

## Article

# Does Surveillance Intersect with Religious Freedom? The Dialectics of Religious Tolerance and (Re)Proselytism in India Today

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## Abstract

An individual is enveloped today by a vast network of automated, integrated, globalised, and ubiquitous surveillance that sweeps into all spheres of one's life. One's religious adherences and practices are no exception to this. The surveillance of religion, seen globally today, is yet another intrusion into the lives of people in India. Recently, it has taken on another dimension as issues of proselytism (conversion) and the movement of "Ghar Wapsi" or homecoming (reconversion) increasingly endanger the peaceful coexistence of India's population. Growing religious intolerance to religious minorities under the influence of Hindutva—an ideological persuasion to establish the hegemony of Hindu beliefs and way of life—increases this distorted behaviour and encourages Hindu fundamentalism. This paper investigates this issue of state surveillance of religious minorities, focusing on certain political conspiracies and the perverted behaviour of some religious fundamentalist groups operating behind the veneer of constitutional secularism and state-determined coercive power control. With an analytical and critical discourse methodology, this paper argues that minority religious communities in India are key targets of surveillance and subject to manipulative (political and religious) interests that go against Indian liberalism. Thus, we find in the Indian case a categorical dissimilarity with the West regarding the focus of religious surveillance.

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## Introduction

The surveillance of religion, now witnessed around the globe, is an emerging issue of controversy in India. To many, it seems yet another intrusion into individual lives. However, when considered in the context of Indian socio-political, economic, and religious life, it appears differently. Although various mass surveillance schemes are being carried out by the Indian government and other national agencies to ensure national security and combat terrorism, just as is done in the West (Fox 2016; Shahabuddin 2015; Aziz 2014; Lynch 2011; Moore 2010), surprisingly, unlike in the West, no religious communities have been indiscriminately scrutinised or arbitrarily monitored in India. This seems to be due to India's age-old adherence to noble principles of religious tolerance and freedom, which have been later guaranteed in the constitution and recognised and promoted with further legislation in recent decades. Nevertheless, increased issues of forceful proselytism (conversion) and the movement of "Ghar Wapsi" or homecoming (reconversion) have led to some monitoring of minority religious groups in India,<sup>1</sup> thus endangering the

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<sup>1</sup> According to the *National Commission for Minorities Act*, 1992, five religious communities, including Muslims, Sikhs, Christians, Parsis, and Buddhists, were minority communities in India. With the enactment of the *National Commission for Minorities Act* of 1992, the Minorities Commission became a statutory body and was renamed the

peaceful coexistence of its people. This prompts one to ask: Do state-authorised surveillance operations in India and categorical profiling of certain religions or members of minority groups unfairly focus on them rather than more mainstream groups in the society? Does surveillance violate basic human rights, such as the right to privacy, and go against the constitutionally guaranteed rights to practice and profess any religion? This paper analyses this issue of state-supported surveillance of religious minorities in India. Based on various socio-cultural platforms, the Indian constitutional ideal of secularism, and state-determined coercive power control, the paper focuses on certain political conspiracies and the malformed behaviour of some religious fundamentalist groups and finally exposes a categorical dissimilarity between India and the West regarding the focus of religious surveillance.

### The Surveillance of Religion: An Acknowledged Global Phenomenon

The surveillance of religion has become a very significant phenomenon and is now globally practised as a matter of national security. In the US, government-funded racial and religious profiling has been increasingly experienced over the last decade (Shahabuddin 2015: 577–610; Aziz 2014). After September 11, 2001, governments in the US and the West broadly have increased surveillance especially of Muslims (Lynch 2011: 117–18). For instance, the combined implementation of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* of 2001 (USA PATRIOT Act) and the *Clear Law Enforcement for Criminal Alien Removal Act* (CLEAR) in 2003 resulted in increased surveillance of Muslims in the US (Moore 2010: 92). Madiha Shahabuddin (2015: 579) notes the possible dangers of surveillance of Muslim individuals and organisations without any indication of wrongdoing except their being Muslim. This in fact disrupts and suppresses Muslims' ability to freely practice their faith and thus the religiosity of that particular community (Moore 2010). It also causes institutional, social, and economic discrimination (Moore 2010: 92–93) and infringes on the rights of free association, religion, and speech (Shahabuddin 2015: 580). Sahar F. Aziz states that although official government statements express and acknowledge that not all Muslims are terrorists, the counterterrorism regime, also called “selective counterterrorism enforcement” (Aziz 2014: 183–84), “impose[s] racialized, group-based social harms on Muslim communities across the country” (ibid.: 180). As a result, Muslims are “pressured to downplay their religious identity” and live in fear of being “viewed as anti-assimilationist.” Accordingly they “cease engaging in identity performance expressed through public prayer” (ibid.: 181). Thus, the public expression of one's beliefs and practices gradually ceases to exist.

Each country in the West (the EU and other countries of Europe) has its own minority populations and treats them in different ways. Some religious communities experience more surveillance and discrimination than others and one can cite any number of factors to explain this discrepancy: religious ideologies, nationalism, the nature of the regime, cultural security, and political issues (Fox 2016). Several researchers, such as Fox (ibid.), hold that this religious discrimination is not constant and that before 1990 it was not widely experienced in many parts of the world. However, it is more common now to monitor certain groups, as we see in the restriction of places of worship of Muslims in Italy and Spain (since 2005, the same has been true in Australia, Denmark, Germany, Greece, and Norway) and of non-Catholic Christians in Spain in 1990; the ban of the traditional headscarf worn by Muslim women by a number of local governments in Belgium in 2003; the closing of unofficial Muslim prayer centres in Malta in 2003; and the special monitoring of mosques in the UK starting in 2008 (ibid.). Jonathan Fox writes that the anti-terror and security policies of France in effect unfairly single out Muslims, leading to more surveillance of mosques and random government inspections of Muslim institutions (ibid.).

