
LEGAL LIMITS ON RELIGIOUS CONVERSION IN INDIA

LAURA DUDLEY JENKINS*

I

INTRODUCTION

In recent years, more and more states in India have enacted laws to restrict religious conversion, particularly targeting conversions via “force” or “allurement.” Current laws stem back to various colonial laws (including anticonversion, apostasy, and public-safety acts) in British India and several princely states. Implementing such laws seems to require judging the state of mind of the converts by assessing their motives and volition or, in other words, determining whether converts were “lured” or legitimate. In contemporary India, government assessments of the legitimacy of conversions tend to rely on two assumptions: first, that people who convert in groups may not have freely chosen conversion, and second, that certain groups are particularly vulnerable to being lured into changing their religion. These assumptions, which pervade the anticonversion laws as well as related court decisions and government committee reports, reinforce social constructions of women and lower castes as inherently naïve and susceptible to manipulation. Like “protective” laws in many other contexts, such laws restrict freedom in highly personal, individual choices and thus must be carefully scrutinized.

Comparing contemporary anticonversion laws and related commission reports in the Indian states of Madhya Pradesh, Orissa, Chattisgarh, Tamil Nadu, and Gujarat, reveals embedded assumptions about the vulnerability of group converts, especially women, lower castes, and tribals. The newest acts in Rajasthan (2006) and Himachal Pradesh (2007) will be briefly discussed, but an older, unimplemented law (in Arunachal Pradesh since 1978) and potential new laws under discussion (in Jharkhand and Uttarakhand) are outside the scope of this article. The language of many of these laws skirts the question of judging individual volition on a case-by-case basis by condoning the assumption that certain groups are more easily tricked into conversion. For example, those found to be converting lower castes (Scheduled Castes),¹ tribals (Scheduled

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* Associate Professor of Political Science, University of Cincinnati. E-mail: Laura.Jenkins@uc.edu.

1. In India, the official Scheduled Castes category encompasses the *Dalits*, or untouchables, who are considered to be at the bottom or even beyond the pale of the caste system. *Dalit*, which means oppressed or ground down, is the name currently preferred by many persons formerly known as

Tribes),² women, or minors may face longer prison terms or higher fines in some states. Several states have required that people register their change of faith with a local official—in some states prior to conversion—to enable state tracking of conversion patterns, particularly mass conversions.

II

CONVERSION, RELIGION, AND LAW

The legal complexity of personal and group identities is a theme that pervades the work of Marc Galanter and the many scholars he has inspired. Religious conversion seems to particularly confound courts seeking clear-cut identities, as illustrated in Galanter's early essay on the *Brother Daniel* case, in which a Polish Jew who had become a Carmelite monk applied to be admitted to Israel under the Law of Return. Galanter notes the problems of "state inquiries into the imponderables of personal identity" in such a case and the awkwardness of a state trying to discern and evaluate "personal qualities by administrative and judicial procedures ill-suited to the task."³

Categorizing caste and religion for purposes of affirmative action in India, the subject of Galanter's first book, is complicated by cases in which low castes convert from Hinduism.⁴ Delineating who is subject to which religious "personal laws" in India (certain civil, primarily family, laws that vary by religious community) is also complicated by conversion.⁵ Judges and administrators grapple with the ambiguities of personal and group identities, including the

untouchables. Previously known as the "depressed classes," the Scheduled Caste category was created by the British in 1936 in order to implement the 1935 Government of India Act, which gave special electoral representation to certain minority groups, including untouchables. After India gained independence in 1947, the Scheduled Caste list was reenacted with the Scheduled Caste Order of 1950, which was prepared for the purpose of reservations (India's affirmative-action policies). These policies are the subject of MARK GALANTER, *COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA* (1984).

2. The Scheduled Tribes, also known as *adivasis*, are "those groups distinguished by 'tribal characteristics' and by their spatial and cultural isolation from the bulk of the population," according to GALANTER, *supra* note 1, at 147. In spite of some social interaction and mobility, these are among the most socially and economically disadvantaged groups in India. See SUMIT GUHA, *ENVIRONMENT AND ETHNICITY IN INDIA 1200–1991* 4, 19 (1999). The Schedule Tribes, like the Scheduled Castes, were initially recognized as a protected minority under British rule and later recognized under the Indian constitution for policy purposes, including affirmative action. See Laura Dudley Jenkins, *Race, Caste and Justice: Social Science Categories and Antidiscrimination Policies in India and the United States*, 36 *CONN. L. REV.* 747, 754 (2004).

3. Marc Galanter, *A Dissent on Brother Daniel*, 36 *COMMENT.* 10, 13 (1963).

4. GALANTER, *supra* note 1, at 305–41; see also LAURA DUDLEY JENKINS, *IDENTITY AND IDENTIFICATION IN INDIA: DEFINING THE DISADVANTAGED* 23–40 (2003) (discussing a court case about a son of Christian converts trying to benefit from affirmative-action measures for lower castes).

5. Marc Galanter & Jayanth Krishnan, *Personal Law Systems and Religious Conflict: A Comparison of India and Israel*, in *RELIGION AND PERSONAL LAW IN SECULAR INDIA: A CALL TO JUDGMENT* 270, 279–80 (Gerald James Larson ed., 2001); Laura Dudley Jenkins, *Personal Law and Reservations: Volition and Religion in Contemporary India*, in *RELIGION AND PERSONAL LAW IN SECULAR INDIA*, *supra*, at 104, 111–18.

authenticity of converts.⁶ In India and elsewhere, certain rights (to citizenship, to affirmative-action benefits, to alimony, et cetera) vary depending on one's religious identity, making conversion both a religious and a political act.⁷

At a time when scholars are increasingly focusing on law and religion in Islamic states,⁸ Marc Galanter's work reminds us of the intertwined nature of law and religion, even in countries officially committed to secularism. Legal and religious orders help to constitute each other: "No secular State is or can be merely neutral or impartial among religions, for the State defines the boundaries within which neutrality must operate."⁹ For example, laws and court decisions have an impact on the official boundaries and definitions of religion itself.¹⁰ "Certain aspects of what is claimed to be religion are given recognition, support and encouragement; others are the subject of indifference; finally some are curtailed and proscribed."¹¹ Debates over the boundaries of religion and "religious activity" occur in legal discussions of whether proselytizing is essential to the practice of certain religions and thus protected by the right to freedom of religion. This question is central to determining the constitutionality of state laws limiting conversion in India, often entitled "Freedom of Religion" laws. Do these laws protect the religious freedom of groups that are "vulnerable" to missionary inducements, or are they restricting the freedom of citizens to propagate their religion to others or to change their own religious identity?

