

The Paradox of Religious Freedom in India: Legal and Social Dimensions of Religious Conversions

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Abstract

Religious conversion in India stands at the crossroads of social justice, individual freedom, and legal regulation, shaping the lives of marginalized communities, particularly Dalits and Adivasis. For many, conversion serves as a means to escape systemic caste oppression and seek equality and dignity. However, religious conversion in India is deeply divisive, with ongoing debates about coercion, fraud, and the impact of anti-conversion laws. This paper examines the complex interplay between the right to religious freedom, legal constraints, and the socio-cultural landscape of India. By critically analyzing current laws and societal perceptions, it highlights the tensions between personal choice and political agendas. The study presents recommendations to achieve a balanced framework, one that protects vulnerable individuals from coercion while safeguarding individual autonomy and promoting interfaith harmony. Ultimately, the paper advocates for a framework that respects religious diversity, human rights, and the fundamental freedoms of all citizens within India's pluralistic society.

Introduction

"Freedom and justice cannot be parceled out in pieces to suit political convenience."¹

India, a country with a long history of diverse cultures, languages and religions, is celebrated for its mosaic of spiritual traditions that have coexisted for centuries. The fabric of Indian society is woven with the threads of multiple religions, including Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism and others, each contributing to the nation's rich heritage. This diversity is not just a social reality but is also deeply embedded in the country's legal and constitutional framework. India's Constitution, which came into effect on January 26, 1950, declares the nation a secular state, meaning that the government respects and upholds all religions without favoring any particular faith. This secularism is a cornerstone of the Indian republic, ensuring that citizens of all religious backgrounds have the right to practice and propagate their faith freely. The right to freedom of religion is explicitly enshrined in Articles 25 to 28 of the Constitution, which collectively guarantee individuals the liberty to profess, practice and propagate their religion, manage their religious affairs and be free from any compulsion to support any religion financially. The implementation of these constitutional rights has been fraught with challenges, particularly when it comes to the issue of religious conversions.

Religious conversion in India has been a complex and contentious issue, deeply intertwined with

¹ <https://pwnlyias.com/mains-answer-writing/weekly-essay-freedom-and-justice-cannot-be-parcelled-out-in-pieces-to-suit-political-convenience-1200-words>

the nation's social, cultural, and legal fabric. Historically, India has been a melting pot of diverse religions, including Hinduism, Buddhism, Jainism, Sikhism, Islam, and Christianity. Over centuries, the subcontinent has witnessed significant religious transformations due to conquests, trade, and missionary activities.

During the colonial era, British missionaries intensified conversion efforts, leading to socio-religious reform movements aimed at countering conversions and revitalizing indigenous faiths. After independence, the Indian Constitution enshrined the right to religious freedom, allowing individuals to profess, practice, and propagate their faith. However, concerns over coercion and forced conversions led to the enactment of anti-conversion laws, starting with Odisha in 1967. In recent times, the debate over religious conversions has intensified. A notable 2024 case involved the conviction of Islamic scholars Kaleem Siddiqui and Umar Gautam, along with 14 others, who were sentenced to life imprisonment under Uttar Pradesh's anti-conversion law. They were accused of running a mass conversion racket, which they denied, claiming all conversions were voluntary.²

Scope of the Paper

This paper delves into:

1. The historical context of religious conversions in India - from ancient times to the present.
2. The socio-legal perspective of religious conversion in India
- 3 The socio-legal challenges of religious conversion Laws in India
4. Relevance and Criticism of religious conversion in India
5. Recommendations for a balanced approach - ensuring protection against coercion while upholding individual autonomy.

By exploring these aspects, the study aims to provide a comprehensive understanding of religious conversions in India, addressing the tensions between personal choice, social justice, and legal frameworks in a pluralistic society.

Historical Context of Religious Freedom in India

The historical context of religious freedom in India is deeply rooted in the country's long-standing tradition of religious diversity and tolerance. India has been home to a multitude of religions for millennia, including Hinduism, Buddhism, Jainism and Sikhism, which originated within its borders, as well as Islam, Christianity, Zoroastrianism and Judaism, which were introduced through trade, migration and conquests. The coexistence of these diverse religious communities has been a defining feature of Indian civilization, where the principle of "sarva dharma sambhava" (equality of all religions) has often guided social and religious interactions. In the ancient period, the Indian subcontinent was a vibrant center of religious and philosophical inquiry. The Vedic traditions laid the foundation for what would later evolve into Hinduism, while Buddhism and Jainism emerged as significant religious movements around the 6th century BCE, promoting values of non-violence, asceticism and spiritual liberation. These religions, though differing in doctrines, often coexisted peacefully and engaged in intellectual debates and dialogues, which enriched the religious landscape of India.

