
CRITICAL ANALYSIS OF ANTI-CONVERSION LAWS IN INDIA: A STUDY OF THEIR CONSTITUTIONALITY AND IMPACT ON RELIGIOUS FREEDOM

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ABSTRACT

India, renowned for its religious variety, has the difficulty of upholding its constitutional guarantee of religious freedom while addressing issues related to coerced or deceptive conversions. This article conducts a critical analysis of anti-conversion legislation implemented in many Indian states, assessing their legality and impact on religious freedom. The paper offers an extensive analysis of the controversial character of these laws via the examination of legislative provisions, court rulings, and socio-political dynamics. Significant rulings from the Supreme Court and High Courts highlight the complex equilibrium between protecting individual rights and promoting governmental objectives. The report examines the alignment of these legislation with international standards regarding religious freedom and human rights, highlighting possible conflicts and opportunities for change. Ultimately, it provides proposals designed to elucidate legal issues, provide judicial monitoring, and promote a balance between individual rights and society interests. This investigation highlights the need for a legal framework that safeguards religious freedom, mitigates abuse, and addresses social concerns, hence promoting peaceful coexistence of many religions within India's constitutional framework.

Keywords: Anti-Conversion Laws, Religious Freedom, Secularism, Indian Constitution

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1. Introduction

India, with a population over 1.4 billion, is distinguished by its exceptional diversity, which includes a variety of languages, cultures, and religious traditions³. The nation with a pluralistic attitude has traditionally cultivated a climate in which several religions coexist, enhancing a rich and dynamic socio-cultural fabric. This variety poses distinct problems, especially in protecting the constitutional assurance of religious freedom while tackling social issues related to coerced or deceptive religious conversions⁴.

Articles 25 to 28 of the Indian Constitution provide the right to religious freedom, highlighting the individual's entitlement to profess, practice, and spread their faith⁵. The Constitution, with its secular foundation, requires the state to remain neutral towards all faiths, guaranteeing that no faith be favored or marginalized⁶. In this context, anti-conversion legislation, also known as Freedom of Religion Acts, have arisen as a controversial legislative initiative. Although purportedly designed to prevent forced conversions, these rules have ignited discussions on their potential exploitation and their effects on personal freedoms and religious freedom⁷.

The implementation of anti-conversion laws started in the post-independence period, with Orissa enacting the Freedom of Religion Act in 1967, hence initiating such legislation⁸. Other states, such as Madhya Pradesh, Gujarat, Uttar Pradesh, and Uttarakhand, enacted legislation to govern religious conversions and impose penalties on actions deemed forceful, deceptive, or enticing⁹. These laws often mandate that people or religious organizations inform authorities or get prior consent before conducting conversion ceremonies, thereby inviting oversight and governmental involvement in personal religious affairs.

³ Government of India, *Census of India 2011: Provisional Population Totals* (Office of the Registrar General & Census Commissioner, India, 2011); United Nations Department of Economic and Social Affairs, *World Population Prospects 2023: Summary of Results* (UN DESA, 2023); Marc Galanter, *Law and Society in Modern India* (Oxford University Press 1989).

⁴ V. Devaki, C. Suresh and M. A. Sunkesula, 'Multicultural Diversity in Perspective Views on Pluralism' in *Exploring Multicultural Dimensions of Literary, Linguistic, and Educational Frontiers* (IGI Global Scientific Publishing 2025) 1–34.

⁵ Gautam Bhatia, 'Freedom from Community: Individual Rights, Group Life, State Authority and Religious Freedom under the Indian Constitution' (2016) 5(3) *Global Constitutionalism* 351–382.

⁶ Catherine M. McCauliff, 'Religion and the Secular State' (2010) 58(suppl 1) *The American Journal of Comparative Law* 31–50.

⁷ Law Commission of India, *Report No 235: Conversion/Reconversion to Another Religion – Mode of Proof* (2010)

⁸ Orissa Freedom of Religion Act 1967; *Rev Stanislaus v State of Madhya Pradesh* (1977) 1 SCC 677.

⁹ I. D. Richards, *Poles Apart: The Debates on Religious Conversion in Post-Independence India* (University of Toronto 2017).

Advocates of anti-conversion legislation contend that these restrictions are crucial for maintaining social cohesion and safeguarding at-risk populations from exploitation. They assert that these rules function as an essential protection against coercive tactics that disturb community harmony¹⁰. Critics see them as a clear violation of the basic rights enshrined in the Constitution. The vagueness in defining phrases like as coercion, fraud, and inducement often results in their selective use, disproportionately impacting religious minorities and interfaith couples. Moreover, the obligatory notice or permission stipulations place an excessive burden on those attempting to convert, therefore discouraging the exercise of their fundamental rights.

Judicial interpretations of anti-conversion statutes have profoundly impacted the discussion over their legality and enforcement¹¹. In the seminal decision of *Rev. Stainislaus v. State of Madhya Pradesh*¹², the Supreme Court affirmed the legitimacy of these regulations, differentiating between the freedom to spread one's faith and the right to convert others. This ruling underscored the state's responsibility in averting coerced conversions while recognizing constraints on the basic freedom to disseminate religion. Subsequent cases, like *Shafin Jahan v. Asokan K.M.*¹³, have underscored the precedence of individual liberty regarding religion and personal choice, indicating a progressive judicial perspective on the relationship between governmental regulation and personal rights.

The socio-political ramifications of anti-conversion legislation have exacerbated community tensions and disenfranchised minority populations. Human rights groups and independent research report instances of abuse, when these laws are weaponized against religious minorities under the guise of combating fake conversions. This abuse has elicited worldwide condemnation, with organizations such as the United Nations expressing apprehensions over the alignment of such legislation with human rights standards¹⁴.

