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Conversions to Other Religions Vis-A-Vis Conflict of Matrimonial Laws in India: A Socio-Legal Study

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Abstract: It has been stated in the Constitution of India that freedom of religion is one of the fundamental rights of the people. According to secularism, every citizen of the country has a fundamental right to practice his or her religion. Though practicing a particular religion or changing to other religion is a right but it is matter of great concern that people are converting to other religion due to personal interest on other religion or to get some favour or facilities. So, religious conversion has become the subject of passionate debate in contemporary India. From the early 20th century onwards, it has surfaced again and again in the political realm, in the media and in the courts. During the last few decades the dispute has attained a new climax in the plethora of newspapers, journals, and books whose pages have been devoted to the question of conversion. The most debatable question is if a person exercises the right to conversion and changes his religion then what conflict of law situations it can create under the matrimonial law? In the present paper the author has made an attempt to focus on how the people are lured to convert to other religion especially in the District of Kandhamal of Odisha and the author has tried to justify with the help of a case study. In addition to this, the author has made an attempt to define the concept of religion, religious conversion and its impact. The author has also concentrated on the religious conversion vis-a-vis conflict of matrimonial laws in the light of decided cases. At last, suggestions are made for preventing anti-conversion and to enact a comprehensive law in this regard in India.

Keywords: Constitution, Religion, Conversion, Matrimonial, Conflict, Comprehensive etc.

INTRODUCTION

The right to freedom of religion is a fundamental right guaranteed under Article 25 of the Constitution of India. It means the freedom of conscience and the right to profess any religion which includes the freedom to change the religion as well. This freedom or right to convert from one religion to other is also recognised under the international law. The Universal Declaration of Human Rights under Article 18 recognizes the freedom of right to convert or change the religion [1]. Hence, Right to conversion is a right available to every individual. It is the right of a person to quit one religion and embrace another voluntarily. Conversion has far reaching consequences both legal and social. The freedom of conscience and the right to

profess, practice and propagate religion is enshrined in Article 25 of the Constitution.

What is meant by religion?

In common parlance, Religion is a system of faith and worship of supernatural force which ordains, regulates and controls the destiny of man kinds.

The Merrian Webster Dictionary defined, Religion as an organized system of faith and worship, a personal set of religious belief and practice, a cause, principle or belief held to with faith and order.

The Oxford Dictionary defined, Religion is the belief in a super human controlling power, especially in personal God or Gods entitled to obedience and worship.

Swami Vivekananda perceives religion is based upon faith and belief and in most cases consists only of different sect of theories that is the reason why we find all religion quarrelling with each other.

¹ Article 18 of UDHR says "Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

According to Sage Aurobindo, The quest of man for God is the foundation for religion & it's essential function is the search for God and the finding of the God.

According to Dr. Radhakrishnan, Hinduism is the main aim of the Hindu faith is to permit image worship as the means to the development of the religious spirit to the recognition of the Supreme who has his temples in all beings.

The dictionary [2] meaning of the religion is "a belief binding the spiritual nature of man in a super natural being as involving a feeling of dependence and responsibility, together with the feelings and practices which naturally flow from such a belief".

Religion is a system of communal beliefs and practices relative to superhuman beings [3] John Huxley [4] in his book [5] while discussing about religion says-

"Religion is the product of a certain type of interaction between man and his environment".

In *Shirur Mutt case* [6] the Supreme Court while explaining what religion is, has observed that-

"Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well known religion in India like Buddhism and Jainism which do not believe in God or in any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as a conducive to their spiritual well being, but it would not be correct to say that religion is nothing else but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and modes of worship which are regarded as integral parts of religion and these forms and observances might extend even to matters of food and dress."

From the above discussion it is very clear that a precise definition for religion is not possible.

² Webster Comprehensive Dictionary.

³ Merriam-Webster's Encyclopedia of World Religions.

⁴ English biologist and writer who did research on evolution ad how an organism develops from egg to adult. He was well-known for popularizing science in the layman through dozens of books and radio broadcasts. He was the first director general of UNESCO, the United Nations Educational, Scientific, and Cultural organization(1946-48)

⁵ Man in the Modern World. P. 130.

