlawful conversions are seen to weaken the inter-religious fabric of society and “cause law and order problems.”565 A reversion to a more traditional relationship between the religions, which re-conversion could conceivably, at least in practice, help create is thereby something to be seen as favorable. This, again, raises the question of whether unlawful conversions or conversion in toto is the primary motivation behind the development of such legislation.

The punishments and fines for unlawful conversion in Rajasthan, 2008 are identical to the punishments for contravention of Himachal Pradesh, 2006 and in keeping with all of the other Acts in the second tranche of anti-conversion legislation. Both the convert and the person performing the conversion face imprisonment of up to two years and a fine of Rs. 25,000 in the case of an adult male, and up to three years and Rs. 50,000 in the case of a minor, female, or member of the Scheduled Castes or Tribe for contravention of the Act.566

An interesting clause found only in Rajasthan, 2008 (Section 3) reads as follows: “Provided that any person, who has converted from one religion to another in contravention of the provisions of this section, shall be deemed not to have been converted.”567 This is a very explicit statement. In the other Freedom of Religion Acts, there are punishments for having

converted or for abetting conversions in contravention of the Act, but at no point is it explicitly stated that the conversions performed are invalid. It is possible to argue that this invalidity is implied by the language of the other Acts, but here we see, in explicit language, that it is government and the bureaucracy who will decide whether a person has actually changed his religious affiliation. While a counterargument to any criticism of Section 3 could be that “of course, religious conversions brought about by force or coercion are invalid,” with the government’s power under the Act to investigate a potential conversion prior to its taking place and to be the final arbiter of what is an acceptable conversion, the State, in language such as is this, is removing essentially all individual agency from the decision to change religious affiliation. Such a view and such an understanding of conversion in a multi-religious society with constitutional safeguards for both Freedom of Conscience and Freedom of Religion is truly striking. And, in a sense, it is in language such as this that we see the true antipathy towards religious conversion of any kind in many circles of Indian society manifested in its strongest form: legislation and government oversight of what is, in many cases, the most personal of religious decisions. This, combined with the paternalism evident in all of the Acts seen in the stronger punishments for minors, women, and the Scheduled Tribes and Castes, is clear evidence of powerful antipathy, at the highest levels, towards the act of changing one’s religious belief and affiliation; antipathy so strong that only government can determine its validity. Agency, in this regard, resides and can only reside with the State. No one else—no individual—is trustworthy. Is this the State’s only, or even its best, means for protecting the Freedom of Religion guaranteed under the Indian Constitution and protecting India’s identity as a secular state?
Rajasthan, 2008’s Statement of Objects and Reasons suggests that the law is indeed necessary to maintain religious harmony. It notes that not only do forcible conversions weaken the inter-religious fabric of the nation they also cause “annoyance in the community belonging to the other religion.”

This is very revealing language, demonstrating a primary motivation for requiring such laws. A fair case can be made that Hindus have never been comfortable with religious conversion, notwithstanding the historical conflict between religious groups in India, as well as the consistent presence of religious conversion (and re-conversion) both of Hindus and by Hindus throughout India’s religious history. While annoyance is perhaps a poor choice of term it does in many respects accurately reflect the both the source and the strength of Hindu antipathy and aversion towards religious conversion. Annoyance suggests an activity that disturbs and distracts from a customary or natural way of doing things or of viewing the world. It is therefore annoying, for the Hindu majority that individuals and religious groups both continue to propagate religions other than Hinduism and that individuals continue to change their religious affiliation in ways the Hindu majority may not favor. Legislation is a means—and a powerful one—to remove the irritant of conversion from both religious and public life. Given the strength of the antipathy towards conversion and the irritation it causes in the majority community, denying individual agency in the case of conversion, and granting the State the power to determine its validity is not only acceptable but right.

IX. Conclusion

The analysis of the second tranche of anti-conversion legislation demonstrates both the increasing politicization of conversion in India during the period under examination as well as the substantial strengthening of the state’s role in managing religious conversion. The analysis

also reveals several important accretions to the first tranche of laws including: greater powers of investigation into conversion by state authorities; the ability of prejudicially affected persons to involve themselves in state investigation and management of religious conversion; and the transition of the agency for converting from the individual to the state. Additionally, almost all of the previously identified arguments against both fraudulent conversions and conversion per se are maintained in the second wave of legislation. Reference to ancestral religions is seen in almost all of the laws, with re-conversion to an ‘ancestral’ religion (almost certainly Hinduism) not falling under the auspices of the Acts. This language gives concrete legislative expression to the belief that a convert to Christianity or Islam is denationalized, and is even, potentially a separatist. Demographic fear amongst members of the majority Hindu community is likewise evident, with the laws and rules for enforcing them requiring substantial investigation into the demography of the convert. Finally, the paternalistic attitude towards women, minors and the Scheduled Tribes and Castes is also a key component of the second tranche of anti-conversion legislation, as it has been since the Constituent Assembly Debates.

No new anti-conversion legislation has been enacted since Rajasthan, 2008, but the debate over conversion in India has continued over the past several years. We now turn to the continuing debate and the important developments in anti-conversion discourse seen in India over the past several years.
Chapter 7: Post 2008 Developments in the Indian Conversion Debates

I. Introduction

The years 2008 to the present have seen no additional anti-conversion legislation enacted at either state or central levels of government, although one anti-conversion bill has been proposed at the Centre. Still, the debate surrounding conversion from Hinduism to another religious tradition and in particular to Christianity remains germane, particularly in the rhetoric of the Sangh Parivar. This concluding chapter examines several of the most recent issues and controversies the act of conversion has raised in India.

As our analysis of these contemporary developments in the conversion debates will demonstrate, the poles of the conversion debate still remain intact. The Supreme Court of India weighed in to the debates on the place of conversion in India generally in a tangentially related case, reiterating the earlier stand of the apex court in Reverend Stanislaus vs. State of Madhya Pradesh, namely that while the propagation of religion for the purpose of edification was constitutionally protected, the act of conversion itself was not. This Supreme Court ruling also drew criticism from both the Indian Christian Community and the Sangh Parivar, with the Christians arguing that the ruling’s criticism of conversion was potentially politically motivated and contra constitutionally protected Freedoms of Religion and Conscience, and the Sangh Parivar suggesting that the court’s modulated language on conversion showed it capitulating to powerful special interest groups with foreign ties.

Christian advocacy groups also challenged Himachal Pradesh’s 2006 anti-conversion law on constitutional grounds. While the Madhya Pradesh High Court accepted propagation as constitutionally protected and conversion as not constitutionally protected as in Reverend
Stanislaus vs. State of Madhya Pradesh, the court did strike down, in the name of protecting individual privacy, a number of the Rules associated in Himachal Pradesh, 2006 which required public registration of a pending conversion with state authorities. A representative of the Sangh Parivar acted as an intervener in the Himachal Pradesh, 2006 challenge, putting forth standard Sangh arguments that conversion threatened India (and Hinduism’s) inherent tolerance and secularism, while at the same time threatening India’s crucial “stable religious demography.”

A new anti-conversion bill was also put forward at the Centre by a BJP MP, which, while following closely earlier proposed and enacted anti-conversion legislation, also sought to extend the penalties for a fraudulent conversion to the organizations involved, and to cut off the foreign funding of these religious organizations, a new and important accretion to the existing laws.

Throughout all of these developments, the themes and lines of argumentation seen throughout this study were maintained. Conversion is viewed by its opponents as an act perpetuated on an individual by an outside group or individual, and conversion threatens the integrity of the state with its overtones of denationalization and foreign influence. For supporters of conversion, the act of changing religious affiliation is still viewed in these contemporary developments as an individual, constitutionally protected decision which is threatened by politically motivated anti-conversion legislation. We now turn to our analysis of these new developments.

II. The Dara Singh Verdict in the Graham Staines Murder Case

The murder of Australian missionary Graham Staines and his sons in 1999—and its continuing impact on the conversion debate in India—came back into public discussion following Dara Singh’s successful January 2011 appeal to the Supreme Court of India to
commute his death sentence for his role in the murders. While the reduction of Singh’s sentence to life imprisonment was not seen as controversial, language used by Supreme Court Justices P. Sathasivam and B.S. Chauhan, raised significant controversy both in India’s Christian community and with the Sangh Parivar.

The controversy arose in two parts. In the first case, the Supreme Court judgment noted that “Graham Staines and his two minor sons were burnt to death while they were sleeping inside a station wagon at Manoharpur, the intention was to teach a lesson to Graham Staines about his religious activities, namely, converting poor tribals to Christianity. All these aspects have been correctly appreciated by the High Court and modified the sentence of death into life imprisonment with which we concur.” The Court noted earlier in paragraph 43 of its ruling that by law the death sentence “should be resorted to only for the rarest of rare cases.” The conclusion that Staines and his sons had been killed “to teach a lesson…namely, converting poor tribals to Christianity” appears to imply that Dara Singh and the mob’s motivation for their murders was understandable given Staines’ religious and missionary activities in the region.

The court’s argument for commuting Singh’s sentence to life imprisonment is augmented in paragraphs 46 and 47 of the judgment which refers to both the traditional understanding of Indian secularism and then to M.K. Gandhi and former Indian President K.R. Narayanan’s understanding of both secularism and religious tolerance. Section 46 of the Supreme Court ruling reads: “Our concept of secularism is that the State will have no religion. The State shall treat all religions and religious groups equally and with equal respect without in any manner interfering with their individual right of religion, faith and worship.” Consequently, as further argued in paragraph 47:

The then President of India, Shri K R. Narayanan once said in his address that “Indian unity was based on a tradition of tolerance, which is at once a pragmatic concept for living together and a philosophical concept of finding truth and goodness in every religion“. We also conclude with the hope that Mahatma Gandhi’s vision of religion playing a positive role in bringing India’s numerous religions and communities into an integrated prosperous nation be realised by way of equal respect for all religions. It is undisputed that there is no justification for interfering in someone’s belief by way of ‘use of force’, provocation, conversion, incitement, or upon a flawed premise that one religion is better than the other.570

The language in the judgment is thus clear: as always, conversion is seen as something that is primarily conducted by way of “provocation, ‘use of force,’ or ‘incitement.’ Indeed the language also appears to equate conversion directly with provocation, use of force, and incitement. The language of paragraph 47 of the judgment also equates “equal respect for all religions,” which can be understood as Hinduism as the tradition is defined by Gandhi and K.R. Narayanan, with the “flawed premise that one religion is better than the other,” as is the case, implicitly, in “Christianity.”571

Two issues arise from the language used by the Supreme Court in paragraph 47. I would argue that neither the Constitution of India nor the traditional understanding of Indian secularism explicitly states that “one religion is better than the other” or that this understanding has the same meaning as “equal respect for” or equal distance from all religions. The primary intent of the Indian variant of secularism is not even a question of harmony between religions but of harmony between India’s diverse religious communities and the state. The purpose of secularism for the Indian state is to provide a framework in which no religion is given preference or precedence by the state. This is not to argue that one religion is better than the other, as this is an impossible principle for the state to legislate.

570 J Rabindra Kr. Pal @ Dara Singh vs Republic Of India on 21 January, 2011, Paragraph 47 (italics added) [http://judis.nic.in/supremecourt/imgst.aspx?filename=37394]
In the second case, the Supreme Court’s language in paragraph 47 also appears to contravene section 25 of the Indian Constitution. As noted numerous times above, Article 25 (1) of the Indian Constitution permits all persons “the right freely to profess, practice, and propagate religion.” While not explicit, the Court does appear to imply that conversion is a pernicious activity which inevitably “interferes in someone’s belief.”572 The court does not argue that avenging conversions affected by coercion was Singh’s primary motivation but directly equates conversion in toto with the provocation and incitement that led to the murder of Staines and his two sons.

