



# Hindu nationalist statecraft, dog-whistle legislation, and the vigilante state in contemporary India

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**ABSTRACT:** The ideology and politics of Hindu nationalism has always been predicated on an antagonistic discursive construction of ‘dangerous others,’ notably Muslims but also Christians. This construct has served to define India as first and foremost a Hindu nation, thereby de facto relegating religious minorities to the status of not properly belonging to the nation. However, under the leadership of the current Prime Minister Narendra Modi, Hindu nationalism has acquired an unprecedented political force. A key consequence of this has been that the discursive construction of dangerous others is now increasingly being written into law, through a process of Hindu nationalist statecraft. The result is, we argue, not just a de facto but increasingly also a de jure marginalization and stigmatization of religious minorities. We substantiate this argument by analysing the intent and effect of recent pieces of legislation in two Indian states regulating, among other things, religious conversions, inter-faith relationships, and population growth. Conceiving of such laws as dog-whistle legislation, we argue that they are, in fact, geared towards the legal consolidation of India as a Hindu state. We also analyse the intimate entanglement between these laws and the collective violence of vigilante groups against those minorities that Hindu nationalists frame as dangerous, anti-national others.

**Keywords:** Hindu nationalism; dog-whistle legislation; demographic anxiety; love jihad; population control; Uttar Pradesh; Karnataka

## Introduction

The ideology and politics of Hindu nationalism has always been predicated on an antagonistic discursive construction of ‘dangerous others’ – notably Muslims but also Christians. This construct has served to define India as first and foremost a Hindu nation, thereby relegating religious minorities to the de facto status of not properly belonging to the nation. However, under the leadership of the current Prime Minister, Narendra Modi, Hindu nationalism has acquired an unprecedented political force, taking centre stage in the political life of the republic. Modi’s party, the Bharatiya Janata Party (BJP), is now in government at the centre and in many of India’s federal States and Union Territories, while the many affiliate organisations in civil society – held together by the Rashtriya Swayamsevak Sangh (RSS) –

exert an increasingly hegemonic influence on popular common sense.

Hindu nationalism's "dangerous others" have historically, and increasingly so from the 1990s, been subject to stigmatisation and extra-legal violence at the hands of more extreme Hindu nationalist groups. This continues to this day. What is distinct about the current conjuncture in the trajectory of Hindu nationalism, however, is how its ideology of Hindutva is now increasingly being written into state law, a process that we refer to as Hindu nationalist statecraft (Nielsen and Nilsen 2021, 2022). A key outcome of allowing religious majoritarianism to dictate law-making and override the general democratic principle of protecting minority rights is not just a de facto, but also increasingly a de jure marginalisation and stigmatisation of India's religious minorities – a juridically anchored writing out of the nation of Hindutva's "dangerous others" (Selvaraj and Susewind forthcoming).

The aim of this article is to analyse new practices of law-making that are foundational to Hindu nationalist statecraft at the current conjuncture, and to understand the relationship between the power that is exercised through law-making on the one hand, and the power that is asserted through extra-legal collective violence on the other hand. Towards this end, we focus on the scale at which most of India's law-making takes place, namely the level of the federal states. More specifically, we focus on the states of Uttar Pradesh and Karnataka. Although these states have markedly different demographical, economic, cultural, and linguistic histories and characteristics, they are widely seen as two of the most crucial "laboratories of Hindutva" today (Ramakrishnan 2020; Dhingra 2022). In both states, BJP governments have effectively relied on law-making to further their ideological project, while allied organisations – with the tacit or even active support of state institutions and the police – rely on vigilantism to violently regulate the lives, livelihoods, and behaviour of religious minorities. This fusion of forces in political and civil society has been described by Jaffrelot (2021: 250) as constituting "a vigilante state whose ideal type has taken shape in [Chief Minister] Yogi Adityanath's Uttar Pradesh", but which, we argue, also existed in Karnataka during the time period covered in our analysis. In both states, these concerted efforts at Hindu nationalist statecraft have ominously met with considerable success.

In the domain of law-making, we analyse recent legislation introduced to regulate inter-faith relationships, stop religious conversions, and limit population growth. Based on a contextualising reading of this legislation, which in the literal wording operates with very vague or airbrushed notions of 'otherness,' we conceptualise these laws as dog-whistle legislation, arguing that they facilitate the broader agenda of Hindu nationalist statecraft and the consolidation of India as both a de facto and a de jure Hindu state. We also link these laws to the phenomenon of extra-legal Hindu nationalist violence perpetrated on its dangerous others, to show the intimate relationship between the power of law and the power of violence in Hindu nationalist statecraft.

The next section briefly presents our research methods. We then introduce the core ideological tenets of Hindu nationalism and the othering of religious minorities that is integral to it. We also discuss the concepts of Hindu nationalist statecraft and dog-whistle legislation and propose a conceptualisation of the relationship between law-making and extra-legal violence. This is followed by an analysis of recent legislation from Uttar Pradesh (UP) and Karnataka before we conclude by drawing out the implications for our understanding of Hindu nationalist statecraft.

### **A note on methodology**

This article emerges from the intersection of two collaborative research projects: one on Hindu nationalist statecraft (involving Nilsen and Nielsen), and one on anti-Christian violence in India (involving Selvaraj and Nielsen). All three authors have carried out extensive ethnographic fieldwork in western, central, eastern, and southern India across two decades. While our analysis in this article is informed by an acquired ethnographic sensibility, we draw only sparingly on first-hand ethnographic data. Instead, we base our analysis on a variety of sources, including legal texts, media commentaries, investigative journalism, and other news reports, the extant scholarly literature, as well as a small number of interviews conducted by Selvaraj in Karnataka and New Delhi. We hope that what may thereby be lost in terms of ethnographic detail is made up for by the broader analysis of the linkages between law-making, constructions of otherness, and vigilante violence that constitute an important part of the everyday context for many among India's religious minorities.

