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“MISUSE AND WEAPONISATION OF ANTI- CONVERSION STATUTES”

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Abstract

Anti-conversion statutes in India were enacted with the stated objective of preventing coercive, fraudulent, or induced religious conversions. However, emerging socio-legal evidence indicates that these laws are increasingly being invoked in contexts far removed from their intended purpose, resulting in selective targeting, community tensions, and infringement of individual autonomy. The paper analyses enforcement trends, police responses, and prosecutorial practices to reveal systemic biases and potential rights violations. It further investigates the lived experiences of those accused under these laws, as well as the secondary victimization suffered by their families and communities. The findings demonstrate how anti-conversion statutes, when misinterpreted or strategically utilised, can undermine constitutional guarantees of religious freedom and personal choice. The study concludes by proposing safeguards, procedural reforms, and accountability mechanisms to ensure that legal frameworks genuinely address coercive conversions without enabling their misuse as instruments of discrimination or harassment.

Keywords: anti-conversion statutes, coercion, misuse, religion, weaponisation.

Introduction

The Indian Constitution guarantees freedom of conscience and the right to freely profess, practice, and propagate religion under Article 25¹. However, several states have enacted anti-conversion statutes regulating or criminalising conversions by “force,” “fraud,” or “allurement.” Courts have upheld the State’s power to prevent forced conversions, most notably in Rev.

¹ India Const. art. 25.

Stainislaus v. State of Madhya Pradesh, which held that the right to propagate does not include the right to convert another person.²

At the same time, scholars argue that the rise of anti-conversion laws reflects deeper socio-political anxieties rather than purely legal necessity.³ These laws have increasingly been criticised for selective enforcement, misuse against minority groups, and deployment as instruments of social control.⁴ This paper examines such misuse from criminological and victimological perspectives, focusing on how statutory structure, policing patterns, and community narratives shape enforcement.

The regulation of religious conversion in India occupies a complex and contested space in the nation's constitutional, political, and sociological landscape. While the framers of the Indian Constitution recognised freedom of conscience and the right to choose one's faith as intrinsic to human dignity, the post-independence era witnessed repeated demands for state oversight over religious conversions. These demands crystallised into several state-level anti-conversion statutes, often justified on grounds of preventing coercion, fraud, or inducement. Though framed as protective measures, these statutes have evolved into legal instruments that frequently exceed their stated objectives, producing consequences that challenge the very foundations of personal liberty, religious freedom, and the secular character of the State.

Over the past two decades, a distinct shift has emerged in the enforcement and political narrative surrounding anti-conversion laws. These laws, especially in states with heightened majoritarian mobilization, are increasingly invoked in situations involving interfaith marriages, social interactions, charitable activities, and community-level disputes. This pattern suggests that the application of anti-conversion statutes is not merely legal but deeply embedded in prevailing socio-political dynamics. The legal process itself becomes a punitive tool—where accusations, even without substantive evidence, are capable of triggering arrest, social boycott, police surveillance, and prolonged trials. Such developments highlight a transformation from the prevention of coercive conversions to a larger mechanism of social control, exerted through the criminal justice system.

² Rev. *Stainislaus v. State of Madhya Pradesh*, (1977) 1 S.C.C. 677.

³ Rajeev Bhargava, *Politics and Ethics of the Indian Constitution* (Oxford Univ. Press 2008).

⁴ J. Chiriyankandath, *Converting Hindus? The Politics of Religious Change in Contemporary India*, 44 *Asian Survey* 442 (2004).

Recent empirical studies, civil liberties reports, and judicial observations further indicate that anti-conversion laws have been invoked without adequate procedural safeguards, with vague definitions of coercion and inducement enabling misuse⁵. The broad expansion of who may file complaints—often permitting unrelated third parties or community groups to initiate criminal proceedings—creates opportunities for vigilantism, strategic litigation, and politically motivated accusations⁶. In such contexts, the distinction between state authority and extra-legal community pressure becomes increasingly thin. The legal apparatus, instead of serving as a neutral arbiter, risks becoming an extension of majoritarian anxieties⁷.