This language is reflective of the initial poles of the conversion debate set in the Constituent Assembly Debates. In the Debates, K.M. Munshi argued that it is an individual right not to be converted while B.R. Ambedkar stressed that the right to propagate one’s religion or to convert another was an individual right—a matter of free conscience in a society with constitutional protections for freedom of religion. The language in paragraph 47 follows Munshi’s line of reasoning and, I would argue, goes against the eventual language protecting the right to freely propagate religion in Article 25(1) of the Constitution.573 As well, the language is also reflective of Munshi’s ‘Hindu’ understanding of the rationale for proscribing conversion activities, a rationale also reflected in both the Missionary Enquiry Reports and both tranches of the state Freedom of Religion Acts.

Perhaps more importantly, the language of the Dara Singh Supreme Court judgment parallels the Supreme Court’s 1977 ruling in the case of Reverend Stainslaus vs. State of Madhya Pradesh. In that ruling (and as analyzed at length in Chapter 5), Chief Justice A.N. Ray argued

573 Kim, In Search of Identity, 43.
that the meaning of the term propagate in Article 25(1) of the Indian Constitution is “not the right to convert others but to spread one’s religion by the exposition of its tenets.” The right to convert another person is not fundamental, according to Chief Justice Ray; rather, propagation is allowed under the Constitution to enable a religious person to exposit the tenets of his religion for the edification of others. The attempt to convert another, as understood in the 2011 ruling follows this line of argumentation: conversion interferes in another’s belief, it is directly equated with use of force and provocation, and it is based on a spurious understanding of religious truth as understood by Hindu political icons such as Narayanan and Gandhi. Propagation is acceptable and constitutionally protected so long as it is for the purposes of edification only. Did Staines’ work go over this line? It appears that the Supreme Court felt that the motivations for Singh’s murder of Graham Staines were the result of the provocation caused by his missionary activity, and that this acknowledgment of conversion as a provocation—and undoubtedly a provocation of the majority Hindu community—was a key consideration in the court’s ruling to commute Singh’s sentence to life imprisonment.

However, in an extremely rare maneuver, and less than one week after the judgment commuting Dara Singh’s death sentence to life imprisonment was published, the Supreme Court of India expunged and altered certain portions of the initial judgment following intense criticism by both Christian organizations and India’s English language media. The first change was to paragraph 43 of the ruling, which had read:

In the case on hand, though Graham Staines and his two minor sons were burnt to death while they were sleeping inside a station wagon at Manoharpur, the intention was to teach a lesson to Graham Staines about his religious activities, namely, converting poor tribals to Christianity.

This was changed to:

However, since more than 12 years have elapsed since the act was committed, we are of the opinion that the life sentence awarded by the High Court need not be enhanced in view of the factual position discussed in the earlier paras.

Additionally, paragraph 47, which had read:

It is undisputed that there is no justification for interfering in someone’s belief by way of ‘use of force’, provocation, conversion, incitement or upon a flawed premise that one religion is better than the other

Was changed to:

There is no justification for interfering in someone's religious belief by any means.

The important thing to note in the context of the Supreme Court’s changes is that any reference to conversion was removed from the judgment, and while it could be argued that the new language stressing “no justification for interfering in someone's religious belief by any means” implicitly means conversion, conversion was the primary motivation for Singh—and more importantly—the Supreme Court’s rationale for commuting his murder sentence to life imprisonment is explicitly removed from the language of the ruling.

Not surprisingly, the various organizations of the Sangh Parivar were enormously displeased with what they saw as capitulation to special interests by the Supreme Court with regards to the issue of conversion. In a February 6, 2012 feature in The Organiser, the official periodical of the RSS, the RSS argued that the Supreme Court’s decision to expunge and alter the language of the initial decision amounted to “contempt of the court.” The RSS put forward the argument that the changes contravened Rule 3 of Order XIII of the Supreme Court Rules, 1966, [which reads] that once a judgement is pronounced in the open Court, it shall not be altered or added to. The relevant provision says, “Subject to the provision contained in Order XL of these Rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in an open Court shall not afterwards
be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission." 575

The RSS also noted that a review or change of the sort made by the Supreme Court in this case can only be made “on the basis of a petition by the aggrieved party to the case.” 576 The Supreme Court did not disclose whether or not such a petition was made officially to the Supreme Court leading the RSS to argue that:

the institution of judiciary seems to have buckled under pressure from extraneous and extra-constitutional entities. It presages serious threat to Indian democracy, where, in the name of ‘open society’ our Courts are showing extra liberalism to foreign powers undermining national self-esteem. Let us not be oblivious of the fact that the powers of the Judiciary do not only emanate from the Constitutional provisions but also from the trust it enjoys among the citizenry of the country. 577

Indian Christian groups also registered their reactions to the language of the Supreme Court’s decision—and the Court’s revision—in the court of public opinion. Of particular note in this regard was the reaction of the All-Indian Christian Council (AICC), a coalition of Christian groups formed in 1998 to “protect and serve the Christian Community, minorities, and the oppressed castes.” 578 Prior to the Supreme Court’s change in the language of the ruling, the AICC stated that it was satisfied with the Supreme Court verdict to commute Singh’s sentence to life imprisonment. “Most Indian Christians oppose the death penalty both on moral and theological grounds, as much as we oppose abortion and taking away life at any stage. Of course, as Christians, we want the State and Central government to uphold the rule of law.” 579

578 All-Indian Christian Council (AICC), http://indianchristians.in
579 Dayal, http://indianchristians.in/news/content/view/4666/42/
Nevertheless, the AICC took serious issue with the Supreme Court’s commentary on conversion in the initial verdict, particularly the statement that “it is undisputed that there is no justification for interfering in someone’s belief by way of ‘use of force’, provocation, conversion, incitement or upon a flawed premise that one religion is better than the other.” AICC Secretary General John Dayal, a respected Indian journalist, noted that the AICC was “disturbed by the parts carried by the media, mentioning terms like fraud and forcible and conversion. The Court must comment on Hindu conversions, termed Ghar Wapsi. But more than anything, we fear such remarks may negatively impact trials in Kandhamal, Orissa and future challenges to so-called ‘freedom of religion laws’ in various states.” The AICC also noted in their initial reaction to the verdict, that the AICC “might ask the Supreme Court to revise the reference at an appropriate time.”

In a post on the “Communalism Watch” website, John Dayal commented at length on the language of the Supreme Court verdict in the case of Dara Singh. Several of Dayal’s impressions of the Supreme Court’s judgment—both the initial judgment and its revision—are worth noting in this context. Also of note is Dayal’s recounting of the manner in which civil society and Christian complaints about the language of the decision led to the Court’s almost immediate revision of the language used in the verdict.

A group of civil society activists, which included Dayal, issued a press note a day after the initial verdict was released which was covered widely in the Indian media, including on the front page of The Hindu. The press note responded to what the civil society activists saw as the key issue with language of the verdict:

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580 Dayal, [http://indianchristians.in/news/content/view/4666/42/](http://indianchristians.in/news/content/view/4666/42/)
581 Dayal, [http://indianchristians.in/news/content/view/4666/42/](http://indianchristians.in/news/content/view/4666/42/)
“It is undisputed that there is no justification for interfering in someone’s belief by way of ‘use of force’, provocation, conversion, incitement, or upon a flawed premise that one religion is better than the other. It strikes at the very root of the orderly society, which the founding fathers of our Constitution dreamt of.”

This statement patently is unconstitutional as it goes against guarantees of freedom of faith on the one hand and seems to acknowledge vigilante action of criminals like Dara Singh who take upon themselves ‘to teach lessons’ to persons serving lepers and the poor. Did the SC ever take into consideration the report of the Wadhwa Commission which was set up to probe the murder of Graham Staines and which had observed, “There has been no extraordinary increase in the Christian population in Koenjar district between 1991 and 1998. The population had increased by 595 during this period and could have been caused by natural growth”. The SC ruling may in fact send the wrong signals to courts trying cases of religious violence in Khandimal, for instance, and in other places. It also tends to preempt possible challenges to the black laws enacted by many states in the guise of Freedom of Religion Bills.

The secular India looks at SC and other judicial forums as its last hope to preserve Constitutional guarantees given to religious minorities and other marginalized groups. It is therefore understandably disturbed when judgments such as this one and the Allahabad-Lucknow Bench, ruling on Ayodhya are made and interpreted as supporting the bigoted point of view of right wing fundamentalists such as the Sangh Parivar. The state cannot abrogate its responsibilities to ensure the secular fabric of the country. We expect the government to ask the SC to expunge the unnecessary, uncalled for and unconstitutional remarks. 582

The ‘uproar’ created by the language of the Court and the response by civil society obviously had a profound impact as the Supreme Court revised the wording of its decision suo moto before the AICC or any other civil society groups even filed an official application requesting it to do so. Still, Dayal noted that for the AICC at least, even the revised language was seen as potentially dangerous.

Dayal claimed that the new language remained dangerous as appellants would still have cause to go back to the Supreme Court for clarifications on what is deemed to be interference in another’s religion. 583 While granting that evangelization would likely always be considered a matter of possible interference in another’s religion, Dayal’s fear, was that even propagation of religion—what the Supreme Court had previously maintained in 1977 as the dissemination of

one’s religion via an exposition of its tenets could now also be questioned—and courtesy of a ruling that was supposed to be about the commutation of a sentence in a murder case, not a case directly related to one of the state Freedom of Religion Acts or the constitutional validity of propagation and/or conversion under Article 25.

Dayal also raised the very valid question of the impetus for including the reference to conversion in the Dara Singh judgment in the first place—both in the initial verdict and the *suo moto* clarification.

What is the larger social evil that disturbed and prompted the two judges while dealing with the subject case to pen paragraph 47 as a post script to the Judgment? References to Shri K.R. Narayanan and Mahatma Gandhi in the same Para 47, which was retained even after *suo moto* ‘clarification’ make it clear, the evil that disturbed them is “intolerance and disrespect for another’s religion The issue is whose intolerance or disrespect- the convict’s or the victims’? The replaced sentence answers it without any doubt as the words used are “religious belief” because Dara Singh did not interfere with helpless Staines and two innocent children’s “religious belief” but with their “right to life.”

Dayal argued that the inclusion of paragraph 47 in the verdict implied that the Supreme Court was “disturbed by the victim’s way of life.” And, consequently, that it provided some sort of mitigating circumstance for the motive for the murders. As noted in our discussion of the Wadhwa Commission report in Chapter 6, the role of conversion was very much an important consideration for that enquiry commission as well—it in fact formed the bulk of that commission’s report.

Dayal concluded his piece at “Communalism Watch” by suggesting that the inclusion of paragraph 47 in the Dara Singh decision went against the “basic principles of judicial thinking

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because a victim is not given an opportunity to explain their conduct in a criminal trial. Dayal went on to argue that the Supreme Court’s verdict went awry as it applied:

the yardstick of victims’ conduct while judging a criminal act not committed on a sudden provocation, rather in a case of cold blooded murder. Sadly the feeling of scare and deep hurt the comments made to the Christian community in India is because it fell from the highest court of the land. A comment deviating from the ordinary norms of judicial thinking from the Supreme Court has the potential not only to propel the conduct of a billion people but also determines the performance of a policeman’s lati in this country.

