

False accusations, arrests, and persecution of Christians

Formative factors and impact of state laws of religious freedom in India

*D. Apostle*¹

Abstract

This article provides a critical analysis of state laws on religious freedom in India and their effect on minority communities, especially Christianity. It identifies the formative factors underlying these laws, along with the role played by religious political parties in their formulation. It also examines the motives behind the enactment of these laws and how they obstruct minorities' rights to propagate their religion and stand as a threat to their survival. The article further explores religious violence, false accusations and arrests inflicted on Christians because of these laws.

Keywords

State anti-conversion laws, religious political parties, Hindu nationalists, false accusations, persecution.

Religion is for man and not man for religion. For getting human treatment, convert yourselves. Convert for getting organised. Convert for becoming strong. Convert for securing equality. Convert for getting liberty. Convert so that your domestic life should be happy. – B.R. Ambedkar's speech at the Bombay Presidency Mahar Conference on 31 May 1936

1. Introduction

India is a heterogeneous, pluralistic society that is rich in its social, cultural, and religious traditions. Pluralism has been the part of the country's heritage along with democracy and secularism.² The secular principle encourages the country

1 D. Apostle holds a Bachelor's degree in mechanical engineering and a Master's degree in Christian Scriptures from the University of Madras, India. He belongs to the Church of South India, Diocese of Madras. This article uses American English. Email: apostledevaprasad@gmail.com. Article submitted: 28 June 2022; accepted: 27 December 2023.

2 The Indian meaning of secularism is different from the Western concept of secularism. The term "secu-

to stand firm on ethical values such as peace, harmony, and tolerance concerning religion, race, caste, culture, and language. India is acknowledged as a land of many languages and religions. Hence, mutual respect, tolerance, peace, harmony, and communal co-existence are important highlights of India's secular identity. As the birthplace of four major religions – Hinduism, Sikhism, Jainism, and Buddhism – the country binds all diversities together and abides in unity. This makes the country a complex amalgam based on unity among diverse religious and cultural identities. However, what was popularly understood as a pluralistic society is now experiencing hate crimes, arrests, persecution, mob lynching, and violence due to increasing religious fundamentalism. These actions are encouraged by certain state laws on religious freedom that have been enacted by religious political parties governing those states.

Freedom of religion in India is a basic fundamental right endorsed by Articles 25-28 of the Constitution of India. Article 25 ensures “freedom of conscience and free profession, practice and propagation of religion”³ for all citizens of the country. In addition, Article 15 strictly prohibits any discrimination on grounds of religion, race, caste, sex, or place of birth.⁴ These articles provide the right for every individual citizen of the country not only to practice their religion but also to propagate their belief. According to the Pew Research Center's national survey on religious attitudes, behaviors, and beliefs, approximately 91 percent of Hindus are exercising religious freedom in their day-to-day life, while 85 percent agreed on the matter of respecting all religious beliefs “one to truly live as an Indian.”⁵ But ever since the inception of the state laws of religious freedom, the freedom of religion among minority communities in India is at risk as they face barriers to propagating their religion to others.

2. State laws on religious freedom: an overview

The Freedom of Religion Laws were enacted by the governments of certain states to stop the forced conversion of an individual from one religion to another. The

larism” is not explicitly defined in the Indian Constitution, but it is implicitly incorporated into the Preamble and various provisions of the Constitution. Based on the preamble and various provisions of the constitution, secularism can be defined to the notion of strict separation between religion and the state, guaranteeing that the state neither supports nor interferes with any specific religion and upholding the principle of religious freedom for all people. According to D.E. Smith, “Secular state is a state that guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not constitutionally connected to a particular religion, nor seeks either to promote or interfere with religion.” D. E. Smith, “India as a Secular State,” in *Secularism and its Critics*, ed. Rajeev Bhargava (New Delhi: Oxford University Press, 1998), 177-233, 178.

3 The Constitution of India, *Government of India Ministry of Law and Justice Legislative Department*, as of 9 September 2020. Available at: <https://legislative.gov.in/sites/default/files/COI.pdf>.

4 Constitution of India. Available at: <https://bit.ly/3tEUBWT>.

5 “Indians value religious freedom and tolerance but not great at integration, finds Pew survey,” *The Hindu*, 30 June 2021. Available at: <https://bit.ly/3TJDM1l>.

first ones, passed by the states of Odisha and Madhya Pradesh, took effect during the 1960s after the failure to pass anti-conversion bills at the federal level.⁶ At present, the laws are in force in ten of 28 Indian states: Odisha (1967),⁷ Madhya Pradesh (1968 and 2020),⁸ Arunachal Pradesh (1978),⁹ Chhattisgarh (2000 and 2006),¹⁰ Gujarat (2003 and 2021),¹¹ Himachal Pradesh (2006 and 2019),¹² Jharkhand (2017),¹³ Uttarakhand (2018),¹⁴ Uttar Pradesh (2020),¹⁵ and Karnataka (2022).¹⁶ Among these, the Karnataka Protection of Right to Freedom of Religion Act, 2022 passed recently by the previous BJP government is likely under discussion to be repealed by the present Congress government as of this writing.¹⁷ All these state laws were enacted to prevent *forcible conversion* or even an attempt made on any person by either directly or indirectly utilizing “*fraudulent means or by allure-ment/inducement.*”¹⁸ All ten states included the terms *force*, *fraud*, and *allurement* in their legislation. After the BJP government came to power nationally in 2014, states such as Himachal Pradesh, Uttarakhand, Madhya Pradesh, Uttar Pradesh, and Karnataka passed anti-conversion bills along with ones prohibiting marriage involving religious conversion, which are also famously called “love jihad” laws by the exponents of Hindutva ideology. Madhya Pradesh’s religious freedom laws included the prohibition of marriage conversion after its Cabinet approved an ordinance in 2020.