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National Commission for Minorities. In 2014, Jains were also identified as a minority community, adding a sixth religious minority community in India. It aims to uphold the UN commitment to strengthen minority rights, which reads that “States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity” (National Commission for Minorities, UN Declaration, [http://ncm.nic.in/un\\_declaration.html](http://ncm.nic.in/un_declaration.html) [accessed August 25, 2016]).

The fate of many African states is not different in commissioning legal and non-legal agencies and engaging strategies to control religious groups (Gilbert 2013; Hackett 2011). Hackett (2011) explains, for instance, how the Democratic Republic of Congo provides for state use of registration to put a check on religious interests and how it involves discriminatory treatment and manipulation.

In the same way, the *Asia-Pacific Journal* has argued that the ethnic or ethno-religious profiling of Muslims in Japan violates basic human rights (APJ 2014: 1), and this practice has attracted the attention of the United Nations. The UN Committee to Eliminate Racial Discrimination insisted that the government of Japan ensure that its law enforcement officials do not rely on the specific profiling of Muslims (ibid.: 1). Contrary to this urging, however, in 2014 the Tokyo District Court approved Muslim profiling at police stations, calling it necessary to protect the nation against various terrorist threats (ibid.: 1). In China, there are more governmental restrictions on religion than any other opposition (Kuan 2012). China's state control of religion and religious activities, for instance, demonstrates the constitutionally authorised measures to restrict religious freedom in China (Cox 2007). The exercise of intrusive control by the Chinese government (and the Communist Party) over religious activities in the country seems to many to violate citizens' rights to freedom of association, assembly, and expression as well as the freedom of religion (Kuan 2012; Laliberté 2011; Cox 2007). Although the principle of religious freedom is constitutionally articulated, the government protects only what it calls "normal religious activity," defined in practice as activities that take place within government-sanctioned religious organisations (Overmyer 2003). This appears to be a continuation of the longstanding Chinese political view that religion poses a threat to the ruling power (Cox 2007).

From all this, it is apparent that religious minorities in the US, Africa, Europe, the Asia-Pacific region, and elsewhere feel "unfairly stigmatized and pressured to differentiate themselves from people they either did not know or believed to be harmless" (Lynch 2011: 118). Lynch (ibid.) continues, rightly, arguing that "these dynamics shape fear and suspicion that influence Muslim identities and the perception of Muslim identities by non-Muslims." According to Fox (2016), the most commonly experienced phenomena by minority communities in this regard are restrictions on places of worship, religious education, and proselytising. Fox defines religious discrimination as "limitations placed by a government on the practice of religion or the religious institutions of minority religions within the state that are not placed upon majority religions" (ibid.: 1). Such discrimination also reflects in another way a conscious policy choice to employ limited government resources to constrain the religious freedom of minority communities (ibid.). Fox points out that state surveillance of minority religious groups involves "monitoring and surveillance of religious activities beyond what is reasonably justifiable by security concerns" (Fox 2015: 155) and explores this by considering examples from various countries such as Belgium, France, Algerian, and Uganda (ibid.).

### **Recalling the Past: Mapping Traditional Religious Heritage of India**

India is the cradle for several religions, such as Hinduism,<sup>2</sup> Buddhism, Jainism, and Sikhism, as well as a home for thousands of years to Jewish, Zoroastrian, Muslim, and Christian religious communities. The diversity of religious beliefs and practices does much to constitute the distinctiveness of the Indian subcontinent. The religious demography of India, according to the data in the *India Census of 2011* released in 2015 by the government of India, consists of the following: Hinduism 79.80%, Islam 14.23%, Christianity 2.30%, Sikhism 1.72%, Buddhism 0.70%, Jainism 0.37%, and other religions / no religion

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<sup>2</sup> The term "Hindu" was originally used geographically by outsiders such as Arabs to refer to all those who lived beyond the river Indus or Sindhu. As Romila Thapar (Thapar 2000: 77) states, "Hindus thus essentially came to mean 'the other' in the eyes of the new arrivals. It was only gradually and over time that it was used not only for those who were inhabitants of India but also for those who professed a religion other than Islam or Christianity [...]. This all-inclusive term was doubtless a new and bewildering feature for the multiple sects and castes who generally saw themselves as separate entities."

0.90% (*India Census 2011*; Chowdhury, Gosh and Tewari 2015). This diversity, along with religious tolerance, is established and sustained by law and custom, and thus the freedom of religion is a fundamental right guaranteed to every Indian citizen (Basu 2013). According to the preamble of the Indian constitution, India is sovereign, socialist, secular, democratic, and a republic and secures for all its citizens justice (social, economic, and political), liberty (of thought, expression, belief, faith, and worship), equality (of status and opportunity, and to promote among all), and fraternity (assuring the dignity of the individual and unity of the Nation).<sup>3</sup> Citizens having different religious adherences have long been living in India in peaceful coexistence, under this constitutional assurance of security and protection. There is no such thing as a state religion in India.

