Article: Anti-Love Jihad Law: An Analysis of Women’s Religious and Marital Rights

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Anti- Love Jihad Law:  
An Analysis of Women’s Religious and Marital Rights

--- Snehal Sharma

Abstract

In November 2020, Uttar Pradesh government enacted an ordinance – ‘Prohibition of Unlawful Religious Conversion Ordinance, 2020’. Since the ordinance has made the process of religious conversion and interfaith marriage complicated and prolonged in the state, it is commonly known as ‘anti-love jihad law’. This paper analyses and lays out the potential impact of this ordinance on inter-religious marriages, and how it conflicts with women’s religious, marital, and bodily autonomy. Here the author discusses the procedures of anti-conversion ordinance along with the Special Marriage Act (1954) and personal laws related to marriage to assess their impact on inter-religious couples and their prospect of getting married. The paper focuses on ‘opindia.com’, a self-proclaimed liberal right news portal that publishes news, current affairs, and opinion pieces from Hindu right-wing perspective, and it is frequently cited on social media by groups and people who believe in the conspiracy of love jihad in order to understand the discourse on love jihad and demand for anti-conversion law in various Indian states.

Key words: Demographic-dystopia, Love Jihad, Religious-conversion, Right to Religion

Introduction

Right-wing movements across the world have used the fear of ‘demographic dystopia’ and the ‘great replacement’ to mobilise people against their enemies. Though the phrase demographic dystopia was coined by Steven Gardiner only in 2006, the concept has been in use for centuries. Gardiner writes that the concept of demographic dystopia essentialises the racial, religious, linguistic, and other social constructs as the basic forms of self, social and national identification and ‘it is reified as a basis for fear mongering’ (2006, p. 75) among their communities. The community is made to believe that their total population is being reduced
because the population of ‘others’ (people who are different and belong to other caste, race, religion, nationality, etc.) is increasing and soon they will be outnumbered by them. The ‘great replacement’ is also a similar concept that suggests that a certain community is being replaced by the ‘others’. John Feffer (2019) claims that the concept of the great replacement is ‘insidious’ as it infiltrates the government and social institutions, changes the culture and society, and demands people to give birth to more children to save their community. He further informs that the idea of great replacement was introduced in France by Renaud Camus (a French white nationalist and novelist) in 2010, and since then it has been adopted by several right-wing nationalist groups across the world. In the same year, Mohan Rao wrote in the context of India that ‘[b]y engendering fear and anxiety about the future, what saffron demography successfully does is insidious: it evokes complicity in morally offensive policies among people’ (2010, pp. 7-8).

In the decade of 2010, the world has seen a high influx in right-wing movements and, as a result, several democratic countries have elected right-wing parties and leaders as head of their nations. Demographic dystopia has been used as a major mobiliser by the right-wing separatists, nationalists, and supremacists across the nations. As Feffer (2019) argued, these right-wing organisations/parties use the fear of the great replacement to urge their communities to have more and more children through endogamous marriages to maintain or grow their population. To retain their status as the majority population, these groups want to control the bodies of their community’s women, in the name of purity of their nation, religion, caste, race, etc. (Sarkar, 2018; Belew, 2018; Chan, 2019). Similarly, in India, Hindu right-wing organisations, and their followers have assumed the responsibility to maintain the purity of Hindu women. One of such measures taken by these groups is generation of ‘public awareness’ against ‘love jihad’ among Hindu families to ‘save’ the women of their families and communities from Muslim men (Huffington Post India, 2015, as cited in Strohl, 2019, p. 28). As per the anti-love jihad campaign, some international Muslim organisations (terrorist organisations like ISIS) recruit Indian Muslim men to lure Hindu women (underage or in early twenties) in romantic relationships. Further, the propaganda claims, these romantic relations are formed by trickery, as the Muslim men pose as Hindus to deceive Hindu women. Once the men trick Hindu women in their ‘love-trap’, they either try to get married or have sex with them with the aim of impregnating them. As soon as these women become pregnant or marry these men, they reveal their real Muslim identities to the women. These Hindu women
are then forced to convert to Islam and remarry according to Islamic rituals (nikah). The propagandists insist that the idea behind love jihad is to increase the Muslim population through Hindu women’s wombs (Sarkar, 2019; Tyagi & Sen, 2020).