Despite being similar in their form and content, the elements of the laws of religious freedom vary significantly based on their state context. A person violating anti-conversion laws by abetting conversion must pay a fine of 5,000 to 50,000 Indian rupees, based on the particular state’s penalty law for forced con-

6 James Andrew Huff, “Religious Freedom in India and Analysis of the Constitutionality of Anti-Conversion Laws,” *Rutgers J. L. & Religion*, (2009), 10(1):1-36, 6.

7 The Orissa Freedom of Religion Act, 1967, *PRS Legislative Research*. Available at: <https://bit.ly/3RGCvVE>.

8 The Madhya Pradesh Dharma Swatantrya Adhinyam, 1968, *Manupatra*. Available at: <https://bit.ly/47h6qkz>; The Madhya Pradesh Freedom of Religion Ordinance, 2020, *PRS Legislative Research*. Available at: <https://bit.ly/3NHJ2oF>.

9 The Arunachal Pradesh Freedom of Religion Act, 1978. Available at: <https://bit.ly/3NKwYmF>.

10 “Chhattisgarh Passes Anti-Conversion Bill,” *Gulf News*, (4 August 2006). Available at: <https://bit.ly/3txVGZM>.

11 Gujarat Freedom of Religion (Amendment) Bill, 2006, Act 30 of 2006. Available at: <https://bit.ly/3tpuCTV>; see also Mahesh Langa, “Gujarat Assembly passes ‘love jihad’ law,” *The Hindu*, (2 April 2021). Available at: <https://bit.ly/3TGowca>.

12 The Himachal Pradesh Freedom of Religion Act, 2019. Available at: <https://bit.ly/48sXEAC>.

13 Virginus Xaxa, “Voiceless in Jharkhand: Freedom of Religion Act, 2017,” *Economic and Political Weekly*, (October 2017), 52(40):23-26.

14 The Uttarakhand Freedom of Religion Act, 2018, *PRS Legislative Research*. Available at: <https://bit.ly/41FAa8P>.

15 The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, *PRS Legislative Research*. Available at: <https://bit.ly/48cPZgd>.

16 The Karnataka Protection of Right to Freedom of Religion Ordinance, 2022, *PRS Legislative Research*. Available at: <https://bit.ly/3v8GEAX>. See also, “India’s Karnataka state passes anti-conversion law despite opposition” *Vatican News*, (23 September 2022). Available at: <https://bit.ly/3vcZneN>.

17 “Karnataka to scrap anti-conversion law, reverse textbook changes,” *The Hindu*, (15 June 2023). Available at: <https://bit.ly/48DbQXH>.

18 Saadiya Suleman, “Freedom of Religion and Anti Conversion Laws in India: An Overview,” *ILI Law Review*, (February 2010), 1(1):106-129, 118.

version. Further, the convict may also be imprisoned for one to five years based on the particular state's provisions. Apart from this, certain laws penalize abetting conversion of a minor, woman, or person belonging to Scheduled Castes (SC) or Scheduled Tribes (ST). In these cases, the imprisonment period increases to two to seven years and the fine rises to 10,000 to 100,000 rupees.

The Freedom of Religion Laws do not completely deny a person's right to convert. Rather, they attempt to prevent illegal conversion. Hence, procedures were included in the laws for those who are seeking to convert by their own free will. The procedures require the person who wishes to convert to provide a declaration to the district magistrate or an equivalent officer in charge regarding his conversion. In states such as Uttar Pradesh, Uttarakhand, Himachal Pradesh, and Odisha, the convert is required to send an advance declaration to the district magistrate about his or her conversion. In addition, the priest presiding over the conversion is also required to send an advance notice to the district magistrate before conducting the conversion process. Similar to the penalties of abetting forced conversion, violating religious conversion procedures is also punishable by a fine and imprisonment. The fine amount varies from 1,000 to 25,000 Indian rupees, and imprisonment can be for one to five years (including both the convert and the person encouraging conversion) based on the respective state laws.

Apart from the ten states listed above, laws were also enacted in Tamilnadu (2002) and Rajasthan (2006). But the Tamilnadu Prohibition of Forcible Conversion of Religion Ordinance was repealed in 2004 after protests by minority communities, while the Rajasthan anti-conversion bill failed to receive approval from the state governor and the president. More recently, an anti-conversion bill was also passed in the Haryana (2022) state assembly amidst disapproval from the opposition party; it is awaiting action in the parliament as of this writing.¹⁹ Several other states ruled by the BJP are also making efforts to pass anti-conversion laws which include Goa and Maharashtra.²⁰

3. Formative factors of state laws on religious freedom

3.1. Pre-independence state laws

The state laws on religious freedom are not something new or even just a phenomenon that has arisen since India's independence and the establishment of the Indian constitution. Some state anti-conversion laws were in place during the

¹⁹ 'Explained: What is the Haryana Prevention of Unlawful Conversion of Religion Bill, 2022?' *Financial Express*, (24 March 2022). Available at: <https://bit.ly/41GBPLw>.

