

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

REGULATING RELIGIOUS CONVERSION, LEGAL AND CONSTITUTIONAL DEBATE

AUTHORED BY - SOUMYAJIT GHOSH

Jogesh Chandra Chaudhuri Law College, Calcutta University

Abstract

Almost all the countries give freedom of religion in some form or the other. Such a guarantee assumes special importance in a vast religious country like India which owes its religious diversity to history rather than any recent time period. Religious conversion is an issue packed with legal, ethical, and constitutional challenges. While international human rights frameworks affirm the freedom or right of individuals to change their religion, a growing number of nations have adopted laws abstaining from forceful religious conversion and raising debates between state intervention, public order, and personal liberties. This article gives rise to the legal and constitutional debates regarding the regulation of religious conversion in different jurisdictions, focusing on the right to religious freedom and has been a subject of intense criticism and has been alleged as infringing on one's right to freedom of religion. The paper examines the issue of religious conversion in the light of existing constitutional provisions, judicial pronouncements, and secularism and through the lens of contemporary political philosophy.

Keywords - religion, conversion, freedom, constitutional debates.

Introduction

Human birth is an ascription of sorts, ascription to a certain race, status, caste (in the Indian context) and religion. Whether such ascriptions are capable of revision and if so then to what extent has been a subject of human inquiry, a social project (for instance backward caste movements to get rid of caste based inequalities in India) as well as contemporary political philosophy.

In India, the regulation of religious conversion is a complex issue, with both legal and constitutional debates surrounding it. The Indian view on religion is way different from what the world perceives it to be. Religion in India not only spans from social, political, economical issues rather a sentimental issue. Religion happens to be one of the most important and decisive

political factors and affects the electoral battles in a big way. Before going into the details and dynamics of religion in India one should understand the cultural and constitutional views of the nation. In fact diversity is the essence of Indian culture and that makes it beautiful. Religion has a very strong base in India and it has a region – specific religious practices. Take the example of Jammu and Kashmir which has a Muslim majority while Punjab has a Sikh majority, Nagaland, Meghalaya and Mizoram have Christian majorities and the Indian Himalayan States such as Sikkim, Ladakh, Arunachal Pradesh, Maharashtra, Darjeeling, District of West Bengal have large concentrations of Buddhist population. India has sufficiently great Muslim, Sikh, Christian, Buddhist, Jain and Zoroastrian populations. Islam is the largest minority religion in India. The Indian Muslims stand at the third position as the largest Muslim population in the world which figures up to over 14 percent of the nation's population.¹

The Constitution of India clearly states that India is a secular state and it further strengthened the idea of secularism by granting Freedom of Religion as a fundamental right to its citizens which is enshrined under Article 25-28 of the Constitution². The concept of 'Secularism' was not a part of the Constitution since its inception but later it became a part of the basic structure of the Constitution by way of the 42nd Amendment in the year 1976. As a result the word 'secular' was added in the Preamble of the Constitution.³

However, despite the liberty granted by our Constitution there have been numerous incidents of religious intolerance which resulted in riots and violence, notably, the 1984 Anti-Sikh riots in Delhi, 1990 Anti-Hindu riots in Kashmir, 2002 Gujarat riots and the 2008 Anti-Christian riots.⁴

Religious conversion is an issue fraught with legal, ethical, and constitutional challenges. While international human rights frameworks emphasize the freedom of individuals to change their religion, a growing number of nations have adopted laws regulating or restricting religious conversion, raising complex debates on the balance between state intervention, public order, and personal liberties. This article examines the legal and constitutional debates surrounding the regulation of religious conversion in different jurisdictions, focusing on the tension between

¹ Website: Dr. Abhishek Atrey," Anti-Conversion Laws and their Constitutionality"(Indialegalive.com,22,Jan,2021)<<https://indialegalive.com/top-news-of-the-day/news/anti-conversion-laws-and-their-constitutionality/>> accessed 30 July 2025.

² The Constitution of India, 1950.

³ Supra note 1.

⁴ Ibid.

the right to religious freedom and state interests such as national security, public order, and the prevention of coerced conversions.

Religion has been a volatile issue in the country capable of inciting sentiments which have often seen being translated into violent outpourings in the public sphere. A case in point being Anti conversion laws in India which have been a subject of innumerable inconclusive debates and also a subject matter of this article.