Another way "the State defines the boundaries within which neutrality must operate"¹² is by monitoring the boundary between religions. Conversion allows people to cross this boundary, so laws regulating conversion put the state in the role of a gatekeeper. This role is illustrated below in state laws limiting conversions among populations seen as vulnerable and in laws requiring people

6. Mitra Sharafi, *Litigating the Zoroastrian Conversion Debates, 1906–25*, Paper Presented at the Annual Meeting of The Law and Society Association (July 6, 2006).

7. Gauri Viswanathan considers conversion in India as a "spiritual but also a political activity located at 'the nexus of spiritual and material interests.'" GAURI VISWANATHAN, *OUTSIDE THE FOLD: CONVERSION, MODERNITY, AND BELIEF* xvii (1998). *See also* CHANDRA MALLAMPALLI, *CHRISTIANS AND PUBLIC LIFE IN COLONIAL SOUTH INDIA, 1863–1937: CONTENDING WITH MARGINALITY* (2004) (analyzing the ways in which legal constructions and communal politics are intertwined with religious identity).

8. For a discussion of tensions over Islamic conversions, and the contrast between secularism and secularization in Indonesia, see ROBERT HEFNER, *CIVIL ISLAM: MUSLIMS AND DEMOCRATIZATION IN INDONESIA* 107–08, 117 (2000). On states' involvement in drawing boundaries between religious communities and between what is forbidden and permitted, see JOHN BOWEN, *ISLAM, LAW AND EQUALITY IN INDONESIA* 229–52 (2003). On Muslim family law in the Middle East, North Africa, and South and Southeast Asia, see JOHN L. ESPOSITO & NATANA J. DELONG-BAS, *WOMEN IN MUSLIM FAMILY LAW* (2001).

9. MARC GALANTER, *LAW AND SOCIETY IN MODERN INDIA* 249 (1992).

10. On the variability of what "religion itself" is, see Marc Galanter, *Secularism East and West*, 7 *COMP. STUD. IN SOC'Y & HIST.* 133, 140 (1965) ("But conceptually, how can one determine that dance is 'distinguishable from religion itself' while scripture is not? Are scriptures the fundamentals of *all* religions?").

11. GALANTER, *supra* note 9, at 250.

12. *Id.* at 249.

to report conversions to local officials, allowing them to track and possibly prevent large group or “mass” conversions.¹³

Anticonversion legislation is not just a trend in Hindu-majority India, but is also under consideration in Sri Lanka (largely in response to demands by Buddhist organizations), and it recently passed in Muslim-majority Algeria. Moreover, older conversion and apostasy laws are being revived in new contexts, as in the much publicized (although eventually dropped) charges of apostasy brought recently against Abdul Rahman in Afghanistan, even under its new constitution. The growing attention to conversions is, in part, a response to another global trend: the growth of evangelical Christianity, which has had a significant impact on religious demographics as well as politics in the Americas, Africa, Asia, and former Soviet countries.¹⁴

The Indian case illustrates a longstanding but growing unease with conversions in a democratic country that recognizes freedom of religion. Recent calls by Indian politicians for more legislation to control “organi[z]ed conversions” emphasize contemporary, foreign influences¹⁵ and tend to ignore India’s longstanding Christian communities.¹⁶ India has a long history of conversions between its various religious communities, including significant conversions by lower castes to Buddhism and Islam, in addition to Christianity.¹⁷ India is the world’s largest democracy and is constitutionally defined as a

13. Eliza Kent notes, “‘Mass movements’ or ‘mass conversions’ have long been a part of the religious history of India but they have become exceedingly controversial events in modern Indian society. . . . Broadly put, they refer to movements in which large numbers of people connected by bonds constructed on the basis of caste and family publicly transfer their loyalties from one set of religious texts, institutions and leaders to another.” Eliza F. Kent, *“Mass Movements” in South India, 1877–1936*, in *CONVERTING CULTURES: RELIGION, IDEOLOGY AND TRANSFORMATIONS OF MODERNITY* 367 (Dennis Washburn & A. Kevin Reinhart eds., 2007).

14. *CONVERSION OF A CONTINENT: RELIGIOUS IDENTITY AND CHANGE IN LATIN AMERICA* (Edward L. Cleary et al. eds., 2006); PAUL FRESTON, *EVANGELICALS AND POLITICS IN ASIA, AFRICA AND LATIN AMERICA* (2001).

15. See, e.g., *Advani Demands Establishment of Legislations to Ban Conversions*, HINDUSTAN TIMES, Apr. 17, 2006 (on file with author) (reporting on Bharatiya Janata Party senior leader L. K. Advani’s call for national and state legislation to control forcible conversions). Advani was quoted as saying,

We strongly condemn the campaign of proselytisation which poses a grave threat to Hindu society and to the national integration as well. We demand stern action against those who indulge in such activities It is bad enough that religious conversions are conducted in a systematic manner through inducements and coercions. But such activities acquire an extra edge of ominousness when they are facilitated by foreign funded organisations ostensibly under the garb of social service for poor and under-privileged families.” *Id.*

See also D. Suresh, *Advani for Legislation to Stop ‘Organised Conversions,’* Apr. 17, 2006 (on file with author), available at <http://www.rediff.com/news/2006/apr/17yatra.htm> (last visited Feb. 19, 2008) (discussing the BJP leader’s support for anticonversion legislation).

16. On India’s longstanding Christian communities, see MALLAMPALLI, *supra* note 7, and ELIZA F. KENT, *CONVERTING WOMEN: GENDER AND PROTESTANT CHRISTIANITY IN COLONIAL SOUTH INDIA* (2004).

17. Laura Dudley Jenkins, *True Believers? Agency and Sincerity in Representations of ‘Mass Movement’ Converts in 1930s India*, in *CONVERTING CULTURES*, *supra* note 13, at 435.

secular democracy.¹⁸ Whether and how to monitor or control religious conversions in this context is the central tension running through the Indian laws, legal decisions, and other government documents discussed in this article.

The way conversion is discussed and defined in these documents takes the convert out of the analysis. The anticonversion laws reinforce social hierarchies by portraying certain, already socio-economically disadvantaged groups as innately weak and credulous. Ultimately, the laws reinforce existing social categories by making it harder for people to change their identities. Religion is an identity that, in theory, is easier to change than many others, such as sex, race, or even nationality.¹⁹ Whereas laws in India and many other countries designed to protect the rights of minorities on the basis of their religion, caste, or race are quite extensive, protecting the rights of people who are shifting *between* categories is a thorny and ongoing challenge.