During the medieval period, the arrival of Islam in the 7th century CE through trade and subsequent invasions introduced a new dimension to India's religious diversity. The

² Kaleem Siddiqui and Umar Gautam vs State of UP 2024

establishment of the Delhi Sultanate and later the Mughal Empire saw the integration of Islamic practices and governance with the existing religious traditions. The Mughal emperors, particularly Akbar, are noted for their policies of religious tolerance and attempts at fostering a syncretic culture, as exemplified by Akbar's promotion of the Din-i-Ilahi, a syncretic religion that sought to blend elements of various faiths. This period was not without conflict. The interaction between different religious communities occasionally led to tensions, particularly when religious practices were perceived as being imposed by the ruling class. Despite these challenges, the overarching trend was one of accommodation and coexistence, which allowed multiple religious traditions to flourish in India.

The advent of British colonial rule in the 18th century marked a significant shift in the dynamics of religious freedom in India. The British East India Company, which initially focused on trade, gradually assumed political control over large parts of India. The British administration adopted a policy of non-interference in religious matters, partly to avoid antagonizing the diverse religious communities under its rule. The colonial period also witnessed an increase in religious conversions, particularly by Christian missionaries who were active in proselytizing among the Indian population. The spread of Christianity in India, especially through missionary activities, became a point of contention. Missionaries often targeted marginalized communities, including Dalits (formerly known as "Untouchables") and tribals, offering education, healthcare and social upliftment as incentives for conversion. The activities of Christian missionaries were viewed with suspicion by many Indians, particularly those in the upper echelons of Hindu society, who perceived these efforts as a threat to traditional religious practices and social hierarchies. The British policy of religious neutrality was frequently challenged by incidents of communal tension, as missionary zeal sometimes clashed with the sentiments of the local populace. This period also saw the rise of socio-religious reform movements within Hinduism, such as the Arya Samaj and the Brahmo Samaj, which sought to counter the influence of Christian missionaries by revitalizing Hindu practices and promoting social reforms.

Narratives of Religious Conversion

Religious conversion is a complex and multi-dimensional phenomenon influenced by personal beliefs, social conditions, legal frameworks, and historical factors. While voluntary conversion is protected under Indian law, forced or fraudulent conversions are restricted to prevent exploitation. The debate on religious conversions in India continues, balancing freedom of religion with concerns over social harmony and legal safeguards.

Religious conversion or the acceptance of a new religion is closely related to the needs, outlooks and aspirations of converts. It reveals the way in which people think of their 'self' or 'identity' in terms of religion or society.

Meaning of Conversion

The term conversion has multiple meanings depending on the context in which it is used. Here are some common definitions:

1. General Meaning: Conversion refers to the process of changing from one state, form, or condition to another.
2. Religious Conversion: In a religious context, conversion is the adoption of a new religion or a shift from one belief system to another. It often involves a personal transformation and adherence

to the doctrines of the new faith. Religious conversion in India remains a sensitive and complex issue, balancing individual rights, social harmony, and legal frameworks. While freedom of religion is a fundamental right, concerns over forced or induced conversions have led to various legal restrictions.

Religious conversion refers to the act of adopting a new religion or changing one's religious beliefs, often involving a shift in faith, rituals, and spiritual identity. It may be voluntary, influenced by personal conviction, or occur under social, political, or external pressures.

Types of Religious Conversion

Religious conversion can be classified into different types based on the method, motivation, and circumstances under which an individual adopts a new faith. Below is a detailed classification:

1. Voluntary Conversion

Definition: A person willingly chooses to convert to another religion based on personal conviction, spiritual enlightenment, or intellectual reasoning.

Reasons for Voluntary Conversion:

A deep spiritual experience or belief in a new religious philosophy.

Influence of religious texts, teachings, or personal study.

A desire for a stronger religious identity or a sense of belonging.

Personal relationships (such as marriage) that inspire religious change.

Example: Dr. B.R. Ambedkar and his followers voluntarily converted to Buddhism in 1956 to escape caste discrimination within Hinduism.

2. Forced Conversion

Definition: When an individual is compelled to convert against their will due to coercion, violence, intimidation, or threat.