### **Hindu nationalism, demographic anxieties, and dog-whistle legislation**

Hindu nationalism emerged as a reactionary social movement in the early twentieth century, working to build India as a unitary Hindu nation. Jaffrelot (1996, 2021) conceives of Hindu nationalism as a distinct form of ethnic or ethno-religious nationalism that defines a collective identity for itself by pursuing both a “defensive stigmatization” and a “strategic emulation” of dangerous others that threaten the unity of the Hindu nation – a nation that is understood in both civilisational and cultural terms.

If Hindu nationalism was founded on opposition to the Other, this Other was in turn embodied successively and then simultaneously in the West, in Christians, and in Muslims. Put simply, “Hindu nationalists perceive these three groups – which in some instances overlap – as threats, whether they are viewed as hostile to Hinduism or as cultural invaders inclined to proselytize” (Jaffrelot 2021: 188). Muslims and Christians not only continue to be seen as threats to the Hindu nation, but are also considered as living examples of historical legacies of violence against and domination over the Hindus, perpetrated by Muslim rulers and British colonialists (*ibid.*: 188).

Crucial to our purposes, Hindu nationalism represents a politics of resentment anchored in a majoritarian inferiority complex (Jaffrelot 2021: 28), a “Hindu sense of inferiority or vulnerability” (Jaffrelot 1996: 24). Key to this sense of inferiority and vulnerability is the “demographic anxiety” (Moodie 2010) that Hindus in India will eventually be displaced from their position of demographic and political dominance primarily because of rapid Muslim population growth, caused by the conversion of people of other faiths to Islam, and by higher birth rates among Muslims. While this – in practice unfounded – demographic anxiety is thus first and foremost distinctly anti-Muslim, rendering the Muslim “the epitome of the Other” (Jaffrelot 2021: 194) in Hindu nationalism, it may also be directed at Christian communities (Nielsen, Bhattacharya, and Da Silva 2023), as we exemplify later.

Increasingly framed in the globally resonant post-9/11 language of jihad (Frydenlund and Leidig 2021), anti-Muslim demographic anxieties and related conspiracy theories are now condensed in mobilisational Hindu nationalist “sound bites” (Frøystad 2021) such as “population jihad”, “demographic jihad”, “conversion jihad”, or “love jihad” – sound bites that identify India's Muslim population as the main threat to the Hindu nation. The latter

idea of “love jihad” has gained particular traction in Hindu nationalist discourse, including in the two states that we focus on here. “Love jihad” refers to the alleged practice of Muslim men marrying young Hindu girls with the sole purpose of converting them to Islam. The underlying belief is that “Muslim men seduce, convert, marry, and have children with non-Muslim women to ensure that the Muslim minority in India becomes a majority” (Chacko 2020: 213) as part of a larger conspiracy against the Hindu population. The love jihad myth – for that is what it is – in other words draws its political potency and mobilisation potential precisely from “the anxiety of Islam overtaking the Hindu nation, through the body of the Hindu woman” (Tyagi and Sen 2019: 5).

Love jihad has been a key mobilising issue for the BJP and allied Hindu nationalist organisations for years and has found expression in many popular campaigns organised by these groups. Indeed, as Jaffrelot (2021: 189) notes, it has historically been “through practice rather than through legislation that [Hindu nationalists] have [...] targeted Christians and Muslims”. However, this has changed in recent years with the intensification of Hindu nationalist statecraft. Hindu nationalist statecraft refers to the process by which Hindu nationalist ideology, and specifically the ideological tenet that India is, and should be a Hindu nation, is codified into law (Nielsen and Nilsen 2021, 2022; Jaffrelot and Verniers 2020). New legislation against love jihad has been an important component in this process, and Uttar Pradesh, Karnataka, and many other states have passed stringent laws in the last few years. These new laws, in turn, build on earlier state-level legislation introduced in three waves since the 1960s (Selvaraj forthcoming). The first wave came in the 1960s-1970s in Orissa (in 1967), Madhya Pradesh (1968) and Arunachal Pradesh (1978), states with large tribal populations and the presence of secessionist movements. The second wave came in the early part of the twenty first century and coincided with a rise in anti-Christian violence from the late 1990s, spurred in part by the Church’s support for Dalit demands for affirmative action (Sarkar 1999; Zavos 2001) and in part by the anger among Hindutva groups at India’s cultural transformation in a liberalising context, where Christians came to serve as “symbolic extensions of globalization” (Lobo 2002: 150). Second-wave legislation was passed in Tamil Nadu (2002), Gujarat (2003), Rajasthan (2006), Jharkhand (2017) and Uttarakhand (2018). The third and most recent wave from 2019 signals a more nefarious turn as it coincides with the Modi administration’s willingness to mobilise the law to realign the nation along the lines of Hindutva’s core tenets. The new laws passed in Uttar Pradesh and Karnataka (both in 2021) mark the beginning of this third phase.<sup>1</sup>

What then, is the relationship between these new forms of Hindu nationalist statecraft, and the extra-legal violence that remains integral to Hindu nationalist politics? How can we conceptualise and understand the relationship between the power that is asserted through extra-legal violence on the one hand, and the power that is exercised through law-making on the other? One way of answering this question is to argue, as Sana Jaffrey (2021) has in her recent work on vigilantism in India and Indonesia, that right-wing populists use vigilante violence to both regulate social behaviour in accordance with majoritarian cultural codes, and to lobby the state to either enforce existing laws more strictly or introduce new legislation that extends state regulation into previously ungoverned domains. While this is a compelling perspective, it arguably posits too neat a distinction between a private domain

<sup>1</sup> Haryana followed in 2022, while existing legislation has been amended to become more extreme in Gujarat (2021) and Himachal Pradesh (2022).

of extra-legal violence and a public domain of state power, in which the former acts upon the latter to advance its ideology. This distinction occludes the social origins of the state and state power, and leaves us ill-equipped to grapple with how dominant social forces constantly traverse the analytical divide between civil and political society.

