



Kerala becoming a hub of love jihad- a fact or fiction

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India is a country where there exists, diversity in religion, here marriages among interfaith couples is not a rare event. however, a huge difference arises between marrying someone from another faith for love and manipulating someone into marrying you. The phenomenon of mass conversion of other community women into Islam is emerging as an issue of paramount significance in both social and political aspects of India. While marriages between interfaith couples remain legally recognized, the possibility for coercion and undue influence in certain cases remains a cause of concern. Hence this paper examines the potential impact of forced conversions and the concept of love jihad which is an unofficial term that implies as, an attempt to entice women from other faiths, into converting into Islam and then offering them to marriage. The paper will also signify the importance of strong law enforcement, social awareness, judicial activism to address these concerns thereby highlighting the possibility to create a more tolerant and inclusive society where an individual is free to choose without any coercion or undue influence.

As the Muslim law remains uncodified the concepts followed by followers of Islam is based on their holy text the Quran and the preachings of their prophets. Hence is the concept of marriage- Nikah. It is perceived that Muslim marriages constitute to a civil contract. The Arabic word *nikah* literally translates to “the union of the sexes” and in legal terms it means ‘marriage’.¹ “Marriage among Mohammadans. is considered not as a sacrament, but purely a civil contract on the completion of which by proposal and acceptance, all rights and obligations which it creates arise immediately and simultaneously.”² In the case of Abdul Khadir vs Salima it was held that Muslim marriage is a contract and not a sacrament.³ Yet another view states that Muslim marriages are not purely a civil contract but it is also a religious sacrament too, and this view is also supported by the judiciary.⁴ hence the concept of nikah is not just about competent parties entering into an agreement but also about the union of them.

Islam also allows a man to have more than one wife, that is polygamy is not an offence. at the same time it is quite clear that one cannot marry the wife of other, hence if polygamy is permitted it will lead to muslim men marrying females from other religions too as there is limitation in the sex ratio, which ultimately means conversion. however just since polygamy or having 4 wives is allowed in Islam does not by any means state that all Muslim men should have 4 wives, it is a choice and not a compulsion. Marrying someone from another religion based on mutual affection and if they by their consent convert and accept another religion then it is both legally and morally justified, on the other side converting your religion only for marriage is not legally justified moreover marrying someone for conversion is both lawfully and ethically wrong and this is the concept of forced or manipulative conversion and quite well known as the concept of love jihad. There is a good number of the Islamic population who don't follow these customs, however even if a fraction of them move towards a radical form of Islam leading a plan towards forced conversion then that can also not be ignored. “**love jihad**” The phenomenon of mass conversion of other community women into Islam. It is said to be an attempt to entice women from other faiths, into converting into Islam and then offering them to marriage. It is emerging as an issue of paramount significance in both social and political aspects of India.

Kerala is a state which is known for its religious harmony however, just because the state promotes and enjoys this harmony doesn't validate to the fact that there is no trace of coercion or manipulative conversion being done within the state. there are cases and even people coming forward to share their side of story which depicts a dark side of Islam. It requires a critical analysis to understand the truth.

The allegations of Love Jihad-

The concept of interfaith marriages is not new to our society. There are interfaith marriages that are widely accepted and celebrated, but there is a difference between marrying someone for love and respect and forcing someone to marry or even manipulating someone just so they will enter into the structure of marriage. love jihad is one such concept. here the societal perspective is divided into 2 different phases one claiming that love jihad is not a mere fiction but a conspiracy, they believe it is not only about enticing a woman into believing that one loves her or will even marry her, but also a psychological attack of slowly and deliberately trapping a women into this firstly making her see the glorified version of Islam then with time detaching her from the society and converting her into Islam, some are even forced for the same. The other side however believes that love jihad used as a conspiracy theory which claims that Muslim men use deceit, seduction, and pretending to love, kidnaping and marriage to convert other community women into Islam. The concept of Islamophobia, or the prejudice, discrimination, or hatred towards Muslims is frequently promoted by this notion. some also believe that this propaganda of love jihad is politically oriented where political parties are trying to create a hatred towards a particular community.

¹ Vincent J. Cornell, *Voices of life: family, home, and society* (Praeger Publishers Inc, Westport, United States, 2006), P. 59–60

² Shama Charan Sircar, *The Mohammedan Law: Being a Digest of the Law Applicable Especially to Sunnis in India*, Tagore Lectures, 1873.