An essential analysis of anti-conversion legislation is necessary to assess their conformity with constitutional principles, court interpretations, and India's secular culture¹⁵. This article

¹⁰ K. H. Harshith, 'Constitutionality of Anti-Conversion Laws in India: An Overview' (2024) 7(1) *International Journal of Law Management & Humanities* 1154.

¹¹ N. Singh, 'Navigating through the Troubled Waters: An Analysis of the Anti-Conversion Laws' (2022) 5(2) *International Journal of Law Management & Humanities* 163.

¹² (1977) 1 SCC 677.

¹³ (2018) 16 SCC 368.

¹⁴ S. Sewani, A. Abid and A. Shabbir, 'A Comparative Analysis of Forced Conversions among Minorities in Pakistan and India' (2025) 3(2) *Asian Social Sciences and Justice Journal* 630–639.

¹⁵ G. Pokharel, 'Constitutional Secularism and Religious Conversion Laws: A Comparative Study of India and Nepal' (2024).

examines the legislative and judicial aspects of these laws, exploring their historical development, socio-political effects, and legal obstacles. It also examines how India's policy aligns with international standards on religious freedom, highlighting possible areas for improvement.

The discourse around anti-conversion legislation highlights the intricacies of governing a diverse community. Achieving equilibrium between protecting religious freedom and solving social issues requires a sophisticated comprehension of constitutional principles, legislative purpose, and judicial supervision. This approach is crucial for celebrating variety, upholding individual liberty, and maintaining social cohesion in the world's greatest democracy.

2. Historical Context of Religious Conversions

Religious conversions in India possess a profound historical lineage, extending from the pre-colonial period through colonial domination to the post-independence era. During the pre-colonial era, conversions were mostly voluntary and spiritual, motivated by the allure of intellectual concepts, social change, or the prospect of equality¹⁶. Buddhism and Jainism attracted adherents in ancient India owing to their focus on non-violence, emancipation from caste systems, and personal enlightenment. Likewise, the Bhakti and Sufi organizations of the medieval era garnered followers by means of their inclusive and devoted methodologies, surpassing stringent caste and religious divisions¹⁷.

The colonial period signified a notable transformation, as structured missionary efforts, mostly by Christian missionaries, amplified the extent and prominence of religious conversions. The British East India Company first had a policy of religious neutrality but subsequently permitted missionary efforts, especially in education and healthcare, which indirectly promoted conversions. The introduction of missionaries such as William Carey in Bengal and the construction of mission schools resulted in conversions, often condemned as abusing the socio-economic weaknesses of vulnerable populations¹⁸. Dalit and tribal tribes, traditionally marginalized by the caste system, were drawn to Christianity for its assurances of dignity and

¹⁶ Richards, I. D. (2017). *Poles Apart: The Debates on Religious Conversion in Post-Independence India*. University of Toronto (Canada).

¹⁷ F. Hakeem, 'Contesting Religious Governmentality: The Bhakti-Sufi Movements of Medieval India' in *Civility, Nonviolent Resistance, and the New Struggle for Social Justice* (Brill 2019) 90–110.

¹⁸ Ian Copland, 'Christianity as an Arm of Empire: The Ambiguous Case of India under the Company, c 1813–1858' (2006) 49(4) *The Historical Journal* 1025–1054.

equality¹⁹.

Following independence, the socio-political environment exacerbated the complexities surrounding conversions. Apprehensions over mass conversions, exemplified by Dalit leader B.R. Ambedkar's conversion to Buddhism in 1956 alongside thousands of adherents, intensified fears among political and religious factions. These occurrences resulted in the implementation of anti-conversion legislation, first with the Orissa Freedom of Religion Act, 1967, followed by Madhya Pradesh's statute in 1968²⁰, designed to govern conversions seen to be forced or influenced. These legislation exemplified an escalating conflict between safeguarding individual liberty and responding to perceived dangers to societal unity.

The historical progression of religious conversions in India highlights the intricacy of reconciling constitutional assurances with social apprehensions. Conversions have always been a subject of contention, illustrating India's changing socio-political and religious landscape, from ancient spiritual movements to the structured initiatives of colonial missionaries and contemporary legal measures²¹.

3. Categories of Conversions

Religious conversions in India may be classified into two primary categories: voluntary conversions and coerced or deceptive conversions. Each has distinct objectives and ramifications, especially with anti-conversion legislation.

3.1 Voluntary Conversions

Voluntary conversions transpire when people or communities embrace a new religion due to personal conviction, spiritual metamorphosis, or socio-political motivations²². Historical instances include the extensive proliferation of Buddhism under Emperor Ashoka's rule, propelled by its tenets of non-violence and equality. During the Bhakti and Sufi movements, several individuals freely converted owing to the inclusive and devotional characteristics of

¹⁹ Norman Etherington (ed), *Missions and Empire* (Oxford University Press 2005)

²⁰ Madhya Pradesh Dharma Swatantrya Adhinyam 1968 (MP Act No 27 of 1968).

²¹ Ian Copland, 'Christianity as an Arm of Empire: The Ambiguous Case of India under the Company, c 1813–1858' (2006) 49(4) *The Historical Journal* 1025–1054; Norman Etherington (ed), *Missions and Empire* (Oxford University Press 2005).

²² K. B. Dunn and K. M. Eades, 'Voluntary Conversion of Convertible Securities and the Optimal Call Strategy' (1989) 23(2) *Journal of Financial Economics* 273–301.

these faiths, which provided consolation and spiritual satisfaction.

B.R. Ambedkar's conversion to Buddhism in 1956 is a notable example of voluntary conversion in contemporary history. Discontented with caste prejudice, Ambedkar adopted Buddhism and encouraged thousands of Dalits to follow suit, seeking equality and dignity²³. These voluntary conversions illustrate the exercise of individual autonomy protected by Article 25 of the Indian Constitution.