The propaganda is supported by a consistent movement against love jihad, especially on social media. People and organisations involved in this movement have demanded for law against love jihad and conversion for marriage at both state and national level constantly for a couple of years now. As a result, various Indian states are in process to bring a law to regulate interfaith marriages and religious conversion. In November 2020, Uttar Pradesh (UP) government enacted an ordinance, named – ‘Prohibition of Unlawful Religious Conversion Ordinance, 2020 (PURCO)’. The ordinance is projected as a saviour of the vulnerable population of the state from fraudulent and forceful religious conversion. It enforces stricter rules for conversion along with familial, social, and state surveillance on any religious conversion. This ordinance has complicated the religious conversion process by adding several steps and procedures before a person could convert from one religion to another in the state. At the same time, breaking this law or not fulfilling its requirements can result into severe carceral and monetary punishments. On the superficial level, it appears that the ordinance treats all religions equally, as this law applies to the people of all faiths in UP. However, this ordinance is commonly as ‘love jihad law’ by Indian and international media, as its main aim is anticipated by various media houses to curb the ‘forceful conversion’ of women from Hinduism to Islam in the name of love and marriage.

This paper analyses the ways in which the propaganda of love jihad and subsequent enactment of laws/ordinances like PURCO have impacted the right to marry a person of choice and right to profess any religion, especially for women in the states like UP. The paper assesses the potential impact of this ordinance on inter-religious marriages, and how it conflicts with women’s religious and bodily autonomy. I have used the discourse circulating on social media platforms related to love jihad to understand the demand and popularity of laws that restrict interfaith marriages, mainly between Hindu women and Muslim men. In this context, the paper discusses the Special Marriage Act, 1954 – the constitutional provisions related to inter-religious and inter-caste marriages and recently enacted UP’s anti-conversion ordinance, and their impact on interfaith marriages in UP.
Methodology

The paper uses discourse analysis as the primary method to examine the recent online discussions and debates around love jihad that allows to situate the context of love jihad and forceful conversion in current socio-political context. The piece focuses on a couple of articles published by OpIndia, a right leaning, self-proclaimed ‘liberal right’ online blog. The artifacts (texts and images) collected from OpIndia’s website have been examined in its historical, political, and social context to discuss their affective impact on the readers. The rationale behind analysis of OpIndia’s articles is based on the website’s popularity among people, as the blog has a strong presence on twitter with 5,706,000 followers. It is bilingual (English and Hindi) and one of the most frequently cited news and opinion blog by people on the topic of love jihad. The focus of the analysis will be on OpIndia’s article titled - ‘Anti-Conversion law: Yogi government approves ordinance against unlawful religious conversions, violations to attract up to 10 years in jail’ (2020) that celebrated the enactment of PURCO in UP. The article was also posted by OpIndia on their twitter account and attracted decent readership and responses in the form of likes, retweets and comments\textsuperscript{iii}. The paper will analyse the response to the twitter post to understand how publication and circulation of such materials in online spaces impact people in offline worlds. Reading online published articles and response to those articles on twitter helps to understand how such messages ‘reverberate between spaces, bodies and psyches, producing unexpected effects’ which impacts the ‘real’ life and incidents in physical world through circulation of hatred, suspicion and ‘opportunities for resistance’ (Kuntsman, 2010, p. 300).

The History of Love Jihad

In October 2009, a young women named Anitha Moolya from Karnataka went missing. Some local Hindu right-wing organisations suggested that ‘she was the latest victim of “Love Jihad” – a name given to the belief that Muslim youths were luring Hindu women away and converting them to Islam’ (The Telegraph, 2011). However, later that month, police found out that she was killed by her lover, a Hindu serial killer who may have killed twenty women. This was the time when the idea of ‘love jihad’ was coined. Later in 2014, the concept of love jihad gained popularity through the anti-love jihad campaign during the state election in UP. Though, when the concept emerged, the phrase love jihad was being interchangeably used with Romeo jihad\textsuperscript{iv} in the initial couple of years. However, it was only during the televised coverage of Hadiya case\textsuperscript{v} in 2018 that made love
jihad became a commonly used phrase while Romeo jihad was dropped out from the vocabulary.

Since 2017, the Hindu right-wing organisations and right leaning online media such as OpIndia.com have continuously published on the topic of love jihad. Frequent publications on this subject matter have made it a major topic of national discourse on Indian twitter and other social media platforms. The articles published by OpIndia over the years related to love jihad have used the affective language to spread the feelings of insecurity and demographic dystopia among Hindus. Some of the articles’ titles read as – ‘In-laws rape and murder Hindu woman after she refuses to convert to Islam’ (OpIndia Staff, 2017); ‘Hadiya’s father’s fate awaits all Hindus if they don’t wake up to cultural challenges’ (Bhattacharjee, 2018); ‘India needs to address the issue of protection of its women with utmost urgency’ (Dosapati, 2019); ‘Love Jihad is not a figment of the “right wing” imagination, it is a real and present danger’ (Goyal, 2019); ‘Malappuram’s Love Jihad factory: Missing girls, conversions, marriages and ISIS exports’ (Sanghamitra, 2020); ‘Law against “Love Jihad” does not violate anyone’s fundamental rights: Smashing the “liberal” arguments with truth’ (Nayak, 2020); ‘It is time to free India from the evils of conversion: VHP demands nation-wide enactment of anti-conversion law to get rid of “conversion-jeevi”’ (OpIndia Staff, 2021), and so on. All these articles have been posted on twitter as well and have been used as resources and evidence by people who have been advocating for law against love jihad and forced religious conversion.