²⁰ Krishna Kumar, "Studying anti-conversion laws of other states, says Maharashtra Dy CM Fadnavis," *The Economic Times*, (10 December 2022). Available at: <https://bit.ly/3vhNPXT>. See also, "CM Sawant: May bring new law to curb conversions in Goa," *The Times of India*, (15 June 2022). Available at: <https://bit.ly/47b5EFF>.

British colonial period. Pre-independence India was ruled by two types of states: the princely states and the provinces. The provinces were completely ruled by the British while the princely states were ruled by the Indian Hindu kings under the administration of the British Empire. The anti-conversion laws were first introduced by Hindu princely ruled states in the late 1930s and 1940s, to safeguard Hindu tradition from the Western Christian missionaries who were involved in religious conversion. Some of the pre-independent state laws established by the Hindu princely states are the Raigarh State Conversion Act of 1936 (the present Raigarh district in Chhatisgarh); the Patna Freedom of Religion Act of 1942; the Surguja State Apostasy Act of 1942 (the present state of Chhattisgarh); and the Udaipur State Anti-Conversion Act of 1946 (the present state of Rajasthan).²¹ The laws did not have much impact in prohibiting conversion due to the British colonial control until 1947 and lost their significance after the adoption of the Indian Constitution in 1950. Even though the pre-independence state religious laws failed in their attempt to stop the spread of Christianity, they laid the foundation for the establishment of post-independence state laws on religious freedom.

3.2. *The Hindutva movement*

The late 19th-century social reformation movement,²² along with Dayananda Saraswati's Arya Samaj which advocated *shuddhi* (purification ritual)²³ and *sangathan* (organization), aimed at reclaiming converted Hindus accompanied by an urgent wake-up call for the defense of Hinduism against the growing Muslim and Christian communities, developing a militant spirit in the minds of certain staunch Hindus and zealots. This resulted in the formation of an increasing number of militant Hindu organizations taking aggressive approaches against minority communities in an effort to reclaim their lost power, land, and identity. Among these militant Hindu organizations, the Hindu Mahasabha and Rashtriya Swayamsevak Sangh (RSS) became the most prominent, aggressive, and dominant Hindu forces.²⁴ The Hindu Mahasabha, formed in 1915, was a Hindu religious organization that strongly advocated Arya Samaj's ideology of *Shuddhi* to bring back those Hindus who were converted to Christianity and Islam. The

21 Neha Chauhan, "Religious Conversion and Freedom of Religion in India: Debates and Dilemmas," *ILI Law Review*, (Summer Issue 2017), 1:126-136, 132. Available at: <https://www.ili.ac.in/pdf/paper817.pdf>.

22 The socio-reformation movements include Raja Ram Mohan Roy's Brahma Samaj (1828), Dayananda Saraswati's Arya Samaj (1875), Swami Vivekananda's Ramakrishna Mission (1892), Jyotirao Govindrao Phule's Satyashodhak Samaj (1873) and Sir Sayyid Ahmed Khan's Aligarh Movement (1860). These movements aimed at resurrecting ancient Indian cultures, Vedas (scripture), traditions and ethos against the new western thinking minds.

23 John Zavos, *The Emergence of Hindu Nationalism in India* (New Delhi: Oxford University Press, 2002), 91.

24 Kailash Kumar Chatry, "Saffronisation of Education: A Christian Response," in *Reclaiming Diversities in Secular India: Theological Response to Religious Fundamentalism*, edited by Sentiwate Aier and Limatula Longkumer (Serampore: Department of Research/SATHRI, 2019), 107-140, 113.

Mahasabha also aimed at making the Indian nation a completely Hindu nation and strongly emphasized Sanskrit and Hindi as prestigious historical languages rooted in the Indian soil. It described India as a holy land for *only the Hindus*. This ultimate motive of the Mahasabha developed patriotism in the minds of the Hindus.

The RSS was formed in 1925 in Nagpur as a response to the Hindu-Muslim riots that erupted in several parts of India during the early 1920s. It presented itself as a Hindu socio-cultural, nonpolitical organization dedicated to making India a completely Hindu nation. Along with the Hindu Mahasabha, it strongly opposed the Congress Party's notion of referring to India as a land of many religions.²⁵ The organization's leader, Madhav Sadashiv Gowalkar, was influenced by V. D. Savarkar Hindutva (Hinduness) ideology, promulgated in 1923, which strongly emphasized Hindu culture and adapted it to the RSS to transform Hindu nationalism into action. The ideology provides three essential qualifications for the critical question of who is a Hindu. The first essential is that one considers India as both their *pitribhu* (fatherland) and *punyabhu* (holy land). The second essential is to be a descendant of a Hindu parent possessing the blood of the ancient *Sindhu* (central land area of the Indus valley civilization). The third essential to revere Sanskrit as the common classical language by which their culture, literature, and history are expressed.²⁶ Based on this ideology, Christians and Muslims can easily affirm the first essential but will completely fail the second essential, for they cannot consider India as their community's holy land since Israel and Palestine (for Christians) and Mecca (Muslims) are their holy lands.²⁷ As a result, the RSS effectively views Hindus alone as the indigenous citizens of Indian soil, while Christians and Muslims are subjected to communal violence and hatred for rejecting Hinduism. Significantly, the pre-independence anti-conversion laws came into existence only after the formation of the RSS and Hindu Mahasabha. This is because the Indian rulers of the princely states strongly adhered to the RSS's aim to build Hindu Rashtra (Hindu Nation). The RSS faulted the concept of secularism promoted by Gandhi and Nehru, which treated India as a land for people

25 David Ludden, "Introduction," in *Making India Hindu: Religion, Community, and the Politics of Democracy in India*, edited by David Ludden (New Delhi: Oxford University Press, 1996), 13-14.