3.2 Forced or Fraudulent Conversions

Coerced or fraudulent conversions include compulsion, persuasion, or deception, and are the central concern of anti-conversion legislation²⁴. Examples include situations in which susceptible people or groups are coerced or misled into conversion by intimidation, financial inducements, or distortion of information.

The pivotal Supreme Court decision *Rev. Stainislaus v. State of Madhya Pradesh*²⁵ affirmed the legitimacy of anti-conversion statutes, underscoring that the freedom to spread religion does not include the right to convert others by compulsion or deceit. In *Stan Swamy v. State of Jharkhand*²⁶, claims of fraudulent conversions highlighted the difficulties in differentiating genuine faith-based conversions from exploitative techniques.

4. Societal and Political Consequences

The matter of religious conversions in India is intricately linked to social and political factors, often emerging as a sensitive topic within the nation's multicultural culture. Religious conversions, particularly within minority populations, are often politicized, exacerbating community tensions and prompting governmental measures to regulate such conversions²⁷. The politicization has substantial ramifications for India's social structure and democratic ideals.

²³ S. R. Stroud, 'The Rhetoric of Conversion as Emancipatory Strategy in India: Bhimrao Ambedkar, Pragmatism, and the Turn to Buddhism' (2017) 35(3) *Rhetorica* 314–345.

²⁴ R. Rudra, 'Forceful Conversion: A Legal Analysis' (2021) 4(3) *International Journal of Law Management & Humanities* 721.

²⁵ (1977) 1 SCC 677.

²⁶ *Stan Swamy v State of Jharkhand* (2020) SCC OnLine Jhar 427.

²⁷ A. A. Malik and M. Waqar, 'An Analytical Study of the Challenges Facing Religious Minorities: Advocating for Reforms and Empowerment' (2025) 4(1) *Law and Policy Review* 1–22.

Religious conversions are often depicted as dangers to the cultural identity of the dominant society in political discourse²⁸. Political parties, especially those advocating majoritarian ideologies, have used the subject of conversions to solidify their voting base, often resulting in divisiveness. Debates around "love jihad," a phrase used to assert coerced conversions via interfaith marriages, have emerged as a mechanism to exacerbate communal tensions, although the absence of substantial evidence to substantiate these assertions²⁹. These myths promote mistrust among groups, hence intensifying social divides.

Socially, anti-conversion laws disproportionately impact minority populations, especially Christians and Muslims, who are often said to partake in forceful conversion activities³⁰. Unfounded claims result in heightened scrutiny and animosity against these populations. In places like as Uttar Pradesh and Madhya Pradesh, the implementation of anti-conversion legislation has led to the imprisonment and harassment of people, especially concerning interfaith marriages. The targeting of minority populations erodes their feeling of security and equality within a democratic society.

Human rights groups have documented the abuse of anti-conversion legislation, illustrating instances where these laws are used to curtail religious freedom. The apprehension of persons suspected of conversions without solid proof has elicited concerns over the infringement of constitutional rights³¹. Such measures not only undermine individual liberty but also foster an environment of dread and distrust.

India's anti-conversion laws have garnered widespread criticism for their misalignment with global human rights norms. Entities such as the United Nations have articulated apprehensions over the ramifications of these laws on religious liberty and minority rights, advocating for enhanced protections to guarantee their appropriate enforcement³².

The politics of religious conversions highlights the need for a measured approach that respects

²⁸ Gauri Viswanathan, 'Religious Conversion and the Politics of Dissent' in *Conversion to Modernities* (Routledge 2014) 89–114.

²⁹ I. Frydenlund and E. Leidig, 'Introduction: "Love Jihad": Sexuality, Reproduction and the Construction of the Predatory Muslim Male' (2022) 13(3) *Religions* 201.

³⁰ M. G. Fischer, 'Anti-Conversion Laws and the International Response' (2018) 6 *Penn State Journal of Law & International Affairs* 1.

³¹ Furquan Ahmad, Vishnu Konoorayar and K. N. Pillai, 'A Study of Compatibility of Anti-Conversion Laws with Right to Freedom of Religion in India' (SSRN Working Paper No 2359250, 2008).

³² United Nations Human Rights Council, *Report of the Special Rapporteur on Freedom of Religion or Belief* (A/HRC/46/30, 22 February 2021).

personal freedoms while tackling legitimate issues of compulsion. Enhancing legal protections, encouraging religious discussion, and cultivating mutual respect across groups are crucial measures to alleviate the social and political consequences of this sensitive matter³³.

5. Anti-Conversion Laws in India

India, being a secular nation, ensures religious freedom as stipulated in Articles 25 to 28 of its Constitution. The enactment of anti-conversion legislation in many Indian states has ignited a controversial discourse about the equilibrium between religious liberty and the state's authority in overseeing religious conversions. These regulations, allegedly designed to prevent coerced or deceptive conversions, have elicited concerns over their impact on individual rights, social cohesion, and the secular nature of the nation.

5.1 State-Wise Overview of Anti-Conversion Laws

Currently, several Indian states have enacted anti-conversion laws. While the specifics vary, the laws share common elements and have been enforced to varying degrees. Below is a state-wise overview:

Madhya Pradesh (1968)³⁴: The Madhya Pradesh Freedom of Religion Act, 1968, prohibits conversion by force, fraud, or allurement. It requires individuals and priests to notify authorities before any conversion ceremony.

Odisha (1967)³⁵: Odisha was the first state to enact an anti-conversion law, the Odisha Freedom of Religion Act, 1967. It criminalizes conversions involving force, fraud, or inducement.