This research paper therefore seeks to interrogate the phenomenon of misuse and weaponisation of anti-conversion statutes by situating it within the dual frameworks of criminology and victimology. It examines how these laws operate in practice, the socio-political conditions that enable their selective enforcement, and the human consequences of their deployment. Through doctrinal analysis, case studies, empirical insights, and theoretical engagement, the study explores the gap between the intended protective purpose of the legislation and its actual effects on individual rights and societal harmony.

By bringing together constitutional principles, enforcement realities, and lived experiences, this paper aims to contribute to a deeper understanding of how legal tools—when shaped by political rhetoric, communal narratives, or institutional biases—can transition from regulatory mechanisms to instruments of oppression. It further argues that safeguarding religious freedom in India requires not only statutory reforms but also a transformation in the criminal justice system's approach to autonomy, equality, and human dignity.

Historical and Legal Background of Anti-Conversion Laws in India

The contemporary discourse on anti-conversion laws in India cannot be understood in isolation from the historical anxieties, political mobilisations, and judicial interpretations that have shaped the regulation of religious conversion since the colonial period. India's pluralistic

⁵ People's Union for Civil Liberties, *Criminalising Conscience: A Report on Anti-Conversion Prosecutions* (2023); *United Christian Forum v. Union of India*, W.P. (Crl.) No. 32/2022 (Supreme Court of India) (raising concerns about vague allegations and lack of verification in anti-conversion FIRs).

⁶ *Centre for Study of Society and Secularism, Monitoring the Use of Freedom of Religion Acts in India* (2022); see also *Tehseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501 (condemning vigilante intervention in matters of religious choice).

⁷ Asim Ali, *The Expanding State and Shrinking Liberties: Anti-Conversion Laws in India*, 55 *Econ. & Pol. Wkly.* 14 (2021).

society has long witnessed debates over conversion—viewed alternately as an exercise of individual conscience, a tool of social emancipation, a symbol of identity assertion, or a threat to communal stability. These competing understandings have influenced the ideological foundations of legal interventions concerning religious conversion⁸.

A. Early Colonial and Pre-Independence Context

During the colonial era, religious conversion was largely intertwined with missionary activities, caste mobility, and social reform movements. While the British administration maintained formal neutrality toward religion, missionary conversion—particularly among marginalised communities—generated social friction. Colonial laws generally refrained from regulating conversion, except in personal law matters such as guardianship and marriage, where questions of religious identity arose⁹.

Parallel to missionary efforts, several socio-religious reform movements—such as Arya Samaj’s shuddhi campaigns and movements for mass conversions among Dalits—created a counter-mobilisation emphasising the protection of communal boundaries. These tensions contributed to the narrative that conversion, especially when involving lower-caste communities, had the potential to destabilise established social hierarchies

B. Debates in the Constituent Assembly

The Constituent Assembly’s deliberations on the right to propagate religion reflected deep ideological differences. While a broad consensus existed on protecting individual freedom of conscience, concerns were raised regarding organised conversion activities¹⁰. Some members argued for restricting conversions deemed “improper,” while others warned against state policing of religious persuasion¹¹. Ultimately, the Assembly upheld a wide conception of religious freedom under Article 25, refusing to insert explicit restrictions on conversion except through the general limitations of public order, morality, and health.

The omission of specific constitutional prohibitions on conversion has subsequently influenced

⁸ Rowena Robinson, *Conversion, Belonging, and the Politics of Religious Freedom in India*, 49 **Critique of Anthropology** 210 (2022).

⁹ **Indian Christian Marriage Act, 1872; Guardians and Wards Act, 1890** (where conversion could affect guardianship and personal status).

¹⁰ *Constituent Assembly Debates (CAD)*, Vol. VII, 6 Dec. 1948 (remarks by Lokanath Misra expressing concern over proselytisation).

¹¹ CAD Vol. VII, 6 Dec. 1948 (remarks of K.M. Munshi defending a broad protection for religious persuasion).

judicial interpretations, leaving the task of regulation largely to state legislation.