26 Vinayak Damodar Savarkar, *Hindutva: Who is a Hindu?* (Bombay: Veer Savarkar Prakashan, 1989), 110, 115-116.

27 For Christians, the Holy Land comprises the regions of both Israel and Palestine, as both places possess religious significance owing to their link to biblical events in the New Testament. Jerusalem, a city of profound religious significance for Christians, is located in both Israel and the West Bank, which is part of the Palestinian territories. Similarly, Bethlehem, another important site, is situated in the West Bank. The Christian interpretation of the Holy Land's significance is influenced by the intricate geopolitical and historical dynamics of the Israeli-Palestinian conflict. It is essential to acknowledge that the perspectives on the region's importance may vary among individuals and groups due to diverse cultural, religious, and political contexts.

of all religions and races. This concept of secularism opposed the principles of the RSS, as for them, *India is only for the Hindus, and other foreign religions such as Christianity and Islam along with their adherents must be driven out of Indian soil*. In addition, they also criticize minority rights provisions such as Articles 29 and 30 of the Indian constitution, which provide special rights and privileges for minority communities. Justice Khanna in St. Xavier's College, however, affirmed:

Special rights for minorities were not to create inequality. Their real effect was to bring about equality by ensuring the preservation of the minority institutions and by guaranteeing to the minorities autonomy in the matter of the administration of those minority institutions. The differential treatment for the minorities by giving them special rights, ensures that the ideal of equality may not be reduced to a mere abstract ideal but should become a living reality and result in true, genuine equality, an equality not merely in theory but also in fact.²⁸

The RSS failed to recognize that the importance of providing special rights and privileges to minority communities was to protect and safeguard them against the majority. It is a form of equality that enables the minority to not be subject to the majority. Hence, to carry out its driving vision of Hinduizing India, the RSS became the mother of various Hindu religious, social, and political organizations which are commonly known by the term “Sangh Parivar”. The Sangh Parivar is an umbrella name given to those Hindu organizations that come under the family tree of RSS – *Sangh* means “organization” or “association.” In the context of the RSS, *Sangh* refers to the organization itself and *Parivar* means “family/household”. The name “Sangh Parivar” means “Family of the RSS” – which expresses the intent to transform India into a complete *Hindu Rashtra* and safeguarding *Hindu Dharma* from Western cultures. The political party Bharatiya Janata Party (BJP), religious organization Vishva Hindu Parishad (VHP), all India Hindu students' union Akhil Bharatiya Vidyarthi Parishad (ABVP), Hindu militant organization Bajrang Dal, and the farmers' union Bharatiya Kishan Sangh all come under the family tree of the RSS.

According to Christophe Jaffrelot, a French political researcher and scholar of South Asian politics, the VHP was assigned among these Sangh Parivar organizations to coordinate the drive to achieve “*Hindu awakening*” by bringing many Hindu sects together to promote Hindu unity and mobilize support for the Hin-

²⁸ Quoted in Brenda Cossman and Ratna Kapur, *Secularism's Last Sigh? Hindutva and the Mis Rule of Law* (New Delhi: Oxford University Press, 2001), 106-7.

du Nationalist cause.²⁹ Savarkar's Hindutva ideology is carried in a deeper sense with much intensity by the Sangh Parivar. Indian social activist Ram Puniyani states that Sangh Parivar is "an idealistic mix of fascist and fundamental traits."³⁰ Through Sangh Parivar's Hindutva movement, the RSS made various failed attempts to change the constitution of India, which emphasized secularism. So, to meet its primary objective of making India a completely Hindu nation, the RSS played a crucial role in enacting the state laws of religious freedom in the states ruled by their political party, as a catalyst to achieve their goal.

3.3. *Religious political parties*

The state Anti-Conversion laws or Freedom of Religion Laws were also used as a tool to win the legislative assembly general elections. The political parties emphasized religion as a strategy to lure the majority of religious people to vote for them. The anti-conversion laws were also used as an instrument in the religious-political party's manifesto and campaign to gain the support of the majority religious community in that particular state. After winning the election, the political party proceeded to fulfill the promised manifesto in that state.