Arunachal Pradesh (1978)³⁶: The Arunachal Pradesh Freedom of Religion Act, 1978, aims to prevent conversion by coercion but has rarely been enforced.

Chhattisgarh (2000)³⁷: A successor state to Madhya Pradesh, Chhattisgarh implemented

³³ Gautam Bhatia, 'Freedom of Religion under the Indian Constitution' (2019) 11(2) *National Law School of India Review* 1–28.

³⁴ (MP Act No 27 of 1968).

³⁵ Odisha Act No 2 of 1968

³⁶ Arunachal Pradesh Act No 11 of 1978

³⁷ Chhattisgarh Freedom of Religion Act 1968 (as adopted by the State of Chhattisgarh in 2000)

similar laws under its jurisdiction.

Himachal Pradesh (2006)³⁸: The Himachal Pradesh Freedom of Religion Act, 2006, prohibits conversions by force, inducement, or fraudulent means. The law was amended in 2019 to strengthen its provisions.

Gujarat (2003)³⁹: The Gujarat Freedom of Religion Act, 2003, prohibits conversions by allurement, force, or fraudulent means. The law was amended in 2021 to include provisions against religious conversions for the purpose of marriage.

Uttarakhand (2018)⁴⁰: The Uttarakhand Freedom of Religion Act, 2018, includes provisions similar to other state laws but explicitly focuses on conversions through marriage.

Uttar Pradesh (2020)⁴¹: The Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020, criminalizes forced conversions and conversions for marriage without prior notice to authorities.

Karnataka (2021)⁴²: The Karnataka Protection of Right to Freedom of Religion Act, 2021, introduced stringent penalties for forced or fraudulent conversions, including conversions for marriage.

Jharkhand (2017)⁴³: The Jharkhand Freedom of Religion Act, 2017, criminalizes conversions by force, allurement, or coercion.

5.2 Essential Provisions of Anti-Conversion Legislation in India

The anti-conversion laws in India, adopted by distinct states and varying in language and scope, include common core principles intended to govern religious conversions and safeguard vulnerable populations from forceful or deceptive activities. These regulations have garnered extensive legal and societal examination due to their potential to violate the constitutional

³⁸ HP Act No 20 of 2006

³⁹ Gujarat Act No 24 of 2003

⁴⁰ Uttarakhand Act No 6 of 2018

⁴¹ Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance 2020 (Uttar Pradesh Ordinance No 28 of 2020).

⁴² Karnataka Act No 10 of 2022

⁴³ Jharkhand Act No 4 of 2017

assurance of religious freedom as stipulated in Article 25 of the Indian Constitution. This talk critically analyzes the principal provisions often included in these statutes.

5.2.1 Prohibition on Forced Conversions

Central to all state-level anti-conversion laws is the prohibition of religious conversions achieved via coercion, deception, enticement, or persuasion. States include Madhya Pradesh, Odisha, Uttar Pradesh, and Himachal Pradesh possess legislation that specifically delineates and criminalizes such conversions. Section 3 of the Madhya Pradesh Freedom of Religion Act, 2021 renders illegal conversion via "misrepresentation, force, undue influence, coercion, allurement, or any fraudulent means." The Orissa Freedom of Religion Act, 1967, was among the first legislations of its kind and functioned as a prototype for subsequent laws. These regulations seek to maintain the idea of voluntariness in religious conversion, a valid governmental interest. Critics contend that the ambiguous and expansive meanings of phrases such as "allurement" (which may include promises of education or improved living) may be used to unjustly penalize genuine acts of charity or religious expression. In *Rev. Stanislaus v. State of Madhya Pradesh*, the Supreme Court affirmed the legality of the Madhya Pradesh and Orissa Acts, determining that the freedom to preach religion does not include the right to forcefully convert another individual. Nonetheless, the ruling has faced criticism for failing to adequately differentiate between dissemination and conversion by choice.

5.2.2 Notification to Authorities

A notable aspect of anti-conversion regulations is the obligatory necessity to notify district officials before to conducting a conversion ceremony. States such as Uttarakhand, Uttar Pradesh, and Madhya Pradesh possess similar legislation. According to Section 8 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, each individual seeking conversion must provide a declaration to the District Magistrate 60 days beforehand, while the religious converter is required to make a declaration 30 days before the conversion occurs. Noncompliance incurs criminal liability. Advocates contend that these measures assist the state in overseeing and deterring fraudulent conversions. Opponents see this as an excessive encroachment on human freedom and a hindrance to the free practice of religion. Critics contend that this mandate constitutes prior restraint, so infringing against Article 25 of the Constitution, and engenders a chilling effect on private privacy and religious liberty, as

established in Justice K.S. Puttaswamy v. Union of India⁴⁴.

5.2.3 Penalties

Anti-conversion laws impose severe penalties on anybody convicted of executing or enabling coerced conversions. These punishments often include incarceration for a duration of one to 10 years and fines that may exceed ₹50,000. Furthermore, increased penalties are mandated if the individual being converted is a woman, a juvenile, or a member of Scheduled Castes or Scheduled Tribes. Section 5 of the Madhya Pradesh Freedom of Religion Act, 2021 stipulates imprisonment ranging from three to 10 years and a monetary penalty of ₹50,000 for conversions involving individuals from vulnerable categories. Critics contend that the justification for increased punishments, based on the heightened vulnerability of some groups, assumes a lack of agency among these persons and may reinforce condescending views instead of fostering empowerment⁴⁵.