⁶ AIR 1954 SC 282.

When it is difficult to define what religion is, it is more difficult to define what change of religion is?

Hence, from the above definition and meaning, we can say that there is no universally acceptable definition as to what exactly religion mean. It is nothing but a belief or faith in the existence of a Supernatural Being and the precepts which people follow for attaining salvation. Religion may be regarded as belief and patterns of behaviours by which human try to deal with what they view as important problems that cannot be solved through the application of known technologies and techniques of organization. To overcome these limitations people turn to the manipulation of supernatural beings and powers.

Religion also consists of various rituals, prayers, songs, dances, offerings and sacrifices, through which people try to manipulate supernatural beings and powers to their advantages. These being and power may consist of Gods and Goddesses, ancestral and other spirits or impersonal power either by themselves or in various combinations.

What is meant by religious conversion?

Etymologically, religious conversion is the adoption of new religious beliefs that differ from the convert's previous beliefs. It involves a new religious identity, or a change from one religious identity to another. Conversion requires internalization of the new belief system. It also connotes the adoption of a set of beliefs identified with one particular religious denomination to the exclusion of others. Thus "religious conversion" would describe the abandoning of adherence to one denomination and affiliating with another. It implies a new reference point for one's self identity and is a matter of belief and social structure—of both faith and affiliation [7].

Religious conversion means adopting a new religion, a religion that is different from his previous religion or religion by his birth. There are various reasons for which people convert to different religion:

- Conversion by free will or free choice
- Conversion due to change of beliefs
- Conversion for convenience
- Conversion due to marriage
- Conversion by force

How to ascertain that a person has converted and changed his religion?

A person is said to have changed his religion, if he quits one religion and embrace another voluntarily. There can be several reasons for a person to change his religion. He might have felt that the religion in which he was born is not up to his expectations, spiritual or

⁷ The Wikipedia explanation.

rational or may feel that another religion is more spiritual or rational than his religion. He may be fed up with the rigidity of conversion. Apart from all these reasons, a person might have changed his religion with some ulterior motives, just to derive the benefits available in the other religion which is not available to him in his own religion. For example, in election related cases change of religion may take place to contest in election from constituencies reserved for particular category of people. Often the Muslim religion is very attractive for Hindu husbands because it permits to have more number of wives. But whatever may be the reason for conversion, whether it is bonafide or it is always difficult for the courts in such cases to ascertain whether there was conversion from one religion to other. Because freedom of religion is guaranteed, conversion and re-conversion to any religion is recognized, but how it should be laid down in any legislation [8].

Judicial Approach

In the landmark case of *Betsy and Anr. v. Nil* [9] the same problem was faced by the Kerala High Court. In this case, a boy who is Hindu by birth and a girl who is Christian by birth got married according to Hindu rites and ceremonies. When they applied for divorce by Mutual consent under the Hindu Marriage Act, 1955, the Family Court, Thrissur dismissed the case saying that no matrimonial remedy can be granted to them because their marriage is not a valid marriage though the girl claimed that before marriage she converted to Hinduism. The girl was not able to prove conversion. When it came on appeal before the High Court of Kerala the court observed that-

“The law which recognizes conversion must also be in a position to prescribe how the parties, without the necessity to get involved in unnecessary and time consuming litigations, can declare to the world such conversion. Appropriate stipulations of law appear to be necessary on this aspect in respect of conversion to and from all religions. Simple statutory stipulation applicable for all religions of filing of an affidavit of solemn declaration before a registering (statutory) authority (who must give the declarant sufficient time to dispassionately contemplate and confirm the declaration) and acceptance and recording of such reconfirmed declaration by the authority in a register maintained under the statute for that purpose after elapse of a stipulated period and after calling for and hearing of objections if any of any interested party, will make the procedure simple, user friendly and less cumbersome”.

The similar problem was faced by the courts in several cases. Of course, the courts came out with some solutions or some tests to find out or ascertain whether there was conversion from one religion to another as claimed by the person who has exercised his right to conversion. But nothing was satisfactory and a conclusive test to ascertain change of religion was never laid down.