What we propose here is rather a perspective grounded in an understanding of the hegemonic project of the BJP and allied organisations as one that mobilises both consent and coercion across the analytical divide between civil and political society to build a Hindu nation. Within this equation, we argue for seeing coercion as constituted by the always-already entangled power of violence and the power of law. We argue that the recent consolidation of unparalleled Hindu nationalist power at the national and (much of) the federal level has made it possible to fuse collective violence and law-making. According to our argument, this is done to redefine both state and society in a distinctively majoritarian direction.

In the following sections, we shed light on the workings of this fusion of law and violence by conceptualising and analysing the legislation that is at the heart of Hindu nationalist statecraft as a form of juridico-legal equivalent to dog-whistle politics. In his analysis of the rhetoric and politics of the Republican Party in the US, Ian Haney López (2014) defines dog-whistle politics as a form of right-wing political communication using coded racial appeals that manipulate hostility towards non-whites, in order to win elections (López 2014: 22, 35). López asserts that though superficially and even literally, such communication has nothing to do with race, it nonetheless powerfully communicates messages about “threatening non-whites” to unify “the white vote”. Such “racial demagoguery” (ibid.: 42) plays on “racial anxieties” (ibid.: 52) among the white population, enabling the Republican Party to elicit “racial loyalty” (ibid.: 54) from many white voters, without seemingly speaking about race at all. This airbrushing of race from political discourse is necessitated by the fact that an openly racialised politics runs counter to national values supporting equality and opposing racism; so much so that those “blowing the whistle” would find they would be broadly condemned if understood as openly appealing for racial solidarity among whites (ibid.: 58). Therefore, dog-whistle politics always operate at two levels: “inaudible and easily denied in one rage yet stimulating strong reactions in another” (ibid.: 54). If, as López (2014: 73) argues, the racial dog-whistle politics of the Republican Party have succeeded in shifting the entire American political culture rightward, the ethno-religious and communal dog-whistle of Hindu majoritarianism has arguably been even more successful in shifting the Indian political culture rightward – to such an extent that openly communal hate-speech is no longer broadly condemned.

Inspired by López, we define dog-whistle legislation in the Indian context as a modality of Hindu nationalist statecraft using coded ethno-religious and communal language – rooted in demographic anxieties among Hindu nationalists and hostility towards non-Hindus – in order to create a *de jure* Hindu state. Also, though superficially and even literally, such legislation may have little to do with communalism, it nonetheless powerfully communicates the message that ‘threatening non-Hindus’ are not equal citizens in the full sense of the term. We argue that such ethno-religious law-making seeks to both elicit as well as lock ‘communal loyalty’ among Hindus into law, as a foundation of both the state and of full citizenship, without seemingly speaking about specific religious communities at all. However, the reason for advancing Hindu nationalist statecraft through dog-whistle legislation is not due to any fear of stoking controversies on the part of BJP legislators; in

fact, and indeed, stoking controversy and furthering communal polarisation has historically been integral to Hindu nationalist politics. It derives rather, from the risk of openly anti-Muslim or anti-Christian legislation being struck down as unconstitutional. To ensure that the dog-whistle communication of laws that advance Hindu nationalist statecraft does not remain inaudible to the intended audience, these laws are accompanied by a constant stream of meta-commentary by Hindu nationalist politicians and activists who establish the law's connection to the Hindu nationalist agenda in unequivocal terms, thereby explaining its real intent and purposes. Crucially, as we show in detail below, the dog-whistle legislation of Hindu nationalist statecraft is both enabled by and enabling of more direct forms of physical violence and intimidation by Hindutva groups. We argue that this generates a synergy in which the enforcement of Hindutva ideology is carried out through the entangled power of the public authority of the state and the assertion of vigilante violence against the Hindu nation's others.

### **Uttar Pradesh: Foregrounding Muslims**

In Uttar Pradesh, Hindu nationalist demographic anxieties have been aggressively mobilised by the incumbent BJP state government – in power since 2017 – to further the project of writing the Hindu nation into law. Indeed, it was in Uttar Pradesh that love jihad truly came to the fore as a prominent mobilising issue in Hindu nationalist politics, foregrounding Muslims as the key threat to the Hindu nation. The current state Chief Minister (CM) Yogi Adityanath has played a vital role in this. Adityanath is the head-priest of an important temple in eastern Uttar Pradesh but has also been a long-time Member of Parliament (since 1998), representing the BJP, before becoming CM in 2017. The most important vehicle for his political rise has been an organisation called the Hindu Yuva Vahini (The Hindu Youth Army) which he founded with the explicit purpose of combating religious conversion and crimes against Hindu women. Hence, love jihad has been a particularly important rallying point for the organisation and its activists (Pai and Kumar 2018: 125-26), and it has remained so for Adityanath after he became CM. Raising the spectre of young Muslim men attracting and seducing innocent Hindu women solely to convert them, almost immediately after assuming office, Yogi Adityanath established so-called “anti-Romeo squads” to “protect” Hindu women (Jaffrelot 2021: 201). And three years later, a so-called love jihad law was introduced towards the same end. Analysing this law as a piece of dog-whistle legislation, we locate the key to understanding it – and indeed most other laws through which Hindu nationalist statecraft is currently advancing<sup>2</sup> – not in the letter of the law itself, but in the wider socio-political context that brought the law into being.

### **Combating “love jihad”: The Prohibition of Unlawful Conversion of Religion Act, 2021**

Colloquially known as the love jihad law, the official name of the legislation targeting love jihad is ‘The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021’. It started life as an Ordinance and came into force in late 2020, following which it was later passed by the state assembly in March 2021. The law criminalises any change of religion unless prior permission has been sought and granted by the state (Kumar and Yadav 2022:

<sup>2</sup> This includes laws against the slaughter and transportation of cattle (Jakobsen and Nielsen 2023; 2024); the law abrogating statehood for Kashmir; the Citizen Amendment Act; and so on.