5.2.4 Marriage-Related Conversions

A recent and contentious element of anti-conversion laws is the governance of religious conversions via marriage. Numerous states have enacted legislation that nullifies a marriage conducted only for the sake of religious conversion, unless certain protocols, including previous consent and declaration, are adhered to. These are often referred to as “love jihad” legislation, but this terminology is not included in the legislative documents. Section 6 of the Uttar Pradesh Act declares such marriages invalid ab initio and imposes penalties for both the conversion and the marriage if they are shown to be fraudulently linked. These laws have seen legal challenges and human rights critiques for discriminating against interfaith couples and imposing the burden of evidence on the accused, possibly infringing against the principles of natural justice. The Allahabad High Court, in *Salamat Ansari v. State of U.P & Ors*⁴⁶, stated that the freedom to choose a life partner is a basic right under Article 21, and that religious conversion for marriage should not be inherently regarded as false.

⁴⁴ AIR 2017 SC 4161

⁴⁵ Meghan Grizzle Fischer, *Anti-Conversion Laws and the International Response* (ADF International White Paper, 2018) (critiquing anti-conversion laws for overly broad language, targeting minorities and impeding freedom of choice)

⁴⁶ (2020) 11 AHC CK 0027

6. Constitutional Framework: Freedom of Religion

India's Constitution protects religious freedom under Articles 25–28, forming the backbone of its secular character while allowing limits for public order, morality, and health. Article 25 guarantees freedom of conscience and the right to profess, practice, and propagate religion, but the Supreme Court in *Rev. Stainislaus v. State of M.P.*⁴⁷ held this does not include a right to convert others through coercion or fraud. Critics note this ruling overlooks voluntary conversions as an aspect of religious liberty. Later, *K.S. Puttaswamy v. Union of India*⁴⁸ expanded these rights by affirming privacy as fundamental, placing personal choices of belief and conversion within individual autonomy. Article 26 empowers religious denominations to manage their own institutions and practices, yet anti-conversion laws requiring prior notice or approval risk state intrusion into religious autonomy.

Articles 27 and 28 reinforce neutrality by prohibiting the use of taxes to promote religion and banning religious instruction in fully state-funded schools. While not directly tied to anti-conversion laws, misuse of state funds or institutions to stigmatize conversion would violate these safeguards. Together, Articles 25–28 illustrate India's constitutional promise of religious liberty, but anti-conversion legislation—through vague definitions, procedural hurdles, and prior restraints—often collides with these guarantees, raising concerns over state overreach and erosion of secular values⁴⁹.

7. Problems Arising from Anti-Conversion Laws

Anti-conversion legislation in India has been a focal point of vigorous legal, political, and social discourse. Although its declared objective is to avert conversions achieved via coercion, deception, or enticement, the broad and sometimes vague terminology in these statutes, coupled with procedural impediments and selective implementation, has engendered significant constitutional and human rights apprehensions. This research examines the many issues arising from the execution and design of these regulations across six interconnected areas.

⁴⁷ (1977) 1 SCC 677.

⁴⁸ AIR 2017 SC 4161

⁴⁹ N. Chauhan, *Religious Conversion and Freedom of Religion in India: Debates* (Indian Law Institute paper) (Articles 25–28 constitute significant constitutional guarantees of religious freedom and state anti-conversion laws have been criticised as infringing on these rights) 126–129.

7.1 Subjective Definitions

A primary concern about anti-conversion legislation is the use of ambiguous and subjective language, including phrases like “allurement,” “force,” and “fraud.” The Madhya Pradesh Freedom of Religion Act, 2021, along with analogous legislation in Uttar Pradesh and Himachal Pradesh, defines “allurement” as including any kind of gifts, monetary incentives, employment, complimentary education, or any other advantage. This broad terminology permits almost any social assistance activity by religious organizations to be seen as enticement. This uncertainty facilitates arbitrary enforcement and harassment, particularly against religious minorities. In *Rev. Stainislaus v. State of Madhya Pradesh*⁵⁰, the Supreme Court affirmed anti-conversion statutes but failed to closely examine the potential for ambiguous definitions to be used. As a result, even voluntary conversions may seem questionable due to these ambiguous or too broad phrases, therefore criminalizing authentic religious expression.

7.2 Burdensome Procedures

Numerous state statutes, like the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, require those desiring to convert to provide prior notification to district authorities—generally 60 days before the conversion. Furthermore, the presiding priest or religious leader must submit a pre-event statement. These procedural requirements are both bureaucratically onerous and constitutionally contentious. They violate the right to privacy and personal autonomy, acknowledged as integral to Article 21 in *Justice K.S. Puttaswamy v. Union of India*⁵¹. Compelling people to reveal their religious affiliations to the state exposes them to scrutiny, social exclusion, or perhaps violence. Requesting governmental authorization prior to exercising one’s faith fundamentally opposes the essence of Article 25, which ensures the freedom of conscience and the right to profess, practice, and promote religion.

7.3 Targeting Minorities

Although anti-conversion laws are ostensibly impartial regarding religion, their enforcement has disproportionately affected religious minorities, particularly Christians and Muslims⁵². In

⁵⁰ (1977) 1 SCC 677

⁵¹ AIR 2017 SC 4161

⁵² A. A. Malik and M. Waqar, ‘An Analytical Study of the Challenges Facing Religious Minorities: Advocating for Reforms and Empowerment’ (2025) 4(1) *Law and Policy Review* 1–22.

places such as Madhya Pradesh and Chhattisgarh, pastors and Muslim clergy have often been charged under these laws, even in the absence of substantial proof of compulsion. Social organizations and rights groups have recorded many occurrences in which peaceful religious assemblies were interrupted under the pretext of "mass conversion"⁵³. These behaviors perpetuate a narrative of distrust towards minority populations, depicting their religious practices as fundamentally duplicitous or undermining. The absence of competent investigations and the diminished conviction rates in these instances suggest that these laws are often used more for intimidation than for the pursuit of justice. This targeted approach contravenes the constitutional assurance of equality as stipulated in Article 14 and the ban on religious discrimination outlined in Article 15.