Constitutional Provisions on Religious Freedom

The Preamble of the Indian Constitution has the word "secular", and articles 25 to 28 implying that the State will not discriminate, patronise or meddle in the profession of any religion.⁵ However, it shields individual religions or groups by adding religious rights as fundamental rights. Article 25 says "all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health"⁶. Further, Article 26 says that all denominations can manage their own affairs in matters of religion. Further, Article 26 says that all denominations can manage their own affairs in matters of religion. All these rights are subject to be regulated by the State.⁷

Article 25 (2b) uses the term "Hindus" for all classes and sections of Hindus, Jains, Buddhists and Sikhs.⁸ Sikhs and Buddhists objected to this wording that makes many Hindu personal laws applicable to them.⁹ However, the same article also guarantees the right of members of the Sikh faith to bear a Kirpan.¹⁰ Religions require no registration. The government can ban a religious organisation if it disrupts communal harmony, has been involved in terrorism or sedition, or has violated the Foreign Contributions Act. The government limits the entry of any foreign religious institution or missionary and since the 1960s, no new foreign missionaries have been accepted though long term established ones may renew their visas.¹¹

⁵ Article Journal: Vinodh Reddy "Fundamental Rights" Edu General 3 September 2017 <https://web.archive.org/web/20180903184530/https://edugeneral.org/blog/polity/fundamental-rights-articles-14-18-19-22-23-24-25-28-29-30-32/#article_25-28> accessed 30 July 2025.

⁶ Constitution of India 1950 art.25

⁷ Book: Gerald James Larson, *Religion and Personal Law in Secular India* (Indiana University press 2001)

⁸ Book: Kevin Boyle and Juliet Sheen, *Freedom of Religion and Belief: A World Report* (Routledge 2013)

⁹ Ibid

¹⁰ The Constitution of India, 1950 art.25

¹¹ Journal article: "Religious Persecution in India" (European Center for Law and Justice 2008) <https://7676076fde29cb34e26d-759f611b127203e9f2a0021aa1b7da05.ssl.cf2.rackcdn.com/eclj/080303_Persecution_Memo_India.pdf> accessed 30 July 2025.

State-Level Laws: Religious conversion

The apex court was, in a number of cases before it, presented with an opportunity to delve upon whether the right to propagate entails the right to convert because the former is a fundamental right and the latter becomes illegal if done forcibly. A 1954 Supreme Court of India judgment in the case of *Ratilal Panachand Gandhi v. State of Bombay* has made the provision of article 25 clearer by confirming that every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgement or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others.¹²

However, in another judgment in the case of *Digdarshan Rajendra Ram Dass v. State of Andhra Pradesh*, the apex court decided that “the right to propagate one's religion means the right to communicate a person's beliefs to another person or to expose the tenets of that faith, but would not include the right to ‘convert another person to the former’s faith.’¹³ Therefore it came to be judicially established that although propagation enjoys constitutional protection under the right to freedom of religion but conversion does not.

The State of Orissa was one of the earliest states to enact the Freedom of Religion Act in 1967. The Orissa Act, 1967, describes its purpose as “An act to provide for prohibition of conversion from one religion to another by use of force or inducement or by fraudulent means and for matters incidental thereto”.¹⁴ The prescribed punishment for converting someone via the objectionable means outlined in the Orissa Act, 1967 was a one-year prison sentence, a fine of Rs. 5,000 or both. Interestingly, the fine for converting a minor, woman, or a member of the Scheduled Castes or Tribes was two years imprisonment, a fine of Rs.10,000 or both.

Presumably, these additional penalties in the Act were included to protect what the government viewed as the “weaker sections of society.” The increased fine for converting a minor or woman or member of the Scheduled tribes or castes was based on the idea that those who convert individuals from these groups were exploiting their “poverty, simplicity, and ignorance.”¹⁵

¹² *Ratilal Panachand Gandhi v. State of Bombay*, AIR (1954) SC 388.

¹³ (1970) AIR 181.

¹⁴ The Orissa Freedom of Religion Act, (1967).

¹⁵Journal Article: Lalit Mohan Suri, ed. *The Current Indian Statutes 5* (Chandigarh: Law Register Press, 1968).<<https://archive.org/details/dli.calcutta.05920/mode/1up>>accessed 30 July 2025.