Though the phrase love jihad was coined in the late 2000s, the narrative of abduction, forced marriage and conversion of Hindu women by Muslim men is not new. Charu Gupta (2009) has traced the history of this storyline to the 1920s. During this period, Arya Samaj used the bodies of Hindu women to map the communal boundaries between Hindus and Muslims. As per Gupta’s analysis of Hindi novels and stories published during the late 19th and early 20th century, many Hindu writers have depicted Muslim male characters generally have ‘[l]echerous behaviour, high sexual appetites, a life of luxury, and religious fanaticism’ (ibid, p. 14). Paola Bacchetta argues that in the early literature of Rastriya Swayamsevak Sangh (RSS), Muslims were categorised in two groups – ‘Muslims-as-Foreign-Invaders’ and ‘Muslims-as-ex-Hindu-Converts’ and both categories were seen as anti-nationals and a threat to Hindu women (1996, p. 151). Gupta uses the image of Muslim men in popular culture during this era to discuss how the image of Muslim men as rapists and abductors of Hindu women
is created. Both Bacchetta and Gupta have indicated that the basis of such negative image of Muslim men was literature of this era instead of any concrete cases and well researched newspaper reports. Declaration of Muslim men as abductors of Hindu women also helped to dismiss any assertion by women over their own bodies and major life decisions like marriage. In the storyline that was circulated in the 1920s, women were seen as passive victims who were ‘abducted’ and ‘coerced’ in an interfaith relation, hence they needed to be ‘saved’ by men of their community (Baccetta, 1996; Gupta, 2009; Sarkar, 2019). In this case, women were stripped of any agency they had over their decision of conversion and marriage, as well as on their own bodies. Then it was unimaginable for men that women can challenge the patriarchal norms of their families and communities. Hence, any interfaith marriage between Hindu women and Muslim men automatically fell into the category of ‘forced marriage’.

Learning from the History

In the post 9/11 world, where Islam is frequently equated with terrorism, Hindu right-wing fundamentalists have utilised the image of Muslim men as ‘terrorists’ to further their own agenda of ‘Hindu nation’. Several newspapers and magazines affiliated to Hindu right-wing organisations regularly circulate ‘fictitious stories’ about Hindu women being forcefully/deceitfully converted to Islam, raped, or killed by Muslim men. Similar to the 1920s, today’s love jihad theory is accompanied by another rumor that suggests – the Muslim population is increasing exponentially, and they will outnumber the Hindu community in the next 100 years. Resultantly, Muslims will gain political and economic power over the Hindu community and curtail their religious rights. Such propaganda invokes anxiety and fear among Hindus and makes them suspicious about interfaith marriages, especially between Hindu women and Muslim men (Rao, 2010). Inter-caste and inter-religious marriages have always been discouraged and opposed in India, often times with violence. Such violence in the name of families’ and communities’ dignity are generally referred as ‘honour crimes’ which include murder, physical and mental torture, kidnapped within one’s own house, and forced marriage. Amnesty International argues that ‘[t]he regime of honour is unforgiving’ because once the shame is brought upon the family and community by a woman, the only ‘socially acceptable’ way to gain back the respect ‘is to remove the stain on their honour by attacking the woman’ (Broken bodies, shattered minds, 2001, p. 9). In 2015, a daily English newspaper reported a ‘792% spike in honour killing cases, UP tops the list’ that translated into total
251 registered honour killings all across the nation in 2015 compared to total 28 killings in 2014 (Hindustan Times, 2016).

In the context of marriages in India, Uma Chakravarti and Maithreyi Krishnaraj (2018) write that ‘endogamous marriage is ubiquitous’, and it is followed across religions (including non-Hindus). She argues that the cultural, social relations and hierarchy in a caste-based society is very much depended on ‘specific marriage structures’. Any change to such marriage practices not only affects the marriage system, but it also challenges the caste-based hierarchical social relations. Hence, ‘love’ as the basis of marriage is seen as a threat in such societies because it has the potential to challenge the social hierarchy and relation based on caste and religion. In such cases, elopement and civil marriage are common ways chosen by inter-caste and interfaith couples (Chaudhari, 2018, p. 7). Many times, such marriages are never accepted by the families or communities and could lead to honour crimes against the couple. Up until the decade of 2000s, despite all the opposition and violence, such marriages were commonly referred to as ‘love marriage’ as opposed to arranged marriage (Mody, 2006, pp. 225-226). However, in the past decade, most romantic relationships between a Muslim man and a Hindu woman are categorised as love jihad and are seen as ‘religious terrorism’ by Muslims against Hindus. The allegations of love jihad at inter-religious marriage changes the meaning of such relations as ‘ordinary life is transformed into a feverish kind of fantasy in which a seemingly impulsive interaction-flirting-could turn out to be part of a jihadi that demands intervention from the state conspiracy’ (Gökarıksel, Neubert & Smith, 2019, p. 572). In past as well, families and communities have joined hands with the state against ‘wrong sexual unions’ in the aftermath of partition (Das, 2007, p. 33). However, ‘the coming together of state police, family controls and Hindutva organisations to destroy such love’ is new (Sarkar, 2018, p. 10).