C. Post-Independence State Enactments

Shortly after independence, several states enacted anti-conversion statutes in response to perceived threats posed by missionary activities and inter-community tensions. Orissa (1967) and Madhya Pradesh (1968) were among the earliest to legislate in this domain¹². These laws typically criminalised conversions achieved by “force,” “fraud,” or “inducement,” though the definitions of these terms were often broad and ambiguous.

The Supreme Court’s decision in *Rev. Stanislaus v. State of Madhya Pradesh* (1977) provided constitutional validation for these enactments by upholding the power of states to restrict conversion for public order. The Court interpreted the right to “propagate” religion as excluding a right to convert others, a reading that continues to shape the jurisprudence on this subject.

D. Expansion and Intensification in the 21st Century

From the early 2000s onward, several states—such as Chhattisgarh, Rajasthan, Uttarakhand, Himachal Pradesh, Gujarat, and most recently Uttar Pradesh and Karnataka—introduced or strengthened anti-conversion laws. Many of these statutes went beyond earlier formulations by introducing:

- Mandatory prior declarations before conversion
- Judicial scrutiny of motivations behind conversion
- Enhanced penalties for conversions involving minors, women, or SC/ST persons
- Recognition of third-party complaints, often enabling non-relatives or “interested persons” to initiate criminal action

These provisions reflect a shift from regulating coercive conversions to policing identity choices and social relationships, particularly interfaith unions.

E. Structural Vulnerabilities in Legal Design

A closer examination of the statutory architecture highlights several vulnerabilities that facilitate misuse. These include:

1. Vague and overly broad statutory terms, allowing subjective interpretation of “force,” “fraud,” or “allurement.”
2. Reversal of burden of proof, effectively presuming guilt in certain circumstances.

¹² Orissa Freedom of Religion Act, 1967; Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968.

3. Intrusive reporting requirements that compromise privacy and autonomy.
4. Absence of procedural safeguards, such as independent verification mechanisms.
5. Discretionary policing powers, which increase susceptibility to pressure from community actors.

These structural elements make anti-conversion laws uniquely prone to being weaponised, transforming them into instruments through which personal choices become matters of criminal investigation.

Patterns of Misuse: Case Analysis

Although anti-conversion statutes purport to protect individuals from coercive or deceitful religious conversion, judicial records, media-reported incidents, human rights documentation, and empirical field studies reveal a recurring pattern: these laws are frequently invoked not to safeguard autonomy but to criminalize legitimate personal choices, to police interfaith relationships, and to target vulnerable communities. This section analyzes key patterns of misuse through concrete case studies and judicial responses, illustrating how statutory ambiguities create fertile ground for weaponisation.

1. Targeting of Interfaith Couples

One of the most prominent patterns is the deployment of anti-conversion laws against interfaith couples, particularly Hindu-Muslim relationships. Complaints are often filed by third parties—family members, community actors, or ideological groups—who claim that the non-Hindu partner is coercing conversion.

In *Shafin Jahan v. Asokan K.M.* (2018) (popularly known as the Hadiya case), the Supreme Court held that the right to choose one's partner is an intrinsic part of liberty¹³. Although the case did not arise from an anti-conversion statute, its implications have been central to subsequent litigation where women's autonomy is questioned under the pretext of forced conversion. Despite this clear judicial affirmation of choice, lower courts and police authorities have often detained consenting adults, placed women in protective custody, or initiated criminal inquiries based solely on allegations by disapproving relatives¹⁴. A pattern emerges where anti-conversion laws act as indirect instruments of matrimonial control, enabling families to override adult autonomy under the guise of state protection.

¹³ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368.

¹⁴ *Soniya Begum v. State of U.P.*, W.P. No. 35210 (All. HC 2021).

2. Criminalization of Religious Practices and Charitable Work

Another significant pattern is the use of anti-conversion statutes to criminalize routine religious or charitable activities. In several states, pastors, social workers, and volunteers have been arrested merely for holding prayer meetings or providing humanitarian assistance.