For instance, in *Kanchan B.R vs. Akash alias Yusuf Hussain* [10], the Husband was a Muslim and wife was a Hindu before marriage. The wife filed a suit for maintenance under the Hindu Adoption and Maintenance Act. Husband argued that she cannot ask for maintenance under Hindu Law. He alleged that the wife converted into Islam and a valid Nikah was performed on 26-8-1993. He had a valid marriage certificate with him with the wife's signature. But Wife alleged that the husband converted and become a Hindu and a Hindu marriage was performed in Arya Samaj Mandir on 29-9-1993. She had the marriage photographs as evidence. It is a challenge for the judiciary to decide the applicable law.

In another instance, in *Madhavi Ramesh Dudani vs. Ramesh K. Dudani* [11] Mr. Ramesh was an Industrialist in Mumbai. He divorced his first wife and then married Magdhelene Pereira who was working as a clerk in his company. She was a Catholic Christian by birth. They got married at the Markandeshwar Temple at Worli, Mumbai on 19th January, 1983 according to Hindu Vedic Rites. Thereafter, the parties on the same evening went to a church at Sakinaka, Mumbai, and a church marriage was performed. Two daughters were born from this marriage. But in 1991 due to some difference that arose between them they got separated. In 1992, the wife filed for judicial separation under the Hindu Marriage Act. The husband argued that there was no valid marriage between the two, as she was a Christian at the time of marriage. The family court declared the marriage as void marriage. But the Bombay High Court declared the marriage as valid, because after marriage she lived as a Hindu and granted the reedy sought by her. So, according to the necessity, the parties and the courts, choose the law to be applied.

Conflict of matrimonial laws

It is pertinent to focus on a debatable issue that when one of the spouse of a marriage converts to another religion the important question that arises is that, which law will govern them? The law of the converted spouse or the law of the non-convert spouse? Often the converted spouse claims that his marriage or divorce will be governed by the law of his new religion.

⁸ P.Lakshmi, “ Religious Conversions and Conflict of Matrimonial Laws” D.U.Law Journal, Vol. 1, No. 1, 2913, p. 186.

⁹ 2011 ACJ 261.

¹⁰ AIR 2001 Del. 318.

¹¹ 2006 (2) Mh.L.J 307.

In *Jessie Grant Khambatta vs. Maccherji C. Khambatta* [12] an Indian domiciled Muslim male married a Scot domiciled Christian woman in Scotland. After some time they came to India and the wife embraced Islam. Then the husband pronounced divorce on his wife according to Muslim Law. After that the wife married a person called Khambatta because her Scottish marriage was not dissolved by any court law. The court has to decide whether the first marriage was validly dissolved or not and what will be the applicable law to decide it?

Whether the law applicable at the time of marriage or the law applicable after conversion. The court held that it would be law after conversion that would govern the marriage and therefore the divorce is valid.

In *Nurjahan vs. Tisanco*, [13] two Russians solemnized their marriage in Berlin. Both the parties were Christians at that time. They lived together in several European countries. Then in 1938, the wife came to India and the husband went to Scotland. In 1940, the wife converted to Islam and assumed the name of Nurjahan. Thrice she offered Islam to her husband but he refused to accept it. Under Muslim law if a Muslim spouse offers to his non-Muslim spouse Islam thrice and if the later refuses to accept it, then the marriage stands terminated. The wife filed for dissolution of marriage in Indian Court of law. The court dismissed the petition for want of jurisdiction but it observed that no spouse can, on converting to another religion, impose his new religion on the other spouse.

In *Aiyasabibi v. Subodh Chandra* [14] parties were at the time of marriage Hindu domiciled in India. the marriage was solemnized with Hindu ceremonies and rites. After sometime, the wife converted to Islam, and offered Islam thrice to her husband. On his refusal to accept she launched proceedings for dissolution of marriage. The judge observed that the law applicable will be the law of the wife after conversion and the marriage was dissolved.