In India, Hindus constitute 79.80 percent of the total population. Developing Hindu sentiments by obstructing the spread of minority religions like Christianity and Islam will eventually result in gaining support from the majority religious group. The remaining 20.2 percent of the population has little chance to affect election results if the Hindu majority is unified. Freedom of Religion Laws have been passed by the BJP alone in seven³¹ of the ten states that have such laws in force at this writing. The BJP had also won successive state elections in Gujarat and Chhattisgarh after enacting the Freedom of Religion Laws.³² After the BJP established its national government under the leadership of Narendra Modi in 2014, four states have enacted anti-conversion bills to date. However, this strategy is applicable only in the states that have a majority-Hindu population along with the influence of RSS. It is not possible to impose such laws in the states where Christians and Muslims combined represent a majority, and where Hindus tend to be "broadminded, peace-loving, and tolerant towards people of other faiths

29 Christophe Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, translated by Cynthia Schoch (Princeton: Princeton University Press, 2021), 21.

30 Ram Puniyani, "Religion, Politics and Fundamentalism," in *Reclaiming Diversities in Secular India*, edited by Sentiwate Aier and Limatula Longkumer (Serampore: Department of Research/SATHRI, 2019), 25-51, 41.

31 The seven states include Gujarat (2003), Chhattisgarh (2006), Jharkhand (2017), Uttarakhand (2018), Himachal Pradesh (2019), Uttar Pradesh (2020) and Karnataka (2022).

32 Raman Singh won successive elections (2008 & 2013) after imposing Chhattisgarh Freedom of Religious Acts in 2006. Narendra Modi won successive election (2002 & 2007) after imposing Gujarat Freedom of Religious Acts in 2003. Both men established their rule under the BJP.

and their religions.”³³ The political party’s manipulation of religious sentiments in their campaign to succeed in elections feeds the deepening of religious division, which causes disputes.³⁴

3.4. *The conversion issue*

Indian Christian missionaries are falsely accused of engaging in conversion in rural and tribal areas through allurements, forcible and other fraudulent means by the high-caste Hindus. This is because high-caste Hindus feared losing dominance over the lower castes if they convert to Christianity.³⁵ Moreover, the Christian mission’s aim of improving the quality of life of the downtrodden people by providing free food, free education, and job opportunities created anxiety in the minds of the high-caste Hindus, as they feared that the lower castes would become economically equal to them. In addition, Hindu nationalists view religious conversion as completely anti-secular, which aims at reducing the Hindu majority population to the minority level. They conceive that conversion is disingenuous as allurements somehow play a role in it, involving money, food, education, job, free houses, etc. They criticize Christian missionaries’ acts of giving alms to the poor as a trick to lure them to Christianity. According to RSS Chief Mohan Bhagwat, Mother Teresa’s service to the poor was predominantly aimed at converting the person to Christianity.³⁶ Christian efforts at conversion also stand as a hindrance to Sangh Parivar’s vision of making India a completely Hindu nation. The Christian theology of inculturation which accentuates Christian teachings, gospels, and liturgy in the light of different cultures, especially Hindu culture, is perceived as religious prostitution by the Sangh Parivar.³⁷ They also misjudge conversion as a religious phenomenon directed to transform Indian culture into Western culture. Their misjudgment lies in their failure to distinguish between conversion and acculturation. While conversion is a complete change in one’s religious belief due to inner spiritual transformation which excludes their culture, acculturation is assimilating to a different culture and its customs. The Sangh

33 Rodinmawia Ralte, “The Hindutva Movement of the Sangh Parivar: Historical and Ideological Survey,” in *Reclaiming Diversities in Secular India: Theological Response to Religious Fundamentalism*, edited by Sentiwate Aier and Limatula Longkumer (Serampore: Department of Research/SATHRI, 2019), 75-106, 103.

34 Subodh Ghildiyal, “Congress: BJP creating Hindu-Muslim divide to win polls,” *The Times of India*, (13 May 2022). Available at: <https://bit.ly/3NKWEZw>.

35 Sarah Claerhout and Jakob De Roover, “The Question of Conversion in India,” *Economic and Political Weekly*, (9 July 2005), 40(28):3048-3055. Archived at: <https://www.jstor.org/stable/4416875>.

36 Aarti Dhar, “Mother Teresa’s aim was conversion, says Bhagwat,” *The Hindu*, (24 February 2015). Available at: <https://bit.ly/3HomuMo>.

37 Sebastian Kim, “Public Theology in the History of Christianity,” in *A Companion to Public Theology*, edited by Sebastian Kim and Katie Day (Leiden: Brill, 2017), 40-66, 57; See also, “Christian inculturation of Hinduism is religious prostitution – B. R. Haran,” *Bharata Bharati*, (10 January 2015). Available at: <https://bit.ly/3RY2foC>.

Parivar misunderstand Christian conversion to acculturation and blame it for polluting the rich Indian culture, heritage, and tradition, since Christianity is from the Western world.

Kali Charan Banerjee, a Bengali Christian and a prominent figure of the Indian National Congress, posited the Indianness of Christianity in 1870 in his newspaper, *The Bengal Christian Herald*, arguing, “In having become Christians, we have not ceased to be Hindus. We are Hindu Christians ... We have embraced Christianity but we have not rejected our nationality. We are as intensely national as any of our brethren.”³⁸ In support of Charan’s argument, Indian educationalist S. C. Mukherjee stated in 1923 that the Hindus’ misconception of viewing the Indian Christian community as a denationalized one had to be removed.³⁹ Both Charan and Mukherjee made a strong claim that Indian Christians have only changed their religion but not their Indian cultural values including their national identity.⁴⁰ Nevertheless, the Hindu nationalists regard Hinduism as the only supreme cause of the nation’s identity;⁴¹ converting or quitting it is considered a betrayal of the nation. Hence, to eliminate the existential threat to their vision, community, and culture in the form of conversion, the Hindu nationalists, along with the upper-caste Hindus, falsely accuse the Christian missionaries of engaging in disingenuous conversion. This has led to the enactment of state anti-conversion laws in several states in India.