The term “secular” was inserted into the Preamble by the *Forty-Second Amendment Act* of 1976 and has been differently interpreted. It is generally understood as that which grants equal respect to all religions (Rao 2006)<sup>4</sup> and as distinct from the universal expression of the concept of separation of state and religion in all its behaviours and appearances (Taylor 2010; Modood 2010). The secular nature of the Indian constitution is made explicit by this amendment. Rajeev Bhargava (2009), in this vein, argues that in a secular state it is possible, for principled and secularist reasons, to reject a strict “separationism” between state and religion. For instance, according to Bhargava (*ibid.*), though India is defined as secular by its constitution, it has issued policy directives both to support and interfere with religions in its territory. Article 15 (1) of the Indian Constitution states the prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. Article 25, clause 2, for example, authorises the state to frame laws “regulating or restricting economic, financial, political or other secular activity which may be associated with religious practice” (Majumdar and Kataria 1996: 53), and thus the freedom of conscience and religion is secured (Jaffrelot 2015; Rajagopalan 2003). This Article (25:2) recognises freedom of conscience as well as the right of its citizens to freely profess, practise, and propagate religion, and thus the collective and individual rights receive constitutional recognition. Article 26 gives freedom to manage religious affairs, while Article 27 specifies that in “those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion.”<sup>5</sup> The right to equality before law is guaranteed for every citizen in India, as no discrimination is allowed on grounds of religion, race, caste, sex, and so on. This means that India is officially secular and that religious freedom, respected and protected by the constitution, is enjoyed by all its citizens alike. Furthermore, people are aware of these freedoms and minority rights.

In addition to all this, religious tolerance is a great virtue we find widely respected and practised in India. Rao (2006: 63) rightly points out that India is called secular because of the two virtues of tolerance and non-violence that Hinduism possesses, which are “credited with nurturing the diversity of faiths, religions, and cultures in India.” Sarvepalli Radhakrishnan (*ibid.*: 64), a “statesman-philosopher” and exponent of traditional Indian philosophy who later became President of India, stated that “from the time of the *Rig Veda* to the present, India has followed the policy of ‘live and let live’ and tolerantly welcomed and nurtured ideas, peoples, religions, and cultures.” In this regard, more than an intellectual abstraction, religious tolerance is shown to be a living tradition in India (*ibid.*). Aparna Devare (2009: 166) writes in this regard that “Hinduism survived for over 5,000 years despite many external influences not because of the sword but because of Hinduism’s ‘tolerance’ of difference.” More than seventeen days are designated as public holidays in India “to celebrate religious festivals or to commemorate the birth or death of

<sup>3</sup> The Constitution of India, framed by a Constituent Assembly (constituted in 1946), begins with a Preamble outlining the ideals, objectives, and basic principles of the Constitution (the nature of the Indian State and the objectives it is committed to secure) that guarantees to all the people of India justice, equality, and freedom and proclaims that India is a Sovereign Democratic Republic.

<sup>4</sup> Hindu nationalists claim that “equal respect for all religions” [*sarva dharma samabhava*] is “a natural corollary of the Hindu tradition of tolerance” (Rao 2006: 64).

<sup>5</sup> No religion is given special status, as there is no state religion in India. The equality of status and respect is enjoyed by all religions with the constitutional guarantee of equal freedom to all religions (*Constitution*, 2015).

prophets and saints of the major religions of India” (Rao 2006: 59). For instance, the birthday of the Prophet Mohammed is a public holiday in India, declared as such by V. P. Singh’s government in 1990, and the hajj pilgrimage is subsidised by the government (ibid.). To summarise, all citizens of India are entitled and free to practice, profess, and propagate their religious beliefs and are equal before the law, irrespective of those beliefs. In a similar way, the Indian constitutional concept of secularism is interpreted as “the responsibility to ensure the protection and equality of all religions and to provide for regulation and reform, rather than the strict separation of religion and state” (Hasan 2010: 940–41). In all these ways, it is apparent that “the state cannot establish or practice any religion; use public revenues for promoting any religion; and that it should ensure equality before law for all its citizens” (Rao 2006: 54).

However, regardless of the sporadic communal violence and religious atrocities of ancient, medieval, and colonial India, one cannot deny that despite the constitutionally guaranteed secularist ideology and ideals of religious tolerance, several communal conflicts and episodes of violence have plagued India since its independence in 1947 and especially over the past few decades (Bolhken and Sergenti 2010; Brass 2005; Gleditsch et al. 2002). For instance, major religious riots since independence have included the Anti-Sikh riots of 1984, the Bombay riots of 1992–93, the Gujarat riots of 2002, the Kandhamal riots of 2008, the violence in Assam in 2012, and the Muzaffarnagar riots of 2013. As a result, as the United States Commission on International Religious Freedom states in a report issued in 2015, “a climate of impunity continues to exist in some Indian states, exacerbating the social and religious tensions among communities” (USCIRF 2015: 150). Moreover, some recent federal and state-level laws and policies restrict and directly counter this religious freedom and the equality of all religions in India under the law (US Bureau of Democracy, Human Rights and Labor Affairs [US DRL] 2007). Though the government policy is not amended, the enforcement of anti-conversion laws by some state governments paves the way for a communal attack against religious minorities. Several well-reported cases of harassment of minority groups offer some examples of this, including the 2002 communal riots in Gujarat and the 2008 violence against Christians in Orissa and Karnataka.