4), and so-called “unlawful conversions” are punished with hefty fines and potentially very long jail sentences.

Despite the clear allusions to Islam in its colloquial name, the letter of the law deals with and regulates religious conversions in general and in the abstract, offering generalised rules, procedures and prohibitions without mentioning any specific religion by name. There are no explicit references to love jihad, nor to forms of proselytization or missionary activities that one might associate with a specific religion. In fact, the only passage to use terms that are directly traceable to particular religions is a short section explaining the meaning of the term “religious convertor” as used in the act, mentioning “Father, Karmkandi, Maulvi or Mulla etc.” as illustrations. While Father, Maulvi and Mulla index Christianity and Islam respectively, the inclusion of the Karmkandi – the Hindi term for a “specialist Brahman ritual technician” (Parry 1980: 92) – communicates an ostensibly secular, non-discriminatory orientation. In the same way, neither does the act dwell at length on “love” insofar as it only devotes a single section explicitly to a discussion of religious conversion through marriage. This is section six which declares “marriages done for the sole purpose of unlawful conversion or vice versa” to be void. Again, no specific religion is singled out.

However, when set in the wider political context of intense communal polarisation in Uttar Pradesh under CM Adityanath, it becomes evident that the law, in a dog-whistle manner, draws on and furthers Hindu majoritarian and anti-Muslim sentiments. Not only did the law emerge out of years of aggressively anti-Muslim campaigning on the part of Adityanath and his organisation; only weeks prior to the presentation of the Ordinance, Adityanath had publicly stated that his government was working on a strict law to combat love jihad, making it clear that even if the letter of the law eventually refrained from mentioning love jihad by name, this was nonetheless what it targeted. In the same speech, Adityanath also warned “those who conceal identity and play with our sisters’ respect. If you don’t mend your ways your ‘*Ram naam satya*’ (chant associated with Hindu funerals) journey will begin” (The Indian Express 2020). Such explicitly anti-Muslim meta-commentary on the law and its intentions left little doubt about what its real purpose was, even if the law text itself communicated this purpose only by means of dog-whistle.

Despite its dog-whistle character, the fact that the law was first and foremost intended to prevent conversions away from Hinduism and to Islam does in fact come across in certain passages of the law text itself, albeit in veiled ways. For instance, Clause 3 determines that if a person reconverts to his/her “immediate previous religion”, this shall not be considered a conversion under law. On the one hand, this enables a quick and easy return of presumably Hindu converts to Islam back to the Hindu fold without going through the time-consuming and cumbersome bureaucratic process that the law otherwise makes mandatory for any religious conversion. On the other hand – and given the widely shared belief among Hindutva groups that all inhabitants of India were originally Hindus – it also, and more ominously, potentially provides a legal base for *ghar wapsi*, the sometimes-coercive Hindu nationalist strategy of reconverting or ‘returning home’ people to Hinduism. In other words, clause 3 enables Hindutva groups to argue that any conversion to Hinduism should *de jure* be considered “a reversion to a person’s previous religion” and hence should be exempted entirely from the strict regulations and many hurdles that the law otherwise imposes on religious conversions.

What the law also does is to create considerable scope for a range of actors to interfere

in, and potentially stop, inter-faith intimacies. For example, the list of persons that the law allows to lodge a first information report (FIR) in cases of suspected unlawful conversion includes not only the aggrieved person, but “any other person” related to them by blood, marriage, or adoption. The list of people who are thereby legally empowered to interfere in an interfaith marriage is thus very long indeed, and would include aunts, uncles, grandparents, siblings, and more. Similarly, the mandatory use of a number of “schedules” that are to be filled in and submitted to government authorities whenever a person seeks to change their religion – containing detailed information about the people involved in an act of conversion; their age, sex, occupation, income, kin, and residence; the date and time of conversion ceremonies; and so on – means that detailed information about impending conversions soon becomes public knowledge. The fact that one such schedule is to be posted on public noticeboards for weeks, and that the police is required to carry out *in situ* inquiries into any religious conversion, guarantees considerable public attention to, and awareness of conversions. This “politics of public notice” not only ensures exposure and disclosure, it also – as we discuss below – makes valuable information available to individuals and groups who want to challenge interfaith marriages. As such, the love jihad law reinforces the otherness of Islam and the purported threat it ostensibly poses to the Hindu nation.

### **Curbing Muslim population growth: The Uttar Pradesh Population Control, Stabilization and Welfare Bill, 2021**

Another piece of dog-whistle legislation that is yet to be passed into law is the Uttar Pradesh Population Control, Stabilization and Welfare Bill, 2021, released for public commentary in July 2021. This bill proposes to implement and promote a two-child norm to control and stabilise the population of Uttar Pradesh by means of a series of incentives and disincentives. Incentives offered to public servants adopting this norm through voluntary sterilisation include various increments, housing subsidies, loans, paternity periods, higher pension, free healthcare facilities, and more, with extra incentives offered to those who sterilise after the first child. Many of these incentives are also extended to the general public. Conversely, disincentives targeting those who break the two-child norm are grave and include debarring from government-sponsored welfare schemes, limits on ration cards, debarring from contesting local body elections, exclusion from applying for government jobs, and from promotion in government service, and an inability to receive “any kind of government subsidy”. People acting in breach of the two-child norm then, are not merely considered deviants from a state-sanctioned norm; they are also economically and politically disenfranchised: unable to access government welfare schemes, they are purged from the ambit of the state insofar as they cannot be elected to positions of political power (at the local level), nor can they try and build careers in government service.