4. False accusations, arrests, and persecutions as an outcome of religious freedom laws

The implementation of state laws on religious freedom in India has resulted in arrests, violence, and mob lynching perpetrated against minority communities due to the liberty it provides to the Hindu community. The anti-conversion laws are biased as conversion to Christianity or Islam is questioned, whereas conversions to Indian religions are not. According to the United States Commission on International Religious Freedom (USCIRF), the anti-conversion laws are responsible for creating “a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing.”⁴² The non-consideration of evidence to charge a person

38 Kaj Baago, “The First Independence Movement Among Indian Christians,” *Indian Church History Review*, (1967), 1(1):65-78, 67.

39 “Indian Christians and the Councils,” *The Guardian*, (4 May 1923), 1(18):207.

40 See also Aruthuckal Varughese John, “Religious freedom and the subversive adaptation of Christian converts from Hinduism,” *International Journal for Religious Freedom*, (2023), 16(2):105-116. Available at: <https://ijrf.org/index.php/home/article/view/248>.

41 Milan Vaishav, “Religious Nationalism and India’s Future,” *Carnegie Endowment for International Peace*, (4 April 2019). Available at: <https://bit.ly/3vhqoOI>.

42 USCIRF ANNUAL REPORT 2016, Tier 2 Countries – India. Available at: https://www.uscifr.gov/sites/default/files/USCIRF_Tier2_India.pdf.

of forced conversion naturally develops a majoritarian psychological mindset/attitude among Hindu nationalists with the liberty to falsely accuse any minority religious person/group at their will. This creates an unpleasant environment in which the minority lives under the hegemony of the majority. Therefore, Christians have become the victims of many hate crimes and outbreaks of violence for exerting their fundamental right to profess, practice, and propagate their faith. According to Chad M. Bauman, an American scholar, the widespread nature of religious violence, hate crimes, and persecution of minority religious groups in India is an “*everyday*” endemic outcome of Hindu nationalism.⁴³ By characterizing them as “*everyday*” Bauman implies that violence against Christians was not restricted to high-profile or isolated incidents, but rather a constant issue affecting India’s Christian minority. The laws of religious freedom are used as a catalyst by Hindu nationalists like RSS to implement extreme militantism against minority religions. Apart from these interreligious conflicts, the anti-conversion laws also stand as a hindrance to sharing and propagating their faith. This leads them to live in a state of isolation and separation from other religious communities. USCIRF in its 2021 annual report criticized the anti-conversion bills as responsible for the numerous continuing false accusations, harassment, and violence imputed against minority communities that ensued with impunity.⁴⁴ It also included India among the four countries on the list of worst religious freedom violators to be designated by the US government as a Country of Particular Concern.⁴⁵ After Uttar Pradesh passed an ordinance prohibiting interfaith marriage as a means of conversion in late 2020, several Hindu nationalists campaigned to boycott interfaith relationships which resulted in attacks and violence on non-Hindu communities.⁴⁶

Some of the recently reported violence on Christians as a result of false accusations are as follows:

- In 1999, Australian Pastor Graham Stewart Staines along with his two sons was burnt alive on the charge of conversion work by a Hindu mob. The Wadhwa Commission, which inspected the murder, determined that Staines was not involved in any conversion work.
- During the 2008 attacks on Christians in southern Karnataka, Hindu nationalist groups such as the Bajrang Dal and the Sri Ram Shiv Sena stormed many churches and prayer halls, accusing Christians of participating in forced con-

43 Chad M. Bauman, *Anti-Christian Violence in India* (Ithaca, New York: Cornell University Press, 2020), 4, 115-118.

44 USCIRF ANNUAL REPORT 2021, (April 2021), 23. Available at: <https://bit.ly/3K3x2Kg>.

45 Anugrah Kumar, “USCIRF urges US gov’t to add 4 countries to list of worst religious freedom violators,” *The Christian Post*, (8 November 2021). Available at: <https://bit.ly/47cangr>.

46 USCIRF ANNUAL REPORT 2021, (April 2021), 22. Available at: <https://bit.ly/3K3x2Kg>.

versions. The groups accused several non-denominational Christian churches, including New Life Fellowship Trust (NLFT), and other Christian institutions of pressuring Hindus to convert to Christianity.

- In July 2017, Christians protested in Ludhiana, Punjab, after a pastor was murdered in public on suspicion of engaging in conversion.⁴⁷
- In 2020, due to false allegations, Hindu mobs stormed churches and disrupted worship services for allegedly engaging in forced conversions.⁴⁸ The same year, a Korean Christian along with three Indians were imprisoned in Uttar Pradesh under the indictment of forced conversion attempts by luring people with food during the COVID-19 lockdown.⁴⁹
- On 18 July 2021, nine Christians were arrested on false accusations for violating Uttar Pradesh anti-conversion laws after radical Hindu nationalists attacked them during their prayer meeting in Gangapur. One of the arrested had reported that the police officials demonized them by commenting that they have neglected India's traditional religion by accepting a foreign religion.⁵⁰

The Hindu extremists brought forth six accusations against Indian churches for the violence inflicted:⁵¹ 1) there is a tremendous rise in the number of Christians; 2) conversion to Christianity is forced; 3) missionaries are promoters of foreign power; 4) to transform India into a Christian nation through western influence; 5) Indians become de-culturized when converted; and 6) Christian social work is a stimulus for conversion.

