

# INDIA: Jharkhand becomes ninth state in India to pass anti-conversion law

*Over a quarter of Indian states have adopted laws prohibiting changing religions without notifying the government.*

By Arvin Valmuci

Sikh 24 (14.09.2017) – <http://bit.ly/2jGTD7I> – Jharkhand, in northern India, became the most recent state in the country to criminalize religious freedom when its governor, Draupadi Murmu, signed an anti-conversion bill into law on September 5.

Nine Indian states have passed nearly identical laws regulating religious conversion and requiring notification, or sometimes permission, of the local government before an individual can change his or her religion. After Jharkhand's new legislation, such laws are in effect in six states – of the other three states which passed so-called "anti-conversion" laws, one repealed it, one adopted it but has not framed rules for enforcement, and one adopted it but the governor never signed it.

"There is a growing movement to enforce anti-conversion laws that limit freedom of speech and religion," warned Anglican priest Fr. Joshua Lickter in an August speech about the recent assassination of Punjabi Pastor Sultan Masih. "There is an increased persecution, nationwide, of any religious minorities, be they Christian, Muslim, Sikh, or even Atheist."

Jharkhand is the sixth state since 2000 to pass anti-conversion legislation. Laws were adopted in Chhattisgarh in 2000, Tamil Nadu in 2002 (repealed in 2004), Gujarat in 2003, Himachal Pradesh in 2007, and Rajasthan in 2006 (not signed by governor). The earliest laws were adopted in Odisha in 1967,

Madhya Pradesh in 1968, and Arunachal Pradesh in 1978 (rules not framed). One state (Gujarat) requires permission to convert, while six require notification (Arunachal Pradesh, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Odisha, Tamil Nadu).

Thus, nine states have passed such legislation and eight have it on the books. Others may also soon seek to regulate conversion. After Jharkhand passed its law, political entities in Assam and Manipur, as well as Maharashtra, expressed strong interest in following suit.

Labeled "Jharkhand Freedom of Religion Bill, 2017," the law prohibits attempting to convert people "by the use of force or allurement or fraud." Its definition of force includes "threat of divine displeasure or social ex-communication," its definition of allurement includes "any material benefit," and its definition of fraud includes "misrepresentation." Penalties for violation are three years imprisonment and a 50,000 rupee fine or, if the convert is a minor, woman, or member of a Scheduled Caste or Tribe, four years imprisonment and a 100,000 rupee fine.

Since 2014, Jharkhand has been ruled by the Hindu nationalist Bharatiya Janata Party (BJP). Speaking about the new law, the state's BJP spokesperson Pratul Shahdev says, "The anti-national forces involved in religious conversion in Jharkhand will now have to face a jail term. This is also a major setback for the opposition parties, who were raising such issues only to create impediments in the development of the state."

While Shahdev claims religious conversion is a national threat which hinders progress, other BJP officials are concerned that many tribal people (also known as Adivasis) and those treated as outcastes by the Hindu caste system (also known as Dalits) are choosing a different religion.

For instance, Radha Krishna Kishore, a member of Jharkhand's legislative assembly who serves as the BJP's chief whip, is worried by a purported 30 percent increase in the state's Christian population between 2001 and 2011. Kishore asks, "Who are the people being converted? The poor, the Dalit, and the tribal population living in interior areas." BJP State General Secretary Deepak Prakash continues, "Either through coercion or allurements, the gullible tribal people have been converted on a large scale. As a result, their society has got detached from its own roots and traditions. It is a good step to stop such forces who are involved in it."

"It would appear that anti-conversion laws in India are a race to woo, win, and occupy the tribal soul," writes journalist Neeraj Mishra. "The string of seven states – MP, Rajasthan, Chhattisgarh, Himachal, Arunachal, Odisha and now Jharkhand – which have enacted anti-conversion laws are home to almost 90 percent of the tribal population of the country."