### Unveiling the Present: The Surveillance of Religion in India Today

Several countries have established governmental agencies and departments that focus on, regulate, and monitor religion. The Canadian Office of Religious Freedom, the US Commission on International Religious Freedom (USCIRF), the US Central Intelligence Agency (CIA), the Israeli Ministry of Religious Affairs, and China’s State Administration for Religious Affairs are some examples of this. In the same way, India’s Ministry of Minority Affairs empowers and advocates for racial, religious, and ethnic minorities in India. However, India’s anti-conversion law, frequently called the *Freedom of Religion Act*, and its implementation has led to discriminatory practices and surveillance against minority religious groups in the concerned states.<sup>6</sup> This law basically prohibits conversions by force, fraud, and inducement or allurement. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of these means (Arora 2016). The national or regional (state) conversion laws and consequent recent reconversion practices, noted above, provide a platform for ethical reasoning within the socio-cultural context of India. Surveillance conducted by state governments and the ruling party is not an exception to this. Some state governments, for example Rajasthan, Madhya Pradesh, and others, enacted laws to criminalise “coerced” and/or fraudulent conversion. Yet these monitoring or surveillance laws are used manipulatively to restrict voluntary conversion, and besides, extremists used the same laws to harass religious minorities under the pretext of upholding the laws (US DRL 2006). Surveillance of religion has become something like policing the expressions of one’s religious adherences and profession of one’s faith, and thus runs contrary to the ideal of India as a liberal state.

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<sup>6</sup> Experience shows that the anti-conversion laws of many states “reinforce social hierarchies by portraying certain, already socio-economically disadvantaged groups as innately weak and credulous [. . . and] ultimately, the laws reinforce existing social categories by making it harder for people to change their identities” (Jenkins 2008: 113).



Surveillance is a systematic and routine attention focused on a person, group of people or institutions with an aim of exerting or imposing influence over it (Marx 2016; Lyon 2014, 2007, 2001). It is directed and covers surreptitious investigations into activities of particular individual, groups, or social institutions. Surveillance of religious minorities<sup>7</sup> on these bases and the close regulation of their activities stain the Indian tradition of religious tolerance and threaten communal harmony and national integrity. The recent rise of “Hindutva”—an ideological persuasion that seeks to establish a hegemony of Hindu beliefs and way of life—has resulted in growing religious intolerance, increased this distorted behaviour, and led to Hindu fundamentalism. Hindutva [Hindu-ness] has been called “a self-defined ideology of Hindu supremacy that believes *Hindustan* (India) is a Hindu *rashtra* (nation)” (Hasan 2010: 939). The concept or ideology of Hindutva is a quality, as Swarna Rajagopalan (2003) rightly illustrates, that even those who are not Hindu by faith may possess, and indeed do possess, so long as their lifestyle and culture is Hindu. This innate Hindu quality, she maintains, is traced in all its citizens to the practice of any religion in India, and thus everyone, non-Hindus and Hindus alike, should regard India as their *pitṛ-bhoomi* (fatherland) and *punya-bhoomi* (holy land) and thus perceive Hinduism as an attribute of Hindu-ness.

Certain political parties, however, and Hindu fundamentalists with political agendas, have employed this ideology of Hindutva to make explicit appeals to religion and propagate, against the traditional practice of religious tolerance, Hindu supremacy in India. Zoya Hasan (2010: 940) opines in this regard that both religious and identity politics are important forces in public life in India and that “political parties seeking to stake out a position as pro-Hindu, or simultaneously pro-Hindu and a protector of the minorities, have given a fillip to religious politics.” In the same way, so-called identity politics also increases and enlarges the gulf between majority and minority communities. Hasan (ibid.) takes identity politics to refer “to movements, campaigns, party strategies and group assertions that mobilise political support around caste and religious identities to gain access to political power and public goods, services and resources of the state.”

The destruction of Babri Mosque by hard-line Hindu extremists, which led to a riot on December 6, 1992, and the issues and controversies that resulted from this are the best example of such politics in the recent Indian context. The Ayodhya dispute<sup>8</sup> is also a matter of political, historical, and socio-religious debate, concerning the construction of a Ram temple on the site of the Babri Mosque in Ayodhya, Uttar Pradesh, in northern India. It is claimed that the mosque is situated at exactly the place held to be the birthplace of Lord Ram (Hasan 2010: 944). In addition, political parties such as the Bharatiya Janata Party have intensified their campaign for a Ram temple, along with its political motives, and thus used it to appeal to the majority community (ibid.: 944). The Hindutva campaigns, as rightly illustrated by Hasan (ibid.: 945), “have consistently sought to exploit a sense of anxiety about Hindu identity and the alleged partiality of the state towards religious minorities, especially Muslims, even though upper-caste Hindus dominate all political institutions in independent India and are economically and culturally powerful.”

Since 2014, it is clear that religious minority communities have been subject to “derogatory comments by politicians linked to the ruling Bharatiya Janata Party (BJP)” as well as “numerous violent attacks and forced conversions by Hindu nationalist groups” such as “Rashtriya Swayamsevak Sangh” (RSS) and the “Vishva Hindu Parishad” (VHP) and over 630 communal incidents had been reported from January to October 2015 (Arora 2016). Recent incidents have included the parading of a pastor on a donkey with his head half-shaven in Uttar Pradesh and the arrest of a blind couple along with thirteen others in Madhya

<sup>7</sup> The concept “religious minority” in the Indian context needs further clarification, as India, being predominantly Hindu in ideology and demographic dominance in nearly all its states, still has some states where people with other religious adherences hold the majority. For instance, in Kashmir, Muslims outnumber Hindus, and Nagaland, Meghalaya, and Mizoram have Christian majorities.