The imposition of several new state anti-conversion laws along with the persecution of Christians has peaked under Modi's government since 2014. Even though Prime Minister Modi has made assertions denouncing mob violence, associates of his political party have connections with Hindu fanatics, and many have used prejudicial language against religious minorities.⁵²

On 30 October 2021, Narendra Modi visited Pope Francis, and the photographs of the two embracing each other were released. This became a controversy as many Christian leaders questioned the Pope's silence on ongoing anti-Christian violations in India during their meeting. In reaction to their encounter, Chen-

47 USCIRF ANNUAL REPORT 2018, Tier 2: India, (April 2018), 165. Available at: https://www.uscirf.gov/sites/default/files/Tier2_INDIA.pdf.

48 USCIRF ANNUAL REPORT 2021, (April 2021), 22. Available at: <https://bit.ly/3K3x2Kg>.

49 "First Christian Arrested under New 'Anti-Conversion' Law in U.P., India" Morning Star News, (4 January 2021). Available at: <https://bit.ly/3NEJ068>.

50 "Another Twelve Christians Arrested on False Forced Conversion Charges in India," *International Christian Concern*, (22 July 2021). Available at: <https://bit.ly/41M6cAb>.

51 Theodore Srinivasagan, "Facing Persecution in the Adivasi Areas of Western India," *India Missions Journal*, (July-Dec 2015), 1(2):75-80.

52 USCIRF ANNUAL REPORT 2018, Tier 2 Countries – India, 162. Available at: https://www.uscirf.gov/sites/default/files/Tier2_INDIA.pdf.

nai-based researcher Joshua Iyadurai stated, “The hug will not heal the wounds of the persecuted Church in India.”⁵³

5. BJP’s attempt to nationalize religious freedom laws

Post-independence, the RSS using its wing organizations has made various attempts to nationalize anti-conversion laws. The national-level freedom of religion bill introduced by the then Janata Party in 1979, failed to gain political support from the people and was ultimately discarded by Prime Minister Indira Gandhi in the subsequent year. Several ministers of the current Bharatiya Janata Party (BJP) government, including its former president Amit Shah, spoke in favor of a countrywide anti-conversion law.⁵⁴ But enactment of a national law would completely hamper the liberty of minority religions. Besides, many sources had reported the current BJP government’s plan and preparations in enacting a bill to prevent any sort of religious conversion.⁵⁵ However, from a constitutional perspective, any bill contradicting constitutional rights will be declared invalid and unsanctioned. As per the constitution, law and order is a state subject, so a law prohibiting forced and fraudulent conversions cannot be enacted at a federal level because it contradicts the fundamental right to propagate one’s religion under Article 25 of the Indian Constitution. Moreover, it violates the principle of “unity in diversity” by negating religious plurality in society. On 9 April 2021, the Supreme Court ruled that people over the age of 18 have the right to choose their religion, in response to a petition filed by BJP advocate Ashwini Kumar Upadhyay, who sought the formation of a committee to prevent illegal religious conversion by implementing a strict central-level Conversion of Religion Act.⁵⁶

6. Freedom of Religious Acts – Decline of Christian population in India

Table 1 shows the post-independence census (1951-2011) of the various religious population in India. In this table, the percentages are calculated from population data for individual religions.

The data show that Hinduism has suffered only a 4.3 percent population drop from 1952 to 2011, while Christianity’s percentage has not changed much. From the first three censuses, it can be seen that Christianity has increased, in terms

53 Jules Gomes, “Pope Hugs Anti-Christian Hindu Nationalist,” *Church Militant*, (2 November 2021). Available at: <https://bit.ly/3NjkGLi>.

54 “‘Bailing out’ Modi, US religious freedom panel attacks his right-hand Amit Shah’s call for national anti-conversion law,” *Counterview*, (30 April 2015). Available at: <https://bit.ly/3tzoRzz>; Saurav Datta, “India’s Mass Conversion Problem,” *AL JAZEERA*, (4 January 2015). Available at: <https://bit.ly/3NLUgJE>.

55 Santhosh Kumar, “Modi government likely to bring bill to prevent religious conversion in next Parliament session,” *ZEENEWS*, (10 August 2019). Available at: <https://bit.ly/3Hk1dxr>.

56 Krishnadas Rajagopal, People are free to choose religion: Supreme Court, *The Hindu*, (9 April 2021). Available at: <https://bit.ly/3RYC15n>.