The coming together of state police, family and Hindu right-wing organisations also indicates that they are serious about ‘saving’ Hindu women. However, unlike the 20th century campaign against Muslim abductors, the anti-love jihad campaign of 2010s recognises the agency of women over their decisions and bodies, and so, they are involved in awareness generation campaigns against love jihad across the country with a focus on adolescent girls and young women (for more details, see Tyagi & Sen, 2020). Interestingly, on one hand they are aware that women have the right to marry anyone, despite religious and caste differences. While, on the other hand, they project women in such relationships as
‘gullible’ and ‘love-blind’ who cannot see that their boyfriends do not want to marry for love, but only to further their religious agenda. This assumption that women need protection of the men of their families, communities, as well as from the state, because they are intrinsically incompetent to make ‘right decisions’ is aptly proved in Hadiya’s case. In this case, not only her family but also the High Court proved this point by putting an adult woman into judiciary supervision and annulling her marriage that was by no means legally invalid. The campaign against love jihad has ‘also exposed grave anxieties and fears over women’s independent and individual expressions of love, desire and intimacy’ (Gupta, 2016, p. 294; Tyagi & Sen, 2020, pp. 105-106).

**Liberal Right Narrative: OpIndia**

OpIndia claims to be a ‘liberal right’ news portal that does not mirror the Indian mainstream media. Its editorial board writes that they believe in the right to free speech, but in their editorial guideline they have mentioned that they ‘won’t entertain the usual left-liberal narrative’ as they are not obliged to do so (OpIndia, 2015). The ‘about us’ page of OpIndia informs its readers that it is ‘a news and current affairs website’. They put their scope of work as – ‘We publish opinion articles, analysis of issues, news reports (curated from various sources as well as original reporting) and fact-check articles’ (OpIndia, 2020). The portal was founded by Rahul Raj and Kumar Kamal in December 2014, the same year when Bharatiya Janata Party (BJP) came in power (May 2014). Rahul Raj left the organisation in 2019 because as per him, OpIndia has become the mouthpiece of BJP. Raj explained this in a tweet posted on August 9, 2019 (see the tweet given below).

![Rahul Raj explained on twitter the reason to leave OpIndia](Image 1)

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India administers 100 crore coronavirus vaccine doses in less than 10 months: Here is how ‘Sarve Santu Niramaya’ manifested itself

India on October 21, administered over 14 lakh vaccine doses by morning as cumulative vaccination coverage crossed 100 crore.

BIP MP Anantkumar Hegde writes to CEC: Tyres to make ad, showing use of ‘namaz on roads’, loudspeakers in mosques: Full text of letter

Bangladesh: Man who triggered communal violence against Hindus by placing Quran at Durga Puja venue identified as Iqbal Rossain

Editor’s Picks

Tulsi Gabbard condemns violence against Hindus in Bangladesh, asks ‘supposedly secular’ Hasina Govt to take action against Jihadists

‘Chunari Hindu’ Rahul Gandhi says Ramayana author Valmiki gave the ‘idea for India’s constitution’
Advertisements seem to be the major source of the portal’s income (see image 2). Along with advertisements, the portal also appeals for financial support to its readers. In their ‘support us’ appeal they write:

*Whether NDTV or “The Wire”, they never have to worry about funds. In the name of saving democracy, they get money from various sources. We need your support to fight them. Please contribute whatever you can afford.* (OpIndia, n. d.)

They further claim that – ‘The mainstream media establishment doesn’t want us to survive, but you can help us continue running the show by making a voluntary contribution’. Unlike mainstream news portals, OpIndia does not ask its readers to subscribe to their newspaper to access its contents. As a result, anybody can access all their articles, archives, reportages, editorials, etc. without any subscription. The support us message further clarifies that the amount paid to them is not a donation but financial support from readers who value their work. Their support us appeal is based on the rhetoric of ‘fighting with others’. They write that their business model is based on presenting a different narrative than the mainstream media, and they emphasise that the people who believe in their side of the story/narrative as opposed to the mainstream media, should consider paying them for the content they read on their website (check OpIndia’s support us page - [https://www.opindia.com/support/](https://www.opindia.com/support/)).

