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THE INTERSECTION OF RELIGIOUS CONVERSION AND CONSTITUTIONAL FRAUDS: AN ANALYSIS OF SAFIYA SULTANA V. STATE OF U.P. AND ANOTHER

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ABSTRACT

This case commentary offers a critical look at the Allahabad High Court's ruling in Safiya Sultana v. State of U.P. And Another. The decision center on a conflict: the right to freedom of religion under Article 25 of the Indian Constitution and the state's authority to regulate religious conversions through the U.P. Prohibition of Unlawful Conversion of Religion Act 2021. The court had to decide whether a religious conversion done mainly to support a -faith marriage is a genuine act of personal freedom or a fraudulent move meant to bypass the rules set by the Special Marriage Act, 1954. The article examines the court's use of the "sincerity test". A method to judge whether a person's religious conversion was truly sincere or just a legal strategy. It argues that this test risks letting the state control what counts as faith. By comparing the Allahabad judgment with Supreme Court decisions in Shafin Jahan and Sarla Mudgal the author shows how questioning the real motives behind religious conversion undermines personal liberty. The right to conscience protected under Articles 21 and 25 is, under threat when the government starts policing the authenticity of beliefs. The article concludes that while stopping forced conversions is a concern making it a crime to convert for the sake of marriage goes too far. It creates a system where people are monitored and judged for the truth of their faith. A move that's not only legally weak but also unconstitutional. Such a "sincerity audit" puts the state in the role of determining what is morally correct which's a dangerous expansion of power.

Keywords: Article 25, Constitutional Fraud, Religious Conversion, Individual Autonomy, UP Prohibition of Unlawful Conversion of Religion Act 2021, Inter-faith Marriage.

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I. INTRODUCTION

The freedom of religion in India is not just a rule written in law. It is a right that is protected under Article 25 of the Constitution. This right is meant to protect the life of a person the freedom of conscience from being interfered with by the government. In practice this freedom often comes into conflict with what the state sees as its duty to keep public order and to stop what it calls the misuse of religious identity. The case of *Safiya Sultana v. State of U.P. And Another's* sits in the middle of this conflict. The case raises a legal puzzle. Can an act that is legally allowed like changing one's religion be considered illegal if the reason behind the act is seen as dishonest or clever? The Allahabad High Court's decision, in this case will be closely examined. It will look at whether the court's starting to require proof of sincerity before allowing someone to exercise a fundamental right. If this happens it could mean that a right meant to protect freedom is slowly turning into a privilege that the state must approve. This discussion will also explore how individual freedom is being challenged by India's growing number of -conversion laws. These laws are changing how religious freedom is understood and applied in the country.

II. PROCEDURAL FACTUAL MATRIX

The case involving *Safiya Sultana* comes from a pattern of marriages between people of faiths in Uttar Pradesh. In these case's people choose to convert of using the process of registration provided by the Special Marriage Act, which was passed in 1954. The person who started the case went to the High Court to stop the case against the other person. They said that the woman changed her religion from Hinduism to Islam in a way.

The person who started the case says that the change of religion happened before the marriage. They say there was no change, in belief. The main reason, according to the person who started the case was to avoid the 30-day notice period required by the Special Marriage Act. This notice period let's parents and other people say if they object to the marriage. So, the change of religion was called a "way" of using a basic right. It was used as a way to make the marriage legal in a way instead of for real religious reasons.

III. THE LEGAL TRIANGLE: CONSTITUTION, SMA, AND THE U.P. ACT

i. *The Constitutional Mandate (Articles 14 21 and 25)*

The respondent's defense built on the "Golden Triangle" of the Indian Constitution

article 25 guarantees freedom of conscience and the Supreme Court has read that as the inner right to choose one's faith. Article 21 which protects the right to life and liberty also covers the right to marry the person one loves as the case *Shafin Jahan v. Asokan K.M.* Confirmed. Article 14 makes sure that the state does not use conversion laws in a way that treats people unfairly. Together these articles show that the state cannot question the truth of a person's faith when the laws outside conditions are satisfied.

ii. *The Special Marriage Act, 1954*

The SMA was created to give couples a way to marry outside their personal laws. The steps required by the SMA especially the public notice have been used by families and vigilante groups to bother inter-faith couples. This puts pressure on couples to change to one faith in order to dodge the SMA's publicity. It pushes them toward the very "unlawful conversions" that the state now wants to punish. Couples usually see the SMA's notice period more as a risk for violence than, as a legal protection.

iii. *The U.P. Prohibition of Unlawful Conversion of Religion Act 2021*

This Act is a change toward state-managed faith. By making conversion for a marriage under Section 3(1)(v) the state has written in the motive test. Under this Act the person who changes religion must show that the change was not fraudulent or forced. *Jitendra Sahani* is one of the important cases that shows how the courts decide what fraud means when fraud mixes feelings of love and the right to have a partner.