As with the love jihad law, there is little explicit indication in the law text itself pointing to anti-Muslim underpinnings, apart from several mentions of “personal laws allowing polygamy” which could be interpreted as referring to Muslim personal law. Rather, the law text is framed in the secular language of welfare, sustainable development, and equitable distribution. But again, the broader socio-political context provides vital interpretative clues. The population control narrative in India has long had communal overtones, including under the current Modi-led BJP government. Modi himself has earlier openly mocked the Muslim community on this account, using the slogan *hum paanch, hamare pachees* (we



five, our 25) to suggest that a Muslim man ideally wants four wives and 25 children. This in contrast to the popular slogan “*hum do hamare do*” (we two, our two) that is upheld as the ideal for a modern and presumably patriotic Hindu family. Modi has also likened relief camps intended for Muslims to “baby producing centres” (Das 2017). Members of other Hindu nationalist organisations such as the Vishwa Hindu Parishad have for some time similarly demanded a two-child policy, claiming that India would otherwise soon become an “Islamic state” (Dash 2021).

The introduction of the draft population control bill took place in this context. It was preceded by years of campaigning – both online and in the real world – by Hindu nationalist groups across north India demanding stricter population control. Facebook posts and WhatsApp groups were used to spread the conspiracy theory that Muslims would soon surpass the Hindu population unless strict measures were introduced. And organisations such as the Jansankhya Samadhan Foundation (Population Resolution Foundation) – a group tacitly endorsed by the RSS, and claiming to have held 150,000 protests and meetings on the theme, while also running more than 400 WhatsApp groups connecting 100,000 people – travelled across several states, rallying support for the cause (Purohit 2019). Tellingly, Adityanath himself, when presenting the bill, stressed that an important function of the law beyond limiting aggregate population growth was to maintain “a balance in the population of various communities”. In the case of the population control bill then, the secular, non-discriminatory language of the law is in effect clearly a dog-whistle communication of promises of a swift redressal of the demographic anxieties of Hindu majoritarianism.

In combination, Uttar Pradesh’s love jihad law and population control bill are grounded in majoritarian demographic anxieties and their attendant imaginaries of dangerous otherness that are foundational to Hindu nationalist politics. But they also significantly operate at the intersubjective micro-scale of everyday social relations and intimacies. This is the domain of what Philip Corrigan and Derek Sayer (1985) refer to as “moral regulation” in state formation. By this they stress how, among the many possible ways in which social life could be lived, “state activities more or less forcibly ‘encourage’ some, whilst suppressing, marginalizing, eroding, undermining others” (Corrigan and Sayer 1985: 4). In other words, moral regulation renders specific ways of life natural in a way that is coextensive with a distinctive state form and the ‘moral ethos’ that justifies that state form. A key aspect of moral regulation, in turn, is the building of the construct of the nation as a site of “primary social identification and loyalty” (Corrigan and Sayer 1985: 4) against a foil of alien, dangerous others. While the primary object of Corrigan and Sayer’s analysis was the western bourgeois state, our reading of Uttar Pradesh’s dog-whistle legislation shows how it seeks to suppress, marginalise, erode, and undermine social intimacies that transcend the boundaries of religious communities by regulating who a person can or should marry, and how many children they can have. We argue that these forms of moral regulation are tied to the unfolding Hindu nationalist project of “merging the nation-state with the Hindu people-nation” (Chatterjee 2020: 109).

### **Violence-enabling law-making**

Whilst the impact of the population control bill has not yet been felt (as it remains a bill, not an act), in practice, the introduction of love jihad legislation in Uttar Pradesh has legitimised, and even mandated the intrusion of the state and third parties in the choice

of who an individual wishes to marry (Vishwanath 2020). In other words, it has enabled the state, via its apparatus of coercive power, to intervene in, and – quite literally – police intimate relations in the private sphere according to the precepts of Hindu nationalism (see also Sonkar 2022). This is evident from how the state police soon after the introduction of the ordinance began targeting interfaith couples, occasionally stopping wedding ceremonies, booking people under the anti-conversion law, and keeping some in judicial custody. The targets were almost exclusively young Muslim men but sometimes also their families (National Herald 2021). And yet, reported police interventions have been relatively few in number: two years after the law came into effect, only 291 cases had been registered and 597 people arrested (OpIndia 2022), but only one person convicted. These are small numbers, given Uttar Pradesh’s population of well over 200 million. This indicates that if we really want to understand the dynamics of contemporary Hindu nationalist statecraft on the ground, we need to appreciate how the public authority of the state works in tandem with a continued assertion of vigilante power. This has manifested particularly in the way in which the love jihad law has served as a potent tool of extra-legal moral regulation. In this sense, law-making has been violence-enabling insofar as the law has become an effective weapon in the armoury of violent Hindu nationalist vigilante groups. These groups learn about interfaith couples through dense networks of local informers found in schools and colleges, or working in buses, coffee shops, gyms, hotels, courts, and coaching centres, scattered across villages, towns, and cities. Within these networks, marriage officials serve as important nodes as they possess vital information about interfaith marriages (Sharma and Khan 2021). Based on such information, vigilante gangs affiliated with various Hindu nationalist organisations have for years resorted to conducting demonstrations outside police stations demanding action against interfaith couples; or have sought to ‘educate’ parents of Hindu girls to check their daughters’ mobile phones for illicit liaisons with boys of other faiths. However, with the new love jihad legislation at their disposal, such groups can now more openly and assertively turn to police authorities to inform them about interfaith couples on the run, and demand surveillance of their mobile phones or other forms of police action. In other words, these groups are now able to align their activities more squarely with police intervention. As a Bajrang Dal leader in Uttar Pradesh told the reporter Ananya Bhardwaj (2020): “when a woman puts her foot outside her house without her father’s permission, the Bajrang Dal comes in the picture... Thanks to this law we can operate freely”. Another Bajrang Dal leader similarly told reporters Sharma and Khan (2021: 8) that with the new law in place “the work that the VHP and the Bajrang Dal workers used to do on [their] own ... now has the full support of the police”. Hindutva groups are also known to exchange updates on the whereabouts of interfaith couples with the police (ibid.: 7) and actively use the new law to see to it that cases are registered against interfaith couples. Hindutva vigilante activism, then, currently works collusively, osmotically, and symbiotically with the coercive apparatus of the state (Jaffreot 2021: 211-247) to enforce the majoritarian provisions of new legislation that is at the core of Hindu nationalist statecraft. Hindutva activism at the current juncture then, does not merely constitute a parallel state of sorts; it is co-constitutive of the vigilante state in Uttar Pradesh.