Opponents of Jharkhand's new law suggest the real motive for passage is to undercut political action by Adivasis. One of those is Hemant Soren, a leader of the regional political party, Jharkhand Mukti Morcha (JMM). Formed to represent Adivasis and Dalits, the JMM currently holds 17 of 81 seats in Jharkhand's state assembly. Soren alleges, "[Chief Minister] Raghubar Das is doing this because Christian tribals, who are educated, helped raise awareness against his government's land-grab efforts."

In November 2016, the assembly amended the Chotanagpur Tenancy Act (1908) as well as the Santhal Parganas Tenancy Act (1886). Passed by the British, these Acts restrict transfer of tribal lands to non-Adivasis. Amendments make it easier for the State to enact eminent domain and allow conversion of agricultural land to commercial use. Many worry this will lead to a State supervised seizure of tribal lands by corporations. "This is not an amendment but a plan to grab the tribal land and sell it to corporates," claims Adivasi-rights activist Sanjay Basu

Mallick.

For months, Adivasis have protested the changes. In September, approximately 100,000 rallied in the state capital, Ranchi. In December, protests expanded as far as New Delhi. Phoolkeria Minz, the President of the Chotanagpur Working Women's Society, spoke in Delhi, declaring, "The rights of the oppressed, the marginalised have been overlooked. The industrialists come and take away our lands, and this is taking place with the connivance of the BJP government... The BJP has goaded the tribals like animals. We shall now rise like tigers to defend our territory."

Meanwhile, Karma Oraon, representing a group called the Adivasi Sangharsh Morcha (Adivasi Struggle Front), argued at a protest in Ranchi, "The Chief Minister is threatening the minority community in the state. Instead of finding a solution to the rising protests over controversial land ordinance, he is trying to divert attention by raising the conversion issue."

Mishra agrees that protests against land grabs are the real reason behind Jharkhand's anti-conversion legislation. "Though the Christian population of Jharkhand is only 4 percent, it has been accused of fanning the rebellion against the land acquisition acts that Das' government tried to bring in through the Chotanagpur land tenancy reform bill," writes Mishra. "The government realises that the church uses every opportunity to become the defender of the rights of tribals."

The BJP, however, insists that Adivasis need protection from what they portray as predatory practices of non-Hindu religious groups. As Prakash stated, for instance, "gullible tribal people have been converted." John Dayal, Secretary General of the All India Christian Council, responded to such arguments in a 2015 interview. Passage of anti-conversion laws, he explains, "considered that any conversion, any change of faith was either because the man was a fool and had been

duped or that he had a gun to his head.” He asked, “Why is the presumption that I have no reason, that I’m not a human being, that I have no free will?”

Political scientist Pratap Bhanu Mehta echoes Dayal’s perspective, suggesting, “Anti-conversion legislation is illegitimately paternalistic.” Analyzing a 1977 Indian Supreme Court ruling which upheld Madhya Pradesh’s law, Mehta writes, “The court construed the freedom of religion clause [in the Indian Constitution] simply as the right not to be targeted... To have a right to exercise one’s religious beliefs just is the right not to have one’s sensibility offended, either by speech deemed insulting or being the target of conversion.”

The Hindu American Foundation (HAF), which supports anti-conversion legislation, advocates the same position. HAF insists that religious freedom is “compromised” because international law “fails to recognize... the right to retain one’s tradition and to be free from religious intrusion, harassment, intimidation, and exploitative and predatory proselytization.” Mehta describes this perspective as a belief “that the right to freedom of religion just means the right to freedom from other people’s religion.”

Expanding on his explanation, Mehta notes that the “real premise” of the Supreme Court’s ruling was that “mere mention of divine displeasure or rewards constituted an attempt to convert by fraud.” Exposing the paternalism of the ruling, he continues, “The court seems to assume throughout that people are somehow not capable of managing ‘religious’ ideas they receive, particularly if they are from lower castes... The court assumes throughout that citizens are, when it comes to receiving religious speech, or speech about religion, incapable of managing the impressions they receive.”