Characteristics:

Involves the use of physical, psychological, or social pressure.

May include threats of harm, blackmail, or forced compliance.

Generally considered illegal and unethical in most legal systems.

Example: Historical instances of forced conversions during invasions or colonial rule, such as during the Inquisition in Goa, where forced conversions to Christianity were reported.

Legal Aspect:

Many Indian states have anti-conversion laws that criminalize conversions through force, fraud, or inducement.

3. Induced (Fraudulent) Conversion

Definition: Conversion that happens due to allurements, financial incentives, or deceit rather than personal belief.

Common Inducements:

Monetary benefits (money, gifts, or land).

Promises of employment or better living conditions

False representation about a religion (misleading claims about its benefits).

Social benefits like education, medical assistance, or marriage prospects.

Example: If an individual is falsely promised miraculous healing or economic support in exchange for conversion, it is considered induced conversion.

Legal Aspect:

Anti-conversion laws in India prohibit conversions by fraud, inducement, or misrepresentation.

4. Conversion by Marriage

Definition: When an individual converts to the religion of their spouse before or after marriage.

Subcategories:

Genuine Conversion: When a person sincerely accepts the new faith as part of their marital journey.

Legal/Convenience-Based Conversion: Some individuals convert due to legal, social, or family pressures rather than faith.

Fraudulent Conversion: When one partner conceals their religion before marriage, leading to controversy or legal disputes.

Example:

Many interfaith couples convert to each other's religion for marriage under personal law.

The Special Marriage Act (1954) allows interfaith marriages without religious conversion, but some still choose to convert due to societal pressures.

Legal Aspect:

Some Indian states (e.g., Uttar Pradesh, Madhya Pradesh) have laws requiring official declaration before conversion in interfaith marriages.

5. Social Conversion (Mass Conversion or Group Conversion)

Definition: When a large group of people converts from one religion to another due to social, economic, or political factors.

Reasons for Mass Conversion:

Oppression and Caste-Based Discrimination: Dalits and marginalized groups often convert to escape caste-based inequalities (e.g., mass Dalit conversions to Buddhism).

Social Empowerment: Some groups convert to a religion that promises equality and better social status.

Political or Reform Movements: Large-scale conversions may happen as part of a socio-political movement.

Example:

Dalit-Buddhist movement led by Dr. B.R. Ambedkar in 1956.

Mass conversions to Islam or Christianity in colonial India as a response to oppression.

Legal Aspect:

Some Indian state laws require prior notice to the government before mass conversions to prevent coercion.

6. Reconversion (Ghar Wapsi)

Definition: When an individual or community returns to their previous religion after having converted to another faith.

Characteristics:

Often part of religious or cultural revival movements.

Some religious groups actively promote reconversion (Shuddhi Movement, Ghar Wapsi).

Involves reaffirmation of traditional identity.

Example:

The Shuddhi Movement (early 20th century) by Arya Samaj aimed at reconverting Hindus who had converted to Islam or Christianity.

Ghar Wapsi programs by Hindu organizations seek to bring converts back to Hinduism.

Legal Aspect: Courts in India have generally ruled that reconversion is valid and protected under religious freedom laws.

7. Philosophical or Intellectual Conversion

Definition: When an individual converts based on intellectual exploration, philosophical reasoning, or ideological alignment rather than religious faith.

Characteristics:

May be based on scientific reasoning or personal philosophical beliefs.

Individuals may adopt agnosticism, atheism, or humanism as a new belief system.

Example:

A Hindu person converting to Buddhism not as a religious act but as a rejection of caste hierarchy.

People converting to atheism or agnosticism after scientific or philosophical inquiry.

Religious Conversion in India: Socio-Legal Perspective

A Social Perspective

Religious conversion in India has been a deeply controversial and sensitive issue, influenced by historical, cultural, political, and social factors. While the Indian Constitution guarantees freedom of religion, conversions have often led to debates on identity, social cohesion, caste dynamics, and political mobilization.

1. Religious Conversion and Indian Society

Religious conversion has played a significant role in shaping India's social fabric, influencing caste structures, interfaith relationships, and social hierarchies. It has been perceived differently by various communities:

For Converts → A means of spiritual choice, escape from discrimination, or social upliftment.

For the Majority Religion (Hinduism) → Often viewed as a threat to cultural continuity or national identity.