### Karnataka: Foregrounding Christians

In recent years, Hindu nationalist politics in Hindutva's southern laboratory of Karnataka has developed with at least one eye on the trajectory of Uttar Pradesh under Adityanath. For example, the now former BJP CM of Karnataka vowed to implement "the Yogi model" in his state, while other BJP ministers went further to suggest that Karnataka should "go five steps ahead of Uttar Pradesh" (Dhingra 2022). But while Hindu nationalist statecraft in Uttar Pradesh has largely foregrounded the Muslim as the quintessential Other, in Karnataka, Christianity has played a prominent role.<sup>3</sup> Hindutva ideology has historically formulated and perpetuated a well-articulated notion of India's Christians as 'outsiders' and 'enemies' who pose a demographic and cultural threat to the 'Hindu' nation. This is predicated on the idea that India's Christians are linked to Western 'Christian' countries (notably the US and UK but also The Vatican) that fund 'forced' or 'fraudulent' conversion activities intending to transform India into a 'Christian' nation. Hence, in contrast to Muslims whom Hindu nationalists believe seduce or force their converts, Christians supposedly entice converts with various forms of material aid. Such conversions create anxiety because they are viewed as targeting especially vulnerable or marginalised groups such as Dalits and tribals (as well as women) whom Hindutva ideology consider as part of the Hindu fold (Jenkins 2019). It is this perceived Christian threat to the Hindu nation that was written into state law in 2021 with the passing of the Karnataka Right to Freedom of Religion Act.<sup>4</sup> Thus, while the anti-conversion law introduced in Uttar Pradesh signalled a victory for the *sangh parivar's* campaign against love jihad, in the case of Karnataka, the right to freedom of religion act can be seen as a victory for the campaign against "fraudulent conversions of vulnerable Hindus" to Christianity.

### Combating "fraudulent conversions": The Karnataka Right to Freedom of Religion Act, 2021

The Karnataka Right to Freedom of Religion Act, 2021 is one among several initiatives by the BJP during its spell in power in the state from 2019 to 2023 which sought to regulate and limit the religious, social, and economic rights of Karnataka's minorities.<sup>5</sup> As we indicate below, in letter this act is strikingly similar to the love jihad law in Uttar Pradesh, with many sections being virtually identical. Its status as dog-whistle legislation is equally evident, most clearly in the name of the law itself, which speaks the liberal language of individual rights and freedoms, but which remains strikingly illiberal in contents. Yet while the letter of the two laws is thus virtually identical, their dog-whistles differ: while the coded message of Uttar Pradesh's anti-conversion law was anti-Muslim and aimed at addressing a perceived

<sup>3</sup> The concept of "love jihad" in fact originated in Karnataka, coined by the Hindutva hardliner Pramod Muthalik (Frøystad 2021: 5-6) in 2005. Anxieties about love jihad remain prominent among Hindutva groups in the state and have also been closely connected to the 2021 act. In our discussion here, however, we focus largely on Christianity as Hindutva's Other in the state.

<sup>4</sup> As this article was being finalised, a newly elected Congress government had just decided to repeal this law, but no action towards this end had yet been taken.

<sup>5</sup> Others include the Karnataka Prevention of Slaughter and Preservation of Cattle Bill, 2020, which undermines the economic activities of Muslims and Dalits in the cattle economy (Ramdas 2020); and the so-called 'Hijab Ban' which prevents the wearing of headscarves in government colleges. There have also been calls to pass a population control bill, inspired by the UP legislation.

‘Muslim threat’, the coded message of the law in Karnataka is anti-Christian and aimed at addressing the ‘Christian threat’, despite – in a dog-whistle manner – never explicitly mentioning Christianity.

The origins of the law can be traced back to 2008 when the BJP first came to power in Karnataka. At the time, the Bajrang Dal called for the new government to pass an anti-conversion law to curb what it termed “rampant conversion executed through foreign funds” (Indo-Asian News Service 2008; Sayeed 2008; Ataulia 2008). These calls then started being amplified by government officials following a significant spell of anti-Christian violence in 2008 in coastal Karnataka when 28 incidents of violence against Christians and Churches were recorded within a month. The ruling BJP and the police were subsequently implicated by civil society and government reports for their both tacit and overt support for Hindutva vigilante groups who carried out the violence.

The BJP government tried to blame the Christians for the violence, trivialising it as merely a “spontaneous response” by Hindus to hurt Hindu sentiments. The then Home Minister, Dr. VS Acharya argued that “the root cause [of violent conflict] is the illegal conversion” (Roche 2008), and that therefore a law was needed to check the Christian “threat” (Kumar 2008). A few days later, speaking to reporters after chairing a high-level meeting to review the violence, CM Yediyurappa said “the government has ordered a scrutiny of such accounts which receive foreign funds for conversion” (Press Trust of India 2008). The next year, Suresh Kumar, Minister of State for Law confirmed that the BJP was working on an anti-conversion bill because “poor and uneducated Hindus are becoming victims for the false propaganda against Hinduism [by Christians]” (Ekadshi 2009).

The fact that the BJP went on to prepare a draft legislation demonstrates its intent to bring such a law. However, the draft bill was never brought to the floor of the state legislature because of a political crisis that engulfed BJP at the time. Facing arrests over allegations of corruption, the Chief Ministership changed hands three times in a matter of two years. The BJP was eventually voted out of power in 2013 but promised to introduce the law when it returned (Bhuvaneshwari 2014). This happened in 2019, and the anti-conversion bill was introduced in 2021. The bill was based on a study of other states’ legislation, including that of Uttar Pradesh, and was originally promulgated as an Ordinance. Later it was passed in the Assembly and came into effect in September 2022.