While in his discussion of the Supreme Court verdict in the case of Dara Singh, Dayal somewhat disingenuously suggests that “inquiries by the National Commission for Minorities, Right To Information (RTI) requests, and other investigations have proven repeatedly there have been no fraudulent or forceful conversions by Christians in India anywhere, anytime,” the fact remains that the state Freedom of Religion laws are rarely invoked. The strength of these laws lies in their usage as deterrents to conversion. Moreover the interpretation of these laws by both the Supreme Court and various state High Courts has viewed the laws as constitutional and confirmed that while propagation of religion is a fundamental right under the Constitution, the courts have not viewed conversion as protected under Article 25. The inclusion of the conversion commentary in the Dara Singh verdict further complicated the notion of a constitutionally protected right for the propagation of religion—which the Supreme Court had conclusively held as protected in Reverend Stanislaus vs. Madhya Pradesh in 1977, when it defined propagation as the dissemination of one’s religion via an exposition of its tenets. The language of the Dara Singh verdict—both the initial and revised language—could now also be used to also question propagation. That this came about courtesy of a ruling that was supposed to be about the

commutation of a sentence in a murder case and not a case directly related to one of the state Freedom of Religion Acts or the constitutional validity of propagation and/or conversion under Article 25, was the most disturbing aspect of the judgment for the Indian Christian community.

Without the discussion of Dara Singh’s motivations in the murder of Graham Staines and his two sons, the Supreme Court’s decision to commute Singh’s sentence to life imprisonment would have likely been a non-issue. Indeed if the language in the revised judgment had been used in the first place less stringent criticism could have been laid against the court, either by Christians or by the Sangh Parivar. The Court demonstrated on numerous points of law the issues with the various investigations into Staines’ death, as well as the problems with some of the lower court’s decisions. It was only when the Supreme Court expressed their interpretation that the murders had been motivated by conversion and by the desire to “teach Staines a lesson” for converting poor tribals to Christianity that the decision took on an enhanced level of meaning. As it stands, the rather ham-fisted approach of the Court—the initial language, the almost immediate *suo moto* decision to alter and/or expunge the parts of the ruling dealing with conversion—allowed interested parties on both sides of the conversion debate to be both offended by the decision and then justified in their contentions of prejudice thereafter.

I would also contend that the language used in the judgment is evidence of a much deeper, much more entrenched antipathy towards conversion held by many Hindus, indeed by many Indians generally. Much as in the *Reverend Stanislaus vs. Madhya Pradesh* in 1977, the issue is not an infiltration of the Supreme Court by *Hindutva* values, but a breakdown in the traditional understanding of Indian secularism—and the role of propagation and by extension conversion—in that initial understanding of Indian secularism and as determined in the Constituent Assembly. If, as I have argued above, Indian secularism is above all about the
relationship of India’s various religious communities with the state even more so than it is about
their relationship with each other, any change in the state’s (as symbolized in this case by the
Supreme Court’s) attitude towards the role of propagation as a fundamental religious right alters
all religious groups’ relationship with the state. This is also indicative of the failure of the Courts
to interpret secularism as it has come to be understood in the Indian context. The Courts,
therefore, have also played a role in the “crisis” of Indian secularism which has developed
alongside the rise of the Sangh Parivar over the past several decades, by contributing to a
majoritarian view of secularism, which is no more clearly demonstrated than in their rulings on
conversion.


In 2012, the Himachal Pradesh Freedom of Religion Act and the Rules associated
therewith was challenged before the High Court of Himachal Pradesh. The writ was petitioned
by two Indian-based Christian missionary organizations, the Evangelical Fellowship of India and
Act Now for Harmony and Democracy (ANHAD), who challenged the constitutionality of both
the Act and the Rules framed under its auspices. The case attracted a number of interveners,
the most influential of which was Dr. Subramaniam Swamy, who intervened at the request of the
VHP. Swamy’s analysis of the case and his contributions to the proceedings will be analyzed
below. The case is an interesting one, as it demonstrates how Christian groups still maintain that
the state Freedom of Religion Acts violate Article 25 of the Constitution, despite the precedent
denying this argument made by the Supreme Court in its 1977 ruling, Stanislaus vs. State of
Madhya Pradesh. However, and notwithstanding the Himachal Pradesh High Court’s decision to

589 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP
No. 438 of 2011, 1.
590 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP
No. 438 of 2011, 1; Subramaniam Swamy. “Ban on Induced Religious Conversion is Constitutional” in Organiser
http://organiser.org/Encyc/2012/9/11/-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
uphold the constitutionality of the Act, the Court did take issue with several of the Rules associated with the Act, the result of which may help to curb some of the more troubling implications of the Act for Indian Christians.

At the outset of its ruling, the Himachal Pradesh High Court stated that the petitioners’ challenge of Article 25 (1) of the Indian Constitution was no longer res integra in view of the 1977 Supreme Court decision in Reverend Stanislaus vs. State of Madhya Pradesh. The Himachal Pradesh High Court accepted the Supreme Court’s argument in that case that a person has every right to propagate his religion, but that “the right to propagate one’s own views does not give any person the right to convert anybody else except if the person converts of his own free will.” This line of argumentation follows the principle that propagation of religion is acceptable under the Constitution if performed to provide the exposition of the tenets of that religion. Earlier, we have referred to this argument as propagation for the purposes of edification.

The focus on propagation for the purposes of edification, demonstrates that the High Court, following the precedent set in Stanislaus, is of the opinion that while the propagation of religion—as subject to public order, health and morality—is both acceptable and constitutionally protected, conversion itself is not. The Himachal Pradesh takes up this concern also, noting that:

It has been urged before us that Article 13 (2) prohibits the legislature from enacting any law which infringes the rights guaranteed under Part III of the Constitution which would include Article 25 of the Constitution of India. It has also been urged before us that there are two proselytizing religions, i.e. Islam and Christianity – to spread the word of God is an inherent part of these religions and, therefore, the State cannot put any restriction on this religious practice of proselytization. We cannot accept this argument because the Apex Court in no uncertain terms has held that though the right to propagate may be a fundamental right but [sic] there is no fundamental right to convert.

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591 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 8.
As noted in our previous discussions of both tranches of anti-conversion legislation, “the threat of divine displeasure” in the course of propagating religion has been a consistent issue for lawmakers and has been included in almost all of the laws. In the Himachal Pradesh Act, it is stated that “‘force’” shall include show of force or threat of injury or threat of divine displeasure or social ex-communication.”593 We have also noted that Christian groups often take up the prohibition of divine displeasure in anti-conversion legislation as both problematic and vague. As Angelo Fernandes, Archbishop of Delhi argued in 1979 in the wake of the Arunachal Pradesh Act, the language of divine displeasure was “positively mischievous,” noting that remarking on any sort of divine displeasure in the course of propagation would mean that anyone “who preaches that men living a sinful life will incur divine displeasure will be committing an offence punishable by a one year’s imprisonment.”594 The petitioners in Himachal Pradesh raised a similar argument to Fernandes, stating that the definition of the words “force, fraud and inducement are very vague and liable to misuse.” Under the definitions of the Act, this would include divine displeasure. The Court countered that “merely because a definition is liable to be misused does not mean the Act should be struck down.”595 In much stronger language the Himachal Pradesh High Court stated:

   The right to propagate one’s religion may entitle a person to extol the virtues of the religion he propounds. He, however, has no right to denigrate any other religion, thought or belief. One may promise heaven to the followers of one’s religion, but one cannot say that damnation will follow if the path is not followed. The essence of secularism is tolerance and acceptance of all religions. The right to propagate can never include the right to denigrate any other thought, religion or belief. Therefore, though the right to propagate may be a fundamental right but the right to convert, as held by the Apex court, is not a fundamental right.596

594 “A call to Justice by Archbishop Angelo Fernandes”, 356.
596 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 10-11.
From the language of the ruling presented here so far, it is quite clear that Himachal Pradesh High Court is following closely the precedent set in Stanislaus vs. State of Madhya Pradesh. Propagation, subject to proper limitations is constitutionally protected. Propagation should be for the purpose of edification and not the strict purpose of converting others, though conversions that come about following propagation but through the free will of the convertee are acceptable. The Himachal Pradesh Act (as in Orissa 1967 and Madhya Pradesh, 1968, and in Stanislaus vs. State of Madhya Pradesh) is deemed constitutional as it is a law to prevent conversions brought about by “force, fraud, or inducement.” Forcible conversions, the court states, “would wreck the very basic framework of our society and lead India to total annihilation.”

The Court also addresses the Rules associated with the Act in their ruling, which demonstrates a somewhat evolved understanding of what is permissible in terms of propagation and conversion, especially for the individual who converts. The Court begins its discussion on the challenges to the Himachal Pradesh Rules, with an important contention.

The right to freedom of opinion, the right to freedom of conscience by themselves include the extremely important right to disagree…if everybody follows the well-trodden path, no new paths will be created, no new explorations will be done, and no new vistas will be found. We are not dealing with vistas and explorations in the material field, but we are dealing with higher issues. If a person does not ask questions and does not raise issues questioning age old systems, no new systems would develop and the horizons of the mind will not be expanded. Whether it be Buddha, Mahavira, Jesus Christ, Prophet Muhammad, Guru Nanak Dev, Martin Luther, Kabir, Raja Ram Mohan Roy, or Swami Dayananda Saraswati, new thoughts and religious practices would not have been established, if they had quietly submitted to the views of their forefathers and not questioned existing religious beliefs, practices, and rituals.

Given the importance therefore, of a change in religious thinking—of dissent as the Court puts it, though I would argue this could be read also as “conversion”—in both Indian religious history.

597 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 112.
598 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 12.
and religious history generally, what is an individual convert required to tell the State with
regards to a change in thinking or a change in conscience?

The court addresses just this concern in its analysis of Section 4 of the Act and in the
accompanying rules 3, 4, 5, and 6. Section 4 of the Act states that a person intending to convert
from one religion to another tradition, must give 30 days notice to the District Magistrate prior to
the conversion taking place. Section 4(1) of the Act states that no notice shall be required if a
person reverts back to his original religion.

Rule 3 requires a convert to give notice to her District Magistrate prior to conversion
taking place, and states that the District Magistrate may investigate the particulars of the
conversion, and that “any person likely to be prejudicially affected shall be given adequate
opportunity to associate himself with any such enquiry.” Rule 4 states that the District Magistrate
may investigate any conversion in which “on any complaint or any information laid before him”
that force, fraud or inducement have been used in any conversion. Under Rule 5, the District
Magistrate is obligated to begin a police investigation in the case of conversion having taken
place (or likely to take place) through use of force or inducement. Rule 6 is the sanction for
prosecution, under which the District Magistrate must decide within 7 days of the conclusion of
any investigation whether prosecution is to proceed.599 The Court stated that its concern with
Section 4 and Rules 3, 4, 5, and 6 was whether the fundamental rights of the person who is
converting are being adversely affected by section 4 and Rules 3 and 5, especially in regards to
the right to privacy of a person wanting to change his religious beliefs.600

599 Himachal Pradesh Freedom of Religion Act, 2006
600 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP
   No. 438 of 2011, 14-16.
In its analysis of Section 4 and the Rules, the Court found that the Himachal Pradesh Act had gone much further than the Madhya Pradesh Act of 1968 or the Orissa Act of 1967—the two Acts covered in the *Reverend Stanislaus vs. State of Madhya Pradesh* Supreme Court ruling—in requiring the convert to register her impending conversion with state authorities. At issue here, the Court argues, is the fundamental right to privacy:

> We have earlier discussed that our Constitution ensures that no person living in India can be denied equality under the law or the benefits of Part III of the Constitution of India and every person is entitled to his freedoms, which are guaranteed under Part III of the Constitution of India. These rights, which are commonly known as fundamental rights are in fact human rights. The right to privacy is one of such rights. 601

The Himachal Pradesh High Court noted several Supreme Court and High Court cases as precedent to the fundamental right to privacy, including the Delhi High Court’s judgment in *Pranav Kumar Mishra vs. Government of NCT of Delhi and another WP (C)* in 2009. In that case, petitioners had challenged “the practice of posting the notice of intended marriage under the Special Marriages Act, 1954, at the residential address of both parties to the marriage as also through the Station House Officer of the police station concerned for the purpose of verification of address.” The Delhi High Court ruled that there is “no requirement of posting notice to the applicants’ addresses and held that such dispatch of such notices would amount to breach of their right to privacy.” 602 Importantly, the Delhi High Court also held that:

> It is to be kept in mind that the Special Marriage Act was enacted to enable a special form of marriage for any Indian national, professing different faiths, or desiring a civil form of marriage. The unwarranted disclosure of matrimonial plans by two adults entitled to solemnize it may, in certain situations, jeopardize the marriage itself. *In certain instances, it may even endanger the life or limb of one at the other party due to parental interference.* 603

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The issue here for the Himachal Pradesh High Court, is that, as in the case of the marriages referenced above, the notice of a convert’s impending conversion could put him at physical risk. While the Himachal Pradesh High Court accepts the proposition that the right to privacy is “not an indefeasible right,” the State must “have material before it to show what are very compelling reasons to which will justify its action of invading the right to privacy of an individual.”