III

FROM COLONIAL PRECEDENTS TO CONTEMPORARY CONCERNS: RAIGARH/MADHYA PRADESH/CHATTISGARH

Laws limiting conversion extend back to the colonial era in India. Over a dozen princely states, including Kota, Bikaner, Jodhpur, Raigarh, Patna, Surguja, Udaipur, and Kalahandi, had such laws.²⁰ Examples from central India, starting with one princely state, Raigarh, which became a district of the state of Madhya Pradesh after independence and then part of the new state of Chattisgarh in 2000, illustrate the continuity of tensions over conversions—tensions that ultimately resulted in a pivotal Supreme Court case.

18. For a discussion of the potential incompatibility of secularism (particularly a secularism that confines religion to private life) and aspects of some religions, see Galanter, *supra* note 10, at 152–53 (“Secularism cannot be entirely neutral among religions when it undertakes to confine them to their proper sphere. For in doing so it must deny notions about the jurisdiction of religious precepts and preceptors which are an integral part of some (perhaps most) religious traditions. Secularism presents a view of the nature of human institutions and ultimately of the structure of the universe different from that found in some or most religious traditions. It proceeds from a competing system of ultimate convictions.”).

19. Margaret Chon & Donna E. Arzt, *Walking While Muslim*, 68 LAW & CONTEMP. PROBS. 215, 228 (Spring 2005) (“Like most aspects of culture, [religion] is connected to ancestry in that family and community often influence or direct children’s religious choices. Religion is not ‘immutable’ in the way we understand skin color to be. Religious affiliation or identity is always a matter of choice.”). The authors note that religion is changeable yet can become “racialized” or acquire the “characteristics of immutability, innateness, inevitable inheritability,” *id.*, as in post-9/11 America. This relates to the legal distinction in some Indian states between converting to a minority religion or “reconverting” to the religion of one’s ancestors (the latter is not subject to the anticonversion laws in some states). This distinction, to be discussed below, links religious identity with ancestry and discourages change.

20. Sanjoy Ghose, *Unsustainable Laws*, THE LAWYERS COLLECTIVE (2001), http://lawyerscollective.org/lc_mag/freedownloads/magazine2001/January%202001/usus_stein_able_law_s.htm (last visited Feb. 18, 2006); see also Jesse L. Palsetia, *Parsi and Hindu Traditional and Nontraditional Responses to Christian Conversion in Bombay, 1839–45*, 74 J. AMER. ACAD. OF RELIG. 615, 622 (2006) (quoting the ORIENTAL CHRISTIAN SPECTATOR 212 (1839)) (discussing legal challenges to Christian missionary activity, including accusations of “undue, improper, and fraudulent means to convert and seduce” a young convert “from the religious faith of his ancestors and family”).

The Raigarh State Conversion Act of 1936 required a person who wanted to convert to “submit an application to a designated officer.”²¹ Concerns about public order or about foreign influences within the princely states in the context of encroaching colonialism motivated such legislation, yet concerns about conversions persisted—even after independence—in the Raigarh district within the post-Independence state of Madhya Pradesh, and elsewhere.

The *Report of the Christian Missionary Activities Enquiry Committee* of 1956 sheds light on additional concerns about conversion, which included public order, social cohesion, and national security in the new nation.²² Committee chairman Dr. M.B. Niyogi submitted this report, largely a scathing critique of missionary activity, with a letter stating that the members of the

[c]ommittee were guided solely by the necessity to maintain intact the solidarity and security of the country, to prevent disruption of society and culture, and to emphasize the essential secular character of the Constitution. If they have drawn attention to certain disruptive tendencies inherent in, or incidental to, the exercise of certain liberties in matters of religion, they have done so not with a view to curtailing individual rights and freedom, but to the exercise ther[e]of in a manner consistent with public order, morality and health.²³

This report included recommendations to restrict conversions; in fact, the committee recommended prohibiting “any attempt or effort (whether successful or not), directly or indirectly to penetrate into the religious conscience of persons (whether of age or underage) of another faith.”²⁴ The report contained pages of summarized testimony before the committee, including lists such as, “The following persons reported that they were converted by giving [getting] loans for plough.”²⁵ Suspicion of conversions and assumptions about the gullibility of poor converts, voiced in this report, paved the way for legal restrictions.

Ultimately, the state of Madhya Pradesh enacted the Madhya Pradesh Dharma Swatantrya Adhiniyam in 1968, a “prohibition of conversion from one religion to another by use of force or allurement, or by fraudulent means, and matters incidental thereto.”²⁶ It also required that a person who converts another person report the conversion to the District Magistrate within a set

21. Ghose, *supra* note 20.

22. *Report of the Christian Missionary Activities Enquiry Committee 1956*, reprinted in VINDICATED BY TIME: THE NIYOGI COMMITTEE REPORT ON CHRISTIAN MISSIONARY ACTIVITIES Section II.1 (1956), available at <http://www.voiceofdharma.com/books/ncr/> [hereinafter *Report*].

23. Letter from Dr. M.B. Niyogi, Chairman, Christian Missionary Activities Enquiry Committee, to Shri K.B.L. Seth, Chief Secretary to the Government of Madhya Pradesh (Apr. 18, 1956), reprinted in VINDICATED BY TIME, *supra* note 22, at Section II.i, available at <http://www.voiceofdharma.com/books/ncr/4cmae.htm>.

24. *Report*, *supra* note 22, at “Conclusions (findings),” available at <http://www.voiceofdharma.com/books/ncr/8vipiv.htm>.

25. *Report*, *supra* note 22, at “Explanatory Tour Notes Including Important Petitions Received By The Committee On Tour,” District Raigarh, available at <http://www.voiceofdharma.com/books/ncr/11vietn.htm>.

26. *Rev. Stanislaus v. State of Madhya Pradesh & Orissa*, A.I.R. 1977 S.C. 908 ¶ 18.

period, or risk imprisonment (one year) or a fine (up to 1000 rupees), or both²⁷—requirements that recently have been made even more stringent.²⁸

This Madhya Pradesh law and a similar 1977 law in the state of Orissa became the subjects of the major Supreme Court decision upholding such legal restrictions on conversions: *Rev. Stanislaus v. State of Madhya Pradesh and Orissa*.²⁹ Notably, the Madhya Pradesh High Court had upheld that state's law whereas the Orissa High Court found its state's very similar law unconstitutional. The Supreme Court upheld both state laws as constitutional and echoed Niyogi's concern with public order, originally voiced in his 1956 report on missionary activity.