The State of Madhya Pradesh enacted its own anti-conversion act in 1968, entitled the Madhya Pradesh Dharma Swatantrya Adhiniyam. The language employed in the Adhiniyam is extremely similar to the Orissa Act of 1967. Furthermore even the quantum of punishment including fine for conversion brought about via objectionable means was also identical.

The Orissa Act of 1967 was challenged in the case of *Yulitha Hyde v. The State of Orissa*¹⁶ on two grounds, namely, “(a) The State Legislature has no legislative competence to legislate on the matters covered by the Act, and (b) The Act infringes the fundamental right guaranteed under article 25 of the Constitution”.¹⁷

Although the Act was eventually declared ultra vires, quite important observations were made on the interrelatedness of propagation and conversion. Most importantly, conversion was viewed as a right inherent in the right to freedom of religion as guaranteed by the Indian Constitution. The court observed:¹⁸

The true scope of the guarantee under article 25 (1) of the Constitution, therefore, must be taken to extend to propagate religion and as a necessary corollary of this proposition, conversion into one's own religion has to be included in the right so far as Christian citizenship is concerned.

The court gave three grounds for declaring the Act as unconstitutional namely, article 25 (1) guarantees conversion as part of the Christian religion, the definition of inducement is too vague, and the State has no power to enact the legislation envisioned by the Act since the Act deals with religion and not public order.¹⁹

As with the Orissa Act, 1967, the Madhya Pradesh Adhiniyam was also challenged two years later. Since both the Acts were substantially of similar nature heavy reliance was drawn on the earlier *Yulitha* judgement given by the Orissa High Court. But the surprising part is that the purpose of this reference was to argue against the earlier judgement. In the present case²⁰ The Court found the law to be within the competence of the state government because the court

¹⁶ AIR (1973) Ori 116.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Rev. Stanislaus vs State*, (1975) AIR M. P

viewed conversions brought about via prohibited means were matters of public order and not religious matters.

Since both the Acts were challenged on similar grounds and because of the ensuing opposing verdicts, the Supreme Court in *Rev Stanislaus v. State of Madhya Pradesh*, considered in great detail the issue whether the fundamental right to practise and propagate religion includes the right to convert, delivered a verdict on the constitutional validity of two of the earliest pieces of anti-conversion legislation in India: the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968, and the Orissa Freedom of Religion Act, 1967, both of which, it was alleged, restrict, as opposed to promote, religious liberty.²¹ Justice Ray wrote:²²

It has to be remembered that Article 25(1) guarantees 'freedom of conscience' to every citizen, and not merely to the followers of one particular religion and that, in turn, postulates that there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the 'Freedom of conscience' guaranteed to all the citizens of the country alike.

The years following the apex court's judgement in Stanislaus's case saw further enactments of more anti-conversion legislations. In 1978, a year after the Supreme Court's ruling in the case of Reverend Stanislaus v. Madhya Pradesh, and in the wake of considerable anti-Christian violence in India's northeast, the third of the initial tranche of State Freedom of Religion Acts was enacted in the then Union Territory of Arunachal Pradesh.²³

It is also important to note that even in pre-Independence era anti-conversion statutes were made by Princely States such as the Raigarh State Conversion Act of 1936, the Patna Freedom of Religion Act of 1942, the Sarguja State Apostasy Act 1945 and the Udaipur State Anti-Conversion Act of 1946 which were specifically against conversion to Christianity.²⁴

²¹ (1977) SCR (2) 611.

²² *Ibid.*

²³ Book: Brojendra Nath Bannerjee, "Religious Conversions in India" 269-70 (New Delhi: Harnam Publications, 1982).

²⁴ Book: Krishnadas Rajagopal, "Propagation without proselytisation: what the law says", (The Hindu, 21st December, 2014.)