For Religious Minorities (Christianity & Islam) → Seen as a way of spreading faith, humanitarian work, or social justice activism.

Historical Context of Religious Conversions in India

Ancient India: Buddhism and Jainism emerged as protest religions against caste oppression.

Medieval Period: Sufi saints and Bhakti movements influenced voluntary religious conversions.

Colonial Era: Christian missionaries promoted conversion through education and healthcare.

Post-Independence: Conversions have been linked to Dalit and Adivasi empowerment, as well as religious and political conflicts.

2. Caste and Religious Conversion

A. Dalits and Adivasis Seeking Social Justice

Many Dalits and Adivasis have converted to Buddhism, Christianity, or Islam to escape caste discrimination.

B.R. Ambedkar's mass conversion to Buddhism (1956) led to a significant rise in Dalit-Buddhist identity. However, conversions have also led to backlash from dominant caste groups and loss of SC/ST reservation benefits (if converting to Christianity or Islam).

B. Hindu Organizations and "Ghar Wapsi"

Hindu nationalist groups have promoted "Ghar Wapsi" (homecoming) programs to reconvert people back to Hinduism, arguing that historical conversions were forced.

3. Religious Conversion and Social Conflict

A. Communal Tensions and Political Mobilization

Religious conversions have often led to communal tensions, especially in states like Uttar Pradesh, Madhya Pradesh, and Odisha. Right-wing groups claim that conversions are part of a larger conspiracy (e.g., "Love Jihad," "Missionary Agenda"). Secular activists argue that anti-conversion laws disproportionately target religious minorities.

B. Forced and Induced Conversions: Myth or Reality?

While there have been isolated cases of coercion, mass conversions are often voluntary due to social and economic reasons. Studies show that education and economic mobility play a bigger role than forced religious conversion.

4. Gender and Religious Conversion

Women are often at the center of conversion debates, particularly in interfaith marriages. Laws like Uttar Pradesh's anti-conversion law (2020) require state approval before religious conversion for marriage. While some women convert willingly, others face family and social pressure due to patriarchal norms.

5. Role of Missionaries and NGOs

Christian missionaries have been active in tribal areas, providing education and healthcare, leading to conversions.

Islamic organizations promote conversion through community welfare programs.

Hindu organizations engage in reconversion efforts (Ghar Wapsi) and promote Hindu cultural identity.

6. Public Perception and Media Influence

The media often sensationalizes conversions, portraying them as a threat to national unity or as a human rights issue.

Political parties use religious conversion narratives to mobilize voters.

A Legal Perspective

Religious conversion is a fundamental right under the Indian Constitution but is also subject to legal restrictions to prevent forced, fraudulent, or induced conversions. The legal framework surrounding religious conversion in India includes constitutional provisions, state anti-conversion laws, and judicial interpretations, which seek to balance individual rights with societal interests.

1. Constitutional Provisions on Religious Conversion

A. Article 25: Right to Freedom of Religion Guarantees the freedom of conscience and the right to profess, practice, and propagate religion.

The right to "propagate" does not mean the right to "convert" another person forcibly.

Subject to public order, morality, and health—meaning the state can regulate religious practices if they threaten societal harmony.

Judicial Interpretation of Article 25

Rev. Stanislaus v. State of Madhya Pradesh (1977)

The Supreme Court ruled that the "right to propagate" does not include the "right to convert" someone forcibly.

Upheld state anti-conversion laws as constitutional.

B. Article 26: Rights of Religious Denominations

Religious groups have the right to manage their own religious affairs and institutions.

C. Article 14: Right to Equality

Ensures equal protection of the law, preventing discrimination based on religion.

D. Article 21: Right to Life and Personal Liberty

Courts have ruled that freedom of religion is part of personal liberty, and any interference must be justified.

E. Article 18 of the Universal Declaration of Human Rights (UDHR)

India is a signatory to UDHR, which affirms that every individual has the right to change their religion.

2. Anti-Conversion Laws in India

While there is no national law regulating religious conversions, several Indian states have enacted laws to prevent forced or fraudulent conversions. These laws are commonly called Freedom of Religion Acts.

A. Key Features of Anti-Conversion Laws

1. Prohibition on Forced, Induced, or Fraudulent Conversions

Conversions due to force, allurement, or fraud are criminal offenses.

2. Prior Declaration Requirement

Many states require individuals or religious authorities to notify authorities before conversion.

3. Punishment for Violations

Offenders face imprisonment and fines (penalties vary by state).