For instance, in multiple cases arising under the Madhya Pradesh Freedom of Religion Act, police registered FIRs against Christian groups for organizing prayer gatherings—without any evidence of coercion or inducement. In many instances, the complaints originated from local vigilante groups who accompanied police to the site and alleged “mass conversions.” Later investigation often revealed an absence of materials or conduct suggesting unlawful intent.

These cases demonstrate how subjective terms such as “allurement” or “inducement” allow authorities to treat even welfare activities (education programs, medical camps, charitable donations) as suspicious, resulting in harassment, arrests, and disruption of religious life.

3. Misuse Through Third-Party Complaints and Vigilante Intervention

A striking pattern is the rise of third-party complaints, often filed by persons with no connection to the alleged convert. Such complaints are frequently accompanied by disruptions from vigilante groups who pressure police to initiate proceedings.

In Uttar Pradesh, several FIRs under the 2021 Prohibition of Unlawful Conversion Ordinance were filed by members of local organizations, not by the alleged victims themselves. Courts have repeatedly noted this anomaly. For example, in *Salamat Ansari & Priyanka Kharwar v. State of U.P.* (Allahabad High Court), the Court criticized the police for pursuing charges despite the woman’s categorical statement that she had married and changed her faith out of free will¹⁵.

The pattern indicates outsiders often replace the ‘victim’, turning anti-conversion complaints into tools of community surveillance, moral policing, and ideological assertion rather than mechanisms of individual protection¹⁶.

4. Procedural Weaponisation Through Burden-Shifting

Many anti-conversion laws reverse the burden of proof, requiring the accused to demonstrate that a conversion was not coerced. This inversion has resulted in pre-trial incarceration, prolonged investigations, and psychological coercion. In several cases

¹⁵ *Salamat Ansari & Priyanka Kharwar v. State of U.P.*, 2020 SCC OnLine All 1382.

¹⁶ Natasha Rather, *Law, Vigilantism, and Surveillance of Personal Life*, 14 *Jindal Global L. Rev.* 233 (2022)

documented in Odisha and Chhattisgarh, lower courts denied bail on the grounds that the accused had “not yet proven” the absence of coercion—an evidentiary impossibility at the bail stage. Such reasoning exemplifies procedural weaponisation, where irregular legal standards impose disproportionate costs on the accused even before guilt is adjudicated. Additionally, mandatory notification requirements—such as prior declarations before district authorities—have been misused to publicly expose converts, enabling intimidation, threats, and social ostracization. Administrative compliance becomes a site of coercion, contrary to constitutional guarantees of privacy and decisional autonomy¹⁷.

5. Disproportionate Impact on Marginalized Communities

Case studies also reveal disproportionate targeting of Dalits, Adivasis, and economically vulnerable groups. In several instances, Dalit families who converted to Christianity or Islam for reasons of dignity or community support were accused of “fraudulent conversion” without any evidence of inducement.

A notable set of cases from Chhattisgarh involved Adivasi villagers attacked by vigilante groups after accusations of conversion. Instead of prosecuting the assailants, police registered charges under anti-conversion laws against the victims themselves. Human rights investigators documented that many of the accused had never signed any conversion declaration or engaged in proselytizing activity. This pattern reflects structural victimization, where state action mirrors prevailing local power dynamics and reinforces social hierarchies.

6. Patterns Observed Through Judicial Scrutiny

Courts across India have repeatedly overturned arrests and quashed FIRs due to lack of evidence. Judicial observations in several cases collectively reveal:

- No direct complaints from alleged victims in the majority of cases.
- Absence of proof of coercion or inducement, despite prolonged police investigation.
- Procedural irregularities, including failure to record voluntary statements of the alleged converts.
- Overreliance on hearsay and ideological grievances rather than factual assertions¹⁸.

These judicial comments highlight consistent misuse patterns and underscore the gap

¹⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁸ *Philip v. State of Karnataka*, 2022 SCC OnLine Kar 954; *Naseem v. State of U.P.*, 2021 SCC OnLine All 1134.

between legislative intent and ground-level implementation.