Another important message that is projected on almost all pages of the portal is an appeal to Hindus to share the stories of discrimination and persecution they have faced due to their religion and ‘prevalent Hinduphobia.’ It appears, OpIndia constantly uses the victimhood framework to attract its reader base. The message given in the poster suggests that Hinduism and Hindus and Hindu temples are under constant attack. Even forceful conversion of Hindus to Islam is rampant. It generates an affective atmosphere of fear that may result in frustration and anger among the readers. At the bottom of the right-hand side, the poster shows a tied hand just above the ground as the background image that indicates the struggle of Hindu people, who according to the poster are being persecuted due to their religion (see image 3). The hand also represents the effort of the Hindu community that is trying to break free from their oppressors (Muslims and even secular Hindus and people who believe in equal rights for everyone). The poster has also appropriated the slogan ‘Black Lives Matters’ and ‘Dalit Lives Matters’ by writing ‘Hindu Lives Matters’ at two places (on the right side in white font).
Demand for Anti-Love Jihad Law

A tweet about a Hindu girl from Mumbai was shared in November, 2019 by a twitter user, Shefali Vaidya. She writes:

_Sameer Khan seduced Hindu minor Neha Vishwakarma, encouraged her to steal her mother’s jewellery and then killed her because she did not steal enough! And they say #LoveJihad doesn’t exist. But what is it with Hindu girls? Why do they fall 4 guttersnipes?

This tweet was liked by 3000 people, 1.9 thousand people retweeted it and 120 people commented on it. Mahesh, a commentator, blames Hindu parents and film industry for such mishaps. He writes, ‘[b]ecause we Hindus have stopped giving sanskars to our children…’. In similar reply, another commentator Swadeshi writes:

_Can we spend a moment on how less these girls are educated about reality? And how less they know about Indian history and
the faith from other side? Some pay the price of parents’ secularism while others of media houses.

Another tweeter user @muthuShiv asks for some ideas and plan on, *[h]ow to prevent young Hindu girls who are in schools & colleges #LoveJihad & #LoveConversion pervert vultures?*

There were 5 comments on this tweet. One of the commentators suggested that children should be informed about love jihad and conversion since young age and parents should keep close eyes on their children, act on any sudden changes in children’s behavior and if possible, mothers should sleep with their daughters in same room. Another twitter user recommended that children should be taught about Hindu religion and its superiority to other religions to stop conversion from Hinduism. Other commentators have discussed the availability of sexual contents on the internet and its impact on ‘hormonal youths’, and the need to educate parents about Hinduism so that they can develop capability to pass on good moral and religious values to their children.

These tweet and comments mentioned above are just a sample of persistent discourse on social media related to love jihad. People who believe in this conspiracy have continuously demanded for solutions to deal with it that includes the demand for a law that can control love jihad. To understand this demand, I used the key words ‘need of love jihad law’ on twitter search bar. As a result, plenty of tweets appeared that demanded such law. It can be said that the persistent demand for anti-conversion/anti-love jihad law was fulfilled by the UP government in 2020. They passed ‘the Prohibition of Unlawful Religious Conversion Ordinance’ on November 24, 2020 and promulgated on November 27, 2020. On the same day (November 24), OpIndia published an article named – ‘Anti-Conversion law: Yogi government approves ordinance against unlawful religious conversions, violations to attract up to 10 years in jail’ (OpIndia Staff, 2020). The article is 311 words long and gives basic information about the ordinance and provisions of punishments under this ordinance. The subheading of the article – ‘Home Dept of the Uttar Pradesh had earlier sent a proposal to the law ministry to bring strict law against Love Jihad’, suggests that it is framed as a weapon to tackle incidents of ‘love jihad’. The first paragraph of the article describes what love jihad is and how it impacts the Hindu community and especially through Hindu women’s forceful conversion to Islam. At the end, the article highlights that Allahabad High Court announced that any conversion just
for the sake of marriage will be invalidated and UP Chief Minister has warned Muslim men against indulging in the crime of love jihad.

Same day, the article was also posted on twitter (OpIndia.com, 2020) where it received 1,629 likes. It was retweeted 397 times (fifty-two times with quotes/comments) and it had a total of forty-three comments. Out of these forty-three comments, twenty-two were in favour of the ordinance, eleven were against it (four tweets are from the same account/person) and one was unrelated (self-promotion). For some reason (may be the accounts are private or deleted) only thirty-four comments were visible. Twenty-two comments have welcomed the ordinance and praised the UP Chief Minister (CM) Yogi Adityanath for bringing this law. Three hashtags have been used multiple times to praise him that loosely translate as – ‘Confidence is there because of Yogi’; ‘Because of Yogi ji daughters are safe’; ‘Trust is there because of Yogi’. All these slogans like hashtags show the support for the ordinance, as well as for Yogi Adityanath led BJP government in UP. However, among these the first hashtag – #Yogi_hain_to_yakin_hain (confidence/trust is there because of Yogi) is very popular on twitter, mainly in the context of upcoming UP state election.