Religious Group	Population 1952	Population 1961	Population 1971	Population 1981	Population 1991	Population 2001	Population 2011
Hinduism	84.1%	83.45	82.73%	82.30%	81.53%	80.46%	79.80%
Islam	9.8%	10.69%	11.21%	11.75%	12.61%	13.43%	14.23%
Christianity	2.30%	2.44%	2.60%	2.44%	2.32%	2.34%	2.30%
Sikhism	1.79%	1.79%	1.89%	1.92%	1.94%	1.87%	1.72%
Buddhism	0.74%	0.74%	0.70%	0.70%	0.77%	0.77%	0.70%
Jainism	0.46%	0.46%	0.48%	0.47%	0.40%	0.41%	0.37%
Zoroastrianism	0.13%	0.09%	0.09%	0.09%	0.08%	0.06%	n/a
Others/Religion not specified	0.43%	0.43%	0.41%	0.42%	0.44%	0.72%	0.9%

Table 1: Population trends for major religious groups in India (1951-2011)

2011 Census of India. <https://www.censusindia.gov.in/2011census/c-01.html>, (accessed on August 6, 2020). See also, Sagnik Chowdhury, Abantika Ghosh and Ruhi Tewari, "Census 2011: Hindus dip to below 80 per cent of population; Muslim share up, slows down," *The Indian Express*, 27 August 2015. Available at: <https://bit.ly/4aQg3Z6>.

of the percentage of the population from 1952 to 1971. The growth of increase is about 0.30 percent in 30 years. But in the following decade (1972-1981), it has seen a heavy decline of about 0.16 percent concerning the previous census of 1971. The reason for this sudden fall in its growth is due to the intervention of the state laws of religious freedom in three states namely Odisha (1967), Madhya Pradesh (1968), and Arunachal Pradesh (1978). It has further dropped to 0.12 percent in the next ten years which is again due to the effect of the anti-conversion laws from the three states. Despite that, Christianity has seen a slight increase ever since its fall of about 0.02 percent in the 2001 census. The increase is due to the non-implementation of any new state anti-conversion laws from 1979 till 1999. But in the next census, Christianity has succumbed to the same amount of population to 2.30 percent as in the first census of 1952. Even though Christianity has its ups and downs it remains the same (2.30 percent) in terms of population growth in 60 years (1952-2011). The 2021 census has been delayed due to the pandemic COVID-19, but it seems that Christianity will go down further below 2.30 percent population due to the enactment of state anti-conversion laws in four states namely: Jharkhand (2017), Uttarakhand (2018), Uttar Pradesh (2020) and

Karnataka (2022), as well as the efforts made to implement them in other states, post-2011 census.

The primary reason for the fall of Christianity including other minority religions in the late 20th and 21st century is the imposition of several state laws of religious freedom with the prohibition of conversion as its central element. From the census, it can be observed that Hinduism is the only religion in India that has never seen growth in terms of its population post-independence among other religions. So Hindu fundamentalists perceive the minority communities such as Muslims and Christianity as a threat to their existence, faith, and culture. Hence, they resort to violence, mob lynching, persecution, and false accusations as they visualize them as a major reason for their community's downfall.

7. Conclusion

Freedom of Religious Laws, as the term suggests, must promote the right for equal propagation of all religions irrespective of diversity. But instead, they stand as a hindrance to the survival of minority communities in India. The state religious freedom laws must be inclusive, not partial by favoring a particular community. Moreover, religious conversion is a "divine-human encounter"⁵⁷ in which an individual experiences an inner-spiritual transformation. All religions in the world gain their adherents only through propagation. It is a global phenomenon; without it, religions would cease to exist. Conversion is the outcome of the successful propagation of religion. All genuine conversion embraces secularism by adding diversity to the modern pluralistic world. The right to freedom of conversion is a human right implicit under Article 18 of the Universal Declaration of Human Rights (UDHR), which acknowledges the *freedom to change one's religion or belief*. Therefore, religious conversion is a universal human right to be exercised by all individuals irrespective of their caste, race, language, or regional area. False accusations are impediments to the right to freedom of religion. They are the derivatives of religious hatred and fundamentalism. It is unethical to perceive a person's action of aiding the needy by providing alms, shelter, and education to inducement/allurement. In a secular country, anti-conversion laws violate democratic principles and the peaceful coexistence of religious communities as they make the minority always subject to the majority. They indirectly destroy the fabric of a secular democratic state. Hence, in this 21st century, people should act in a more inclusive way so as not to fall prey to the sentiments of religious politicization. The Sangh Parivar would do well to embrace tolerance and recog-

57 Joshua Iyadurai, *Transformative Religious Experience: A Phenomenological Understanding of Religious Conversion* (Eugene, OR: Pickwick Publications, 2015), 2.

nize the fact that Christianity is Indian not because of its origin, but because of Christians who are citizens of India as their ancestry is rooted on this soil. They must understand that their exclusive vision of transforming India into a nation of “one religion, one language, and one culture” mutilates religious peace and secularism.

To conclude in the words of Annie Besant, “A common religion is not possible for India, but a recognition of a common basis for all religions, and the growth of a liberal, tolerant spirit in religious matters, are possible.”⁵⁸ This possibility of religious tolerance must become a reality.

⁵⁸ Annie Besant, *The Birth of New India: A Collection of Writings and Speeches on Indian Affairs* (Madras: Theosophical Publishing House, 1917), 32.

Internship Opportunity

International Institute for Religious Freedom

The International Institute for Religious Freedom welcomes applications for internships. Applicants should be university students in sociology, religious studies, international relations, law, political science, theology or any related field, and have an interest in religious freedom. Internships are remote so applicants can be located anywhere.

Please send your CV and letter of interest to info@iirf.global.