Measures to Reduce Misuse of Anti-Conversion Laws

Reducing the misuse and weaponisation of anti-conversion laws requires a combination of legislative reform, procedural safeguards, administrative accountability, and broader social interventions. At the legislative level, one of the most urgent needs is to address the vague and expansive definitions embedded in many existing statutes. Terms such as “allurement,” “inducement,” or “force” are drafted so broadly that they criminalize ordinary social, religious, and charitable activities. Statutory language must therefore be narrowed and clarified so that only acts involving genuine coercion, explicit threats, or fraudulent misrepresentation fall within the scope of the law¹⁹. Redefining or removing ambiguous terminology would significantly reduce the scope for arbitrary interpretation and ensure that the legitimate purpose of the legislation—protecting individuals from involuntary conversions—is not conflated with ordinary religious expression or voluntary faith-based interaction.

A second major reform concerns the burden of proof. Many anti-conversion statutes invert the fundamental criminal law principle that the prosecution must prove guilt²⁰. By requiring the accused to demonstrate that a conversion was not coerced, these laws create a presumption of wrongdoing that fuels misuse and pretrial harassment. Restoring the burden of proof to the prosecution and ensuring that allegations of coercion must be substantiated through credible evidence would realign these laws with constitutional due process guarantees²¹. Coupled with this, bail practices must be reformed so that individuals are not held in prolonged custody without prima facie evidence of coercion or fraudulent intent.

Equally important is the need to restrict who may file a complaint. Misuse frequently arises from third-party complaints filed by unrelated individuals or ideological groups who have no connection to the alleged victim. To prevent harassment and community-driven interventions, standing must be limited to the person directly affected or their immediate legal guardian in cases of incapacity. Preventing police from acting on complaints lodged by vigilante groups would mitigate much of the moral policing and ideological pressure that currently shapes enforcement patterns. The filing of frivolous or malicious complaints should attract penalties

¹⁹ People’s Union for Civil Liberties (PUCL), Report on the Misuse of Anti-Conversion Laws (2022).

²⁰ Indian Penal Code, 1860.

²¹ Constitution of India art. 21.

under existing provisions of criminal law to deter the strategic use of these statutes for harassment or intimidation.

Another area requiring reform is the system of mandatory prior declarations and notifications to district authorities. These requirements not only violate the individual's right to privacy²² but also expose converts to threats, retaliation, and community hostility. Eliminating mandatory pre-conversion declarations—while allowing optional post-conversion declarations strictly for administrative purposes, if at all—would help protect personal autonomy and decisional freedom. Administrative authorities must also be prohibited from publicly disclosing personal information related to conversions, and violations should invite strict disciplinary action.

Reducing misuse also demands significant improvements in police training and accountability. Many abuses stem from police acting under societal pressure, or from institutional biases that lead to the presumption that certain communities are more likely to engage in “forced conversions.”²³ Police personnel must undergo regular training on constitutional principles, minority rights, secularism, and gender-sensitive approaches to interfaith relationships. Any FIR registered under anti-conversion laws should be supported by written reasoning, subject to judicial scrutiny, and reviewed by independent oversight bodies such as human rights commissions or district monitoring committees. Courts, too, have a crucial role in curbing misuse. High Courts may issue guidelines regulating arrests, mandating preliminary inquiries before registration of FIRs, and ensuring that statements of alleged converts are recorded privately and without external pressures. Fast-tracked bail hearings and habeas corpus petitions can minimize prolonged victimization of individuals caught in legal processes driven by social hostility or family pressure²⁴.

Safeguarding the autonomy of interfaith couples is an essential component of preventing misuse. The legal system must recognize that adult women, in particular, often become targets of paternalistic assumptions about their capacity to make informed choices. Courts and police must treat the voluntary statements of adult individuals regarding their conversion or marriage as final unless there is compelling evidence of coercion. State authorities should not allow

²² K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

²³ Amnesty International India, *Unequal Before the Law: Policing Religious Minorities* (2021).

²⁴ High Court guidelines referenced in Aparna Chandra, *Policing Intimacy: Interfaith Couples and Criminal Law*, Nat'l L. Sch. Rev. (2021).

families or community actors to override personal autonomy, and protective custody should never be used as a mechanism of control.