<sup>8</sup> This case was lodged in the Allahabad High Court and the verdict was pronounced only on September 30, 2010. In the landmark ruling, the three judges of the Allahabad High Court held that the 2.77 acres of Ayodhya land be divided into 3 parts, with 1/3 going to Hindu Maha Sabha for the construction of the Ram temple, 1/3 going to the Islamic Sunni Waqf Board, and the remaining 1/3 going to a Hindu religious denomination.

Pradesh by activists of Hindu extremist organisations such as Bajrang Dal<sup>9</sup> on the false allegation that they were performing forceful conversions. These demonstrate that such tensions continue (Arora 2016). Reports show that anti-conversion laws foster hostility against religious minority groups and that members of such groups have been the victims of frequent attacks under the pretext of forceful conversion charges (ibid.). Arora (ibid.: 8) concludes that these laws, instead of promoting religious freedom, often undermine it: “Primarily motivated by a religious ideology, the anti-conversion laws fail to achieve the very purpose for which they have been enacted. On the contrary, they provide an opportunity for divisive forces to target the constitutionally protected rights of minority groups and pose a serious threat to the free practice and propagation of religious beliefs.”

When we speak about religious surveillance in India, minority religious groups are key targets of monitoring and thus subject to manipulative political and religious interests, which runs contrary to Indian liberalism. The violence directed against minorities in the name of conversion and reconversion disturbs and eventually destroys the peaceful coexistence enjoyed by Indians of every religious adherence. Since 1997, with a BJP-led government in power, there have been several incidents reported of violence against Christians across the country, the brutal killing of an Australian missionary and his young son being the most prominent of these (Rajagopalan 2003). However, my contention is that, unlike in the West, this religious surveillance—monitoring and restriction—is not part of national security; rather, the vast majority of monitoring and attacks are either perpetrated or incited by Hindu extremist groups with political interests.

The surveillance of minority religions by certain Hindu fundamentalists on the basis of anti-conversion laws in fact infringes on the individual’s right to religious freedom, favours Hinduism over minority religions, and thus challenges Indian secularism (US DRL 2007). The federal political system of India exacerbates this challenge, as it grants state governments the power and exclusive jurisdiction to enforce laws concerning religion and religious freedom enjoyed by Indian citizens, and thus subsequently to maintain law and order in the state (ibid.). However, this limits the national government’s capacity to deal directly with state-level violations of the religious freedoms guaranteed in the federal constitution (ibid.). So, the religious surveillance and consequent persecution continue today, and after the implementation of the anti-conversion law in many states of India, they do so with increased frequency. The root cause of the violence can also be found in political incitement against minority groups by more extreme members of Hindutva organisations.

### **The Ghar Wapsi: A New Wineskin for Religious Surveillance**

This categorical religious surveillance represents a coercive intrusion by the government into both the individual and collective lives of its subjects (West 2014). The unequal distribution and effects of surveillance represent yet another exercise of coercive power, designed to monitor certain religious minorities more and make them subjects or victims beyond the limits of normatively constructed identities (ibid.). This also causes a projected persuasion, circulating negativities about other cultures, beliefs, systems, and behaviours (ibid.). Religious minorities, especially Muslims and Christians in the Indian context, are key targets of surveillance and discrimination, especially in North India. It is worth exploring whether this may be part of a well-planned political conspiracy by elites to hold and sustain their position by pleasing the majority and targeting minorities. Surveillance in India seems more an internal problem in line with conversion, anti-conversion, and reconversion, than a matter of national security or counterterrorism. India has in fact a long history of proselytism or conversion among and between various religious communities and denominations. Significant conversions to Buddhism, Islam, and Christianity

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<sup>9</sup> Bajrang Dal is a youth wing organization of the Vishva Hindu Parishad (VHP) with ideologies based on Hindu fundamentalism. It intends to protect the Hindu identity of India from internal dangers of communism, Muslim demographic growth, and Christian conversion. In a nutshell, they want to reverse Islamic invasions and British imperialism (Deshpande 2008; Anand 2007; Bhatt 2001).

are reported and experienced by all sorts of people, lower caste people in particular. However, the present illustrations of various incidents of religious intolerance mark uneasiness with the freedom of religion in a democratic country like India (Jenkins 2008). For example, as Laura Jenkins writes: “recent calls by Indian politicians for more legislation to control ‘organized conversions’ emphasize contemporary, foreign influences and tend to ignore India’s longstanding Christian communities” (ibid.: 112).

A danger of religion occurs in the form of fundamentalism in which individuals who are permeated with sectarian fanaticism may seek to “create world-ending havoc replete with universal war, famine, pestilence, and other scourges” (Laqueur 1996: 36; Barkun 2006). With the silent consent of the present BJP-led government, a new form of religious surveillance and monitoring has been introduced by some Hindu fundamentalist groups associated with “Sangh Parivar,” the family of Hindu nationalist organisations, such as the VHP and RSS. A new movement commonly known as Ghar Wapsi has emerged, which works to ravage and destroy religious minorities from the “Hindu Rashtra” [Hindu Nation] to preserve Hindu identity. The historical background for this movement can be traced to the colonial period when it was established by fundamentalist Hindu factions, known as the “Shuddhi Movement” (Chawla 2014; Gupta 1998; Ghai 1990). Though the term *shuddhi* means purification (“purifying—freedom from defilement”), Arya Samaj [Noble Society], an Indian Hindu reform movement, as a proponent of the Shuddhi Movement, presents it as reconversion instead of purification and forcefully pushed an agenda of reconversion (Jaffrelot 2015; Gooptu 2001).<sup>10</sup> The Ghar Wapsi, or homecoming [reconversion], has become today a “campaign by the right-wing Hindu groups to transform India’s secular democracy into a Hindu state—to reconvert Christians and Muslims to Hinduism” (Rajkumar 1999: iv). In their view, it is not a conversion, but a return to one’s real home—a homecoming. The psyche behind the Hindu fundamentalist logic of homecoming can be traced from this Shuddhi Movement, which is more politicised now.