**Fundamental Rights vs. Cultural Rights**

As per the Constitution of India, ‘right to life’ is one of the fundamental rights granted to all Indian citizens. This right cannot be alienated from Indian citizens without proper legal procedure. As an extension to the right to life, people of India have the right to family and marriage. Additionally, the Indian law recognises and allows marriages of interfaith and inter-caste couples. The Special Marriage Act of 1954 has made provisions for such exogamies. As per this act, any adult (women should be at least 18 years of age and men 21 years old) can get married to a person from different caste/religion by registering their marriage in court under this act. To get married under the Special Marriage Act, people do not need to convert to their spouse’s religion, and it upheld their right to profess any religion they want to. However, under all Indian personal laws, one can marry only with a person of same religion. Consequently, the only legal way to get married for any inter-religious couple is to register their marriage under the Special Marriage Act. However, registration of marriage under this act is neither an easy nor a fast-track process. According to the regulations of the Act, a couple needs to fill an application for the registration of marriage and submit it to the marriage registrar. Once the application is approved by the registrar’s office, a
public notice is posted for thirty days outside the office that provides details of the couple. If no one objects to the marriage, the couple can get married after thirty days. But if someone objects, the registrar will investigate the matter that can delay the marriage for at least a couple of months (Choudhary, 1991, p. 2981).

The wait period of minimum thirty days is often risky for an interfaith or inter-religious couple who wants to get married against their families’ will. Since the notice of marriage is published on a public notice board, it is very easy for the families and relatives of the couple to know about their intention of elopement and marriage. This regulation makes it difficult for such couples to get married without letting the news spread that could put their freedom and safety in jeopardy. In such cases, many women fear that either their parents will imprison them in the home or will forcefully marry them to someone else chosen by the family. There are very high chances that the family and relatives of the bride and groom will use violence against them. There have been plenty of cases where lovers have been killed or a false police case of abduction and rape has been filed against the man (Mody, 2002; Sarkar, 2019). Perveez Mody writes that one of her informants told her about the Hindu right-wing cells that function as vigilante public (Banaji, 2018) and regularly scan the list of marriage applicants to keep an eye on Hindu-Muslim weddings. This act of meddling with law and its beneficiaries is described by Mody as ‘a wholesale political appropriation of the law’ (2002, p. 256). The rule of publishing the couples’ information in public puts the onus of safety on the petitioners themselves and they will be rewarded with the marriage by the law if they survive the waiting period.

Due to such provisions under this act, desperate couples are left with only one option – getting married as per the personal law that needs both persons to belong to the same faith. In such cases, many times one person converts to another person’s faith for the sake of getting legally married (Mody, 2013, p. 52). Here the important point is – when a Hindu woman, who gets married by converting to Islam to make the process of marriage faster, could be seen as a victim of forced conversion. As a result of conversion in today’s communally polarised situation, the marriage could be interpreted as a case of love jihad. The provision of personal laws as well as Special Marriage Act do not leave many options for the couple because without being legally married, they cannot seek legal protection, especially if the girl can be proved to be a minor in terms of age (less than 18 years of age).
In addition to the rules of Special Marriage Act, enactment of the Prohibition of Unlawful Religious Conversion Ordinance, 2020 has made the process of interfaith marriages lengthier and riskier. If any person wants to convert their religion or get married to someone of another religion, then they have a minimum wait period of two months. The ordinance clearly states that any religious conversion for the sole purpose of marriage will be unlawful and such marriages will be legally void. The ordinance mandates that if a person wants to change their religion, they need to apply for it to the District Magistrate (DM) of their area at least sixty days in advance from the intended date of conversion. Simultaneously, the religious convertor who is doing the conversion procedure also needs to file a separate petition thirty days in advance. Once the application procedure is completed by both parties, the DM will investigate the case with the help of local police to ensure that the conversion is willful and does not violate any of the rules and provisions of PURCO. Meanwhile, DM will publish the notice of conversion in the public (on their office building’s notice board) for a period of sixty days, and any family member or relative can object to conversion during this period. If the investigation satisfies the need, the DM will overrule the objection and give the permission for conversion to both the person who is being converted and the converter. If not, the DM may deny the conversion petition. In case of success, the applicant who has converted needs to appear in front of the DM within twenty-one days of conversion to confirm their ‘identity and the contents of the declaration’. Failure to do so will invalidate their conversion.