Cardinal Telesphore Toppo, an Adivasi Christian from Ranchi, apparently agrees with Mehta that the anti-conversion laws are paternalistic. “We are a free people with a free will, and a

free conscience, and free intelligence,” says Toppo.

As reported by the U.S. State Department, “Hindu nationalist organizations frequently alleged that Christian missionaries lured low-caste Hindus in impoverished areas with offers of free education and health care, and these organizations equated such actions with forced conversions.” However, as Toppo says, “No one can force anyone to convert.” Furthermore, continues the Cardinal, “Over the decades, we have been running many schools and colleges, healthcare facilities, and hospitals all over the state, serving the poor, the downtrodden, and the forgotten. None of the millions of people whom we have served have been converted to Christianity.”

As the U.S. State Department also reported, entities like the BJP treat non-Hindus as foreign to India. Describing the political ideology of the BJP, Dayal says, it is “*Hindutva*, which is a militant religious nationalism which preaches hate. Which says Christians and Moslems are not nationalists, they’re not patriots, they’re aliens.” As he explains, “In some states, you have to inform the local government that you want to change your faith... What will happen if you go to the magistrate and say, ‘I want to change my faith’? Your neighbors will kill you in the night... They will think you are a traitor.”

“These anti-conversion laws are depicted as necessary to prevent intrusions by a foreign faith, but Christianity has a nearly 2,000 year old history in the Indian subcontinent,” remarks Pieter Friedrich, an analyst of South Asian affairs. “It traces back probably to two apostles of Jesus. Bartholomew went to Maharashtra. Thomas went to Kerala and, according to tradition, was martyred near present-day Chennai. Later, merchants emigrated from Syria and established the still thriving Syrian Christian community. So how can any sincere student of history consider Christianity as foreign or alien to India?”

The real issue, suggests Friedrich, is that Hindu nationalists fear Dalits and others treated as low-caste will flee the Hindu fold. "The BJP is terrified of people exercising their freedom of expression by changing their religion without State interference because they know it leaves the exit door open to all *Mulnivasi*— Dalits, Shudras, Adivasis — to shed their caste status by switching religions." As evidence, he mentions the the Kandhamal riots.

In 2008, *Hindutva* activists staged a pogrom against Christians in Kandhamal, Odisha. Mobs killed more than 100, injuring 18,000, displacing 50,000, and torching a reported 4,640 homes, 252 churches, and 13 educational institutions. According to political scientist Dr. Pralay Kanungo, anger over conversions motivated the violence. "*Hindutva* organisations, engaged in converting tribals to Hinduism, accuse Christian missionaries of 'forcing' the Dalits to convert," writes Kanungo. Yet, during the Odisha pogrom, mobs forced hundreds of Christians to renounce their faith and profess Hinduism. One Christian pastor, who was forcibly converted, reported, "They said, 'If you don't become Hindu, we'll burn your houses too and start killing you.'"

Similarly, when mobs of BJP supporters torched around 20 churches in Gujarat in 1999, they justified their violence by blaming Christians for engaging in "false" conversions. A Roman Catholic spokesperson, Fr. Dominic Emmanuel, commented, "The issue is not conversion. It's about some people wanting to hold onto a cultural hegemony. The oppressed are learning to demand their rights. This is what certain groups find objectionable."

As Friedrich explains, "In an effort to impose a hegemonic Hindu culture, some willfully ignorant and intellectually dishonest people try to link the Christian religion to British imperialism, but it is a non-European faith which predates the English by eons. Christians worship a Jewish man who was born in the Middle East and whose followers first flourished in

places like Ethiopia, Egypt, Turkey, Greece, and, of course, India. It is, however, a faith which urges people to respect and defend human dignity, and those who desire to maintain systems of oppression are often offended by that.”