In *Seeda Khatun vs. Ovedia* [15] two Jews domiciled in India performed their marriage in India in 1943 by Jewish ceremony. In 1945 the wife embraced Islam, and offered Islam thrice to her husband. On his refusal to accept she launched proceedings for dissolution of marriage. The court dismissed the petition. It observed that there was no law under which a marriage performed under one personal law could be dissolved under another personal law, just because one

of the parties has converted to another religion. The Calcutta High Court took the same view in *Rakeya Bibi vs. Anil Kumar* [16]. The Bombay High Court also took the same view in *Rabav Khanan vs. Khodadad Jomanji Irani* [17].

In *Vilayat Raj alias Vilayat Khan vs. Smt. Sunila* [18] at the time of marriage both the parties were Hindus. After some time the husband converted to Islam. Then the husband filed for divorce against his wife under the Hindu Marriage Act, 1955. The wife opposed it by saying that he had ceased to be a Hindu he had lost his right to move a petition under the Act. The court held that if both the parties to the marriage were Hindu at the time of marriage, pre-nuptial law i.e Hindu Marriage Act applied even after conversion to Islam.

In *Sarla Mudgal vs. Union of India* [19] the question before the Supreme Court was, whether a Hindu husband, married under Hindu law, by embracing Islam, can solemnize a second marriage? Whether such a marriage without having the first marriage dissolved under law, would be a valid marriage? Whether the apostate husband would be guilty of the offence under Section 494 of the Indian Penal Code?

The court held that a bigamous marriage of a Hindu married man after his conversion to the Muslim faith would be void and he would be guilty of committing bigamy. The court took the same view later, in *Lily Thomas vs. Union of India* [20].

The above problem of inter personal conflict of law situations is only because of lack of uniform law for all the citizens of India. In the absence of any clear norm to handle these issues, the courts decide the cases by applying the principles of justice, equity and good conscience. This gives scope for use of discretionary powers by the Indian Judiciary to decide the issues. It further results in uncertainty of law, making it difficult to speculate the law [21].

The courts have on several occasions repeatedly stressed the need for a uniform civil code which the courts felt might put an end to all these problems. In *Y.Narasinha Rao vs. Y. Venkata Lakshmi*

¹² AIR 1935 Bom. 5.

¹³ 45 C.W.N 1047.

¹⁴ (1945) 2 Cal, 405.

¹⁵ (1945) 49 C.W.N. 745.

¹⁶ Rakeya bibi v. Anil Kumar, (1948) 2 Cal. 119.

¹⁷ Rabav Khanan v. Khodadad Jomanji Irani, (1948) 48 Bom, I.R. 864- 1947 Bom. 272.

¹⁸ AIR 1983 Delhi 351.

¹⁹ AIR 1995 SC 1531.

²⁰ AIR 2000 SC 1650.

²¹ P.Lakshmi, " Religious Conversions and Conflict of Matrimonial Laws" D.U.Law Journal, Vol. 1, No. 1, 2913, p. 189.

[22], the Supreme Court of India observed, “ In matters of status or legal capacity of natural persons, matrimonial disputes, custody of children, adoption, testamentary and interstate succession etc, the problem in this country is complicated by the fact that there exist different personal laws and no uniform rule can be laid down for all citizens....The law...tends to be primarily determined and influenced by social, moral or religious considerations, and public policy plays a special and important role in shaping it.” At times, in interpersonal conflicting law situation, the courts in India as well as parties have opted for the more beneficial law when a choice is available.”

Chief Justice Chandrachud in the famous *Shah Banoo Begum Case* [23] opined that a common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies. In this case, there was a conflict between the general secular law of the country and the personal matrimonial law of the individual. The question before the court whether in view of the personal law of the Muslims, there is no obligation on the part of the Muslim husband under Section 125 of Cr. P.C to provide maintenance to his divorced wife. The court held that the obligation do exist under the secular general law. The decision of the court resulted in the enactment of the Protection of Right on Divorce Act, 1986.