The discussion in *Stanislaus* focused on Article 25 of the Indian Constitution, which provides that “public order” may form the basis for limitation of religious freedoms, including “profession” and “propagation” of religion: “Freedom of conscience and free profession, practice and propagation of religion. (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 to freely profess, practise and propagate religion.”³⁰ The meaning of the right to propagate was central to the court's decision, which distinguishes between a right to “transmit” one's religion (which the court allowed) and a right to “convert” a person to one's religion (which the court did not recognize).³¹

The court held that restrictions on efforts to convert are constitutional because such efforts impinge on “freedom of conscience” and “public order.”³² The court reasoned that “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 the citizens of the country alike.”³³ The public-order arguments included the following hypothetical scenarios:

27. Ghose, *supra* note 20.

28. This law has been recently amended to require that authorities be informed *in advance*, along the lines of later conversion laws, such as Rajasthan's, to be discussed below. See *Strict Conversion Rules in the Offing in Madhya Pradesh*, INDO-ASIAN NEWS SERVICE, July 22, 2006 (on file with author). Arrests have been made in Madhya Pradesh due to failure to seek permission. See *Two Christian Women Arrested for Promoting Conversion*, INDO-ASIAN NEWS SERVICE, Apr. 16, 2006 (on file with author), which reports on two women arrested “after they were found distributing pamphlets telling people how they could overcome their problems by following the Bible”:

“According to the Madhya Pradesh Religious Freedom Act, anybody campaigning about his or her religion or organising religious functions needs to seek permission from the district collector. However, the offenders had not sought any permission,” Jabalpur's Superintendent of Police D. Srinivas Rao said. . . . [S]everal such arrests—including that of a priest in the tribal dominated Jhabua district and a pastor in Indore town—have been made.

Id. Note the attention focused on tribal areas.

29. A.I.R. 1977 S.C. 908.

30. INDIA CONST. art 25.

31. *Stanislaus*, A.I.R. 1977 S.C. 908.

32. *Id.*

33. *Id.* ¶ 20.

[I]f forcible conversion had not been prohibited, that would have created public disorder in the States"; and, "[I]f an attempt is made to raise communal passions, e.g.[.] on the ground that some one has been 'forcibly' converted to another religion, it would, in all probability, give rise to an apprehension of a breach of the public order, affecting the community at large.³⁴

Whether such communal passions are more or less likely when a state has a law against forced conversion remains empirically disputable, but the Supreme Court's decision expressed its confidence that upholding these laws would facilitate public order.

How do such laws actually play out in the lives of converts? In 2002, a Raigarh³⁵ court sentenced two priests and a nun to prison on charges of induced or fraudulent conversion.³⁶ The converted families sent written statements to the authorities assuring them that they had voluntarily changed religions, but their accounts did not convince authorities. Notably, this was a group conversion of twenty-two people, including Scheduled Castes and women. The authorities ignored their statements, seemingly assuming that they lacked independent judgment.

Twenty-two persons, including seven women belonging to Satnami community [a Scheduled Caste], converted to Christianity at Mirigunda village, in Raigarh district recently. The converted families have sent written communication to the district magistrate, SDM and the SO [police] claiming they changed their religion voluntarily and without any allurement, in the presence of two priests who had come from Delhi on August 10. They claimed they had changed their religion after reading the Bible and there was no pressure on them.³⁷

Despite these statements, the priests were arrested for forcible conversion. Government authorities evidently considered lower-status persons (in this instance, lower castes and women), particularly those converting as a group, too impressionable to make their own decisions to convert. This assumption carried more weight than the testimony of the converts themselves.

IV

SCRUTINIZING MOTIVES AND TRACKING CONVERSIONS: ORISSA

Orissa's Freedom of Religion Act of 1967 was overturned by an Orissa high court but reinstated in *Stanislaus*.³⁸ The Orissa government's concern about populations seen as more vulnerable to allurement is not particularly obvious in

34. *Id.* ¶¶ 23, 25.

35. Raigarh district is now located in the state of Chattisgarh, which broke off from the state of Madhya Pradesh in 2000.

36. See *Acts of Bad Faith: Anti-Conversion Laws in India*, HUMAN RIGHTS FEATURES FORTNIGHTLY, Jan. 16, 2007 (on file with author), available at <http://www.hrdc.net/sahrdc/hrfeatures/HRF157.htm> (discussing the definitions within different laws). The Chattisgarh law defines inducement as "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"; it also defines fraud as "misrepresentation or any other fraudulent contrivance." *Id.*

37. Kumar Mishra, *22 Convert to Christianity*, TIMES OF INDIA, Aug. 23, 2002.

38. *Stanislaus*, A.I.R. 1977 S.C. 908.

the language of its statute,³⁹ but it is clear in another government document related to conversion. In the aftermath of the murder of Christian missionary Graham Staines and his sons in Orissa, the Justice D.P. Wadhwa Commission of Inquiry investigated and reported on the incident.⁴⁰ The Wadhwa Commission report's section on "Motive" initially focused on the potential motives of the killers but frequently shifted to also question the motives of converts in the area. The Commission's particular concern with poor tribal populations is evident throughout this section of the report.

On the killers' motives, the report concluded, "[I]t appears that the motive for the crime was that there were conversions of illiterate and poor Hindu tribals to Christianity on certain premises"⁴¹ On the converts' motives, the report quoted several responses of converts deposed before the Commission. Pastor Timothy Murmu was quoted at length, evidently responding to the Commission's questions about potential force or allurement. In summarizing Murmu's responses, the report noted that "no force was used on anybody for conversion. [Murmu] added that . . . economic conditions did not improve [for those becoming Christians,] but persons who got converted 'get inner peace and become better human beings.'"⁴² Murmu said that he became a Christian after suffering from a long and acute illness. His wife heard about the curative powers of Christian prayer and invited Christians to their house. One week later, he was cured.⁴³ The report went on to list other examples from Murmu's testimony of other medically motivated conversions in his village of Manoharpur:

- 1) Kebe's mother was dying from high fever and "we all prayed for her and she survived [and] then the entire family got converted to Christianity."
- 2) Manaki Gargi was earlier Hindu. In 1995 he became Christian but as he could not be cured of high fever, he got reconverted to Hinduism.
- 3) Family of Kala Marandi remained Christian for 3 years. Her husband was suffering from some incurable disease. He got cured when he became Christian. One day he went to Thakurmunda by cycle and when he came back he died. Kala Marandi then again became Hindu in 1998.⁴⁴

The Commission reported that it asked John Mathai, a linguist working for the Indian Evangelical Mission, "if this conversion was confined mainly to illiterate and poor people in the tribal areas," and received an affirmative response.⁴⁵ The Commission took the testimony of some of the converts themselves. Note that

39. That is, this concern is not as obvious in the statutory language in the Orissa Act as it is in that of Tamil Nadu. *See infra* note 52.