“Any issue pertaining to religious freedom in India must be viewed within the context of caste discrimination,” reported UK-based human rights group Christian Solidarity Worldwide (CSW) in 2006. “Embracement of ‘non-Indic’ religions by Dalits and tribals is perceived by Hindu fundamentalist groups as undermining the social structure of India, and as providing for their empowerment. From the perspective of many Dalit groups, religious freedom offers an escape from the subjugation associated with caste. With reference to India’s Christian population, an estimated 75% is of Dalit or tribal background, and this demographic group is a chief victim of religiously motivated violence.”

Bhajan Singh, Founding Director of US-based Organization for Minorities of India (OFMI), believes anti-conversion legislation is rooted in a fear of people opposing oppression. “These laws criminalizing a person’s liberty to change their religion are a sign that Brahmanism is alive and well in modern India,” says Singh. “The Hindu nationalists holding the reins of the Indian State are trying to prevent annihilation of the caste system by banning the *Mulnivasi* from voting against it with their feet.”

Singh further suggests a lack of insincerity in the move to pass anti-conversion laws. “The State does not hesitate to play the traditional smoke and mirrors games of Brahmanism by giving protection to the *deras* and bowing and scraping before perverted cult leaders like Ram Rahim. The BJP pretends to be worried about protecting so-called gullible tribals and Dalits, but they are happy to see the uneducated masses flock to the folds of these fake spiritual leaders. Pushing the *Mulnivasi* into the clutches of the *deras* helps the ruling elite to use the masses as vote banks and commodities

to serve the sinister *Hindutva* agenda. They encourage *deras*, but despise real religions which teach the value of human beings. They cannot persuade people to remain outcastes, so they try to force it by criminalizing religious conversion.”

Arvin Valmuci, a Dalit activist who serves as a spokesperson for OFMI, calls the BJP hypocritical in its perspective on conversion. “Look at what the BJP’s idol, Prime Minister Modi, says about Dr. B. R. Ambedkar,” remarks Valmuci. “Modi says, ‘Babasaheb Ambedkar was the messiah of all the labourers in the country.’ Modi is such a hypocrite. When he was Chief Minister of Gujarat, Modi’s earliest action was to pass anti-conversion legislation. But what did Babasaheb do? He said, ‘Conversion is necessary to the Untouchables.’ Two months before he died, he led five lakhs Untouchables in religious conversion. Do you think they asked State permission first?”

Ambedkar, independent India’s first Law Minister and a champion of the civil rights of the Dalits, declared in 1935, “I was born a Hindu. I had no choice. But I will not die a Hindu because I do have a choice.” Before India gained independence, Ambedkar said, “Conversion is as necessary to the Untouchables as self-government is to India. The ultimate object of both is the same. There is not the slightest difference in their ultimate goal. This ultimate aim is to attain freedom.”

On October 14, 1956, Ambedkar publicly converted to Buddhism. During the ceremony, he took 22 vows, including vowing, “I renounce Hinduism, which disfavors humanity and impedes the advancement and development of humanity because it is based on inequality, and adopt Buddhism as my religion.” He was joined by approximately 500,000 Dalits.

Responding to those who criticized his decision to convert, Ambedkar explained, “Most of the present-day Sikhs, Muslims, and Christians in India were formerly Hindus, the majority of them being from the Shudras and Untouchables. Do these critics

mean to say that those who left the Hindu fold and embraced Sikhism or Christianity have made no progress at all? And if this is not true, and if it is admitted that conversion has brought a distinct improvement in their condition, then to say that the Untouchables will not be benefited by conversion carries no meaning.”