Justice *Kuldip Singh* in *Sarla Mudgal* case opined that when more than 80% of the citizens have already been brought under the codified personal law there is no justification whatsoever to keep in abeyance, any more, the introduction of “uniform civil code “for all citizens in the territory of India.

The Impact of Religious Conversion

The religious conversion into Islam by a person from non Islamic faith is not valid if the conversion is done for the purpose of polygamy. Neither Islam nor any law recognizing conversion in India. In the case of *Sarla Mudgal vs Union of India* [24] a married Hindu male converted in to Islam for the sake of solemnising another marriage as polygamy is permitted in Islam. The Hon’ble SC held that conversion in to another faith Ipso-facto does not dissolve the first marriage because no one is allowed to take the benefit of his own wrong. Moreover the court held that the married person converting into Islam is not entitled to marry another woman after conversion. It was held to be an act of bigamy prohibited U/S 17 of

Hindu Marriage Act, 1955 and punishable U/S 494 of IPC and it was further observed that the second marriage is void.

In *Vilayat Raj vs Smt. Sunita*, it was observed by the court that if both the parties to the marriage were Hindu at the time of marriage , pre-nuptial law i.e. Hindu Marriage Act applied even after conversion in Islam.

In *Lilly Thomas vs Union of India*, it was observed that an apostate husband is guilty of bigamy U/S 494 of IPC if he marriage another woman after converting into Islam. It was observed that holding such person guilty of bigamy is not violation of freedom of religion U/Article 25 of the Constitution, hence, Section 17 of H.M.A. 1955 is applicable.

From the above it is clear that after the pronouncement of the aforesaid judicial verdicts, polygamy is no more a valued person for religious conversion into Islam. A person does not cease to be Hindu nearly because he declares that he has no faith in his religion. A person will not cease to be Hindu even if he does not practice his religion till he does not renounces his religion or starts living and behaving like an atheist or agnostic or starts eating beef or insulting God or Goddesses. He does not ceases to be member of the religion even if he starts expressing his faith in any other religion, he continuous to be a Hindu.

If a person converts from Hindu religion to Sikh , Budhism or Jainism he does not cease to be Hindu since all these religions do not fall beyond the definition of ‘Hindu’ in the relevant section of Hindu Marriage Act. He ceases to be Hindu if he converts into Islam Christianity or Jews or Zoroastrain, conversion into these religion is a ground for desolation of marriage for the other spouse and not for the spouse who converts into any such religion (U/S 13 H.M.A).

Under Section 80 of the Hindu Adoption and Maintenance Act, 1956 if the husband gets converted into Non-Hindu faith wife is entitled to live Separately without forfeiting her right of maintenance but if she herself also ceases to be Hindu, she loses her claim of maintenance under the section, But she is entitled under section 24 of H.M.A in 1955 for pedente-lite and permanent alimony.

Special Marriage Act 1954 reflects the true spirit of Indian Secularism as it is in consonance with India’s heterogeneity and multiplicity of religious faith. Conversion does not make any effect on matrimonial ties as the Act is the secular legislations and itself contemplate inter caste and inter religious marriages.

²² (1991) 3 SCC 451, p. 458.

²³ Ahmed Khan vs. Shah Bano Begum, Manu/SC/0194/1985.

²⁴ Ahmed Khan vs. Shah Bano Begum, Manu/SC/0194/1985.

The Indian Divorce Act, 1869 says if the husband gets converted into non Christian faith, wife is entitled for divorce but vice versa is not possible. If wife gets converted into non Christian faith husband can not apply for divorce.

Under Dissolution of Muslim Marriage Act, 1939 Section 4 says if a wife renounces Islam, the marriage does not Ipso-facto dissolve unless the circumstances warrant otherwise. The picture is complete if we account for the fact that most of these laws are aimed to keep the low caste Hindus within the fold of Hinduism. And so while law prohibits conversion, 're-conversion' of low caste Hindus is permissible. If a low caste Hindu who had converted to another faith or any of his descendants reconverts to Hinduism, he might get back his original caste.