However, this can be seen as a new kind of fascism (Bijoy 2015) that restricts and potentially destroys the age-old religious pluralism and cultural diversity of India. The motive seems purely political rather than religious. For example, when Sangh Parivar tries to reconvert Muslims, *dalit* and *adivasi* (low caste groups), and Christian groups back to Hinduism, claiming homecoming, they forget or consciously conceal the fact that these groups were never a part of Hinduism to begin with. They were marginalised, excluded from the fourfold Hindu caste system.<sup>11</sup> These people were not seen as humans but as untouchables, less than human (ibid.). In this way, the Ghar Wapsi movement is merely a part of the political agenda of the RSS to curtail the growth of Christians, Muslims, and other religious minorities in India. It is also the strategy of the upper classes to secure power over the lower classes and strengthen their political supremacy (Bijoy 2015; Gooptu 2001). Analysing the differences in intentions and practices of Arya Samaj’s Shuddhi Movements, Gooptu illustrates that the aim was not to eradicate untouchability, but it was a part of a “cunning ploy to perpetuate the hold of the higher castes over the untouchables” (Gooptu 2001: 157) and to increase the number of Hindus (ibid.). The problem we find here is also the manipulation of awakening religious sentiments as Jaffrelot (2015) rightly points out: “while Hindus represent more than 80 per cent of the population, Hindu nationalists, who equate Indianness with

<sup>10</sup> It has to be noted that, as Lala Lajpat Rai (1924) states, “There was a time when the more orthodox section of the Arya Samaj used to proclaim from the housetops that they were non-Hindus; and that they were free to eat and drink and marry with non-Hindus; and that even Hindus should undergo a certain amount of *Shuddhi* before they could be admitted into the Arya Samaj.”

<sup>11</sup> The four castes are *Brahmans*, *Kshatriyas*, *Vaishyas*, and *Shudras*. This is a classification of people into four hierarchically ranked castes called *varnas* (varna means colour). This classification is according to the occupation one possesses and further determines one’s access to wealth, power, and privilege in society. The *Brahmans*, usually priests and scholars, are at the top, then come the *Kshatriyas*, or political rulers and soldiers. They are followed by the *Vaishyas*, or merchants, and the fourth are the *Shudras*, who are usually labourers, peasants, artisans, and servants. At the very bottom, even outside this fourfold categorization, are those considered to be untouchables, the outcastes who perform menial jobs and occupations considered unclean and polluting, such as scavenging and skinning dead animals. These four *varnas* or castes are then divided into specialized subcastes called *jatis*, which are groups deriving their livelihood primarily from a specific occupation.



Hindudom, continue to exploit the ‘dying-race’ syndrome to polarise society and imitate the clearly ‘un-Hindu’ proselyte tradition of the Semitic religions.” Along with the VHP and the RSS, the whole issue of “homecoming” (mass-reconversion) is promoted by the Dharam Jagran Samiti (DJS)<sup>12</sup> or Hindi Religious Awakening Front (Religious Awakening Committee). The DJS also employs the rhetoric of bringing back the lost (Datta 2015; Sharma 2014), correcting the wrong, and guiding the misled back to their true origins (Srivastava 2014). Further, it is interested in “correcting the injustice perpetrated by Christian missionaries and Muslim clerics” (Datta 2015) by propagating and inducing the people (Hindus) to establish a Hindu Rashtra, a Hindu Nation.<sup>13</sup>

This ideological inducement is propelled by vested political and religious interests and goes against the humanist understanding of the Indian constitution and the long traditional endorsement of religious freedom, described above. In the same way, the implementation of legislation that bans or criminalises conversion threatens to destroy the constitutional ideal of secularism and encourage the coercion of minorities. Simultaneously, the anti-conversion laws discussed above, which have been legislated and enforced in various states of India, provide the government with a vast area of control over the choices of citizens concerning faith and religion and endow the government with surveillance powers over people (ibid.). The anti-conversion laws, protecting the people from incursions of proselytisers, are used to monitor minorities in a broad way and often curtail the freedom of religion that the law states it is there to protect.

For example, as Saurav Datta (2015) rightly expresses:

the laws of Gujarat, Madhya Pradesh and Himachal Pradesh make it incumbent upon neighbours or villagers to inform the administration and the police of any activities of pastors, nuns and clergymen which could give rise to a suspicion of proselytising motives. Without defining what all would, and could, possibly count as “inducement” or “fraud,” these laws impose stringent criminal sanctions on violators.

This is the new form of religious surveillance experienced by minority groups in India. However, quoting Jawaharlal Nehru, the first Prime Minister of India and one who played a vital role in Indian politics before and after independence, Shoaib Daniyal (2014) states that it would be improper to establish a licensing system for the propagation of one’s faith, as this would diminish the binding nature of the constitutional protection of religious freedom and go against Indian liberalism. Although, in the landmark case of *Stanislaus v State of Madhya Pradesh* in 1977, the Supreme Court of India held the position that conversion is not a fundamental right under Article 25 and so it can be regulated by State, interestingly, it is remarkable to see that at least in principle, this ban is about conversion by force, allurement, inducement, or fraud (ibid.). Nevertheless, the lack of conceptual clarity and varied applications of the law in actual situations have tended to serve the interests of those in power. That means that any restrictions on the concept “propagation” in Article 25 amount to a violation of both the freedom of religion and the right to free speech (ibid.).