40. D.P. Wadhwa, REPORT (of the Justice D. P. Wadhwa Commission of Inquiry), June 21, 1999 (on file with author), available at <http://www.hvk.org/specialrepo/wadhwa/main.html>.

41. *Id.* at 1 ("Motive" section).

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.* at 2 ("Motive" section).

the Commission's summary used passive voice—he *was converted*—to describe the following conversion:

Nimai Hansda is a cultivator and resident of Manoharpur. He himself earns about Rs.5 to Rs.20/- per day [\$1 = ~40 rupees]. His children also collect Sal leaves, stitch and then sell them. He said he was converted to Christianity two years earlier. None of the members of his family have however been converted to Christianity. He said he was ailing for a long time and he was cured after he embraced Christianity. He said all his family members advised him to convert to Christianity since his treatment in the government hospital had failed. Nimai Hansda said that his understanding of Christianity “is that one goes to church regularly and gets cured.” He added that after embracing Christianity, his financial condition has not improved.⁴⁶

The Commission paid particular attention to the potential medical and material motivations of converts and presented poor converts as people who were converted passively.

In addition to questioning the motives and monitoring the material conditions of converts, another government shortcut for assessing the validity of conversions is to monitor and suspect “mass” conversions. Orissa's law requires that conversions be reported, although this is not always enforced, nor is the data necessarily monitored closely. The Wadhwa report noted that the local officials in the area of the Staines' murders could have done more to monitor conversions, criticizing the District Magistrates and Superintendent of Police for not having a “proper working knowledge of the Orissa Freedom of Religion Act.”⁴⁷ The Wadhwa report also noted the Intelligence Bureau's (IB) role in monitoring missionary activities and funds: “Since conversions on the large scale can result in social tension and disruption of law and order, the IB keeps track of approximate conversions taking place in various parts of the country.”⁴⁸ In the district in which the murders took place, “the Christian population which was 2,595 in 1971 increased to 4,112, in 1991. The growth was not considered alarming by the IB.”⁴⁹ The report concluded that the Staines' murders had been carried out in the context of a “total failure of intelligence both at State and Central levels.”⁵⁰ The state mandate to track conversions, although not always carried out, seems to be aimed primarily at conversions from Hinduism to minority religions.

Thus, in Orissa, this government inquiry into missionary killings became an inquiry into converts' motives, which almost overshadowed the Commission's attention to the killers' motives. The 1999 report presented certain populations—especially poor and tribal converts—as passive convertees. Finally, the Commission approved of government surveillance of conversion activity and advocated more government scrutiny of numerical data on conversions and on shifting religious demographics.

46. *Id.*

47. *Id.* at 2 (“The Incident at Manoharpur Was an Avoidable Tragedy” section).

48. *Id.* at 2–3.

49. *Id.* at 3.

50. *Id.*

V

VARYING PENALTIES AND REQUIRING PERMISSION:
TAMIL NADU, GUJARAT, RAJASTHAN, AND HIMACHAL PRADESH

More recent state laws have included higher penalties for conversions of people assumed to be particularly vulnerable. The Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance (passed by the Tamil Nadu Assembly on October 31, 2002, and repealed May 18, 2004) included a penalty not found in the Orissa or Madhya Pradesh statutes, providing higher punishment for those forcibly converting minors, women, or Scheduled Castes or Tribes. People using money or other benefits in conversion efforts targeted at these groups would receive four, not three years imprisonment, and a one lakh (one hundred thousand rupee) fine—twice the amount for conversion efforts aimed at other groups.⁵¹

To aid in tracking conversion numbers, the Tamil Nadu ordinance also required people to inform the District Magistrate about any conversion in their district:

Whoever converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or by taking part directly or indirectly in such a ceremony shall, within such period as may be prescribed, send an intimation to the District Magistrate of the district in which the ceremony has taken place of the fact of such conversion in such form as may be prescribed.⁵²

Failure to do so was punishable by up to one year's imprisonment or a fine of up to one thousand rupees.

The Tamil Nadu ordinance included definitions to clarify the terms "allurement," "convert," "force," and "fraudulent means":

- (a) "allurement" means offer of any temptation in the form of
 - (i) any gift or gratification either in cash or kind;
 - (ii) grant of any material benefit, either monetary or otherwise;
- (b) "convert" means to make one person to renounce one religion and adopt another religion;
- (c) "force" includes a show of force or a threat of injury of any kind including threat of divine displeasure or social excommunication;
- (d) "fraudulent means" includes misrepresentation or any other fraudulent contrivance.⁵³

These definitions hint at the potential difficulties if cases had actually been brought under the ordinance. (No arrests had been made under this

51. V. Suresh & Shankar Gopalkrishnan, *Convert—and Be Damned*, 1 COMBAT LAW: THE HUM. RTS. MAG. (ISSUE 6) (2003) (on file with author), available at http://www.combatlaw.org/information.php?article_id=180&issue_id=8; see also *Christians Protest Over Conversion Plan*, BBC NEWS, Oct. 24, 2002, available at http://news.bbc.co.uk/2/hi/south_asia/2356621.stm.

52. Tamil Nadu Ordinance No. 9 (Oct. 5, 2002), available at <http://www.tn.gov.in/acts-rules/ord9-2002.htm>.

53. *Id.*

ordinance.)⁵⁴ How would one prove “misrepresentation” of metaphysical beliefs? Could a judge assess a “threat” involving divine displeasure? Can a nonreligious person “convert”? In the Tamil Nadu ordinance, the meaning of the verb “to convert,” similar to its usage in the Wadhwa report in Orissa, is an action done to someone else: “to make one person . . . renounce one religion and adopt another religion.”⁵⁵ With such a definition of conversion, the modifier “forcible” hardly needed to precede it.