However, we have been hearing a number of incidents of religious intolerance that have led to riots and violence in our country from a very long time. Everyone has a right to follow his religion as per his birth or as per his wish. It's the constitutional right to choose his or her own religion, but making people forcibly change their religion or luring people to change their religion should be considered as crime.

Religious Conversion in Kandhamal District in Odisha

Kandhamal district came into being on 1st January 1994. The word Kandh depicts a tribe of Odisha which is variously written as Kond, Khond, Kandha etc. in various sources and mal means a garland or a series, of course, of hills in the Eastern Ghats. Kandhas- a tribe that has so many subtribes or groups and use different languages or variations of a language centred around their locality. The Kandhas of Kandhamal are broadly grouped under Maliah Kandhas, Kutia Kandhas and Desia Kandhas and prominently speak Kui language. Hence, they identify themselves as "Kui loku". Based on the religions professed by people, the Hindus are majority followed by Christians and other religions. Before touching the issue of religious conversion i.e. transmigration of people from one religion to another in the District of Kandhamal, it is noteworthy to discuss how the people are being lured to change their religion [25].

Walking down the culture of people, they worshipped their own array of Gods and Goddesses with a distinct procedure and rituals. Kandhas worshipped Burapenu, Tana Penu, Turkipenu, Lohapenu and many others alongwith sacred groves, hills, sources of water and their ancestors. Sacrifice of

fowl and animals was the main feature of their practice. Gods were worshipped to keep them free from wild animals and diseases, to bring rains and good harvest. Under the practice of meriah they sacrificed human beings to Tanapenu for giving good crop. The priest in Kui culture was a simple man in the village who pays equal subscription and conducts rituals on specific occasions, on invitation of a person or a village. In the rituals of birth, marriage and death the elders of the family perform the rites. Even the person in charge of Dharni Penu i.e. guarding deity of the village was changed in rotation. The priest plays a role when there is a major occasion viz. kedu, rahalaka, someone's illness or an unnatural death.

The social condition of the converts also changed for better. Church was a place of "No Caste". This social equalisation attracted the lower castes i.e. the scheduled caste people into the Church fold. They could sit in the same row with higher caste, i.e. Khonds and outsiders. Missions also provided facility for education and often helped the converts economically by providing medical aid, warm clothing, etc. The converts could hope for getting a job/engagement for their children in mission and its various organisations. The government treats the scheduled caste Christians as "General Category" with no facility of reservation in contrast to converted scheduled tribes. The policy of Church was a slow and steady process. Perhaps, it is the feeling of social equality and equal gender participation in activities of religion has kept many scheduled caste Christians bonded with Church [26].

By conversion into Christianity the people slowly drifted away from their original society. Instructions for regular attendance of church, change in birth, marriage and death rituals, method of treatment such as miraculous healing distinguishingly set them apart. Church wanted to create another society within the society. The converts, virtually became outcasts from their own brethren. In case of breach of rule, church too threatened or effectively outcasted a convert from church rituals viz. holy feast (Prabhu bhoji) or/and attending church. Thus it dangled an element of insecurity for the converts when they think of taking a U-turn.

The district of Kandhamal for last twenty years or so has entered third phase of religious conversion. This phase began with revival of ardent Hinduism. The people who were converted to Christianity are lured back to the fold of Hinduism. Rashtriya Swayamsevak Sangh, VHP and its brigade spearhead this activity. The Sangh Pariwar has a good network operating at village and district level. The Sanskruti Bhawan activists hold

²⁵ Anuja Mohan Pradhan, "Religious Conversion in Kandhamal District", *Odisha Review*, January, 2015, p.98.