Within 11 years of the Ambedkarite mass conversion movement, Odisha became the first state in the country to pass an anti-conversion law, calling it the “Orissa Freedom of Religion Act, 1967.” The law prohibited “conversion from one religion to another by the use of force or inducement or by fraudulent means.” All laws passed since Odisha’s 1967 legislation are similarly named as “Freedom of Religion” acts and are virtually identical in verbiage. When Madhya Pradesh became the second state to pass such a law, however, it included one significant difference – it required informing the State of any conversion. Subsequently, in 2003, Gujarat became the first state to pass a law mandating permission from the State before converting.

According to political scientist Jennifer Coleman, “The goal has been essentially the same in each draft bill: to constrain the ability of communities and individuals to convert ‘from the religion of one’s forefathers,’ often in the name of protecting those making up the ‘weaker’ or more easily ‘influenced’ sectors of society – namely women, children, backward castes, and untouchables.” This is demonstrated in the laws passed by Chhattisgarh and Rajasthan. In 2006, for instance, Chhattisgarh attempted to amend its law to redefine conversion by adding language stating that “the return in ancestor’s original religion or his own original religion by any person shall not be construed as ‘conversion’.” Rajasthan’s law defines conversion as “renouncing one’s own religion” and defines “own religion” as “the religion of one’s forefather.”

Thus, as CSW reported in 2006, “The newly-enacted Rajasthan

law is more overtly aimed at containing Dalits and tribals within the caste system by restricting conversions from the religion 'of one's forefathers'." In 2009, a corroborating United Nations report stated, "Some provisions are discriminatory in giving preferential treatment to re-conversions, for example by stipulating that returning to the forefathers' original religion or to one's own original religion shall not be construed as conversion." Furthermore, CSW explains, "None of the laws includes 're-conversion' under its definition. This category is used by Hindu fundamentalist groups to describe their own proselytism. Because the legislation does not stipulate conditions for re-conversions, it therefore inherently tends in favour of Hinduism and against minority religions."

"These laws are set up in such a way that the only real acceptable religion is Hinduism," says Fr. Lickter. His concern was shared by the previous pope, Benedict XVI. "No citizen of India, especially the weak and the underprivileged, should ever have to experience discrimination for any reason, especially based on ethnic or religious background or social position," declared Pope Benedict in 2006. "The disturbing signs of religious intolerance which have troubled some regions of the nation, including the reprehensible attempt to legislate clearly discriminatory restrictions on the fundamental right of religious freedom, must be firmly rejected."

However, attempts to suppress freedom of religion have increased and gained widespread State support. "Reconversion," also called *Ghar Wapsi* or "Home Coming," is pushed by some of India's most powerful politicians. One example is Yogi Adityanath in the state of Uttar Pradesh.

While serving as a BJP Member of Parliament in 2005, Adityanath led the "reconversion" of thousands. As reported by *Tehelka*: "In October 2005, he led a 'purification drive' in the district of Etah, converting 1,800

Christians to Hinduism. Earlier that year, he had converted 5,000 Dalit Christians in the same district." *Ghar Wapsi* drew international attention in 2014 after *Hindutva* activists forcibly converted 250 Muslims to Hinduism in Agra, Uttar Pradesh. Muslims who attended the conversion ceremony later revealed they were intimidated and promised government food ration cards in return for participating.

Adityanath welcomed the Agra ceremony, stating, "Conversions spoil communal amity in the country. It should be banned. If conversions continue, I feel *ghar wapsi* programme will continue." In 2015, he declared, "This is the century of *Hindutva*, not just in India but in the entire world." That same year, he announced his intention to introduce a national anti-conversion bill in Lok Sabha (the lower house of Parliament). Commenting on the bill, he said, "An aggressive campaign is required for *ghar wapsi* of those Hindus, who had converted to other religions in the past."

Finally, in March 2017, Modi picked Adityanath to serve as UP's Chief Minister, thus making him the head of the government of a state of 200 million people.