Like other forcible conversion laws, the major challenge in the implementation of this ordinance was the need to read minds. How can one determine whether converts have been forced, lured, or tricked? The Seventh Day Adventists reported that, during the time the ordinance was in effect, they “required candidates for baptism to sign a legal document stating that they were voluntarily desiring church membership and there were no incentives or force in their decision.”⁵⁶ Critics of the Tamil Nadu ordinance argued, “The law, in effect, will end up in those desiring to convert having to subject themselves and their reasons for converting to the scrutiny of the District Magistrate. . . . [T]he District Magistrate is empowered to launch criminal prosecution against those facilitating others to convert” if force, allurement, or fraud are involved. So, “the power given to the District Magistrate amounts to passing judgments on people’s subjective reasons for choosing to change their religion.”⁵⁷

How can a convert’s volition be assessed? One way to circumvent the need to read minds is to rely on rules of thumb, assumptions, and stereotypes. The assumption that certain segments of the population are more likely to be lured, duped, and tricked was codified in the Tamil Nadu ordinance’s varied penalties, and these steeper penalties for conversions of low castes and women became a model for subsequent conversion laws in other states, even after the repeal of the Tamil Nadu ordinance.

The renewed attention to conversion in India in the last decade coincided with the political ascendance of Hindu nationalism, including the rise of the Bharatiya Janata Party (BJP). Leaders of this Hindu-nationalist political party and several related organizations regularly make statements against conversion in this Hindu-majority but multi-religious country.⁵⁸ The BJP was working in alliance with Tamil Nadu Chief Minister Jayalalitha’s political party, the All India Anna Dravida Munnetra Kazhagam (AIADMK), when the

54. BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, INDIA: INTERNATIONAL RELIGIOUS FREEDOM REPORT 2005, SECTION II “STATUS OF RELIGIOUS FREEDOM,” available at www.state.gov/g/drl/rls/irf/2005/51618.htm.

55. Tamil Nadu Ordinance No. 9, *supra* note 52.

56. A.J. Tito, *India: Repeal of Anti-Conversion Law Applauded by Adventists*, ADVENTIST NEWS NETWORK, May 25, 2004 (on file with author), available at <http://news.adventist.org/data/2004/04/1085499174/index.html.en>.

57. Suresh & Gopalkrishnan, *supra* note 51.

58. See Suresh, *supra* note 15 (describing one senior BJP leader’s anticonversion statements); Rajyasri Rao, *Vajpayee Attacked Over Conversion Remarks*, BBC, Aug. 21, 2001, available at http://news.bbc.co.uk/2/hi/south_asia/1502088.stm (discussing Prime Minister Vajpayee’s public remarks against conversion).

anticonversion ordinance was promulgated in that state. After the defeat of the BJP and its coalition in the 2004 Parliamentary elections, Chief Minister Jayalalitha withdrew several new policies, including her state's ban on coerced conversions, in recognition of the ban's unpopularity among religious minorities and low-caste Hindus.

After 2004, the BJP-led coalition government was no longer in power at the national level and had lost favor in the state of Tamil Nadu, but the continued rule of Hindu nationalists in other states resulted in some of the more recent legal restrictions, in Gujarat and Rajasthan, on "forcible" conversions. Notably, the most recent law, in Himachal Pradesh, was passed in a state run by the Congress Party, headed at the national level by Sonia Gandhi, a Catholic. This development suggests that this legal trend—restrictions on "forcible" conversions—could continue, perhaps even at the national level.

The Gujarat Freedom of Religion Bill of 2003, like the Tamil Nadu legislation, includes increased fines and jail terms for those converting women and Scheduled Castes and Tribes. Older laws in some other states (such as Orissa, Madhya Pradesh, and Tamil Nadu) monitor or control conversion by requiring converts to report their conversions. The Gujarati legislation goes a step further, making conversion ceremonies contingent upon *advance* notice and the permission of a district magistrate, given once the magistrate is satisfied that the conversion involves no force or allurement.⁵⁹ In the fall of 2006, several Christians were arrested in Gujarat on charges of carrying out conversions without informing the authorities. Notably, these were group conversions in a tribal community.⁶⁰ After the Gujarat law was enacted, Madhya Pradesh revised its law to require that conversions be reported to government authorities ahead of time, as in Gujarat.

Rajasthan's law aims "to stop conversions by allurement, greed or pressure."⁶¹ The bill, passed by the state legislature in April 2006 but protested by religious minorities, is not law because Governor Pratibha Patil refused to sign it.⁶² (In 2007 she became the President of India.) The bill calls for two to five years of imprisonment and a fine of up to 50,000 rupees. Controversial aspects of the Rajasthan bill include allowing the immediate arrest of the accused and exempting "reconversion" via a "clause that a person could be lawfully converted (back) into one's 'original' religion," to which Zuber Khan,

59. *NCM Asks Gujarat Government to Delete Controversial Clause*, HINDU, Apr. 5, 2003, available at <http://www.hinduonnet.com/2003/04/05/stories/2003040504861100.htm>.

60. *See Gujarat Police Arrest Six Christians on Charges of Religious Conversion*, HINDUSTAN TIMES, Sept. 23, 2006 (on file with author) ("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.").

61. Narayan Bareth, *India Law Bans Forced Conversions*, BBC NEWS, Apr. 7, 2006, available at http://news.bbc.co.uk/2/hi/south_asia/4889366.stm.

62. *Rajasthan Religion Bill Rejected*, BBC NEWS, May 19, 2006, available at http://news.bbc.co.uk/2/hi/south_asia/4996708.stm; *Delay in Decision on Religious Freedom Bill*, HINDU, June 17, 2006, available at <http://www.hindu.com/2006/06/17/stories/2006061706340300.htm>.

Chief Whip of the Congress Party, responded, “When you talk about . . . ‘one’s original religion’ where do you draw the line?”⁶³ Now other states have proposed amendments to exempt reconversions from penalties under conversion laws. Legislators in Gujarat proposed an amendment in 2006 that would, in effect, exempt conversions from Hinduism to Buddhism or Jainism on the grounds that Buddhism and Jainism are “denominations” of Hinduism. But the governor disagreed with this characterization of these religions and sent the bill back.⁶⁴

The most recent conversion law as of this writing is in Himachal Pradesh, whose governor signed the Himachal Pradesh Freedom of Religion Bill into law in February 2007. This law is notable because the Congress Party (which has historically included religious minorities in its political base), rather than the Hindu-nationalist BJP, was in power both in Himachal Pradesh and at the national level when the law passed. The information presented to the state assembly showed that the government was tracking conversion numbers and was concerned about conversions among certain groups:

The figures presented in the Assembly by the CM [Chief Minister], who also happens to be the minister in charge of Home, show that nearly 500 conversions have taken place in the state in the past four years. Of these, at least 400 are in Shimla district—including Rohru and Chirgaon areas represented by the CM. Those converted were mostly tribals, Buddhists, and Dalits. Most conversions have taken place in interior and backward areas of the state.⁶⁵

The Himachal Pradesh legislation builds on the prior legislation in other states by including increased fines for cases involving certain vulnerable groups and the requirement to seek permission prior to conversion. It imposes a minimum of two years imprisonment or a fine of 25,000 rupees, or both, on “anyone found guilty of abetting and indulging in conversion from one religion to another by use of force, inducement or fraudulent means.”⁶⁶ In cases involving women or Scheduled Castes or Tribes, the penalty is raised to three years and 50,000 rupees; moreover, “[t]hose wishing to convert to another religion will have to give a month’s notice to the District Magistrate who, after enquiry, will grant permission for the change.”⁶⁷

63. *Rajasthan Passes Anti-Conversion Bill*, HINDU, Apr. 8, 2006, available at <http://www.hindu.com/2006/04/08/stories/2006040819691600.htm>.