²⁶ A.M.Pradhan, "Religious Conversion in Knadhamal District", *Odisha Review*, January, 2015, p. 100

regular sakha where games, use of lathi etc. is taught and practised. They do uniform of black cap, white shirt, khaki half-pant and leather belt along with a lathi, which becomes an integral part of whole activities. These sakhas are used to teach values like Go-raksha and other policies of Sangh. They too hold district and state level shivirs. The basic theory followed is the theory of insecurity. It portrays that imminent danger is looming on Hinduism. The number of Muslims is increasing. Muslims being numerically insignificant in the district the target and policy is applied to Christians *mutatis mutandis*. The Christians are defiling Hindu places of worship, churches being constructed near/on traditional places of Hindu (i.e. animistic) worship, a Hindu student is beaten by Christian teacher etc. hammered into peoples' mind. Swami Lakshmananand has been a pivot, advocating Sangh policies in this area. Adding to this, the rath yatras, Ramsila procession, organisation of numerous yajnas and astaprahari-naam sankirtan has strengthened the network. The policy of trishul dharan added armament to the policy of insecurity and hatred. This has resulted in outburst of violence in the form of church burning and attack on Christians throughout the district. It welcomes the converted Christians to its fold through rituals during a yajna or at Ashram of Swamiji. Thus, Swamiji has been the sole pass-issuing authority to Hinduism in Kandhamal. The new walkover is reported in local dailies as "returned to their original religion".

To sum up, religious conversion in Kandhamal has passed through three stages i.e. Animism to Hinduism, Hinduism to Christianity and Christianity to Hinduism. It is also being seen that marriage and *sradha* of parents in Vedic format is on increase. The performers think that this will give them a face-lift as well as *punya*. Earlier marriage ceremony was simple and less expensive in the format of *sitekalu-gatimuda-Ranja vis-à-vis* an elaborate system of *deri sedi* or *sendanisedi* for the rich. Dowry system, which was not traditionally in the Kui culture, is entering the society in one form or other among the elites. Sooner or later this will trickle down to the common people and there will be no shame in demanding the ransom openly. The periodicity of rituals will also ask for recurring expenditure. Those who are converted back to Hinduism will be stacked to their respective caste hierarchy and there is no escape from potent discrimination [27].

Many of those who converted to Christianity had enjoyed economic benefit, though sporadically, directly or indirectly. Christianity in Kandhamal has manifested in various sects than traditional Roman Catholic and Baptists. This has sometimes led to inter-

church discrimination. However, the church festivals/rituals being limited, less expensive and less wasteful do not tax as much as their Hindu neighbours. Education acquired through any source has kindled hope for getting a safe government job. To avail the benefit of reservation many Christians are lured to/or think it wise to be converted back into Hinduism, at least in government records. In this economics lies the philosophy of re-conversion. In animism, Hinduism and Christianity people have enough Gods and religion. And, all three forces are in operation in Kandhamal till date. The district has a very limited tract of cultivable land and irrigation for namesake. A crop failure multiplies their plight geometrically. A large number of youth travel to states like Kerala and Gujarat in search of work. They need no religion rather than their work [28].

There has been a 66 percent growth in Christian population in Orissa's Kandhamal region, which has seen attacks on Christians and churches. Of the 42,353 who adopted Christianity between 1991 and 2001, only two followed law to change religion [29]. District Collector Krishan Kumar said that the Orissa Freedom of Religious Act, which came into action in 1989, allows people to change or adopt any religion but all such individuals need to submit a form to the district magistrate.

CONCLUSION AND SUGGESTION

As far as the above discussion is concerned, it is high time that the personal laws of India need to be reformed and a uniform civil code is to be enacted for the citizens of India. Religion of a person can be based on his faith and beliefs, but law governing a person cannot be based on his faith and beliefs. Any protest against religious conversion is always branded as persecution, because it is maintained that people are not allowed to practice their religion, that their religious freedom is curbed. The truth is entirely different. The other person also has the freedom to practice his or her religion without interference. That is his/her birthright. Religious freedom does not extent (sic) to having a planned programme of conversion. Such a programme is to be construed as aggression against the religious freedom of others. Hence, enactment of a comprehensive law in this regard is the crying need of the hour.

²⁷ A.M.Pradhan, "Religious Conversion in Knadhamal District", *Odisha Review*, January, 2015, p. 101.

²⁸ A.M.Pradhan, *Religious Conversion in the District of Knadhamal*, *Odisha Review*, January, 2015, p. 102

²⁹ Sun, 26 Oct 2008-12:20pm, IANS.