Similarly, in case of an interfaith marriage, a couple needs to apply at least sixty days in advance if either man or woman wants to convert to the religion of their spouse before or after the marriage. They also need to follow the same steps as mentioned in the previous paragraph for religious conversion. If the procedures are not completed as directed in the ordinance, or during the investigation if there is a sign of misrepresentation, force, undue influence, coercion, allurement, or fraud, the marriage and conversion will not be permitted. If the conversion or marriage has already taken place, it will be considered void. In addition, people who have been part of conversion/marriage will be charged as parties to the offence and burden of proof will lie on them, as the offence under the ordinance is cognizable and non-bailable. Usually, the crimes that fall under cognizable cases in India are serious offences like, murder, rape, theft, culpable homicide, etc. Fraud and cheating are considered non-cognizable offences. However, under PURCO, the conversion/marriage due to fraud is placed under cognizable offence.
When we read the rules of PURCO along-side the guidelines of the Special Marriage Act, 1955, it becomes clear that the ordinance has taken away any fast-track means of getting married for inter-religious couples. Now they can marry only after thirty days waiting period if they decide to marry in the civil court or after sixty days, if one of them wants to convert their religion. In both processes, the information about the marriage or conversion will be posted in public and that can create a life-threatening situation for interfaith couples, as marriage is still a very contentious issue and a matter of family and community’s honour and dignity. Though the Constitution of India guarantees the right to profess any religion, this ordinance in UP creates hurdles in the way to do so, mainly in cases when a person wants to follow a religion in which they are not born. The ordinance allows any relative by blood, adoption, or marriage to file a complaint against religious conversion and interfaith marriage, which gives immense power in the hands of family members who can use these legal maneuvers if needed.

If a man from non-SC or ST community is converted from one religion to another by force, greed, or fraudulent means, then the offender can be imprisoned for 1-3 years. However, in the case of conversion of women, and people from Schedule Castes (SC) and Scheduled Tribes (ST), the provision of incarceration is even more stringent. If it is proved that any woman, SC, or ST people have been converted through misrepresentation, force, undue influence, coercion, allurement, or fraud, then the offender can be imprisoned for 2-10 years. Special provision for these three categories of state population indicates that these people are ‘infantile’ and ‘naïve’ in the eyes of lawmakers. Despite the legal right to personhood, the provision of PURCO gives priority to religious and community rights over individual rights by allowing other people of the family to file complaints against one’s marriage or religious choices. The ordinance indicates that women, SCs and STs are inherently incapable of making right decisions for themselves and need special provisions and protection from the government. The religious and cultural relations have traditionally treated upper caste men as intellectually superior, while women of all castes and men from SC and ST communities as intellectually less capable, and the UP’s anti-conversion ordinance seems to adhere to that tradition.

**Conclusion**

The title of an article published in NDTV indicates how PURCO has started negatively affecting interfaith couples. The title, ‘How UP’s new anti-conversion
law is being used to harass Hindu-Muslim couples: The law, which came into force in the form of an ordinance on November 28, is seen as giving legal teeth to the BJP’s battle against so-called “love jihad”, makes it clear that the ordinance is being used by Hindu vigilantes to restrain the ability of getting married of interfaith couples at local level. The case study given by the author of the article shows that a couple got married in July 2020, four months before the enactment of the ordinance. Still, the woman’s husband and brother-in-law have been arrested on the basis of the complaint filed by the woman’s mother of forceful conversion. As per an article by Indian Express, within one month of enactment of the ordinance in UP, fourteen cases were registered and forty-nine people were arrested under PURCO. Out of these fourteen cases, only two were filed by the women themselves.

Women’s right to profess a religion or to marry a person of their choice has always been at odds with their community. To settle the communal and ethnic identity conflict – ‘women are the ones who are often targeted first’, as the community and state regulate their sexuality to map the differences between communities (Kandiyoti, 1991, p. 443, as cited in Menon, 2005, p. 59). Ritu Menon argues, ‘[f]amily, community and state emerge as the three mediating and interlocking forces determining women’s individual and collective destinies, and religious identity and sexuality as determining factors in their realisation of citizenship and experience of secularism’ (2005, p. 60). Till date, family laws are followed in India in matters related to marriage, divorce, inheritance, adoption, etc. These laws are still rooted in the traditional morality, colonial interpretation of religion and custom. Women are not able to access the constitutional rights to equality in most spheres of life in their individual capacity. Hence, when we discuss the case of love jihad and PURCO, we need to highlight the underlying assumption behind such laws that gives priority to community over individual women.

The narrative of horrible married life with a Muslim man is created to control Hindu women and to define the category ‘other’. People who spread such stories of conservatism and cruelty of Muslims have created the image of Hindus as victims who have been exploited and converted by Islam for centuries, and now it’s their chance to fight for ‘justice’. As Sara Ahmed argues that emotion of hate helps to create the ordinary people as victims – in this case, Hindu population in India believe in their victimisation by others whose mere presence is sufficient to harm the ordinary people. She finally claims that ‘[t]he bodies of others are hence
transformed into “the hated” through a discourse of pain’ (Ahmed, 2004, p. 118). Along with the discourse of pain, the discourse of fear is also at work in this context. Gokariksel et al. (2019) define this fear as ‘demographic fever dreams’ (p. 562), because like a dream during fever, the discourse of demographic dystopia and the great replacement also lack coherence and play on emotions to appeal for political actions against the others to save their race, religion and the nation. Such imaginations distort the data and facts and obscure the real condition of ‘demographic patterns of migration, birth, or mortality to dismiss or undermine class tensions and create fictitious communities of homogeneity’ (ibid, p. 563).