Another crucial aspect is the need to address vigilantism. Anti-conversion laws often create opportunities for non-state actors to interfere in personal affairs, disrupt religious gatherings, and pressure law enforcement to act on baseless allegations. The state must take firm action against vigilante groups, enforcing criminal penalties for intimidation, mob disruptions, or attempts to influence investigations. Public messaging from state authorities affirming that vigilante interventions will not be tolerated can help shift enforcement practices and reduce community-driven misuse.

Beyond legal reforms and institutional safeguards, broader community sensitisation is essential. Misconceptions and fear-based narratives surrounding religious conversion—often amplified by political and media rhetoric—create the social environment in which misuse thrives. Public education campaigns emphasizing constitutional values of freedom of conscience, equality, and secularism can counter misinformation and reduce moral panic. Schools, universities, and civil society organizations can play pivotal roles in promoting interfaith understanding and documenting violations. In the long term, anti-conversion laws should also be subject to rigorous, evidence-based policy evaluation. State governments must publish detailed annual reports on the number of cases registered, their outcomes, and patterns of misuse. Independent research assessing the prevalence of coercive conversions can provide empirical grounding for legislative decisions. Policymaking must shift from fear-based assumptions to evidence-driven approaches that prioritize individual rights and social harmony.

Ultimately, meaningful reform requires reconceptualizing the very purpose of anti-conversion laws. Instead of functioning as instruments of suspicion and communal control, these laws should move toward a rights-based, victim-centered framework. Civil remedies—rather than criminal penalties—may be more appropriate for isolated cases of fraud or coercion. The most effective way to prevent misuse is to realign these laws with constitutional guarantees of dignity, autonomy, and religious freedom, ensuring that they protect individuals rather than policing communities²⁵.

²⁵ Constitution of India arts. 14–25.

Conclusion

Anti-conversion laws in India were introduced with the stated intention of preventing coercion, fraud, and exploitation in matters of religious conversion. However, as the analysis throughout this paper demonstrates, the legislative design, enforcement patterns, and socio-political context surrounding these laws have combined to create conditions ripe for misuse and weaponisation. Rather than functioning solely as protective mechanisms, these statutes frequently operate as instruments of moral surveillance, communal control, and interference in personal autonomy. The repeated targeting of interfaith couples, minority communities, social workers, and marginalized groups reflects a structural pattern in which suspicion substitutes for evidence and ideological anxieties overshadow constitutional freedoms.

Judicial interventions have frequently highlighted the absence of substantive evidence in many cases, the misuse of police discretion, and the erosion of personal liberties. Yet, despite such admonitions, misuse persists largely because the architecture of these laws contains inherent vulnerabilities: ambiguous definitions, reversed burdens of proof, expansive standing, intrusive procedural requirements, and the tacit legitimization of vigilantism. Together, these factors undermine the constitutional guarantees of freedom of conscience, equality, privacy, and dignity—rights that lie at the heart of India's democratic and secular identity.

The paper also reveals that the weaponisation of anti-conversion laws has serious victimological consequences. Individuals accused under these statutes experience secondary victimisation through arrests, social ostracisation, community hostility, and long-drawn legal battles. Families are torn apart, personal relationships are criminalised, and faith practices become sites of state scrutiny. For minorities, Dalits, Adivasis, and women, the harm is intensified by pre-existing social vulnerabilities and power imbalances. These patterns underscore that the problem is not merely one of isolated misuse but one of systemic distortion, where the law—intentionally or unintentionally—becomes a tool for restricting rather than safeguarding fundamental freedoms.

Ultimately, the challenge is to reconcile the legitimate state interest in preventing coercion with the constitutional imperative to protect individual autonomy and religious freedom. Anti-conversion laws, as currently structured and enforced in several states, fail to achieve this balance. Reducing misuse requires a comprehensive set of reforms grounded not in political rhetoric or communal anxieties but in constitutional principles, empirical realities, and human

rights standards.