As in Uttar Pradesh, the law was accompanied by a running meta-commentary by BJP politicians communicating its real intent and purpose. For example, Tejasvi Surya, a BJP Member of Parliament, justified the bill by asserting that:

The Hindu has been taken from his mother religion. There is only one possible solution to address this. Those who have left for various socio, political, and economic reasons through the course of India’s history must be brought back to the Hindu faith [...] A large number of Hindus have already converted, and the count is increasing. It is numerical strength that decides political power in a democracy (NDTV 2021).

In the months preceding the passing of the bill, several efforts were made by the state government to survey and collect data on “authorized and unauthorized” churches in Karnataka (Times Now News 2021), the main aim being to identify “unauthorized” people

involved in missionary work (The Indian Express 2021). None of these surveys documented any forced conversions, but the very fact that they were carried out and discussed in the media cemented the idea that Christian missionaries were operating nefariously and needed to be controlled. Simultaneously, there were at least 39 instances of anti-Christian violence from January to November 2021 (People's Union for Civil Liberties 2021), placing Karnataka third in the list of states experiencing anti-Christian violence in 2021 (Henry 2021).

Despite no evidence emerging from the surveys conducted, the Karnataka legislation states that “in recent years the State has noticed many instances of conversion by means of ‘allurement’, ‘coercion’, ‘force’, ‘fraudulent means’ and ‘mass’ conversion” as they “cause disturbance to public order”. These are all terms that have historically been deployed by proponents of the Hindutva ideology to amplify the Christian threat. Importantly, the nebulous definitions of these phrases provide scope for a range of interpretations and therefore political manipulation. For example, the Christian metaphysical teaching of the afterlife can be construed by non-Christians as a form of ‘fraud’ or ‘misrepresentation,’ thereby rendering any conversion arising from missionary activities unlawful. The law can also be seen as targeting the significant network of Christian institutions which provide social services across the state. The term “allurement”, for example, is broadly defined and includes perceived incentives such as “employment, free education in school or college run by any religious body”. In other words, many charitable acts which are a fundamental part of Christianity (and Islam) can be framed as tactics of conversion (Kumar and Yadav 2022: 5). In this context, Bangalore Archbishop Peter Machado commented:

So, giving free education will also be a big problem. If I have to help a Dalit child, who can't afford to pay the fees, I'll have to fill a number of forms. I will have to explain why the child is being helped, and why I am offering free education. (Kaur 2022)

This is doubly dangerous insofar as the law broadens the understanding of who the “converter” is to also include institutions which could face sanctions such as the withdrawal of state financial support if found to be transgressing the law. This means that the institution itself along with anyone who works there could be held liable under law.

Karnataka's legislation also addresses Hindutva's anxieties about vulnerable or marginalised Hindu groups being lured away from Hinduism by providing harsher penalties if the person being converted is from the Scheduled Castes or Tribes or is a woman or a child. This particular anxiety is related to the fact that Dalit and Adivasi Christians are estimated to comprise as much as 90 per cent of India's Christian population.<sup>6</sup> The provisions of the law – which also exist in the Uttar Pradesh law – impose imprisonment of up to 10 years and financial penalties up to INR 50,000 if the convert is a Dalit or Adivasi (or woman or child), as against 3 years and INR 25,000 respectively if the convert is not from a minoritised group.

As in Uttar Pradesh, Karnataka's law seeks to make conversions a public affair. It necessitates that a 30-day advance notice is given by the person wishing to convert to a competent government official who can ask for objections from the public and order a police

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<sup>6</sup> Escaping the traps of the caste system appears to be a primary reason for the conversion of Dalits to Christianity (Cederlöf 1997; Clarke 2003; Roberts 2016), while for Adivasis the “alternate system of ethics” which Christianity provides has been the attraction (Hardiman 2002).

investigation into the “genuine intention, purpose, and cause of the proposed conversion”. Notably, the “converter” must also give a 60-day advance notice with full details of the ceremony. Some legal experts have likened this to a modality of “tyranny by procedure” that undermines a person’s privacy, grounded in the notion of the autonomy, dignity, and liberty of an individual (Manoj and Erinjingat 2022). Yet as the case of Uttar Pradesh above illustrates, the use of mandatory schedules and forms also enables more direct forms of extra-legal violent tyranny.

The legislation also widens the scope of who can report a “conversion” providing that “parents, brother, sister or any other person who is related to him by blood, marriage or adoption or in any form associated or colleague” can lodge a complaint. In this way, and similar to that in Uttar Pradesh, the law effectively invites, encourages, and supports the work of Hindutva-aligned groups and their work of enforcing boundaries between religious communities. As a lawyer-activist shared with one of the authors:

In a majority of cases we see now, it is not the person who is affected, not the individual saying, “I am being converted” who goes to the police. It is someone from the political end or the *Sangh Parivar* who are pointing fingers at pastors and others. Very rarely is the complaint being filed by the victim.

As in Uttar Pradesh, the law also boosts the *ghar wapsi* efforts of Hindutva-aligned organisations to force or entice Christians (and Muslims) to return to the Hindu faith. Known since the late nineteenth century, *ghar wapsi* has gained popularity with the political and social ascendance of the Hindutva movement since the early 2000s (Katju 2015; Vandeveld 2011). Particularly vital for Muslim and Christian Dalits is that the law provides that on reconversion to Hinduism these groups will be able to enjoy the affirmative action policies and greater legal protections which Muslim and Christian Dalits are not entitled to. This provides a further incentive for *ghar wapsi* activists in their efforts to ‘reconvert’ Dalit Christians to Hinduism.