7.4 Marital Conversions

The recent regulations addressing marriage-based conversions have created more complications. States such as Uttar Pradesh and Gujarat have enacted legislation asserting that any interfaith marriage including conversion would be deemed unlawful until shown differently. According to Section 6 of the Uttar Pradesh Act, weddings are rendered invalid if they are conducted exclusively for the purpose of conversion. This legal presumption of guilt shifts the burden of evidence and undermines the individual's ability to marry and convert willingly. In *Salamat Ansari v. Government of U.P.*⁵⁴, the Allahabad High Court determined that the freedom to choose a life partner, irrespective of religion, is included by Article 21 and must not be subject to capricious governmental intervention. However, the implementation of these laws often results in the persecution of interfaith couples, subjecting their marriages to police investigation and public observation, so infringing upon their essential rights to dignity and freedom.

7.5 Chilling Effect

The administrative and legal obstacles established by anti-conversion legislation have had a chilling effect on genuine religious conversions and interfaith engagements. Individuals and groups increasingly hesitate to engage in religious meetings or support others in their spiritual journeys due to the worry of criminal prosecution⁵⁵. Religious leaders, particularly from

⁵³ Laura Dudley Jenkins, *Religious Freedom and Mass Conversion in India* (University of Pennsylvania Press 2019).

⁵⁴ (2020) 11 AHC CK 0027

⁵⁵ S. Gandhi, *Religious Freedom and the Anti-Conversion Statute in India* (working paper, 2021).

minority religions, have restricted their outreach efforts to prevent unfounded accusations of enticement or compulsion. Individuals voluntarily converting are reluctant to provide the necessary statements owing to fear of repercussions. This atmosphere of fear and self-censorship suppresses the fundamental freedom to practice religion under Article 25 and significantly hinders the free exercise of religious choice.

7.6 Communal Tensions

One of the most concerning repercussions of anti-conversion legislation is their contribution to heightened community tensions. The discourse around these regulations often depicts religious conversions as a threat to the Hindu majority, inciting nationalist fervor and vigilante actions. Right-wing organizations have, on many occasions, assumed the role of "monitoring" or sometimes physically obstructing mixed weddings and religious gatherings⁵⁶. In places like as Madhya Pradesh, Karnataka, and Uttar Pradesh, there have been instances of crowds attacking persons based only on suspicions of conversion. This vigilantism subverts the rule of law and cultivates an atmosphere of fear and divisiveness. The laws have transformed into instruments of community divisiveness and social disagreement, rather than effectively addressing real instances of coercion via legal means⁵⁷.

Essentially, while anti-conversion laws purport to protect religious freedom by averting exploitation, their vague terminology, procedural obstacles, and biased enforcement expose a more concerning truth. They often infringe upon the same liberties they claim to safeguard, especially when used as tools of majority dominance and moral enforcement.

7.7 Violation of Constitutional Rights

The implementation of anti-conversion legislation in many Indian states has raised significant constitutional issues. Although these regulations claim to govern conversions prompted by compulsion, fraud, or enticement, they often violate the basic rights enshrined in the Indian Constitution⁵⁸. The principal areas of infringement are the freedom of religion as stipulated in Article 25, the right to privacy as outlined in Article 21, and the tenets of equality and non-

⁵⁶ Heinrich Böll Foundation, *Anti-Conversion Laws in India: Undermining Democracy and Women's Rights* (12 June 2023).

⁵⁷ Ravinder Kaur and Mark T. Berger, 'Acts of Violence? Anti-Conversion Laws in India' (2024) *Society and Space*.

⁵⁸ Furquan Ahmad, Vishnu Konoorayar and K. N. Pillai, 'A Study of Compatibility of Anti-Conversion Laws with Right to Freedom of Religion in India' (SSRN Working Paper No 2359250, 2008).

discrimination, especially with gender and caste. Furthermore, these laws have elicited apprehensions about the increasing encroachment of governmental authority on personal freedoms and the deterioration of India's secular principles.

7.8 Infringement on Article 25

Article 25 of the Constitution ensures that all individuals possess the freedom of conscience and the right to profess, practice, and promote religion, constrained only by considerations of public order, morality, and health. Nonetheless, anti-conversion laws often impose excessive limitations on the dissemination of religious freedom. By criminalizing conversions purportedly achieved by "allurement," which may include charitable actions or statements of faith, these laws infringe upon the rightful exercise of the freedom to spread religion⁵⁹. The Supreme Court's ruling in *Rev. Stainislaus v. State of Madhya Pradesh*⁶⁰ affirmed the legitimacy of state anti-conversion statutes, saying that the freedom to propagate does not include the right to convert another individual. This view has faced criticism for being too restrictive and neglecting to recognize that voluntary conversion is an expression of the Article 25 rights of both the convert and the preacher. Consequently, these regulations threaten to criminalize genuine professions of religion and tranquil religious dialogue.

7.9 Violation of Privacy

The stipulation in legislation like the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, mandating persons to inform district authorities prior to religious conversion, undermines the fundamental right to privacy. In the seminal ruling of Justice K.S. Puttaswamy v. Union of India⁶¹, the Supreme Court categorically affirmed that privacy is a fundamental right under Article 21. The ruling underscored that privacy includes the freedom to independently choose personal concerns, such as one's religious convictions. Compelling people to publicly announce their intention to convert religions and endure governmental oversight infringes upon the fundamental personal sphere protected by the right to privacy. It exposes people to possible social repercussions and discourages them from enjoying their

⁵⁹ Constitution of India, art 25(1); Furquan Ahmad, Vishnu Konoorayar and K. N. Pillai, 'A Study of Compatibility of Anti-Conversion Laws with Right to Freedom of Religion in India' (SSRN Working Paper No 2359250, 2008).