The implication of this reference, to my reading, is the possibility that requiring a public disclosure of a contemplated change in religious affiliation could subject a potential convert, or the person officiating at such a conversion, to possible physical harm. If conversion is a disturbance to public order such that any individual “who may be prejudicially affected” can intervene in the investigation of a conversion, and if conversion can also be viewed as “creating maladjustments in the social life” of a community, there exists at least the possibility that a potential convert is at risk of being subjected to physical violence. The irony here is that laws ostensibly designed to prevent coerced conversions could subject a potential convert to coercion, and possibly even physical violence, to prevent the conversion from taking place. Interestingly, none of the anti-conversion laws enacted explicitly reference physical violence as a method of coercing individuals to change religious affiliation.

In the case of an individual’s desire to change her religious affiliation, the Himachal Pradesh High Court asks “Why should any human being be asked to disclose of his religion? Why should a human being be asked to inform the authorities that he is changing his belief? What right does the State have to direct the convertee to give notice in advance to the District Magistrate about challenging his rebellious thought?” The Court’s conclusion is that convert is

605 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 22.
under no obligation to disclose his impeding conversion nor does the State have any right to ask. This is especially true in the case of Rule 3 of the Act, wherein “prejudicially affected parties” are permitted to be associated in any enquiry into the impeding conversion. The Rule, as written, the Court ruled, created an environment where “the convertee being subjected to physical and psychological torture cannot be ruled out. The remedy proposed by the State, therefore, may prove to be more harmful than the problem.” 606 The disclosure of a voluntary change in religious belief may also the Court ruled “lead to communal clashes and may even endanger the life and limb of the convertee.” 607

The Himachal Pradesh High Court’s language on the possible dangers of the Act’s Rules are reflective of Jawarharlal Nehru’s views on anti-conversion legislation, which he expressed in opposition to the Indian Converts (Regulation and Registration) Bill of 1954. During debate in the Lok Sabha at that time, Nehru stated:

Nobody wants deception; nobody wants coercion. In practice, this attempt to prevent that may well give rise to other forms of coercion. 608

The Court, while accepting the need to regulate unlawful conversions, stated that forcing a convert or potential convert to publicly notify the District Magistrate of her decision to convert would “open a Pandora’s box once notice is issued” and that “this may lead to conflict between rival religious outfits and groups.” 609 The Court went on to argue that registration was unnecessary as “no material has been placed on record by the State to show that there has been any adverse effect on public order by any conversion in the State whether prior to or after the

606 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 22.
608 Quoted in Smith, India as a Secular State, 185.
609 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 23.
enactment of the Himachal Pradesh Act. In fact, till date only one case has been registered under the Act.  

The Court’s commentary that the convert registration component of Rule 3 could open a Pandora’s box of communal discord combined with their own admission that only one case had been registered under the Act in its six years of existence is instructive. It implies that the Himachal Pradesh Act—indeed all of the Freedom of Religion Acts, I would argue—exist primarily as a deterrent to all conversions, not merely those precipitated by force or allurement. This deterrence is effected not merely by threats (though not divine threats!) of imprisonment and heavy fines but also by the predominance of a majoritarian Hindu view of conversion within the context of secularism and Constitutional safeguards for freedom of religion and freedom of conscience. The Himachal Pradesh Court itself notes that “merely because a majority view is different does not mean that the minority view must be silenced.” Still, this is what the anti-conversion laws and the Himachal Pradesh High Court, and especially the Supreme Court judgments, accomplish: the right to not be converted supersedes the right to propagate and to attempt to convert others. It is because this Hindu majority view of conversion and propagation appears to be the accepted view of states with anti-conversion legislation and the apex courts that these laws exist and that more may ultimately be enacted. As has been demonstrated throughout this study, most Indian Christians feel otherwise: that conversion and propagation are integral parts of their religious lives and responsibilities and for them to be curbed by legislation is an infringement on their freedom of religion and freedom of conscience. The contentiousness of this difference in opinion on conversion and freedom of religion can and has caused more issues and

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610 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 23.
more discord than it has prevented. The Indian Christian view of what is allowed or should be allowed under the freedom of religion guaranteed under Article 25 of the Constitution is obviously different than the majority view despite the Courts’ repeated rulings against that vision. That yet another challenge of a Freedom of Religion Act’s constitutional validity was brought before the Courts in 2012 is ample evidence that these Court decisions accepting the validity of the Freedom of Religion Acts has not changed either the Indian Christian viewpoint on Article 25, or the Indian Christian community’s desire to participate in missionary work. It is quite likely that more challenges will be brought against these Acts, even with precedent set against them.

Despite the Court’s obvious philosophical agreement with propagation as a constitutionally protected religious activity, though not conversion, the Court ruled to strike down Rule 3 of the Himachal Pradesh Act requiring a convert’s registration with local government authorities, citing the rule as violating Article 14 of the Indian Constitution. Article 14 states that:

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.  

The Himachal Pradesh High Court also struck down all of section 4 of the Himachal Pradesh Act as unconstitutional, again ruling that the rule violates Article 14 of the Constitution. Under Section 4 of the Act, a person who “reverts back to his original religion,” unlike a convert to a new religion, is not required to give notice to state authorities. “Original religion” is not defined in the Himachal Pradesh Act. The Court defined “original religion” as the religion the convert “was born into.” An intervener in the case, Subramanian Swamy, argued that “original religion is

Hindu religion alone. The court went on to argue that the lack of notice required in section 4 for a reversion to a convert’s original religion needed to be dismissed on logical grounds:

We fail to understand the rationale why if a person is to revert to his original religion no notice is required. It was urged before us that since he was born in his religion and knows his religion well, therefore, it was thought that while reverting back to his original religion no notice be issued...Supposing a person born in religion A converts to religion B at the age of 20 and wants to convert back to religion A at age 50, he has spent many more years, that too mature years, being a follower of religion B. Why should he not be required to give notice?

As noted in Chapters 5 and 6, several of the State Freedom of Religion Acts carry similar provisions requiring neither notice of a re-conversion, nor any sort of punishment for re-conversion to Hinduism or conversion to any religion indigenous to India. It will be interesting to see if this determination of the Himachal Pradesh High Court will be used in any future challenges to the validity of the state anti-conversion legislation.

The Himachal Pradesh High Court also quashed Section 4 on the grounds that most converts to another religion are the “poor and downtrodden.” The Court also suggested that the “poor and downtrodden” were the sections of society most likely to be converted by “force, fraud, or inducement.” Under Section 4, the non-issuance of a notice to convert is a criminal offence, which, according to the Court, could “in fact make these poor and downtrodden people criminals, whereas the main thrust of the Act should have been to deal strictly with persons who convert people by “force,” “fraud,” or “allurement.”

The Himachal Pradesh High Court’s ruling on this latest challenge to a state Freedom of Religion Act is a very interesting one. It maintains apex court precedent that propagation is a fundamental right, but that conversion is not similarly protected under the Constitution. It also,

613 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 23.
614 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 23.
615 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP No. 438 of 2011, 23.
by striking down the section and rules that require a potential convert to register with the state prior to converting, more clearly than ever before demonstrated that the anti-conversion laws exist to ‘manage’ the person or organization who converts another, as opposed to the individual convert. While Christian organizations may find that this precedent may continue to regulate their missionary and proselytizing behaviour in ways they will be forced to protest, there is, likely some comfort to be taken in the protection of an individual’s inherent right to change his religious affiliation without the interference of the state. The Court’s judgment, therefore, is reflective of its contention that the Himachal Pradesh Act exists only to prevent forcible and fraudulent conversions. Whether this will be born out in practice will only be clear after observing the Himachal Pradesh law in practice, or if another state Freedom of Religion law is challenged on similar grounds.

IV. Sangh Parivar Response to the Himachal Pradesh Act Challenge

Subramanian Swamy an economist, politician, and President of the Janata Party, was an intervener in Himachal Pradesh Freedom of Religion Act challenge. In a lengthy article published in *The Organiser*, the official periodical of the RSS, Swamy stated that he was asked to intervene in the case by the VHP; as well, the article highlights many of his arguments against the petition to overturn the Himachal Pradesh Freedom of Religion Act.\(^{616}\) Several of Swamy’s arguments were also noted by the Court in its ruling and those will be discussed in this section as well.

Swamy stated in his article for *The Organiser* that he elected to intervene in opposition to the petitioners in the Himachal Pradesh Freedom of Religion Act challenge for two reasons. First, the petitioners had not “adduced any legally valid evidence that anyone has been aggrieved

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\(^{616}\) Subramaniam Swamy. “Ban on Induced Religious Conversion is Constitutional” in *Organiser* http://organiser.org/Encyc/2012/9/11/-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
by the statute, nor were they personally affected” and second, and most importantly, that the
petitioners had focused “on the right to convert when in fact they ought to have been concerned
about public order that would be disturbed by fraudulent, forced or induced conversions.” 617 As
we can see from his initial statements, therefore, Swamy is setting up a counter-argument to the
petitioners on constitutional grounds of public order, and in the spirit of the precedent set by
Reverend Stanislaus vs. State of Madhya Pradesh, and the fact that the law had been used
infrequently, which, as we know, the Court itself recognized. Furthermore, Swamy argued that
the state was bound to act “as a deterrent” to the scourge of forced conversions and its threat to
the “religious demography of the nation.”618

In order to support his arguments that forced religious conversions have “demeaned
other religions” and “impacted pluralism in society.” 619 Swamy used the arguments against
conversion and proselytization used by Gandhi during the Independence movement and by
Sardar Vallabhbhai Patel in the Constituent Assembly Debates. Swamy’s arguments were duly
noted by the Himachal Pradesh High Court in their final ruling. In the case of Gandhi, Swamy
quoted thus:

If I had power and could legislate, I would certainly stop all proselytizing. It is the cause of much
avoidable conflict between classes…in Hindu households the advent of a missionary has meant
the disruption of the family coming in the wake of change of dress, manners, language, food and
drink. 620

Swamy and the Court also noted Gandhi’s contention that the “vilification of Hinduism, though
subdued, is there” and that at the time of the quotation a missionary had distributed money in an

617 Swamy. “Ban on Induced Religious Conversion is Constitutional” in Organiser
http://organiser.org/Encyc/2012/9/11-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
618 Swamy. “Ban on Induced Religious Conversion is Constitutional” in Organiser
http://organiser.org/Encyc/2012/9/11-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
619 Swamy. “Ban on Induced Religious Conversion is Constitutional” in Organiser
http://organiser.org/Encyc/2012/9/11-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
620 Evangelical Fellowship of India and Act Now For Harmony and Democracy vs. State of Himachal Pradesh CWP
No. 438 of 2011, 7.
area stricken by famine and had thereby secured a number of converts. These quotations from the *Collected Works of Mahatma Gandhi* are standard fare in Sangh Parivar arguments against proselytization and conversion. Nevertheless, the principal arguments in the quotes are important as they speak to a majority Hindu conception of conversion as a disruptive act, primarily perpetrated against the poor, and of an understanding of Hindu tolerance which would preclude active proselytization.