64. *Jainism, Buddhism Are Not Hinduism’s Denominations*, EXPRESSINDIA NEWS, Aug. 1, 2007, available at <http://cities.expressindia.com/fullstory.php?newsid=248599>.

65. Ashwini Sharma, *Bouquet from BJP, Brickbats from the Church for CM Virbhadr*, INDIAN EXPRESS, Feb. 12, 2007, available at <http://www.indianexpress.com/printerFriendly/23151.html>. This article notes that the law was initially proposed by a BJP politician, quoted as saying he would have made it an election issue if it were not taken up by the state government. *Dalit* is a label preferred by many Scheduled Castes.

66. *Id.*

67. *Id.*

VI

SIGNIFICANCE FOR CONTEMPORARY POLITICS: THE CONVERT AS OBJECT

Although one ordinance was repealed for political reasons and enforcement is sporadic, the trend toward increasing legal limits on conversions continues. The Indian Supreme Court has upheld anticonversion laws, although it has not heard a case on the most recent iterations, which are more restrictive than earlier versions. Newer state laws have become increasingly intrusive in terms of their requirements, and more states are contemplating such laws.⁶⁸ Most recently, a state ruled by the Congress Party (Himachel Pradesh) passed a law restricting conversions, signaling that the Hindu-nationalist BJP is not the only major party behind such laws. The Congress Party-led coalition currently in control of the national government is headed by the country's first non-Hindu Prime Minister, Manmohan Singh. The Congress Party's leader, Sonia Gandhi, is a Catholic who has stood up for minority rights and has criticized previous conversion laws.⁶⁹ The President of India, Pratibha Patil, refused to sign Rajasthan's conversion bill when she was governor of that state. Yet, as Hindu-nationalist leaders call for more anticonversion laws at the state and even national level,⁷⁰ the Himachal Pradesh example raises the possibility that more states may crack down on conversions. Still, the appeal of such laws appears restricted, so far, to northern India. The one example of such a law in the south, in Tamil Nadu, was ultimately repealed, which suggests that a nationwide law of this kind might not be politically palatable for the national electorate.

What is the significance of such laws? At a practical level, requirements to report conversions, or even to seek permission to convert, constitute a hoop for converts to jump through and make a potentially private decision a public act. Notably, these laws seem to only rarely result in arrests, perhaps due to the difficulties of proving something as intangible as a forced conversion. An older law in Arunachal Pradesh (1978) has never been implemented, nor has the Tamil Nadu law resulted in any arrests.⁷¹ Yet arrests have been made in several states with the newer laws, so there may be a shift from symbolic enactment

68. See *BJP Releases Manifesto, to Pursue Hindutva*, INDIAN EXPRESS, Feb. 9, 2007, available at <http://www.indianexpress.com/printerFriendly/22854.html> (discussing how Ravi Shankar Parsad, the BJP spokesman in the state of Uttarakhand, "promised to bring about anticonversion law if his party comes to power" in State Assembly elections).

69. *Congress Against Anti-Conversion Laws: Sonia*, HINDU, Aug. 6, 2006, available at <http://www.hindu.com/2006/08/06/stories/2006080605171200.htm>.

70. See *BJP: Just a Bunch of Hollow Promises*, INDIAN EXPRESS, Feb. 24, 2007, available at <http://www.indianexpress.com/printerFriendly/24090.html> (quoting the deputy leader of the opposition (BJP) in the Indian Parliament, Vijay Kumar Malhotra, criticizing the President's address to Parliament on grounds that "[t]here is no mention of any plan . . . to stop conversions by luring people").

71. Tehmina Arora, *Robbing Freedom of Conscience*, 6 COMBAT LAW: THE HUM. RTS. MAG. (May/June 2007), available at http://www.combatlaw.org/information.php?issue_id=34&article_id=949; *Tamil Nadu CM: Anti-Forcible Conversion Law Fully Repealed*, NEWINDPRESS.COM, May 22, 2005, available at http://www.christianaggression.org/item_display.php?type=NEWS&id=1116737086.

toward actual implementation. Fear of publicity and fear of arrest seem likely to dissuade at least some individuals considering conversion.

These laws are also significant in the way they perpetuate and shape discourse about conversion and converts, which has both symbolic and practical consequences for lower-status groups. Conversion laws and related government documents discussed here construct women, Scheduled Tribes, and Scheduled Castes as victims, and construct converts (particularly group converts) as passive dupes of the machinations of active converters. Such language reduces the convert to a victim—particularly converts from groups seen as vulnerable, commonly referred to as the “weaker sections” in Indian society. These laws perpetuate a longstanding tendency to see converts or potential converts as victims. Religious leaders, both those seeking to convert and those seeking to retain people, have frequently stressed the need to save potential converts from traditional practices or from nefarious missionaries, respectively.⁷² In either case, they have viewed the potential convert as a victim, either for remaining in or for casting off a religion. Religious leaders seem particularly preoccupied with saving women from traditional practices via conversion or, conversely, from conversion itself, as in several of the laws discussed here. This may be due to the constitutive role of women in religious and national communities, including reproducing the community, both biologically and ideologically, by giving birth to and training the children, and in some cases serving as tangible boundary markers of the community through distinctive dress or religious roles.⁷³ Decrying women’s oppression was a common theme among colonial rulers trying to morally justify their policies.⁷⁴ Missionary and colonial policies regarding women frequently took the form of “domesticating” converts into submissive roles that emulated ideals of femininity in the metropole. Yet female converts have exercised more agency than male religious leaders typically have attributed to them, despite such leaders’ own fixations on domestic and social order and assumptions that women are victims—fixations and assumptions that continue to this day.⁷⁵ Conversion laws are part of a broader category of “protective” legislation targeting groups, often women. Such laws may protect, but they also restrict.