The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, was passed by the UP Government on 28 November 2020 which is a much debated law nowadays and is being treated as a law against Love Jihad. This Ordinance provides punishment upto ten years for violation of its provisions along with other sanction. It targeted religious conversion under two circumstances. First being the situations of conversion through fraud, misrepresentation or coercion largely unproblematic, since similar provisions can also be found in other existing State laws of different States. While the second circumstance is about the conversion ‘done for the sole purpose of marriage’. Section 6 of this Ordinance declares that the marriages done for the sole purpose of unlawful conversion or vice versa shall be declared void. This is actually brimming with controversy.²⁵

Anti-conversion laws are promulgated on the premise that forced or induced conversions happen and need to be prevented. Such laws are controversial because they run the risk of being abused by majoritarian forces in the country. The legislative intent of such laws can be ascertained by reading the statute holistically with the aid of various tools of interpretation but no such tools exist to ascertain the intent behind an act of conversion, which is deeply personal (even spiritual) for some. So how will the state distinguish between conversion as a sincere act of conscience from that of one brought about by corruptible means. The problem is further aggravated in case of mass conversions (as opposed to individual conversion) and a question is often raised regarding the genuineness of such acts because they are often done for a political agenda more and have little or nothing to do with faith or conscience. Because conversion, by its very nature, defies any setting up of rational standards against which pronouncements regarding its genuineness can be made. Religion appeals more to the emotive rather than the rational part of a person’s life.²⁶

What Are Anti-Conversion Laws?

Anti-conversion laws are legislative frameworks designed to regulate religious conversions by penalising forced, fraudulent, or incentivised conversions. These laws, often referred to as Freedom of Religion Acts, mandate that religious conversions should occur only through personal conviction rather than by force, allurement, or deceit.

²⁵ *Supra note 1*

²⁶ Article Journal: Neha Chauhan “RELIGIOUS CONVERSION AND FREEDOM OF RELIGION IN INDIA: DEBATES AND DILEMMAS” (Summer Issue 2017) ILI Law Review Vol. I (126) <pdf> accessed 30 July 2025.

These laws specifically prohibit converting someone through coercion, fraud, undue influence, or financial incentives. In some states, individuals intending to convert must inform district authorities in advance. Penalties for violating these laws vary by state and may include fines and imprisonment.²⁷

The specific provisions and enforcement of anti-conversion laws differ across jurisdictions, and they may involve both criminal and civil penalties. However, the implementation of these laws has raised concerns regarding their potential to favor dominant religions or suppress minority faiths.

Critics argue that anti-conversion laws infringe upon the fundamental right to freedom of religion, as protected by international human rights laws.

Need for the Anti-Conversion Laws

There are a variety of reasons why some people or organizations may advocate for anti-conversion laws. Some people believe that these laws are necessary to protect the cultural and social cohesion of a particular community or society.²⁸

They may argue that conversion from one religion to another can create conflicts and divisions within a community and that anti-conversion laws are needed to prevent such conflicts. Others may view anti-conversion laws as a way to protect the traditions and beliefs of a particular religion and to prevent the erosion of its influence or power.²⁹

Anti-conversion laws in India aim to address forced or coerced religious conversions by preventing manipulation, fraud, or inducement. These laws also seek to protect individuals' rights and maintain communal harmony in diverse communities.

Anti-conversion laws are required to prevent coercion, fraud, or inducement in religious conversions. There have been reports of forced conversions, particularly in religiously and

²⁷Website:Vajiram , “Anti-Conversion Laws, Meaning, Need, Status, Issues” (Vajiramandravi.com 28 Jan,2025)<<https://vajiramandravi.com/upsc-exam/anti-conversion-law/#:~:text=SC%20Observation:%20The%20Supreme%20Court,right%20to%20choose%20their%20religion>> accessed 30 July 2025.

²⁸ Website: Remya PR ,” Anti-conversion laws: All you need to know” (clearias.com, 12 Jan,2025) <<https://www.clearias.com/author/remya-pr/>> accessed 30 July 2025.

²⁹ *Ibid.*

culturally diverse areas. For example, Between January 2021 and April 2023, 427 conversion-related cases were reported in Uttar Pradesh.

The Constitution of India, through Article 25, grants freedom of religion while allowing reasonable restrictions.

Anti-conversion laws are designed to maintain this balance by ensuring conversions happen voluntarily. Anti-conversion legislation is critical in combating cases in which individuals are allegedly coerced, induced, or allured into converting to another religion, often through the promise of financial and material benefits or even false marriage. Concerns have been raised about demographic shifts caused by religious conversions, and it is perceived as a threat to the majority religion. As a result, polarising propaganda, hate speech, and misinformation have spread, exacerbating the need for legislative intervention.