Swamy goes on to note that Sardar Patel, in the Constituent Assembly Debates argued against forcible conversion in the following manner:

> The Committee discussed this and there were several other suggestions made by the House and the clause was referred back to the Committee. After further consideration of this clause, which enunciates an obvious principle, the Committee came to the conclusion that it is not necessary to include this as a fundamental right. It is illegal under the present law and it can be illegal at any time.

According to the Himachal Pradesh High Court, Swamy used the above quotations to contend that “conversions are against Hindu philosophy and, therefore, should not be permitted.” The Court refused to address the questions of whether all conversions were to be forbidden. Rather, the court stated, conversions are permissible in India provided they are of free will and that “every citizen of the country has a right to not only follow his own beliefs but also has a right to change beliefs.” Interestingly, the Patel quotation from the Constituent Assembly Debates appears to argue this very thing, and not that all conversions should be outlawed as Swamy contended.

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Swamy goes on to argue, in his *Organiser* article, that Hinduism is not only inherently tolerant but inherently secular, using the Gandhian conception of truth, viz., that all religions are but different paths to religious truth. Moreover, Swamy suggests, “Christianity and Islam are fundamentally predatory proselytizing theologies that do not accept any other religion.”

The most interesting point Swamy brought to his intervention in the Himachal Pradesh challenge was the importance of a “stable religious demography” to maintaining “continued plurality of worship in modern India.” According to Swamy it is only if Hindus remain the “overwhelming majority in the country” that India can retain a liberal religious outlook. To support this argument, Swamy uses Article 370 of the Indian Constitution which states that the Central Government of India requires the State Government of Jammu and Kashmir’s concurrence for applying any laws excepting Defence, Foreign Affairs, Finance and Communications. The Constitutional article also prevents Indian citizens from outside the state from purchasing land or property in Kashmir. Swamy argued that Article 370 exists to prevent migration of people from the rest of India into the state which would, of course, “disturb the religious demography,” of majority Muslim Kashmir. However, Swamy states, this article of the Constitution has been a failure in practice. Given its Muslim majority and the lack of Hindu emigration into the state, Kashmir has “witnessed forced emigration of Hindu Pandits and Sikhs…leading besides to forcible conversions to Islam. The said Article failed thus to provide protection for forced emigration of Hindus from the state. In varying degrees, this has been the fate of Hindus wherever they are in a minority.”

626 Swamy. “Ban on Induced Religious Conversion is Constitutional” in *Organiser* http://organiser.org/Encyc/2012/9/11/-b-Ban-on-Induced-Religious-Conversion-is-Constitutional--b-.aspx
For Subramanian Swamy, then, the state Freedom of Religion Acts also exist to ensure a stable religious demography (with Hindus in the majority), which then ensures secularism and religious tolerance. One might add that a Hindu majority also ensures a vision of India as a “Hindu” nation in practice and to a lesser extent in law, at least in the context of the state anti-conversion laws. *Reverend Stanislaus vs. State of Madhya Pradesh* ruled that conversion was not a fundamental right under the Constitution, and that propagation of religion was subject to public order. Swamy reasons that “rapid change in religious demography,” which could only really come about via conversion, would cause a “huge public disorder.”627 This again, is standard argumentation for the Sangh Parivar. It is also supported, at least in part, by the Supreme Court’s ruling in the case of *Reverend Stanislaus vs. State of Madhya Pradesh*. The idea that Indian secularism and Hinduism’s inherent tolerance is challenged by conversion is again, a standard, “majoritarian” Hindu conception of the perils posed by conversion. As Cossman and Kapur have argued, this is only one way of looking at Indian secularism and constitutional protections for freedom of religion and, moreover, a potentially dangerous one for India’s religious minority communities.

If the courts are to play a role in reversing the trends of Hindu majoritarianism, and promoting a democratic secularism, it will be essential to guard against the incursions of such majoritarianism in its own decisions. The courts must be vigilant in ensuring that the unstated norms of the Hindu majority do not inadvertently slip into legal and constitutional discourse in general. But this vigilance is all the more crucial in the context of interpreting those very articles that protect and promote the rights of minorities. It will be important to guard against any judicial limitations on the constitutional guarantees to freedom of religion. The courts must struggle to disarticulate their own understanding of freedom of religion from the unstated norms of the majority, and recognize the fundamental importance of freedom of religion from the point of view of religious minorities.628

Subramanian Swamy’s intervention in the Himachal Pradesh Freedom of Religion case is, of course, a stronger argument in support of the *absolute necessity* of the state Freedom of Religion

Acts than either the Supreme Court in the case of Reverend Stanislaus vs. Madhya Pradesh, or the ruling of the Himachal Pradesh High Court. Still, both of these rulings, with the exception of recourse to the need for a stable religious demography in India, follow a number of Swamy’s arguments. While Cossman and Kapur are right to point out that a majoritarian outlook has slipped somewhat into judicial reasoning—reasoning seen clearly in the Dara Singh verdict discussed above—it appears to me unlikely that this reasoning is likely to change in favor of, in these cases, the Christian community’s view on proselytization and conversion. Given that, the Himachal Pradesh High Court’s ruling, and in particular its language on privacy and freedom of conscience for converts, seems a likely indicator of how any such challenges to the Freedom of Religion Acts will be read going forward.

V. Bijoya Chakravarty’s 2011 Anti-Conversion Bill at the Centre

On February 25, 2011, Bijoya Chakravarty, a BJP MP from Assam introduced a private member’s bill in the Lok Sabha titled: “The Prohibition on Religious Conversion Bill, 2011,” the first piece of anti-conversion legislation introduced at the Centre since 1981. Chakravarty is a long-time member of first the Janata Party and then the BJP. She served as Union Minister of State for Water Resources in the National Democratic Alliance government between 1999 and 2004 and has been National Vice-President of the BJP since 2007. While the bill is still on the order paper and yet to be debated in the Lok Sabha, the language of the law is worthy of investigation as it is the first piece of anti-conversion legislation designed to extend to the whole of India in over 30 years. The purpose of the bill is to “provide for prohibition of religious conversions by inducement or force and for matters connected therewith.”

Section 2 of the Bill states that: “No person shall encourage or cause to encourage any person or group of persons to convert religion by inducement or by force.” There is also an explanation for Section 2 which states: “For the purposes of this section, “inducement” includes giving or offering or promising to give cash, imparting free education, or giving employment, shelter, food, or clothes free of cost.” Section 3 of the bill, however, reads that: “This Act shall not apply to a person who voluntarily converts to another religion or reconverts to who his original religion.”

Sections 2 and 3 of the bill, while more specific on the definition on “inducement” than previous anti-conversion bills and laws contains similar language to them, particularly with regards to no penalties for reconversion to one’s “original religion as also contained in the Rajasthan, Chhattisgarh, and Himachal Pradesh Acts. The penalties for forcible conversion in The Prohibition on Religious Conversion Bill, 2011, are much steeper than in any previous bill or piece of enacted Freedom of Religion legislation. Section 4 of the bill states that the term of imprisonment for contravention of the Act will be 10 years, and will also carry a fine of at least 1 lakh rupees (Rs. 100,000). Moreover, the organization of the person found to have forcibly converted someone will also be liable for the same penalty, and “the registration of that organization and institution under any law for the time being in force shall be cancelled forthwith.” Additionally, “no person or organization violating the provisions of this Act shall be allowed to accept any donation or contribution of any kind from within the country or abroad.”

As expected, Chakravarty’s private member’s bill contains much of the substructure contained in the previously proposed and enacted legislation. Reconversion, which in the bulk of cases would be back to Hinduism, is acceptable, and is not punishable under the Act. Punishment for contravention of the Act will include both imprisonment and fines, though the fines are significantly steeper than in past laws, even taking into account inflation. Interestingly, the law contains no additional penalties for the forcible conversion of a minor, a woman, or a member of the Scheduled Castes and Tribes, which has been an important aspect of all previous anti-conversion legislation.

The most interesting aspect of the Bill is the extension of penalties to the organization to which the individual who forcibly converts another belongs. This, I would argue, is in keeping with anti-conversion rhetoric along the historical continuum from the Niyogi Report to the present day. Critics of conversion—and Gandhi was an excellent example of this—were critics of missionary organizations as much as they were any individual who converted another. Indeed, one could argue that this was often the primary object of that criticism, given that missionary organizations were, and even now continue to be, so closely with foreign entities, and that Christianity itself is viewed as a non-indigenous and foreign religious tradition. This is all the more apparent, given the bill’s prohibition of any organization involved in a forcible conversion from receiving funds of “any kind from within the country or abroad.” In this sense, the organizational element has been a long ignored aspect of previous anti-conversion legislation, ignoring as it has the organizational affiliation of a person found in contravention of the Act, and seeking to cut off foreign and thereby nefarious sources of funding for questionable proselytizing activities. Even The Compulsory Registration of Religious Conversions Bill, 1981, introduced as it was following the Meenakshipuram conversions, which were, at the time, roundly seen to have
come about via an influx of ‘petro-dollars’ from the Middle East, did not contain any organizational language of this type, indeed at all.

Chakravarty’s bill as introduced in the Lok Sabha also contains a “Statement of Objects and Reasons,” which reads as follows:

Religious conversion is the order of the day. Inducement of all types is offered and sometimes promise to offer certain things is given. Certain organisations indulge themselves in encouraging conversion through all ways and means and funds received from abroad and within the country are put to use for these purposes.

In many parts of the country, it has been witnessed that conversion has been taking place through force. Forced or induced conversion should be stopped. It is, therefore, proposed in the Bill to prohibit conversion through force or inducement. However, a provision has been made for enabling voluntary conversion.  

The Statement of Objects and Reasons clearly demonstrates the focus of the bill is on organizations involved in forcible or induced conversions. While the bill is quite clear in what it deems to be inducement—education, health care, employment, cash—it does not state what religious or, for lack of a better term, philosophical factors may be seen as inducement, such as the threat of divine displeasure. If, for example, divine displeasure came to be part of the bill through an amendment, and then the Bill was passed into law, many missionary and Christian organizations could be at risk of prosecution under the bill. And, as was clear in the Himachal Pradesh challenge, the threat of divine displeasure is not acceptable, and can be considered either as a use of force, or as an inducement to change religious affiliation.

As noted above, this Bill has yet to be debated in the Lok Sabha at the time of writing, and, as a private members bill, in particular one introduced by an opposition MP, it has little chance of being passed into law. The utility of examining the provisions of the Bill is in its reflection of the current state of anti-conversion sentiment as reflected in proposed legislation.

As the language of the bill demonstrates, opposition to conversion, and especially conversion to

Christianity, remains a significant issue in India. It is also reflective of how, in contemporary political discourse, there is still the disparate understanding of what conversion means for the Hindu majority, for minority religious communities, and how (or if) conversion should be managed by a secular state.

VI. Conclusion

As the analysis of these contemporary developments has demonstrated, and in spite of over 60 years of debate and proposed and enacted (and challenged!) legislation, the key poles of the debate over conversion in India, especially to a religion not indigenous to the subcontinent remain intact. For opponents of the legislation, and as demonstrated in the Sangh Parivar’s criticisms of both the Supreme Court ruling on Dara Singh, and the Himachal Pradesh High Court ruling on Himachal Pradesh, 2006, conversion remains an act perpetrated upon individuals by others, threatens India’s, and particularly Hinduism’s, inherent tolerance and secularism, and threatens India’s demographic balance. For proponents of conversion, these latest developments show that, apex court precedent notwithstanding, conversion is still viewed as an individual religious decision, and that legislation managing conversion is an affront to constitutionally protected guarantees of Freedom of Religion in a secular state.