Anti-conversion laws, reports the U.S. Commission on International Religious Freedom, "create a hostile and, on occasion, violent environment for religious minority communities because they do not require any evidence to support accusations of wrong-doing." According to the United Nation's Office of the High Commissioner for Human Rights, "Such laws or even draft legislation have had adverse consequences for religious minorities and have reportedly fostered mob violence against them."

Some of those recently accused of violating anti-conversion laws include 10 pastors in Madhya Pradesh. While the pastors were supervising around 60 children during a bus trip to a Christian summer camp, they were stopped and arrested by

police. All 10 reportedly remain imprisoned. David Robin, an attorney working on the case, says, "The root of the case is the allegation of conversion. However all the parents have stated that they are followers of Christ so how can the pastors be guilty of converting them or their children?"

Other incidents abound. Indian minorities are harassed even in states without anti-conversion laws. In Karnataka, on September 5, two women named Mercy and Roselina were detained by a mob who accused them of "visit[ing] six Hindu houses, when men were not in the house." They were escorted to the local police station and interrogated. Also in Karnataka, on August 26, a man named Dorairaju was surrounded by a mob of about 20 people who accused him of bribing people to become Christians. The man, himself a convert, is now facing charges.

On June 25, six Christians were arrested in Uttar Pradesh when police invaded their worship service, charged them with "unlawful assembly," and accused them of forcibly converting people. Pastor Asha Ram Sahni reported the lead officer repeatedly slapped him and said, "You are paid eight to 10 lakhs [US\$12,420 to US\$15,520] for converting people." The pastor replied, "Sir, if I'm paid such hefty amounts, why would I live in a mud house? I follow Jesus Christ with all my heart, I serve Christ, I share the gospel, but I never forcefully converted anyone."

"The *Hindutva* elements repeatedly parrot the line that religious choices must be regulated by the state to halt an imaginary wave of forced conversions," says Friedrich. "Yet they never offer a shred of evidence that anyone is being forced – or paid – to convert. By passing these laws regulating conversion, though, Hindu nationalists are actually criminalizing their own ability to live and act as free people. They are conceding that State interference in a person's thoughts and beliefs is legitimate. They are accepting restrictions on the freedom of thought. Rights are universal, and any right which is denied to minorities is *de*

*facto* also denied to the majority. Do the nationalists really want to give up their own right to freedom of thought as a solution to a problem that doesn't exist?"

Dayal offered a similar perspective. "They are not denying John Dayal, the Christian, freedom of faith," says Dayal. "They're denying it to the Hindus. It is the poor Hindu who is being told he cannot become anything else. That he has to remain where he was born forever and ever. He is being denied his free choice... Even the upper-caste is being denied this freedom."

Writing in opposition to passage of Tamil Nadu's anti-conversion law in 2002, researcher Dr. Arpita Anant says, "Yes, forced conversions are wrong." However, she is more offended by the denial of freedom to those trapped within the caste system. As she continues, "What is worse is forcing masses of people to accept their humiliating conditions without protest, when they seem to have made a conscious decision to opt out of the Hindu fold as a form of symbolic protest."

These laws are intended to prevent individuals from easily leaving their ancestral religions – otherwise described as the "religion of one's forefathers." Yet Ambedkar responded to such arguments as early as 1936. "It cannot be denied that our ancestors lived in the ancient religion, but I cannot say that they remained there voluntarily," he said during a speech given in Mumbai. "Our ancestors were forced to live in that religion... Only a fool can say that one should cling to one's own religion only because it is ancestral."

Ultimately, Ambedkar argued that denying the ability to convert is regressive. Moreover, he suggested it is inhuman to forbid someone to change his religion. As he stated,

"'You should live in the same circumstances in which you are living at present' may be worthy advice for the animals, but

it can never be for man. The difference between an animal and a man is that the man can make progress, while the animal cannot. No progress can be made without change. Conversion is a sort of change. And if no progress can be made without change, i.e. conversion, obviously conversion becomes essential. The ancestral religion cannot be a hindrance in the path of a progressive man.”

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