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<sup>12</sup> The DJS is a Hindu activist group of the Hindu nationalist RSS. They, either by force or with other fraudulent or inducement actions, try to “reconvert” Muslims and Christians in India back to Hinduism pronouncing it only as a “homecoming.” According to them, all Muslims and Christians in India are originally envisaged to be Hindus whose ancestors had converted to other religions, and their conversion to Hinduism is therefore regarded as a reconversion or homecoming.

<sup>13</sup> The alleged incidents of religious mass reconversion have been reported many times. For instance, there was a report of three hundred allegedly converted to Hinduism in a village in Varanasi in October 2015 (Dikshiti 2015). This can be seen as part of the agenda of DJS, which has declared its intention to ensure that India becomes a Hindu Rashtra by 2021. For example, Rajeshwar Singh, the head of the Uttar Pradesh DJS, once said that “Our target is to make India a Hindu Rashtra by 2021. The Muslims and Christians don’t have any right to stay here. So, they would either be converted to Hinduism or forced to run away from here” (Srivastava 2014).

## Pitching the Future: Appraisal and Prospects

The phenomenon of Ghar Wapsi comes under the banner of religious surveillance or forceful control over religious freedom through the understanding of another phenomenon called politicised religious vigilantism. The conceptual clarification of vigilantism with its constructive and destructive ways of behaviours is already researched (Johnston 1996). The reason to elaborate on politicised vigilantism over religious concerns focuses on religious fundamentalists today who have mounted a massive ethno-religious mobilisation to effectively “Hinduize” all the public spheres of Indian democracy (Jaffrelot 2015). A manipulated equation between Hindu civilisation and Indian identity brings a negatively deployed ethnic definition of the nation that goes against the spirit of the Indian constitution. Hindu national fundamentalists project that Muslims, Christians, and other religious minorities are outsiders who have attacked Hinduism in the past and now, if they want to become true Indian nationals, must swear allegiance to key symbols of Hindu identity (ibid.). This pervasiveness of vigilantism indicates “an alarming state of affairs for our democracy, given that it is in direct violation of the quintessential spirit of rule of law” (Kumar 2017). The Hindutva-based election campaigning, which goes unchecked, politicizes this vigilantism and goes against the above-discussed secularism in India.

Ghar Wapsi becomes another form of political campaign with the pretext of uniting the majority (those who do not belong under a typical religious banner, such as Muslim, Christian, and so on) and who are dispersed culturally and socially through the caste-based categorisation of Hinduism. It falls within the category of religious surveillance and destructive vigilantism, as it does not promote true socio-cultural emancipation and the well-being of those concerned. Hindutva vigilantes believe that their political masters silently approve violent activities against religious minorities and will intervene and negotiate on their behalf with the state and central administration if it has the brashness to act against them (Ashraf 2017). These politicised religious vigilantes are called “merchants of hate who are organised, armed, and enjoy immunity from state action” (ibid.). There is an increasing inner urge to put the brakes on religious or political fanaticism in many who are deeply disturbed by this mounting and intimidating inclination of Hindu fundamentalists and Hindutva groups who heat religious hatred, squeeze freedom, and undermine the rule of law for their vested political and religious agenda (ibid.). Creating an atmosphere of religious conflict and manipulating Hindus to think they are under siege, these groups with a hidden plan try to win more recruits and votes to their cause. This politicised religious vigilantism thus becomes part of religious surveillance and increases controls over religious minorities.

It is true that in India increased national government surveillance and monitoring practices aim to tackle crimes, terrorism, and other internal or external threats. In this way, the situation is similar to that of other nations, in the West and elsewhere. National security is the stated political motivation behind the implementation of increased surveillance practices, especially following the terrorist attack in Mumbai in 2008, and has been pitched by the government as a counterterrorism measure (Xynou 2014). However, based on constitutional rights to adhere to, practice, and propagate any religion and guaranteed protection of the same against encroachment and infringement, the national government of India has created programmes for regulatory monitoring and development to benefit all citizens, especially minority communities (US DRL 2006). The relation between national security and religious surveillance, especially unauthorised surveillance of religious minority groups, has traditionally not received much attention. Recently it has been more subject to controversy due to the increasing number of reports regarding instances of unauthorised surveillance and physical crimes as well as related human rights violations. In the case of the unauthorised monitoring and scrutiny of certain religious groups, more than the frequency of these instances, it is the sheer magnitude of the mental stress and conflict they create that draws our attention.

Nevertheless, the recent politically motivated attitude towards religious conversion and non-Hindus must be critically evaluated. Certain specific political parties have explicitly incited violence against various communities. For example, as we read in the report of the US Commission on International Religious Freedom (2015: 150), the Muslim community in India faces “significant hate campaigns perpetrated by

Hindu nationalist groups and local and state politicians that include widespread media propaganda accusing Muslims of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows.” The Muslim community agonizingly reports that “its mosques are monitored, and young boys and men are detained indiscriminately under the pretext of countering terrorism. Muslims also complain that most Indian states violate their religious freedom by restricting or banning cow slaughter, which is required for Muslims during *Eid al-Adha*—the Festival of the Sacrifice” (ibid.). The present withdrawal of hajj (the Muslim pilgrimage) subsidy by the government of India (Mathuri 2018; Saberín 2018)<sup>14</sup> is also viewed as political plotting or conspiracy. Several violations against Christians and Sikhs have also been reported, as discussed above, and are of prime concern as dialogue proceeds.