Anti-conversion legislations are necessary for maintaining communal harmony and mitigating potential religious tensions or conflicts caused by accusations of forced conversions. The Supreme Court of India has acknowledged that forced religious conversion is a “serious issue” that violates the Constitution. The court also stated that all religious conversions are not illegal and that every individual has the right to choose their religion. Proponents of anti-conversion legislation frequently express concerns about the ethical implications of aggressive proselytisation or conversion efforts perceived as manipulative or deceptive.³⁰

Concern Associated with the Anti-Conversion Laws

Anti-conversion laws in India, while intended to prevent forced conversions, raise concerns regarding religious freedom due to ambiguous language, potential infringements on fundamental rights, impacts on minority communities, and constitutional challenges.

Terms like “force,” “inducement,” and “allurement” are often left undefined, leading to potential misuse of the law. These ambiguities have resulted in concerns that the laws can be interpreted broadly to target specific groups or individuals.

For example, UP’s Prohibition of Unlawful Conversion of Religion Act, 2021 punishes

³⁰ *Supra note 24*

“attempted” conversions with up to 5 years imprisonment.

However, what an attempted conversion covers is not defined clearly. Anti-conversion legislation is seen as infringing on the fundamental right to freedom of religion and conscience guaranteed by the Constitution and international human rights instruments. Anti-conversion laws criminalise conversions, which violates Article 18 of the Universal Declaration of Human Rights and Article 18 of the ICCPR³¹, protecting the right to adopt the religion of choice.

Article 25(1) of the Constitution says “all persons” are equally entitled to the freedom of conscience and the right to profess, practise and propagate religion freely.³²

The debate on religious freedom goes back to the Constituent Assembly when the framers of our constitution debated the inclusion of the “right to propagate” as a fundamental right.

Some members wanted to replace the word “propagate” with “practise privately”, fearing that the right would create room for forceful conversions.

Lokanath Misra, a member from Odisha, cautioned the Assembly that “the cry of religion is a dangerous cry” as he said “It denominates, it divides, and encamps people to warring ways.”³³ Pandit Lakshmi Kanta Maitra disagreed, saying that “propagation does not necessarily mean seeking converts by force of arms”.³⁴

Critics argue that movements against such marriages not only violate religious freedom but also infringe upon other constitutional rights, such as the Right to Life and Personal Liberty Article 21³⁵ and the Right to Equality Article 14³⁶. Critics view these laws as unjustified and unconstitutional.³⁷

³¹ International Covenant on Civil and Political Rights.

³² *Supra note 4*

³³ Website: Debate on right to religion (*Sanskritiias.com*) <[³⁴ *Ibid.*](https://www.sanskritiias.com/current-affairs/debate-on-right-to-religion#:~:text=Context:,converts%20by%20force%20of%20arms%E2%80%9D.> accessed 30 July 2025.</p></div><div data-bbox=)

³⁵ Constitution of India, 1950

³⁶ *Ibid*

³⁷ Website: Next Ias team, (nextias.com, 22nd November 2021) <[Page | 2150](https://www.nextias.com/blog/anti-conversion-laws/> accessed 30 July 2025.</p></div><div data-bbox=)

Even in states without specific anti-conversion laws, cases of forced conversion have been reported. Critics claim that existing laws already prevent forced conversions.³⁸

In his magisterial commentary on the Constitution of India, HM Seervai describes the Supreme Court's judgment in *Rev. Stanislaus v. State of Madhya Pradesh (1977)* as "clearly wrong", as "productive of the greatest public mischief," and as a verdict that "ought to be overruled". More than four decades later, the judgment continues to stand and has spawned a series of legislations that strike at the heart of Indian secularism. The latest in this series is the Karnataka Protection of Right to Freedom of Religion Bill, 2021. This proposed law, in seeking, among other things, to ban religious conversion for the purposes of marriage, treats liberties governing ethical choice not as fundamental rights but as grants that are subject to the whims and fancies of a bureaucratic, theological state.³⁹

Anti-Conversion Laws Related Supreme Court Judgements

The Supreme Court upheld the constitutionality of anti-conversion laws, ruling that the right to propagate religion does not include the right to convert others and that forced conversions can disrupt public order.⁴⁰ The Court affirmed the right to marry a person of one's choice, regardless of religion or social status, and emphasized the need for a Uniform Civil Code. It also stated that conversions for ulterior motives are not genuine⁴¹. The Court upheld the right to marry a partner of choice, regardless of religion or caste, and ruled that any interference with this right infringes on individual freedom⁴². In the landmark judgement *Hadiya* case, the Supreme Court upheld the right of adult individuals to choose their religion and marry according to their personal choice. This verdict reinforced the individual's right conversion through marriage, emphasising the principle of personal autonomy⁴³.