The creation of endogamous Hindu society to establish moral and religious superiority of Hindus over Muslims and other minorities is a priority of vigilantes involved in anti-love jihad campaign. Muslim men, who are already under constant surveillance by the state, due to association of Islam with terrorism, are now additionally surveilled by the society. For example, in December 2017, a Hindu man hacked a Muslim man and then he burnt him because of the suspicion that he is ‘planning to commit love-jihad’ (Singh, 2017). The culprit filmed the whole incident and then put it on social media (Facebook). Such violent incidents clearly show the impact of the circulation of affective materials between the digital world and the real world. The recent development on social media against love jihad and in favour of PURCO in UP and various other states are meddling with the fundamental rights of right to marry and right to religion. It looks like, soon there will be no space for love, romance, and marriage for people of different communities. This is an attack on people’s everyday experiences, as well as on their intimate relations and spaces.

Notes:

i See newspaper articles published by Hindu right-wing media. For example, ‘Love Jihad is not a figment of the “right wing” imagination, it is a real and present danger’ by Shashank Goyal published in OpIndia on May 2, 2019, https://www.opindia.com/2019/05/love-jihad-is-not-a-figment-of-the-right-wing-imagination-it-is-a-real-and-present-danger/


iii Twitter is a micro-blogging and social media website that allows to exchange short messages known as tweets. Anyone can follow any person who is a twitter user and messages posted on twitter are public unless a person has made their account private. Tweets are now 240 characters long. Photos and videos can also be posted as tweets. Twitter users can retweet (share) someone else’s (anybody) tweets to promote that message or comment on any tweet to express their feeling and opinions. In July 2021, India ranks third in terms of twitter users with total 22.1
In 2017, Hadiya married a Muslim man named Shafin Jehan, whom she met through a marriage portal. Due to the judiciary surveillance, the newlywed couple appeared before the High Court of Kerala in May 2017 and informed about their marriage. In response, the court annulled their marriage without any reasonable excuse, and forcefully sent Hadiya to her parents’ house. Subsequently, Jehan appealed against the judgement in the Supreme Court of India. In the attempt to determine the case, the Supreme Court appointed the National Investigation Agency (NIA), a government organisation that investigates cases of terrorism, to investigate this case. The NIA presented some vague evidence and claimed it to be a case of love-jihad. In March 2018, Hadiya’s marriage was reinstated due to her statement about her willful conversion and marriage, the immense pressure from women’s rights organisations across India, and the absence of any concrete evidence from the NIA.

I have cross-checked various such cases published in OpIndia. Most of these cases were not reported in any local or national newspapers. The ones that were reported have given very vague evidence and there was no follow-up article on such cases. For example, check this news - https://navbharattimes.indiatimes.com/metro/mumbai/other-news/be-killed-with-whom-he-escaped/articleshow/71996573.cms. There is no follow-up report that suggests what happened next or about the trial of the case in the court. I also couldn’t find the case published in any other newspaper.

In the past decade, there have been numerous occasions when the right-wing Hindu organisations and people affiliated to them have appealed Hindu families to reproduce more children to maintain the majority population status of Hindus in India. Please see the following link for news related to such appeals – ‘India MP Sakshi Maharaj: Hindus must have more babies’ (BBC News, 2015) https://www.bbc.com/news/world-asia-india-30706431


Honour killings are a category of murder that is committed by family, relatives and community in the name of family’s and community’s honour.

Also see, PEW Research Center’s survey – ‘Religion in India: Tolerance and Segregation’. It depicts that most Indians believe that they need to stop interfaith marriages. As per the report, ‘Roughly two-thirds of Hindus in India want to prevent interreligious marriages of Hindu women (67%) or Hindu men (65%). Even larger shares of Muslims feel similarly: 80% say it is very important to stop Muslim women from marrying outside their religion, and 76% say it is very important to stop Muslim men from doing so’, https://www.pewforum.org/2021/06/29/religion-in-india-tolerance-and-segregation/

If a twitter account is private, then the content posted by that account will not be visible to the general public. Only
people who follow the account can see and react to the tweets posted by that account. In case, if a twitter account is deleted, their posts will not be visible.

xi ‘A hashtag—written with a # symbol—is used to index keywords or topics on Twitter. This function was created on Twitter, and allows people to easily follow topics they are interested in’ (Help Center, n.d. https://help.twitter.com/en/using-twitter/how-to-use-hashtags)
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