⁶⁰ (1977) 1 SCC 677

⁶¹ AIR 2017 SC 4161

religious freedom openly and without trepidation.

7.10 Gender and Caste Discrimination

Anti-conversion laws establish increased penalties for the conversion of women, children, and persons from Scheduled Castes and Scheduled Tribes, as shown by the Madhya Pradesh Freedom of Religion Act, 2021. Although purportedly designed to safeguard vulnerable populations, such rules are rooted in patriarchal and casteist conceptions that these persons lack the power or ability to make educated religious decisions. The laws perpetuate notions of passivity and victimization rather than strengthening these communities. This contravenes the equality principles outlined in Articles 14 and 15, which forbid discrimination based on sex, caste, or religion⁶². It also diminishes the right to autonomy, especially for women and excluded groups, by subordinating their choices to state paternalism instead of acknowledging them as autonomous rights-holders.

7.11 Overreach of State Power

The implementation of anti-conversion legislation often leads to considerable overextension of governmental power. By empowering law enforcement authorities and district judges to examine, endorse, or nullify individual religious decisions, the state adopts a role that fundamentally undermines its secular nature. Article 14 stipulates equal legal treatment, while Article 25 ensures religious autonomy; yet, the legislation confers excessive authority to the state to meddle in religious and marital affairs, particularly with interfaith relationships. The examination and punishment of conversions via marriage—referred to as “love jihad” by some political figures—illustrate a dangerous trend in which official authority is used to regulate belief and personal relationships⁶³. This invasion jeopardizes democratic liberties and cultivates an atmosphere of distrust, intimidation, and monitoring about personal choices.

8. Judicial Interpretation of Anti-Conversion Laws

The Indian judiciary's position on anti-conversion statutes has developed throughout time, illustrating a conflict between governmental interests in curbing forceful conversions and the

⁶² M. G. Fischer, ‘Anti-Conversion Laws and the International Response’ (2018) 6 *Penn State Journal of Law & International Affairs* 1.

⁶³ Sumit Sonkar, ‘Policing Interfaith Marriages: Constitutional Infidelity of the Love Jihad Ordinance’ (2022) *Journal of Law and Religion*.

individual's right to religious liberty. While first rulings prioritized the regulatory authority of the state, newer verdicts have shown more regard for individual liberty and constitutional rights. The courts have fluctuated between upholding the legality of anti-conversion statutes and scrutinizing their potential infringement on basic rights.

Supreme Court of India: Rev. Stainislaus v. State of Madhya Pradesh⁶⁴

In *Rev. Stainislaus v. State of Madhya Pradesh*, the Supreme Court affirmed the legality of the Orissa Freedom of Religion Act, 1967, and the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968. The Court determined that the freedom to "propagate" religion under Article 25 does not include the right to convert others. The Court believes that coerced or deceitful conversions might disrupt public order, hence warranting state legislation to govern such conversions. This ruling has been often used by states to justify their anti-conversion statutes. Critics contend that the ruling inadequately addressed the voluntary and consensual dimensions of religious conversion and failed to reflect the expanding interpretation of personal liberty under Article 21.

Shafin Jahan v. Asokan K.M.⁶⁵

A notable change occurred in *Shafin Jahan v. Asokan K.M.*, when the Supreme Court overturned a Kerala High Court decision that had invalidated a Muslim marriage due to claims of compulsion and "love jihad." The Supreme Court underscored the supremacy of human liberty regarding marriage and religion, noting that the freedom to choose a spouse and faith is fundamental to Article 21. The Court reiterated that neither the state nor society have the ability to intervene in an individual's decisions about religion or marriage, if these choices are made voluntarily.

Himachal Pradesh High Court: Evangelical Fellowship of India v State of Himachal Pradesh⁶⁶

The Himachal Pradesh High Court invalidated portions of the Himachal Pradesh Freedom of Religion Act, 2006, mandating persons to get prior consent from district authorities prior to conversion. The Court determined that this requirement constituted excessive and unreasonable

⁶⁴ (1977) 1 SCC 677

⁶⁵ AIR 2018 SC 1933.

⁶⁶ *Evangelical Fellowship of India v State of Himachal Pradesh* 2012 SCC OnLine HP 4321

governmental involvement in private religious choices. The ruling underscored that the state must guarantee its regulatory authority does not violate the individual's right to freedom of conscience and religion as stipulated in Article 25.

Allahabad High Court

In *Salamat Ansari & Others v. State of U.P. & Others*⁶⁷, the Allahabad High Court reversed earlier decisions that had annulled interfaith marriages including conversion. The Court affirmed that the right to cohabit with an individual of one's choosing, irrespective of religion, is fundamental to the right to life and personal liberty as stipulated in Article 21. It unequivocally said that religious belief or conversion for marriage is a personal decision and does not need governmental intervention unless there is definitive proof of force or deception.

8.1 Critical Analysis of Judicial Trends

The evolution of court interpretations indicates a transition from a conservative stance in *Stainislaus* to an expanded safeguarding of personal liberty and religious autonomy in subsequent opinions. The initial emphasis on maintaining public order and restricting dissemination has progressively been moderated by an acknowledgment of individual autonomy and constitutional rights. These results indicate an increasing judicial unease with laws that impose prior restriction or criminal penalties on voluntary religious conversions, particularly where such laws disproportionately impact minorities and violate the basic rights to privacy, choice, and dignity⁶⁸.

By 2025, the Indian court persists in managing the intricate equilibrium between controlling forceful conversions and safeguarding individual religious freedom. The prevailing tendency is to ensure that anti-conversion laws do not serve as instruments of surveillance or discrimination, but rather adhere to constitutional standards.