4. Special Provisions for Minorities, Women, and SC/ST Communities

Stricter punishment if the victim of forced conversion belongs to a Scheduled Caste (SC), Scheduled Tribe (ST), woman, or minor.

B. State-Wise Anti-Conversion Laws

Here is the complete list of state-wise anti-conversion laws in India, including all states that have enacted such legislation:

1. Odisha (1967) – Odisha was the first state to enact an anti-conversion law, regulating religious conversions to prevent forceful conversions.

2. Madhya Pradesh (1968, amended 2021) – Requires prior approval from the district administration before religious conversion. The 2021 amendment introduced stricter penalties.

3. Arunachal Pradesh (1978) – Mandates official reporting of religious conversions to prevent forced or fraudulent conversions. However, it has not been fully enforced.

4. Chhattisgarh (2000) – Enacted stricter laws specifically for tribal areas to prevent conversions through allurement or coercion.

5. Gujarat (2003, amended 2021) – The amendment in 2021 prohibits conversions through marriage, making such conversions illegal without prior approval.

6. Rajasthan (2006, bill not enacted) – The Rajasthan government attempted to introduce an anti-conversion law, but it was struck down and not implemented.

7. Himachal Pradesh (2006, amended 2019) – Requires individuals to declare their intention to convert before and after the conversion process.
8. Uttarakhand (2018) – Prohibits forced religious conversion through marriage, ensuring that conversions are voluntary and legally approved.
9. Uttar Pradesh (2020) – Mandates prior state approval for religious conversions and criminalizes forced or fraudulent conversions.
10. Madhya Pradesh (2021) – Introduced one of the strictest anti-conversion laws, requiring mandatory approval and imposing severe penalties for violations.
11. Haryana (2022) – Haryana Prevention of Unlawful Conversion of Religion Act, 2022 prohibits forced religious conversions, requires prior notice for conversion, and imposes harsher punishments if the victim is a woman, minor, or belongs to a Scheduled Caste (SC) or Scheduled Tribe (ST).³
12. Jharkhand (2017) – The Jharkhand Freedom of Religion Act, 2017 prohibits religious conversions by force, allurement, or fraudulent means. It mandates prior notification to district authorities and imposes strict penalties, especially for conversions of minors, women, and SC/ST individuals.⁴
13. Karnataka (2021) – The Karnataka Protection of Right to Freedom of Religion Act, 2021 prohibits conversions through misrepresentation, force, undue influence, coercion, allurement, or fraud. It requires individuals to notify district authorities before converting and prescribes penalties, especially for converting minors, women, or members of Scheduled Castes or Scheduled Tribes.⁵

C. Provisions in Special Laws

1. Indian Penal Code (IPC), 1860

Section 295A: Criminalizes acts intended to insult religious beliefs.

Section 153A: Punishes promoting enmity between religious groups.

2. The Special Marriage Act, 1954

Allows interfaith marriage without requiring conversion.

3. Hindu Marriage Act, 1955

A Hindu spouse ceases to be Hindu after conversion and may lose rights under Hindu law.

4. Prohibition of Unlawful Religious Conversion Ordinance, 2020 (UP)

Introduced to regulate religious conversions for marriage.

Judicial Interpretations on Religious Conversion

A. *Rev. Stanislaus Case*⁶

Supreme Court upheld anti-conversion laws in MP and Odisha.

Ruled that "propagation" does not mean the right to convert forcibly.

Established that the state can regulate religious conversions.

B. *Sarla Mudgal case*⁷

³ Haryana Prevention of Unlawful Conversion of Religion Act, 2022

⁴ The Jharkhand Freedom of Religion Act, 2017

⁵ Protection of Right to Freedom of Religion Act, 2021

⁶ *Rev. Stanislaus v. State of MP (1977)*

⁷ *Sarla Mudgal v. Union of India (1995)*

Supreme Court ruled that conversion to Islam solely for bigamy (polygamy) is invalid.

Individuals cannot convert to Islam just to evade Hindu marriage laws.

*C. Lily Thomas case*⁸

Supreme Court held that conversion for the sole purpose of avoiding legal obligations (e.g., second marriage) is not valid.

*D. Lata Singh case*⁹

Supreme Court ruled that an adult has the right to choose their spouse and religion.

Directed authorities to protect individuals facing threats due to interfaith marriages.

*E. Shafin Jahan case*¹⁰

Kerala High Court nullified a Muslim marriage, claiming "forced conversion".