The Supreme Court ruled that an individual has the right to convert to another religion, but that such a conversion should be genuine and voluntary. The court also stated that any coercion or misrepresentation in connection with a religious conversion is a violation of the right to

³⁸ *Ibid*

³⁹ Website: Suhrith Parthasarathy, (theindiaforum.in, 03 January 2022) <<https://www.theindiaforum.in/article/india-s-anti-conversion-laws-death-secularism#:~:text=But%2C%20as%20Seervai%20notes%20in,death%20of%20the%20secular%20state.>> accessed 30 July 2025.

⁴⁰ *Rev. Stanislaus vs State of Madhya Pradesh (1977)* AIR 908, 1977 SCR (2) 611, 1977 SCC (1) 677.

⁴¹ *Sarla Mudgal v. Union of India* AIR (1995) SC 1531.

⁴² *Lata Singh v. State of Uttar Pradesh (2006)* AIR 2522 .

⁴³ *Hadiya vs. Ashokan K.M (2018)*.

freedom of religion.⁴⁴

Justice Pankaj Mithal and Justice R. Mahadevan bench said "However, if the purpose of conversion is largely to derive the benefits of reservation but not with any actual belief in the other religion, the same cannot be permitted, as the extension of benefits of reservation to people with such ulterior motive will only defeat the social ethos of the policy of reservation."⁴⁵The judgment was based on an appeal filed by a woman from Puducherry, a Christian by birth, who sought conferment of a Scheduled Caste community certificate on the ground that she had embraced Hinduism.

Conclusion

The regulation of religious conversion presents complex legal and constitutional challenges. Religious thoughts and beliefs are important factors for shaping up human conduct. The world at present is going through several crises and one of them happens to be the war fought in the name of religion. The issues relating to religious freedom acquire a certain degree of sensitivity which a state has to respect but the state also has the duty to preserve peace in the society and thus it becomes imperative for the state to regulate certain activities of the individuals. Maintaining a balance between individual freedom and community interest is actually a challenge for any democratic government. So if we discuss the concept of religious freedom in the backdrop of conversion we find that the right to change religion is inherent.

However, if an individual willingly converts to another religion the state has to ensure that his new religious identity does not become the cause for disruption in society rather it is the duty of the state to protect him along-with the entire social fabric of the society. Hence, the state is under obligation to respect and protect the rights of the individual. The Freedom of Religion is quintessential for the complete development of human intellect and personality, but this cannot be the sole criterion for striking down the Acts as unconstitutional. Striking the right balance between individual rights and state interests remains one of the most contentious debates in contemporary legal discourse.

There cannot be any hidden agenda, political, Economical or social, behind conversions. In the name of social service a person/religious denomination cannot lure illiterate and poor section,

⁴⁴ *S. Pushpa Bai v. C.T. Selvaraj* AIR (1971) SC 1180.

⁴⁵ *C.Selvarani v. The special secretary cum district collector* (2024)

weaker section, children, women, SC and ST sections to convert. It is the process of conversion which the State should intend to regulate to bring about social order. The right to convert freely is as important a right as the right to simply convert. The element of freedom in conversion is in itself a fundamental right.⁴⁶

Forcing someone to convert to another religion is a violation of the Fundamental Right of freedom of conscience. There is thus no place for forced conversions in the Constitutional scheme. The State can therefore make law to prevent breach of this fundamental right. Forced conversion cannot be disguised as propagation. It is this disguise that the State law must endeavor to uncover and punish.⁴⁷



⁴⁶Website: Adv. Aman Bahri, (Lawfinder.com, 12 March 2024) <[⁴⁷ *Ibid*](https://www.lawfinderlive.com/Articles-1/Article174.htm#:~:text=In%20terms%20of%20Article%202025,d denial/destruction%20of%20the%20other.> accessed 30 July 2025</p></div><div data-bbox=)