9. Analysis of Data and Reports

The implementation and enforcement of anti-conversion legislation in India have elicited considerable apprehension among academics, human rights organizations, and civil society

⁶⁷ (2020) 11 AHC CK 0027

⁶⁸ *Rev Stanislaus v State of Madhya Pradesh* (1977) 1 SCC 677; *K. S. Puttaswamy v Union of India* (2017) 10 SCC 1; *Shafin Jahan v Asokan K.M.* (2018) 16 SCC 368.

groups, particularly over their effects on communal peace and individual freedoms. An assessment of accessible data and reports—both official and non-governmental—provides essential insight into these issues.

9.1 Rise in Communal Tensions

Government data, although not explicitly centered on anti-conversion legislation, illustrates wider community dynamics. The Ministry of Home Affairs (MHA) Annual Report 2023–24 summarizes the internal security and law enforcement circumstances nationwide. The research indicates that occurrences of communal violence, while fluctuating annually, continue to be a substantial problem in states like as Uttar Pradesh and Madhya Pradesh, both of which have implemented rigorous anti-conversion legislation. The study underscores the central government's collaboration with states to promote communal peace but refrains from establishing clear correlations between such laws and communal disturbances⁶⁹.

Civil society groups provide more specific statistics. The United Christian Forum (UCF) recorded 302 instances of violence against Christians in the first seven months of 2022, with Uttar Pradesh exhibiting the greatest frequency. These occurrences sometimes included accusations of coerced conversions, serving as a justification for mob violence and arrests at prayer services or private religious assemblies⁷⁰.

Furthermore, in Chhattisgarh, namely in the tribal regions of Narayanpur and Kondagaon, communal tensions intensified in late 2022, resulting in the expulsion of around 1,000 Christian Adivasis. The violence was closely associated with allegations of widespread religious conversions⁷¹.

9.2 Criticism from Human Rights Bodies

Human rights groups, both national and international, have condemned India's anti-conversion legislation for violating fundamental freedoms. The United States Commission on International Religious Freedom (USCIRF) said that these regulations "unjustifiably restrict and penalize an individual's right to convert and the right to encourage or assist another individual in converting

⁶⁹ Ministry of Home Affairs, *Annual Report 2023–24* (Government of India) ch 2 (Internal Security) (outlining internal security challenges, law enforcement circumstances, and communal violence assessments nationwide)

⁷⁰ United Christian Forum (UCF), *Data on Violence Against Christians in India* (UCF Helpline Data, January–July 2022).

⁷¹ *ibid*

voluntarily." It also indicated that these rules enable state and non-state entities to persecute and assault religious minorities⁷².

The U.S. State Department's 2023 International Religious Freedom Report also articulated concern, indicating that India's arrests connected to conversion and societal hostilities often serve as instruments of religious persecution⁷³.

9.3 State-Level Enforcement and Governmental Action

State governments have enacted measures to adopt and enforce anti-conversion laws. In Uttarakhand, Chief Minister Pushkar Singh Dhama instructed district authorities in early 2025 to provide comprehensive reports on measures undertaken in incidents of religious conversion. This included the establishment of verification cells and the enactment of the Uttarakhand Freedom of Religion (Amendment) Bill, 2022, making illicit conversions a cognizable and non-bailable violation⁷⁴.

9.4 Legal Implications and Arbitrary Arrests

Reports generated by entities such as the South Asia Justice Campaign reveal that countless arrests have transpired under these statutes, particularly in areas like Uttar Pradesh, Madhya Pradesh, and Rajasthan. In 2024, 59 Christians were arrested for purported infractions of anti-conversion laws. These arrests were often executed without significant proof, prompting apprehensions over potential abuse⁷⁵.

Moreover, persons who are wrongfully charged often endure protracted legal disputes and social exclusion. A study from *The Times of India* emphasized several instances when persons were acquitted by the court but remained subjected to societal shame⁷⁶.

⁷² United States Commission on International Religious Freedom (USCIRF), *Issue Update: India's State-Level Anti-Conversion Laws* (USCIRF, Washington DC, March 2023)

⁷³ U.S. Releases Scathing Report on Religious Freedom in *India Time* (16 May 2023)

⁷⁴ Uttarakhand CM Seeks Report on Religious Conversions, Orders Verification Cells', *The Times of India* (Dehradun, 2025).

⁷⁵ South Asia Justice Campaign, *India: Anti-Conversion Laws and the Criminalisation of Religious Freedom* (SAJC Report 2024).

⁷⁶ Acquitted but Not Accepted: How Conversion Accusations Leave a Lasting Social Stigma', *The Times of India* (New Delhi, 2024).

10. Conclusion and Suggestions

The enactment and interpretation of anti-conversion legislation in India highlight a complex tension between the constitutional assurance of religious liberty and the state's objective of curbing coercion and deception. Although the aim of these laws—to avert coerced or fraudulent conversions—appears valid, their implementation often diverges from constitutional principles. The ambiguous definitions, administrative complexities, and disproportionate emphasis on minority religious groups have raised significant issues about civil rights and secularism.

Judicial trends indicate a growing recognition of the significance of human autonomy, especially concerning personal liberty as guaranteed by Article 21 and freedom of religion as stipulated in Article 25 of the Indian Constitution. Nevertheless, the prevailing statutory framework is deficient in accuracy and equity, hindering the preservation of basic rights.

The detrimental impact on authentic religious conversions, the stigmatization of interfaith unions, and the heightened communal discord seen in jurisdictions with strict anti-conversion legislation underscore the urgent need for change. International norms in democratic countries assert that the ability to convert peacefully is an essential aspect of religious freedom. India must thus endeavor to harmonize its domestic legislation with its constitutional requirements and international human rights commitments. A thorough reform approach is crucial to maintain the nation's diverse structure and provide justice and equality for all residents.