72. On the historical view of converts or potential converts as victims, see Palsetia, *supra* note 20.

73. See NIRA YUVAL-DAVIS & FLOYA ANTHIAS, *WOMAN, NATION, STATE* (1989) (discussing women’s roles in community definition, reproduction, and preservation as ways women are involved in nationalist or ethnic processes, as well as religious processes).

74. CYNTHIA ENLOE, *BANANAS, BEACHES AND BASES* (1990). Colonial policies often included tacit or explicit approval of missionary activities, although sometimes colonial administrators in India discouraged missionary activity due to the tensions that could disrupt rather than support their goals.

75. See Barbara Reeves-Ellington, *Gender, Conversion, and Social Transformation: The American Discourse of Domesticity and the Origins of the Bulgarian Women’s Movement, 1857–1876*, in *CONVERTING CULTURES*, *supra* note 13, at 115; see also KENT, *supra* note 16, at 237 (“[T]he drive to become ‘respectable’ had manifold consequences, especially for Indian Christian women.”); *id.* at 239 (“The process of conversion to Christianity . . . was never simply a matter of the imposition of a foreign religion on socially weak, vulnerable elements of the Hindu social body.”).

Scheduled Castes and Tribes are similarly singled out for extra protection and attention in anticonversion legislation. As in the case of the female converts, the assumption that lower castes and tribes are naive and in need of special protection has a subtext as well: mass conversions. South Asia has had a long history of conversions, including mass conversions. But in the relatively recent past, at the turn of the century, Christian missionaries, who in many cases originally intended to encourage conversions among influential elites in India, found they had more success among lower castes and tribes. Conversions of largely lower-caste or tribal families, or even villages, became known as the “mass movement” phenomena. In response to these mass movements, leaders such as Mohandas Gandhi, as well as journalists and religious organizations, began to question the motives of both the missionaries and the converts themselves.⁷⁶

Notably, the 1935 Government of India Act, which established the categories of Scheduled Castes and Scheduled Tribes,⁷⁷ allocated some legislative seats to these protected categories as well as to religious minorities, giving any large-scale conversions political implications. Although legislative seats are no longer allocated to religious minorities, the Scheduled Castes and Scheduled Tribes categories are still in use today for the purposes of various affirmative-action programs in government and education, in addition to the increased penalties in several states for “luring” converts from these groups.⁷⁸

There has been longstanding anxiety over conversions among women and the Scheduled Castes and Tribes, but why has there been such a dramatic increase in anticonversion laws and rhetoric of late? First, such laws are partly an electoral calculation; rallying a majority by raising a catchy social issue with moral overtones is an electoral strategy. (Consider the proliferation of state laws banning gay marriage in the United States.) In some states, legislators or candidates taking a stand against conversion can mobilize a majority while only antagonizing a few minorities, so they may debate and pass these laws primarily to get votes. Second, these anticonversion laws, particularly in conjunction with rhetoric about foreign support for missionaries and conversions, tap into societal uneasiness about cultural globalization in an era of neoliberal economic policies. (One example of such unease is annual protests against the purportedly lascivious—and Christian—Valentine’s Day holiday, which is increasingly marketed to and celebrated by young urbanites in India.) Third, the ongoing Christian proselytizing in India is an impetus for new laws. Although many local Christians are involved in social and religious work,

76. Jenkins, *supra* note 17, at 435–36, 440–43.

77. *See supra* note 1.

78. On the origins and contemporary uses of Scheduled Caste and Scheduled Tribe categories, see JENKINS, *supra* note 4.

foreign missionaries also work in India, coming not only from the “West,” but also increasingly from places such as South Korea.⁷⁹

The conjunction of all these factors propels such legislation, which appeals to a religious majority via a spectre of growing religious minorities with foreign links, raising fears they may challenge a majority’s culture and even their majority status. In his essay “Fear of Small Numbers,” Arjun Appadurai argues that “[a]s abstractions produced by census techniques and liberal proceduralism, majorities can always be mobilized to think that they are in danger of becoming *minor* (culturally or numerically) and to fear that minorities, conversely, can easily become *major*”⁸⁰ Given the relatively small numbers of people constituting the religious minorities in India, the alarm expressed by some Hindu nationalists about group conversions from Hinduism is striking.⁸¹ Appadurai explains, “The point here is that small numbers can unsettle big issues . . . where the rights of minorities are directly connected to larger arguments about the role of the state, the limits of religion, and the nature of civil rights”⁸² Due to such fears and anxieties, it may be an easier political project to protect the rights of minorities as discrete minority groups (difficult as this sometimes is) than to protect the rights of people to change groups—to convert.

VII

CONCLUSION

The right to change one’s religious identity becomes hazier (and easier to ignore) if the convert is seen as the object rather than as the subject of conversion. Talal Asad discusses the verb, “to convert,” as both a transitive and an intransitive verb.⁸³ In the intransitive sense—“I converted”—the notion of forcible conversion could be viewed in many religious traditions as an oxymoron. Laws limiting forced conversion, the court decisions upholding them, and the commission reports justifying them, in contrast, use the transitive sense—“He converted them.” This usage feeds two related ideologies, perpetuating assumptions about “them,” the so-called “weaker sections” of society (especially lower castes, tribes, and women), and encouraging uneasiness about outside interference threatening national beliefs and national order.

79. After the United States, South Korea has become the second largest source of Christian missionaries in the world. See Norimitsu Onishi, *Korean Missionaries Take on the Hard Cases*, INT’L HERALD TRIB., Nov. 2, 2004, at 1.

80. ARJUN APPADURAI, FEAR OF SMALL NUMBERS: AN ESSAY ON THE GEOGRAPHY OF ANGER 83 (2006).

81. ABDUL MALIK MUJAHID, CONVERSION TO ISLAM: UNTOUCHABLES’ STRATEGY FOR PROTEST IN INDIA 92–99 (1989).

82. APPADURAI, *supra* note 80, at 73.

83. Talal Asad, *Comments on Conversion*, in CONVERSION TO MODERNITIES: THE GLOBALIZATION OF CHRISTIANITY 263, 266 (Peter Van der Veer ed., 1996).

Because the laws, court decisions, and government reports discussed here use the verb “to convert” in its transitive sense, the right of the converts themselves to convert to another religion remains undiscussed. Marc Galanter’s insight into the way legal and religious orders help to constitute each other bears repeating: Through laws, “[c]ertain aspects of what is claimed to be religion are given recognition, support and encouragement; others are the subject of indifference; finally some are curtailed and proscribed.”⁸⁴ In much contemporary legal and governmental language about conversion in India, the right to convert others is curtailed, and the right to convert oneself is the subject of indifference.

84. GALANTER, *supra* note 9, at 250.