### **Law-enabling violence**

As in Uttar Pradesh, the number of cases registered under the anti-conversion law is very limited: during the first seven months of its existence only nine cases were registered, with none of them leading to an actual conviction (Joshi 2022). While the violence-enabling potential of the law thus remained a distinct prospect, what stands out in the case of Karnataka is the wave of law-enabling violence that preceded the law itself. As mentioned, the 10-month period preceding the passing of the anti-conversion law saw many instances of direct violence against Christian communities. Based on interviews with victims of this violence, the People’s Union for Civil Liberties (PUCL), a prominent civil society group, uncovered a consistent pattern. First, local leaders of Hindutva groups such as the Bajrang Dal and Vishwa Hindu Parishad would organise a mob, collect saffron flags, and identify buildings where Sunday worship would take place. The mob would then call the local police in advance to inform them of the impending attack. On the day of worship, the mob would forcefully enter places of worship, verbally abuse the pastor and accuse them of forcibly converting Hindus. They would use casteist slurs and attack worshippers (women

in particular) with their bare hands, or with rods and sticks. The police would then arrive shortly after and would use abusive language against the worshippers. Instead of arresting the attackers, the police would arrest only pastors and worshippers, charging them under various sections of the Indian Penal Code, typically section 295A (“deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs”) or 298 (“uttering, words, etc., with deliberate intent to wound the religious feelings of any person”). The entire incident would be recorded by a member of the vigilante group and subsequently shared on social media and hailed as a “victory against Christian forces”.<sup>7</sup>

One such incident took place in Ramnagara, around 50 km from the state capital of Bangalore, in January 2021. Here, worship was taking place in a rented house used as a prayer hall for 60 Christians. During worship, a group of six Hindutva activists had entered and started verbally assaulting and beating up the pastor and worshippers. The pastor was dragged outside and violently attacked, and his 14-year-old daughter severely beaten and kicked. While the worshippers were successful in filing a First Information Report (FIR) against their attackers, the latter were allowed to file counter-FIRs against the worshippers under section 295A. In a comparable incident in November, a prayer gathering in Tilakwadi, Belgaum, was disrupted by an aggressive mob composed of activists belonging to several Hindutva groups who had entered the venue and demanded that the pastors stop “converting Hindus into Christianity”. In conformity with the *modus operandi* identified by the PUCL, the police were present at the spot but did not intervene, nor did they arrest any of the attackers. Instead, they booked the four pastors who led the prayer meeting (Shantha 2021).

In tandem with this, the police in parts of the state had begun issuing warnings to Christian communities against gathering at rented spaces for prayers. According to Shantha (2021), over two dozen pastors and community leaders had been summoned by the police in northern Karnataka and asked to not rent any space for prayers. This led one church, the Harvest Church, to stop gathering physically altogether, instead moving prayer online. By Christmas time 2021, violent confrontations, ritual beatings, and sudden threats had come to define the context in which Christian prayer meetings were organised, with police and political support to bolster such attacks.

As we can discern, Hindutva vigilante groups in Karnataka have played two key roles. First, they have operated as conventional “fire tenders” (Brass 2003) who keep communal issues alive in the public domain, ready to ignite communal sensitivities at the opportune time. More importantly for our purposes however, their violent actions against Christians in the name of outrage and hurt Hindu pride can be seen as assertions of the moral right of popular power to dictate law-making (see also Hansen 2021). Such violence elevates and aggravates the sense of a ‘Christian threat’, generates a popular impression of far-reaching unlawful conversions, and ultimately creates the social foundations and moral legitimacy for an anti-conversion law. In this sense, vigilante violence has been law-enabling, generating political momentum for new laws to be introduced – laws which, in turn, constitute an enabling framework for further vigilante violence.

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<sup>7</sup> The report also points to the indirect role of the local media in supporting vigilante violence. While the Kannada media coverage is a “mix of specious arguments, misleading statements, outright falsehoods, one-sided reporting”, its coverage of anti-Christian violence is in turn “sensationalist in nature, often deploying the device of ‘sting operations’ as if someone had been caught doing something illegal” (People’s Union for Civil Liberties 2021: 51-52).

## Conclusion

Since 2014, India's incumbent BJP-government has made effective use of its unprecedented hold on state power to advance the majoritarian project of Hindu nationalism. In this article, we have proposed an analysis of this process as Hindu nationalist statecraft, focusing on how the entangled power of law and power of violence constitutes a key modality for advancing such statecraft. In the domain of law-making, Hindu nationalist ideology is increasingly being written into law through a series of acts introduced to regulate inter-faith relationships, stop religious conversions, and limit population growth. Crucially, while such laws speak the secular and liberal language of individual rights and freedoms, and of welfare, sustainability, and equity, we have made the case for analysing them as dog-whistle legislations. We have argued that dog-whistle legislation is, in fact, a key modality of Hindu nationalist statecraft that relies on coded ethno-religious and communal language, rooted in demographic anxieties among Hindu nationalists and hostility towards 'dangerous others'. The superficial disconnect of these laws from any overt language of religious communalism and Hindu majoritarianism serves multiple purposes. It makes it difficult to strike them down as unconstitutional; it also enables the powerful communication – audible to those interested or capable of listening in the proper register – of the political message that 'threatening non-Hindus' are not equal citizens; and not least, it seeks to produce and lock 'communal loyalty' among Hindus into law as a foundation of the state and citizenship.

We have also mapped the imbrication of law and violence to show how law-making as a modality of Hindu nationalist statecraft both enables, and is enabled by extra-legal violence perpetrated on Hindutva's dangerous others. This entanglement of law and collective violence in Hindu nationalist statecraft – that is, the simultaneous mobilisation of consent and coercion across the analytical divide between civil and political society to build a Hindu nation – works to redefine both state and society in a distinctively majoritarian direction. It also reveals something significant about the current conjuncture in the Indian republic. In contrast to many other authoritarian populist regimes, the Modi regime represents more than an electoral mandate. It represents the culmination of a much deeper historical process of Hindu nationalist organising and mobilising in Indian society, driven by a movement that has now, with the consolidation of Modi's BJP, extended the compass of its hegemonic power from civil society to the state.

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