

India's Narrow Path to Religious Freedom

Shimla apples are world-famous. They are grown in the north Indian hill state of Himachal Pradesh whose capital, Shimla, also was the summer capital of British India. The famous red delicious apples, though, owe their fame to a young American Quaker, Samuel Evans Stokes, who brought the special apple strains from the United States to Himachal Pradesh, making it the second-biggest apple producing state in India.

Stokes, inspired by an American missionary's work among leprosy patients in the Shimla hills, sailed the seas hoping to be a Quaker **missionary** there. Moved by the plight of the locals, he decided to fight poverty by transforming the economy of the region by helping create hundreds of apple orchards by bringing in a special strain of apple from the U.S. in the 1920s. Evans became to the hill state nestled in the Himalayan ranges what Johnny Appleseed was to the American heartland of the early 1800s.

As apple orchards bloomed and the economy boomed, so did Stokes' love for India: He married a local girl, crusaded for **social justice** by taking on British rulers, became the only American to fight along Mahatma Gandhi in India's freedom struggle, and converted to Hinduism, changing his name to Satyananda before dying in the hills, age 63, in May 1946.

Shimla, the summer capital of British India, didn't bristle with anti-conversion rhetoric so common today, because Stokes made his decision to become Hindu freely, of his own will. Of course, in India, it's never been unpopular to convert to Hinduism. Now, it seems, India is testing whether it can tolerate less popular, yet equally freely chosen, conversions away from Hinduism.

A two-judge bench in Himachal Pradesh believes it must. On Aug. 30 it struck down provisions of the state's 2006 Freedom of Religion Act that required a 30-day notice period for those who intended to convert from one religion to another. To the Evangelical Fellowship of India, which brought the lawsuit, and other minority religion leaders closely monitoring the ramifications of the judges' order, the concept of free will—choice, and the freedom to choose—will be the most important legal principle to emerge from the ruling.

The judges basically observed that the state had no role to play if anyone exercised his or her own will to convert. They noted red flags would go up if conversion was the result of force, fraud, or inducement, and if it threatened the secular fabric of India.

Semitic, Abrahamic faiths such as Islam and Christianity are the key targets of these anti-conversion laws. Conversion to Hinduism, contrary to popular definition, is sought to be viewed as “return to the faith of the forefathers.”

H.T. Sangliana, vice chairman of India's National Commission for Minorities, charged with safeguarding the legal rights of India's nearly 20 million minorities, said this development could have “some cascading effect across the country.” Other **persecuted** groups, he said, may find encouragement in the ruling and approach the courts in other states where such laws are in place.

Yet he said the commission remains concerned about states' rush to pass new **anti-conversion laws**, taking their inspiration from a document nearly as old as the Indian government itself. India's constitution, adopted in 1950, was drafted by B.R. Ambedkar, a Dalit educated at Columbia University and London School of Economics who later converted to Buddhism. The charter provides guarantees and protections including freedom of religion and its propagation.

Just six years later, the government formed a commission, headed by Justice MBS Niyogi, former chief justice of the Nagpur high court, and including a Christian professor, SK George. The commission's first job was to investigate Christian mission activities, but its report also recommended statutory restrictions against conversion, and has influenced several anti-conversion bills across India.

Some of the commission's recommendations, long dormant until the rise of the Hindu nationalism, if widely adopted would leave Christians occupying the slimmest of legal territory within India. One example: "[A]ttempts to convert by ... penetrating into the religious conscience of persons for the purpose of consciously altering their faith, should be absolutely prohibited."

Another recommendation: "[R]ules relating to registration of doctors, nurses and other personnel employed in hospitals should be suitably amended to provide a condition against evangelistic activities during professional service"

In other words: Mother Teresa is welcome, a silent servant whose actions spoke louder than any preacher's words. Anyone who wants to actually speak up about Jesus would have much less room to maneuver. This narrow lifeline in the law, upheld and confirmed by the Himachal Pradesh court last month, is what anyone who is not Hindu must rely upon for protection.

A former Supreme Court judge, K.T. Thomas, speaking at a public lecture in Bangalore in 2007, underscored this note of caution for the minority community, saying "no legislation has imposed any restriction on conversion if it is done by one's free will."

In their ruling, Shimla high court judges have gone beyond the usual fusillade of anti-Christian charges against Hindutva ideologues such as the nationalist Bharatiya Janata Party, or BJP. They have shown that the seeds of anti-conversion

legislation were not sown just in the recent past. Political leaders of so-called secular parties such as the Congress Party, which prides itself as the savior of minorities, have been equally responsible in fanning the anti-conversion flame over the years.

“The biggest priority for the church leaders is to first understand how the Indian Constitution works and go with its guidelines,” Sangliana said. “All those involved in the work of the gospel must bear in mind the sensitivity of the situation when sharing their message. Free will is the key, not force or inducement, and this is where much teaching and guidance within the community would be required.”

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