In an important accretion to the existing legislation, the new anti-conversion bill proposed at the Centre in 2011 by BJP MP Bijoya Chakravarty extends the management and punishment of those involved in fraudulent conversions to the organizations involved and not merely the individuals, particularly those religious organizations with foreign ties or funded by foreign sources. In this case, the threats of the denationalization of foreign converts and nefarious foreign influence on activities taking place within Indian borders are very much alive and well.
These contemporary developments also ably demonstrate that the rhetoric and antipathy towards conversion and especially conversion to Christianity, remains a real and significant issue in India. It is also reflective of how, in contemporary political discourse, there is still the disparate understanding of what conversion means for the Hindu majority, for minority religious communities, and how—or if—conversion should be managed by a secular state. Future developments in the conversion debate, including future challenges to the state anti-conversion laws will undoubtedly draw on the themes contained in these developments as time moves forward.
Chapter 8: Conclusion

I. Introduction

India’s first Prime Minister, Jawaharlal Nehru was always skeptical of the idea that conversion was a phenomenon that should be or even could be regulated by the state in the form of legislation. Nehru’s argument against legislation, which he made in the context of the federal 1954 Indian Converts (Regulation and Registration) Bill needs to be revisited here.

Personally, I would not pass such a measure unless it has the fullest support from the principal parties who are likely to be affected by it. If this measure apparently is meant to apply to Christian missionaries carrying on this conversion, I would like the real decision to lie with the Christian members of this house. Let them decide. In principle there is no difference. Nobody wants deception; nobody wants coercion. In practice this attempt to prevent that may well give rise to other forms of coercion.634

In revisiting Nehru’s arguments in the Lok Sabha to begin this concluding chapter, I do not wish to endorse Nehru’s contention that conversion legislation, if it is to exist at all, must be designed by India’s Christian community, or that any discussion of the place of conversion is that community’s alone to make. Rather, I wish to look at the final sentence of this quote and to determine if the primary source materials analyzed in this dissertation have borne out Nehru’s fears, that is, that any “attempt to prevent [conversion] may well give rise to other forms of coercion.” State management of religious conversion via legislation is indeed “coercive” in that it attempts to manage, both legally and bureaucratically, an ostensibly religious and individual act.

In Chapter 5, we noted that when both the Arunachal Pradesh state anti-conversion law and O.P. Tiyagi’s federal Freedom of Religion Bill were being publicly debated, then Archbishop of Delhi Angelo Fernandes made the following pertinent remarks:

634 Quoted in Smith, India as a Secular State, 184; Lok Sabha Debates 2/9, 2 December 1955: 1093-1119.
Is it right to involve the state—a secular state—in the question of religious conversion and therefore, of religious belief? Is it the business of Parliament to create a climate of fear and suspicion in the area of free choice of religion? There is nothing like this with regard to freedom of political belief and freedom of the press. Why then a different standard in the area of religion.635

These two quotations, coming from two very different figures in two very different arenas, alert us to two key issues underlying the debate over religious conversion in post-Independence India. The first issue was raised by Nehru himself who suggested that despite extensive debate and attempts in the Constituent Assembly to find a way to both define and regulate conversion, the Assembly had failed to address the issue of conversion adequately. One could certainly argue after examining the reports, apex court rulings, and anti-conversion legislation enacted following the Constituent Assembly Debates that the issue of conversion remains inadequately addressed by the Indian state and at both the state and central levels of government. The second issue, raised by Fernandes, is the question of whether it is the business of government—via legislation—to be involved in the business of religious conversion at all. Both the failure of the Indian state to adequately address the contentious issue of religious conversion and the question of whether legislation is either necessary or helpful in resolving the acrimony over conversion in India have been primary considerations in this study. There is a fundamental difference of opinion on the place and validity of religious conversion between its opponents and proponents. What is unclear, is if the proponents and opponents of conversion actually note this difference of opinion, if either side is willing to compromise and find common ground on the issue, or indeed if any sort of compromise is even possible.

635 “A Call to Justice by Archbishop Angelo Fernandes”, 1 May, 1979, 359.
II. The Poles of the Debate over Conversion in Post-Independence India

Religious conversion ranks as one of the most destabilizing activities in modern society, particularly in the context of post-Independence India. The opposition to conversion is not a phenomenon unique to the post-Independence period and has deep roots in Indian history. One of the primary purposes of this dissertation has been to identify the poles of the debate over conversion in India, and, importantly to use the primary government sources under examination to show that the nature of the debate has remained remarkably uniform over the past seven decades as the Indian nation-state has grown and matured.

This dissertation commenced with an analysis of the Constituent Assembly Debates preceding the patriation of the Indian constitution. Importantly, the Constituent Assembly Debates provide a historical microcosm of what was to become the standard argumentation both for and against conversion over the succeeding decades. I have noted the unresolved arguments and tensions over the place of conversion in India which have been raised, on both sides of the debate, time and again. What the proposals and rhetoric found in the Constituent Assembly Debates demonstrate is that there is a fundamental disagreement over the place and nature of both conversion and the propagation of religion. At the base level, the disagreement is this: opponents of conversion and propagation focus on the individual’s right not to be converted (or subjected to the proselytizing activities of others) while those in favour of propagation and conversion see the issue as one of the fundamental right to teach or propagate one’s religion and to convert to another religion for reasons, indeed any reason that they deem proper as individuals.
What is likely at issue here, is also a difference in religious ‘character’ between Hinduism and Christianity. While debatable, it has been asserted that Hinduism is an ‘ethnic’ religion. What this means, at the base level, is that “one is born a Hindu, one does not become Hindu.”636 Observant Hindus do not adhere to “Hinduism in general” but to “particular sects, the ritual and metaphysics of which can be extremely different. This is further complicated by the fact that one’s social or caste position is usually of much more significance than one’s sectarian affiliation. 637 While this makes it easy for opponents of conversion to suggest that conversion was unknown Hindus prior to the arrival of the ‘missionary religions’ of Christianity and Islam, Hinduism does appear to “incorporate procedures of purification” to “join a body of believers and adhere to a new faith.”638 In comparison to the missionary traditions of Christianity and Islam, wherein proselytization is a critical aspect of the religion, ‘spreading’ Hinduism and securing converts is of much less significance, especially in comparison to the social aspects of the tradition. As such, the very different compositions or natures of the religion make mutual understanding over the place of conversion extremely fraught from the outset, raising the question of whether any compromise or mutual understanding is even possible.

III. Denationalization, Demographic Fear, and Postcolonial Anxiety

There has been a remarkable uniformity in the argumentation for and against conversion and anti-conversion legislation in the post-Independence period. The question that must be asked is why this rhetoric has remained so consistent and why the dialogue between opponents and proponents of anti-conversion legislation has been so ineffectual. Three key themes have

636 Jaffrelot, Religion, Caste and Politics in India, 144.
637 Jaffrelot, Religion, Caste and Politics in India, 144-5.
638 Jaffrelot, Religion, Caste and Politics in India, 144.
emerged which fuelled this antipathy: denationalization, demographic fear, and postcolonial anxiety.

The Constituent Assembly Debates were the venue in which the issue of denationalization first arose. Denationalization can be defined as the idea that converting from a religious tradition indigenous to the Indian subcontinent (Sikhism, Jainism, Buddhism, or, especially, Hinduism) to a religion not indigenous to India (Islam, or, especially, Christianity) either creates separatist political tendencies, or renders the convert susceptible to dual loyalties. Constituent Assembly member R.V. Dhulekar’s recourse to denationalization is instructive here:

I submit that we cannot now tolerate things of this nature [conversion] - We are being attacked, and we do not want that India's population, the numerical strength of the Hindus and other communities should gradually diminish, and after ten years the other people may again say that we constitute a separate nation. These separatist tendencies should be crushed. 639

Conversion then, is problematic for both religious and political reasons. In terms of religion, the attempt to convert someone to a different religious tradition is viewed as an attack on the competing religion inasmuch as one is positing the superiority of one religion over another. In political terms, Dhulekar also sees conversion as an attack on the Hindu majority community, and by extension, on the nation within a worldview that regards the Indian state as normatively Hindu.

Dhulekar’s commentary alerts us to the question of numbers or, as I have called it, ‘demographic fear.’ This is a primarily political concern, although it is also religious in that the rhetoric surrounding the opposition to religious conversion in India has presented conversion as not only an existential threat to the state’s current and ultimately preferred demographic composition but to the religious tradition of Hinduism itself. There is also an element of

ethnonationalism at play here. As Arjun Appadurai has noted, numerical majorities can be become “predatory and ethnocidal” with regards to minorities due to what he calls an “anxiety of incompleteness.”640 This ideological anxiety is based on the majority view that it is only these small minority communities which stand in the way of the majority’s assumption of an “unsullied national whole, a pure and untainted national ethnos.”641 Demographic fear, therefore, is a multi-faceted phenomenon, subsuming within it considerations of both electoral politics and an ethno-religious vision which sees India as a Hindu nation under threat from various religious minorities.

There was considerable fear at the time of the Constituent Assembly Debates, as well as in the immediate post-Independence period, that conversion could lead to agitations for autonomy and that India may consequently be further partitioned along religious lines. Moreover, conversion to Christianity was still a highly colonial act, associated with foreign powers and therefore dangerously destabilizing to the new Indian state. Conversion and proselytization’s association with colonialism was a potent consideration during the Constituent Assembly Debates and it remains so today.

This anxiety concerning political partition based on religion is evocative of what Chad Bauman has called postcolonial anxiety, defined as “anxieties, real and perceived, about the survival of the fledgling Indian nation. These anxieties placed certain Hindus in a defensive posture, causing them to seek, as a bulwark against national disintegration, a primordial, unalterable and unifying cultural essence.” 642 Empirical demographic research has shown that, given the comparative size of the Hindu community and the relatively small numbers of

640 Appadurai. Fear of Small Numbers, 8.
641 Arjun Appadurai. Fear of Small Numbers, 8.
conversions that actually occur, the existential threat posed by conversion is small; however, this numerical reality has never fully eased the postcolonial anxiety imposed by the act of conversion itself. Religious conversion, which is as a primary driver of both demographic fear and postcolonial anxiety, requires a “bulwark against national disintegration.”

A worldview where India is viewed as a Hindu nation is not quite strong enough. This bulwark also requires state intervention. And the state, with varying degrees of success, has intervened by managing the act of religious conversion, by bureaucratizing a religious act via the state anti-conversion laws. When conversion is bureaucratized in this way; when politicians and bureaucrats become the arbiters of not only who may convert but what constitutes a legitimate religious conversion, conversion is not only managed and, to a certain degree, discouraged, it is also politicized. No matter what the potential convert, or the Christian or Muslim communities may think about the religious act of conversion, by enshrining the management and legitimacy of conversion in law, the normative understanding of conversion itself becomes equivalent to the way in which conversion’s opponents have always viewed it, as an act which is indisputably political. And that which is political, must be managed by the state’s bureaucrats, in the interests of the state.