We need, at this stage, to reinstate and uphold a more inclusive national policy concerning religious freedom and tolerance in order to safeguard the country’s diversity and be true to its basic structure, guaranteed by the constitution to every citizen. As Ashis Nandy (1990: 85–86) rightly points out:

the time has come for us to recognize that instead of trying to build religious tolerance on the good faith or conscience of a small group of de-ethnicized, middle-class politicians, bureaucrats and intellectuals, a far more serious venture would be to explore the philosophy, the symbolism and the theology of tolerance in the various faiths of the citizens.

Government should regard the hindrances to religious freedom and tolerance as a serious and pressing challenge and look for new ways to promote human rights and ensure the communal harmony of the country (US DRL 2006). It is heartening to hear Prime Minister Narendra Modi pledge a commitment to freedom of faith on the stage of an event honouring Indian Catholic saints, saying: “My government will ensure that there is complete freedom of faith and that everyone has the undeniable right to retain or adopt the religion of his or her choice without coercion or undue influence [. . . and] will not allow any religious group, belonging to the majority or the minority, to incite hatred against others, overtly or covertly” (Gowen 2015). All people, those belonging to minority groups in particular, expect these words of the Prime Minister to be translated into action. As Father Savarimuthu Shankar, a spokesman for the Archdiocese of Delhi, puts it: “We want the government to take strong actions against fringe elements and all people who disturb religious harmony, especially his own party men and [right-wing Hindu] groups who make provocative statements” (Gowen 2015). The government must regard the protection of religious freedom as part of its overall policy to promote human rights.

It is highly advisable, then, to “implement effective measures to prohibit and punish cases of religious violence and protect victims and witnesses; [. . . to] recommend actions to promote religious tolerance and understanding; and [to] protect religious minorities from intimidation and violence” (USCIRF 2015: 153). In this way, in the context of the secularist principles of the Indian republic, the judiciary must uphold the same secular values and condemn any acts that distort or thwart people’s basic right of religious freedom. The recent incidents of religiously motivated violence, sectarian vigilante acts, and isolated or sporadic rioting must all be taken seriously, and legal punitive measures ought to be taken. The legality of religious surveillance must be a prime concern of the judiciary, too. The report *Necessary and Proportionate: International Principles on the Application of Human Rights to Communications Surveillance* emphasises that: “any circumstance on which surveillance can legally take place must achieve a legitimate aim that corresponds to a predominantly important legal interest that is necessary in a democratic society” (Electronic Frontier Foundation 2014).<sup>15</sup> In the same way, along with articulating law enforcement’s

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<sup>14</sup> The hajj subsidy, which was started in British India, expanded with the *Hajj Committee Act* of 1959. The Indian government recently announced the end of a decades-long policy of subsidy given to the Muslim pilgrims (Saberín 2018).

<sup>15</sup> The report attempts to elucidate the proper application of international human rights law in various human situations. This framework helps to assess and evaluate surveillance laws in line with and on behalf of human rights. It calls for surveillance laws to adhere to international human rights, such as rights to privacy and freedom of expression.

purpose, it needs to be determined how the surveillance of any minority religious community affects constitutional rights and values assured to citizens and how sufficient measures must be taken to safeguard human rights and prevent misuse of the legal system.

## Conclusion

Freedom of religion in India is constitutionally guaranteed and widely respected and practised. Yet recent laws in several Hindu-majority states have limited this freedom by criminalising religious conversions—in principle only those that are coerced—and prosecuting proselytisers. In some states, government permission is required for conversion. India is secular, though Hindus make up more than eighty per cent of the population. A group of Hindu nationalist organisations (religious fundamentalists) and some local media outlets, with a clear political purpose, promote anti-minority views. Thus, religion-based discrimination and neglect of minority communities is a continuing problem in India today. The implementation of preferential or discriminatory monitoring and surveillance based on religious affiliation is a form of social discrimination and could be, more than a competition among religious communities to affirm their status and religious superiority, expressive of political motives. Religious minorities have recently experienced an increase in harassment and violence in various forms: physical and communal violence, arson, desecration of sacred places of worship and holy texts, and the disruption of religious services. This has been largely due to religious monitoring, driven by sectarian political interests.

Hindu identity politics panders to majoritarian Hindu nationalism in India by promoting restrictive monitoring methods. This is a defining feature of contemporary national politics. Such nationalism undermines and replaces any non-Hindu religious identity or religiosity, and so it places intruding surveillance practices over religious minorities and even encourages violence in its effort to achieve an exclusively Hindu nation.

Our exploration in this paper of conflicts over the extraordinary extent of religious surveillance of minority groups, without legal or procedural cause, shows how these threaten religious freedom and the freedom of expression enjoyed by India's citizens. Besides, these recent developments of Ghar Wapsi movements contradict the country's tradition of religious pluralism and long-established socio-cultural behavioural patterns. It also in a way imposes a "mono-culture" by creating a fabricated uni-dimensional history and set of traditions in a way that is often manipulative and runs against the Indian heritage and indigenous values held from time immemorial. A strange climate and ambience of impunity exist in some states, stoking a religious intolerance that exacerbates and aggravates socio-religious tensions and conflicts within and among different religious communities.

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