³ Abdul Kadir v. Salima (1886) ILR 8 ALL 149

⁴ Anis Begum v. Mohammad Istafa, (1933) 55 APP 743

love jihad a fact or fiction-

In order to understand whether this concept is actually a mere peace of fiction or a fact, there arises a need to analyze certain cases and scenarios. One approach to "Love Jihad" would be to combine Jihad al-da'wah with Jihad Al-Nika'h., here Jihad al-da'wah means bringing more people from other faiths into Islam by means of conversion and jihad Al-Nika'h refers to the women joining the jihad by offering sex to the ones fighting for the cause of Isla in order to boost their morale"⁵

According to the Additional District- Ravi Kumar Diwakar, he said that hindu females are being enticed into "love" for the purpose of illegal conversions he further stated that the situation in India is comparable to those in Bangladesh and Pakistan.⁶ illegal conversions are a serious danger to the unity, integrity, and also the sovereignty of the nation according to the justice Kavi Kumar Diwakar.

Every individual is bestowed with the fundamental right to profess, practice, or propagate any religion of his choice⁷ but this personal freedom guaranteed by the constitution cannot be used as a medium for forceful or illegal conversions. In Lok Sabha as an answer to a question, the minister replied- the current laws however do not define the term "Love Jihad." None of the central agencies have recorded any instances including "Love Jihad." Nevertheless, two cases from Kerala involving inter-faith marriages have been investigated by the National Investigation Agency (NIA)⁸, Anti-conversion laws are also made in India's most populous state of Uttar Pradesh, this law was made to prevent interfaith couples from getting married. this act suggests that this law was made to prevent forced or fraudulent conversion also termed as love jihad. under this law the interfaith couples must now give a two months notice to a district official before getting married. some claim that this law is violative of the fundamental right to choose a partner of their choice and art 25 of the Indian constitution.

The god's own country Kerala where religious harmony has always been celebrated, but this does not signify that no problems or issues are simmering within the state. though all religions are widely accepted and celebrated within the state there are still some religious problems going on within the state. The Hadiya case which some media outlets stated to be an example of the love jihad conspiracy theory. In this case a Hindu female medical student from Kerala who converted to Islam and married to a Muslim boy Shafin Jahan in January 2016. (Hadiya formerly known as Akhila Ashokan) Hadiyas parents after finding out about the marriage challenged the marriage alleging that Hadiya was deceived into the marriage and was forcibly converted to Islam. the high court of Kerala annulled their marriage however he filed an appeal to the Supreme Court stating this was a violation of her fundamental right to choose her partner. the Supreme Court quashed the high court judgment after finding that Hadiya's parent's allegations were false and that it was her fundamental right to choose her partner⁹. though this judgement was given in favour of Hadiya potentially clearing any doubts of love jihad happening in that case, however still some claim that proper investigation was not done regarding the same.

There are other instances as well where local news channels covered the statements of women who stated their experience of being trapped by manipulative conversions. one such women is Anagha Gopalan where she was first taught about the good things in Islam and into believing that Allah was supreme, her family stated that they saw her changing in a radical Islam manner where she used to question the Hindu practices followed in her house. another case was reported where a girl 23-year-old was forced and brainwashed to convert to Islam and then forcefully married, the girl further stated that her husband tried to sell her to ISIS however she managed to escape. the boy had married her using a fake identity¹⁰

These cases states that the concept of love jihad is not limited to a fiction but is a fact which needs to be accepted however just due to these few cases one cannot state that the state of kerala has become a hub of conversion. No religion is perfect on its own, and not every follower of Islam poses a threat to the community, but the ones who root for the issues need to be found. Islamophobia or, generalizing the followers of Islam and tagging them as anti-nationalists is not a solution. If we continue the blame game then the problem will never find solutions. Anti- conversion laws as established in the state of Uttar Pradesh to prevent forced conversion might be a solution but its implementation should be done in a way that it does not target a particular religion alone. Forced conversion of different community women for the purpose of marriage should not be allowed and laws should come to avoid this is a problem of great significance.

⁵ Dr V N Jha, Combating 'Love Jihad' in India, 2021

⁶ The Hindu, October 3 2024

⁷ Constitution of India, 1950, art. 25

⁸ SHRI G. Kishan Reddy, 4 February 2020

⁹ Shafin Jahan vs. Asokan K.M. and Ors., 2018 SC

¹⁰ Times now, 2017