IV. The Legislation: What is the issue? Fraudulent Conversions or conversion per se?

Accusations that missionaries or other Christians were attempting to fraudulently convert Hindus—the language of conversions perpetrated by force, fraud, or inducement seen in all the primary source materials from the Constituent Assembly Debates through to the second tranche of state anti-conversion laws—has always been part of the conversion debate in India and indeed, are promoted as the reasons for these laws very existence. However, opposition to
conversion in toto has been a very important aspect, if not the most important issue under consideration. This is most forcefully demonstrated in the Niyogi Report, in which the issue of religious conversion was seen to have “worldwide repercussions” a “significance [which] far transcends the bounds of any one country or region in the world.”643 As noted in Chapter 4, conversion in toto was the primary issue in the Niyogi and Rege reports because of Christianity’s alleged association with “anti-national elements,” the Jharkhand movement and with India’s former colonial rulers. Conversion was also criticized for its religious or civilizational connotations, in particular the ideas that conversion has not traditionally been part of the Hindu tradition and that both Hindu culture and religion are inherently tolerant.

For conversion’s opponents in India, Hinduism and Hindu culture are seen as inherently tolerant, while proselytizing religions such as Islam and Christianity are viewed as not demonstrating a similar tolerance towards Hinduism. Wendy Doniger has argued that that this idea of an inherent Hindu tolerance is in actuality an “intellectual phenomenon” held to be true by both Hindus and many (including many scholars!) in the West rather than an actual sociological phenomenon.644 Doniger goes on to argue that the idea of Hindu tolerance is “a pluralism of ideas within a single social group that regards all of these ideas, some of which seem contradictory to us, as valid—though not necessarily equally valid.645 This is a key point. Hindu civilization, even among the converted, or those other religious traditions that have migrated to the subcontinent has to a certain degree encapsulated or absorbed, especially when one notes the infiltration of the caste system into religious traditions which are ostensibly egalitarian. This is not to say, however, that these religions are equally valid, that there is no sense of competition between these groups (Hindu and other), either intellectually or religiously.

643 Niyogi Report, 2.
644 Doniger, On Hinduism, 127.
645 Doniger, On Hinduism, 127.
in terms of increasing membership. Moreover, Hindu tolerance has in certain ways become a
canard, at least in terms of the actual relationship between these competing groups. Doniger has
further argued that Hindus:

Hindus remain intolerant of any slur cast against their tolerance. Shortly after partition, a member
of the fundamentalist and anti-Muslim Hindu association, the RSS, remarked that, since Hindus
are, as is well-known, the most tolerant people in the world, they deserve to have the land of India
to themselves, and therefore, the (less tolerant) Muslims should be disenfranchised.646

Our analysis has shown that this has often been in the case in the anti-conversion materials and
the rhetoric surrounding them. It is also the rhetorical vehicle by which the Sangh Parivar can
claim that Hinduism is not only inherently tolerant, but inherently secular.

If Hinduism is both tolerant and secular, the attempt to convert a Hindu can be viewed as
a contravention of constitutionally protected Freedom of Religion. Freedom of Religion, viewed
with this lens, is protected only in the absence of any type of proselytizing activity—when one is
protected from the religious propaganda of other religious traditions. We see this in the
uniformity and solidity of positions in the conversion debate. Opponents of conversion focus on
the individual’s right not to be converted (or subjected to the proselytizing activities of others)
while those in favour of propagation and conversion see the issue as one of the fundamental right
to teach or propagate one’s religion and to convert to another religion for reasons, indeed any
reason that they deem proper as individuals. The very act of proselytization not only insults the
idea that Hinduism, and therefore India itself, is inherently tolerant but also prevents an
ostensibly non-proselytizing Hindu from living within a system where their individual Freedom
of Religion is protected.

Viewing Hinduism as inherently secular further politicizes the very notion of conversion,
and further distances it from an act which may be viewed as primarily religious. Secularism, as I

646 Doniger, On Hinduism, 137.
argued in Chapter 2, is better explained as a relationship between various religions and the state as opposed to the relationship of one religious traditions to another. If, for the opponents of conversion in India, the nation is seen as essentially Hindu, then conversion also contravenes secularism, and in particular the Indian notion of secularism wherein the state and religion are not separate but equal before it. In such a worldview, conversion becomes an entirely political act which contravenes the state-sanctioned notion of equality between religious traditions. As such, accusations of dual loyalties or denationalization hold much more discursive power, making it incumbent upon the state to either manage conversion carefully through legislation, or to ban it outright in the name of protecting the secular state.

V. Social Factors: Paternalism: Women, Minors and the Scheduled Castes and Tribes

In the anti-conversion legislation and the rhetoric surrounding it, the issue of paternalism been frequently noted. This paternalism is seen explicitly in the legal treatment—through stiffer penalties—of those alleged to have fraudulently converted women, or members of the Scheduled Castes and tribes. This is of crucial importance, as, we have noted the primary demographic of converts from Hinduism to Christianity and to a lesser extent, Islam, tend to be from these so-called ‘weaker’ sections of society

Paternalism as a motivating factor behind the drive to politically/bureaucratically manage conversion really took off in the Niyogi and Rege reports. Both the reports claimed that their enquiry into missionary activity in the two states was precipitated by reports of missionaries fraudulently converting “illiterate aboriginals and other backward people and thereby offending
the feelings of Non-Christians. The Rege Report correctly noted that many lower-caste and tribal people likely converted to Christianity due to their ‘humble’ origins and lack of economic and social status, and that it was incumbent upon caste Hindus to conduct a “thorough heart searching…for finding out the reasons for the tendency of the ignorant masses to quit their fold.” The Rege Report was the only source which noted this factor and the high-caste Hindu role therein. The Niyogi Report and both tranches of anti-conversion legislation have tended to ignore any of the socio-economic reasons for conversion while attempting to more stringently manage low-caste conversions through stiffer legal penalties.

Socio-economic crisis, and in particular the existential questioning regarding a convert’s place in the world as defined by the caste system is and has always been an important motivating factor for conversion in the Indian context. However, when the understanding of a true conversion in the enquiry reports and the legislation is limited to the ‘great transformation understanding of conversion, most if not all conversions come to be viewed as ‘fraudulent’ under the law.

In the enquiry reports, calls for protection of the weaker sections of society from conversion came not only from a traditional understanding of conversion as primarily an issue of religious belief but also from the greater politicization of conversion in totum. Both the Rege and Niyogi reports singled out the Jharkhand movement in central India during the 1940s and 1950s as a potentially seditious separatist movement wherein religious conversion could in fact act as a catalyst for a further division of the nation along religious lines. However, the Jharkhand movement was predominantly based on political and economic issues—access to state resources and levels of regional autonomy—and not on religious identity. In spite of this, various state

647 Rege Report, 3. See also: Niyogi Report, 1.
648 Rege Report, 40.
governments went back to religion and to the standard political arguments against conversion rather than confronting what the Jharkand movement was really about, which was the initial post-Independence stirring of lower-caste and tribal political mobilization. It needs to be stressed the greater deterrent caused by more stringent penalties for conversion by the weaker sections of society would also helped ensure that the traditional socio-economic hegemony of the upper-caste elites remained intact.

The authors of the enquiry reports and the anti-conversion legislation used the more stringent management of conversion by the so-called weaker sections of society as a political weapon against their fears of further political separation. Given the postcolonial anxiety extant in the years immediately following independence this is not surprising. In terms of electoral politics, ensuring that the Scheduled Tribes and castes were defined as Hindus, and that the SCs and STs themselves viewed their religious identity as Hindu, worked to maintain a stable Hindu majority which conversion’s opponents feared was eroding. Paternalism, however, was equally important in the context of another key argument in this study: that anti-conversion legislation ‘bureaucratized’ the ostensibly religious act of conversion.

Anti-conversion legislation sought to manage what was seen by conversion’s opponents as a highly disruptive activity. The goal of this drive for management was to erect obstacles to conversion happening at all, and to make it especially difficult for lower-caste and tribal people to convert. The laws of course were written by lawmakers; the enforcement of laws, however, is left to the bureaucracy. Pradeep K. Chhiber has argued that India, bureaucratically, is a ‘capricious state’ which he defines in the following way:

The state is one political institution that is supposed to provide equal access to public institutions for all citizens, irrespective of their social status. In India, the state does not provide equal access to state institutions. There are citizens who are often treated disrespectfully and summarily
dismissed when they do come in contact with state officials. For these citizens, the state is mostly an unpredictable entity in their lives. This kind of state is what...is call[ed] a capricious state.

In India, most of the citizens that the state treats capriciously are poor. This is not to say that the Indian state does not establish policies on behalf of the poor. It does. Nevertheless, in the implementation of these policies, resources go astray; more important, the question of whether any Indian citizen has access to state benefits is one that depends on the whims of those agents of the state with whom they have to deal—the bureaucracy, the police, and politicians.649

Chhiber goes on to argue that according to the Indian government’s own analysis, “agents of the state” frequently “mistreat” or ignore people of low socio-economic status when they “seek redress.” 650 In both the first tranche of anti-conversion legislation, and much more forcefully the second wave, it is bureaucrats and the police who determine the validity of a religious conversion following an appropriate investigation. If the state is indeed as “capricious” as Chhibber has argued, then the groups most likely to convert, the lower castes and tribal peoples, are likely to have less success in actually converting under the auspices of the law, and especially so if they attempt to appeal any sort of decision by the bureaucracy that they may not convert, or that their conversion is invalid. This goes beyond Laura Jenkins Dudley’s argument that the anti-conversion laws force bureaucrats to “read minds” to determine if “converts have been forced, lured, or tricked.”651 Rather, the laws set up a dual deterrent of longer prison sentences and steeper fines for low-caste conversions in concert with less actual recourse for this same demographic group under the legislation. Yes, the bureaucrats enforcing the legislation are being asked to “read the minds” of potential converts; but will they bother to try?

This sort of paternalism, both social and bureaucratic, gives concrete expression to the language of victimhood seen in the reports and legislation. This language is reliant on a stereotypical view of the Scheduled Tribes and Castes; a view which sees these groups as passive, simple, and uneducated people who can be easily deceived into changing religious

649 Chhiber, Religious Practice and Democracy in India, 115-116.
650 Chhiber, Religious Practice and Democracy in India, 116.
651 Jenkins, “Legal Limits on Religious Conversion in India,” 120.
affiliation by unscrupulous Christian missionaries looking for easy converts. The lack of agency granted to the weaker sections of society in need of this additional ‘protection’ in the form of increased penalties for converting them is intensified by the crucial role of the bureaucracy in determining the validity of conversion. Both are effective deterrents. And there remains the possibility that the legislation and the agents enforcing the laws will act capriciously, denying the agency of potential converts and, potentially, maintaining a Hindu majoritarian view that most if not all conversions are fraudulent.

VI. Religious conversion: Crisis or transvaluation?

An important question that has arisen in this dissertation is whether, for all of the rhetoric and legislation which surrounds it, conversion can be said to be a real “crisis” in the Indian context. We have noted that notwithstanding the profound demographic fear which underlies much anti-conversion rhetoric, the reality is that actual conversions are small in number. We have also noted the fact that the actual enforcement of the anti-conversion legislation appears to be quite rarely enforced. So is conversion a legitimate crisis? It would be simple to suggest that it is not, but as has always been the case in any discussion of conversion in India, actual conversions, or the number of them is secondary to the religious, political and, in the vein of Savarkar, cultural importance of conversion itself and the rhetoric and at times violence that this discourse has invoked.

Stanley J. Tambiah’s principle of transvaluation may be helpful here to explain how conversion, as both an act and a symbol has achieved a power beyond its actual occurrence. Tambiah applied his theory of transvaluation to the formation of ethnic riots, but as I argued in Chapter 1 it can also be applied to the post-Independence debates over religious conversion in India. Tambiah defines transvaluation as a process which begins within the context of local,
multifaceted disturbances and which then “‘distorts, abstracts, and aggregates those incidents into larger collective issues of national or ethnic interest.’”