IV. THE DOCTRINE OF "CONSTITUTIONAL FRAUD" AND COLORABLE EXERCISE

A key part of the Court's thinking is the idea of fraud on the law called constitutional fraud. In constitutional law a colorable exercise of power happens when a government body does something that looks legal but really serves a hidden forbidden purpose.

In *Safiya Sultana* the Court applies this idea to how a citizen uses rights. The claim is that if a person hides behind Article 25 Freedom of Religion to dodge a requirement the SMA notice period the person is committing fraud on the Constitution. However, this use is risky in law, Basic rights are meant to shield people from the state. Using the exercise rule, which normally applies to government actions on a private person's choice of faith sets a dangerous example. The State suggests that the State can invalidate a right if the State finds the motive behind the

right's exercise to be unsatisfactory. If the State can monitor the spirit of the conversion then no fundamental right is safe, from an audit.

V. ANALYSIS OF REASONING: THE SINCERITY TEST

The Court has decided not to stop the case because the Court believes that the genuineness of faith can be examined by a judge. This decision creates the Sincerity Test.

i. The Ontological Problem

The main problem with the Sincerity Test is that faith lives inside a person. No clear scientific test can prove whether a person changed religion because of an awakening or simply to marry. When the Court says that genuineness is up to a judge the Court makes the judiciary look like a detective choosing which conversions are pure and which are convenient.

ii. The Logic of Convenience

The Court says that a conversion made for convenience is not valid. In the past many people changed religion for social reasons or for strategy. If the law says that only a spiritual conversion is lawful the law forgets how people build their identity. A person may become a religion to marry and during that time they may develop a real faith. Calling the motive fraud is to deny that faith can grow and change.

VI. COMPARATIVE PRECEDENT ANALYSIS

i. Sarla Mudgal vs. Shafin Jahan

The Court looks closely at *Sarla Mudgal v. Union of India*. In that case the Supreme Court said that converting to Islam just to marry again without ending the marriage is fraud on the law. There is an important difference. In *Sarla Mudgal* the conversion was used to do something that's illegal bigamy under the first spouse's personal law.

In *Jitendra Sahani* the conversion is used to marry once. There is no victim of bigamy. No crime is committed except skipping a notice period. To say that skipping a notice period is the same, as bigamy is a mistake that weakens the protection of personal freedom. One act is fraud to trick a spouse the other is a plan to avoid pressure.

ii. The Hadiya Influence

In *Shafin Jahan v. Asokan K.M.* (The Hadiya case) the Supreme Court emphatically

stated that the right to choose a partner is a core component of Article 21 and that the state's role is to protect that choice not to interrogate its sincerity. Jitendra Sahani appears to move in the direction suggesting that the State's role is to interrogate the "validity" of the faith that enables the choice. This creates a conflict where High Courts may be interpreting personal liberty more narrowly than the Supreme Court.

VII. THE CONSTITUTIONAL BALANCE: ARTICLES 14, 21 AND 25

The judgment must be scrutinized through the lens of the "Proportionality Test." For a restriction on a right to be valid it must serve a legitimate state goal and be the least restrictive means possible.

While preventing "forced conversions" is a state goal criminalizing "conversions for marriage" fails the proportionality test. If the state's goal is to ensure marriages are legal and transparent it should reform the SMA to make the notice period less oppressive than criminalizing the alternative (conversion). By penalizing the convert the state is essentially punishing the individual for finding the secular law too restrictive. This is a reversal of the mandate where the law should adapt to the liberty of the citizen not the citizen to the rigidity of the law.

VIII. SOCIO-LEGAL SUBSEQUENT DEVELOPMENTS

The implications of Jitendra Sahani extend beyond the parties involved. It creates a "effect" on inter-faith couples. When the Court declares that "genuineness" is a matter of trial it essentially tells every inter-faith couple that their marriage certificate could be challenged in court years later if a disgruntled relative can prove the conversion was "convenient."

Furthermore, it strengthens the hand of "anti-conversion" vigilantes providing them with an endorsement that conversion for love is a "constitutional fraud." This risks turning the judiciary into a tool for policing, where the "purity" of faith is judged based on the approval of the family or the state. The legal insecurity created by this judgment may lead to clandestine marriages further removing inter-faith couples, from the protection of the law.

IX. CONCLUSION

Safiya Sultana v. State of U.P. And Another shows a trend in Indian law where the "letter of the law" (the U.P. Act) is given more importance than the "spirit of the Constitution" (Individual Autonomy). By saying that a conversion for marriage is a "fraud " the Court has limited the meaning of Article 25.

The freedom of conscience should not be checked with a "sincerity audit." If the law starts to separate "and "convenient" faith it stops being a protector of freedom and becomes a controller of the soul. To keep the promise of Articles 21 and 25 in the Constitution the courts must go back to the idea that the right to choose one's faith and one's partner's a complete and absolute right of the individual no matter if it is convenient or not. The court needs to understand that in a society, with beliefs the "convenience" of a legal way is often the only way to protect the love from the harshness of prejudice.

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