The process of transvaluation is apparent in the Niyogi Report. At the outset of the report, the committee writes that its purpose is to investigate allegations of fraudulent conversions to Christianity amongst the tribes and lower castes in Madhya Pradesh, both a narrow and supra-local issue. However, the report then goes on to claim, immediately, that its investigations “revealed to the Committee that its [conversion] significance far transcended the bounds of any one country or region in the world and that it was calculated to have worldwide repercussions. That compelled the Committee to view the subject as an integral part of a larger picture on the broad canvas of world history.”

A supra-local issue, the allegedly fraudulent conversion of some tribals, is distorted, abstracted, and aggregated into a matter of not only national but “worldwide” significance. The initial conversions which perpetuated the Niyogi enquiry were distorted by ideological considerations. Underlying apprehensions of further partition of the nation along religious lines, of a change in customary demographic composition, of converts being denationalized, led the Niyogi committee to distortedly view conversion as an existential threat. The conversion of a demographically insignificant number of lower-caste and tribal peoples is then “aggregated” into a discussion of not only conversion in toto but of the merits and demerits of the entire Christian religious tradition. Christianity and the conversions it encourages are posited as a “collective issue” or, in this case, an issue between collectivities or communities, for the entire nation, and which demands state intervention. And while this national issue of conversion can be argued to rest on a majoritarian view of India as Hindu nation, the reality is that by being presented in this

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652 Tabmiah, Leveling Crowds, 81.
653 Niyogi Report, 2.
way even those Indians who do not view India as a Hindu rashtra can become responsive to the rhetoric which views both conversion and Christianity as a threat to national integrity. The explanation of conversion and the threat in entails in the Niyogi Report certainly follows this patterns of transvaluation identified by Tambiah. And this is crucial to understanding the debate as, to this day, the Niyogi Report is seen by opponents of conversion as “vindicated by time” in its conclusions regarding conversion in India and as the rhetorical and ideological substructure for the first tranche of anti-conversion legislation. 654

Tambiah’s concept of transvaluation is also clearly visible in the Hindu-Christian communal strife at the turn of this last century, strife which can also be seen as a historical and political impetus for the enactment of the second tranche of anti-conversion legislation between 2002 and 2008. As discussed in Chapter 6, beginning in 1998 there was considerable violence between the Christian and Hindu communities in isolated (and predominantly tribal) areas of Gujarat, Madhya Pradesh, and Orissa, violence which culminated in the highly publicized murder of Australian evangelical missionary Graham Staines. Three key instances of transvaluation are important in this particular historical context.

First, the VHP, at the highest levels of its organizational structure, claimed that the violence against local Christians was perpetuated by “the anger of patriotic youth against anti-national forces,” and that “they, the Congress Party, may close its eyes to the black deeds of the missionaries, to their efforts to convert Hindus, but we in the VHP will not shut our eyes to the activities of these traitors.” 655 This quote, from then VHP Central Secretary B.L. Sharma, was

654 For a discussion of the Niyogi Report’s continuing influence in the conversion debate see, for example: Gauri Viswanathan. “Literacy and Conversion in the Discourse of Hindu Nationalism, 333-356 and Vindicated By Time: The Niyogi Committee Report on Christian Missionary Activities, passim.. 655 “The VHP Justifies Attacks on Missionaries” in The Hindu September 29, 1998. In singling out the Congress party in his quotation, Sharma was referring to the Congress government in power in Madhya Pradesh at the time of
published in the *Hindu* newspaper, a well-read and influential daily. The rhetoric here is standard; and what the rhetoric is doing is transvaluating what was actually happening. Local instances of violence were clearly presented as *necessary* responses to the *national* issue of religious conversion, including the standard ideological discourse of branding missionaries and converts as “anti-national forces” and “traitors.” Rhetoric of this sort implies the need for a national response to a local issue.

Then Prime Minister Atal Behari Vajpayee also transvaluated the issue in his comments following the violence in 1999 in Gujarat’s Dangs district. Vajpayee visited the area and took a slightly different tack. First, Vajpayee claimed that the violence was not as bad as it had been presented in the press and then, very shrewdly, called for a “national debate” on religious conversion. Through the call for a national debate and his immediate acceptance of conversion as a major causative factor for the violence, Vajpayee had deftly turned the tables on the Christians and implied that they were “ultimately responsible for their own woes.”656 By responding in this manner, Vajpayee was following a time-proven strategy used by opponents of conversion; assume that conversion is in almost all cases fraudulent; insert the government into this debate in the name of ‘public health and morality”, as per Article 25 of the Constitution; and place the burden of conversion’s legitimacy on converts and the greater Christian community. This strategy follows Tambiah’s concept of transvaluation quite elegantly.

Transvaluation is also seen in the *Wadhwa Report* published by the Indian government in the wake of the murder of Graham Staines. The purpose of the *Wadhwa Report* was to investigate the murder of Staines and his two sons, however this investigation devolved in to a

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discussion of who was converting whom in the rural areas of Orissa where Staines worked and whether those conversions were being affected via fraudulent means. As Laura Jenkins has noted, the investigation of the killers motives often “shifts to also question the motives and converts in the area,” particularly tribal converts.657

The section of the \textit{Wadhwa Report} dealing with motive behind the slayings is a prime example of transvaluation. Notwithstanding “outrage expressed domestically and abroad” for the Staines killings and the concurrent violence in Gujarat, conversion itself was viewed as the motive behind the anti-Christian violence in the \textit{Wadhwa Report}, and, as such, understandable if not justifiable. 658 If violent responses to conversion are deemed, by the government, to be “understandable if not justifiable” it is clear just how fraught the issue of religious conversion is in India. We are also able to see how a supra-local issue involving the murder of a single missionary and his two children can be transvaluated, indeed mutated, into an issue in which violence is justifiable, and where conversion becomes a matter of profound national concern, requiring a national debate. It is not at all surprising that it was in the wake of the violence in Gujarat and Orissa that a second tranche of significantly more stringent anti-conversion laws were enacted.

\textbf{VII. Can Conversion ever be recognized by the State for what it is?}

My analysis throughout this dissertation has focused on how the debate over conversion has come to be so fraught in India since the time of the Constituent Assembly; how colonialism, postcolonial anxiety, and demographic fear combined to create opponents of conversion who have claimed that converts and those converting them are anti-national, seditious, and in need of

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657 Jenkins, “Legal Limits on Religious Conversion in India,” 117.
management by the state in the name of public order. The outcome of these ideological factors has been the proposal and enactment of two slates of anti-conversion legislation which politicize and bureaucratize an ostensibly religious act within a secular state with constitutional safeguards for Freedom of Religion. Indeed, the laws themselves have been named “Freedom of Religion” Acts. The final question I wish to raise in the context of these laws and the debates that surround them is if it is even possible for conversion to be acceptable to all in India (or at least the greatest number of people) and, if so, how this might be accomplished.

In the introduction, two key conceptual understandings of conversion were presented: those of Lewis Rambo and Chad Bauman. Rambo provided a seven-phase model of religious conversion which sees the phenomenon as a multifaceted life change, with motivations and consequences which go considerably beyond the simple issue of belief.

I would like to revisit Rambo’s context stage of religious conversion for the insight it provides into why people convert, particularly within the context of the anti-conversion legislation under examination. Context is defined by Rambo as the “ecology in which converting takes place.” Context involves, at the macro level, a convert’s relationships with various political and economic systems and, of course “competing” religious organizations. At the micro level, context involves “the more personal world of the individual,” in particular the convert’s relationships with family and friends, and how these relationships impact a convert’s thoughts and actions in relationship to religious change. Rambo also identifies a “meso-context,” which refers to mediating factors, and which can include “local government, regional politics and economics, and local religious institutions.”

Rambo’s meso-context is key in understanding the nature of the anti-conversion legislation. The legislation mediates the relationship between the government and a potential convert. Indeed it mediates the relationship between the convert and the state to such a degree that the government wholly determines when a conversion can take place and whether it is valid. Conversions which are not deemed to be a matter of belief are customarily deemed to be suspect by the state and likely fraudulent. However, what if this question is turned around? What if the opponents of conversion in India, the lawmakers who have drafted the legislation, actually took context into account, and not merely the meso-context in which the state holds the upper hand in terms of power relations?

The context in which an individual decides to change their religious affiliation is a crucial part of most of the studies which have been conducted on religious conversion in India. In terms of the legislation, however, context is only considered from the viewpoint of conversion’s opponents who drafted and enacted the laws. That context, as our analysis has shown, tends to present a worldview which conflates religion and nationalism and India as a Hindu nation. As such, the multifaceted nature of religious conversion and its multiplicity of motivations tend to be ignored. This issue has been further problematized by scholarship which sees conversion as primarily an act of political dissent.660

Conversion needs to be accepted as the multifaceted phenomenon that it is. People do convert for reasons of belief, but they also convert for economic reasons, in hopes of establishing a life within a context which is more egalitarian, or to protest against a religion or a social system which has denied them what they feel to be their rightful share in social, religious, and cultural life of India. The issue in the legislation, then, is the focus on belief to the exclusion of these

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660 Viswanthan, _Outside the Fold_, passim.
other factors. It is only when conversion is understood to be a multifaceted phenomenon, among individuals with multifaceted loci of identity that it can be both appreciated for what it is and, hopefully, accepted by those who oppose conversion.

And while this, obviously, has not happened, the context of belief and motivation needs to be viewed from both poles of the conversion debate. For opponents of conversion, a belief that India is a Hindu nation is closely and passionately held. For those Indian who do not necessarily believe the India to be a Hindu rashtra, it remains true that the act of conversion is often seen as distasteful and threatening to communal accord and therefore public order. That conversion’s proponents have failed to recognize that this, as the Supreme Court rulings have demonstrated, is the likely way in which it will continue to viewed, is also a failure in both understanding and imagination. Belief is important—crucially important—but it is only part of the conversion equation.

This issue of belief—for both opponents and proponents of conversion—is therefore, the primary issue, an issue that, I would argue, makes religion the glue that holds all of the political, ideological, and cultural factors of the debate together. It is not a canard that India is a religious country. Belief matters. And belief is as multifaceted as identity or the motivations behind religious conversion of any kind. This is why, to see conversion as a turning, or a combination of assent and dissent, as outlined by Chad Bauman is the best way in which to view conversion. When multiplicity is acknowledged and accepted, when the rupture of conversion is contextualized by both its opponents then and only then can it be accepted.
VIII. Conclusion

This dissertation has focused on the debate over conversion in India since independence in 1947, with an especial focus on primary government sources which have dealt with conversion over that period of time. The study identified the key poles of the conversion debate—that there is a fundamental disagreement over the place and nature of both conversion and the propagation of religion in the post-independence Indian context. At the base level, the disagreement is this: opponents of conversion and propagation focus on the individual’s right not to be converted (or subjected to the proselytizing activities of others) while those in favour of propagation and conversion see the issue as one of the fundamental right to teach or propagate one’s religion and to convert to another religion any reason that they deem proper as individuals.

What is also clear is that this disparity in opinion has remained remarkably uniform over the past 70 years, and that the primary sources under examination suggest that the consensus view on conversion favours the opinion of conversion’s opponents. This is particularly notable in the analysis found in Chapters 6 and 7 of this study, which for the first time, provide an original and full examination of the second tranche of anti-conversion legislation and the responses to it on both sides of the debate. Throughout, we have noted that the responses to the debate over religious conversion in India, like the issue of conversion itself, are multifaceted and draw their motivation and energy from numerous sources. What is at stake for India, as a secular state with constitutional protections for freedom of religion, is how conversion’s opponents and proponents understand this diversity of motivation, and how they apply it to ensuring religious freedom for all of India’s citizens. Without understanding the motivations which underlie the debate, and which this dissertation has sought to unearth, conversion will remain a contested and at times
violently contested issue. In microcosm, these debates reflect the debate over India’s identity as a secular nation itself.
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