Supreme Court overturned this and upheld Hadiya's right to choose her faith and spouse.

*F. Ashiwini Kumar Upadhayay case*¹¹

The Supreme Court observed that every charity or good work is welcome, but the intention has to be checked, charity can not be for conversion.s

*G. Rajendra Bihari Lal case*¹²

The Supreme Court observed that Uttar Pardesh anti conversion law [UP Prohibition of Unlawful Conversion of Religion Act,2021] in some parts may seem to be violative of the fundamental right to religion guaranteed under Article 25 of the Constitution.

*H. C. Selvarani case*¹³

The Supreme Court observed that religious conversion for the sole purpose of availing benefits is seen as a fraud on the constitution and contrary to the ethos of reservation policies.

*I. Shriniwas Rav Nayak case*¹⁴

The court made observation that the individual right to freedom of conscience and religion can not be extended to construe a collective right to proselytize; the right to religious freedom belongs equally to the person converting and the individual sought to be converted.

*J. Maksood Ahmas case*¹⁵

The court observed that an individual undergoing religious conversion for the purpose of marriage must be fully informed of the legal consequences associated with it and issued a slew of directions to be followed in conversion cases.

*K. DR. Pushpalata and anothers case*¹⁶

⁸ *Lily Thomas v. Union of India* (2000)

⁹ *Lata Singh v. State of UP* (2006)

¹⁰ *Shafin Jahan v. Asokan K.M. (Hadiya Case)* (2018)

¹¹ *Ashiwini Kumar Upadhayay v. UOI & others* 2022 PIL

¹² *Rajendra Bihari Lal and anothers v. State of UP* 2023 SC

¹³ *C. Selvarani v. The special Secretary- cum District Collector and others* 2024 SC

¹⁴ *Shriniwas Rav Nayak v. State of U.P.* 2024

¹⁵ *Maksood Ahmas v. State of NCT of DELHI & anothers* 2024

¹⁶ *DR. Pushpalata and anothers v. Ram das HUF & others* 2025

The court held that merely marrying a muslim does not result in an automatic conversion from Hinduism to Islam.

Social and Legal Challenges of Religious Conversion Laws in India

Religious conversion laws in India, often referred to as anti-conversion laws, aim to regulate religious conversions and prevent forced, fraudulent, or induced conversions. However, these laws have sparked significant social and legal challenges, raising concerns about their impact on individual rights, communal harmony, and constitutional freedoms.

I. Social Challenges of Religious Conversion Laws

1. Violation of Individual Freedom and Autonomy

The right to choose and practice a religion is a fundamental aspect of personal liberty.

Anti-conversion laws, which require government approval for conversion, restrict personal choice and create state interference in private religious matters.

People who convert, especially women and Dalits, face social stigma and discrimination.

2. Impact on Dalits, Adivasis, and Marginalized Communities

Many Dalits and Adivasis convert to escape caste oppression, but anti-conversion laws criminalize their religious choice.

Conversion to Christianity or Islam results in the loss of Scheduled Caste (SC) reservations, limiting social mobility.

Laws are often used selectively against missionaries and minority communities while ignoring Hindu reversion programs like "Ghar Wapsi".

3. Rise in Communal Polarization

Religious conversion laws have been politicized, increasing tensions between religious communities.

Hindutva groups claim that mass conversions are an attack on Indian culture, while minority groups argue that these laws suppress religious freedom.

Violent incidents, such as attacks on churches and arrests of priests, have been linked to the implementation of anti-conversion laws.

4. Gender-Based Discrimination and "Love Jihad" Laws

Several states (e.g., Uttar Pradesh, Madhya Pradesh) have linked religious conversion with interfaith marriages, introducing laws requiring state approval for conversions due to marriage.

Women's autonomy is undermined as family and state officials interfere in their personal choices.

Moral policing increases, with interfaith couples being harassed, detained, or even arrested.

5. Misuse and Harassment of Religious Minorities

These laws create legal uncertainty, making it difficult for religious minorities to freely practice or spread their faith.

Christian pastors and Muslim clerics have been accused of forced conversions without strong evidence.

Fear of arrests and violence prevents people from participating in voluntary religious activities.

II. Legal Challenges of Religious Conversion Laws

1. Conflict with Constitutional Rights

The Indian Constitution guarantees religious freedom under:

Article 25 – Right to freely profess, practice, and propagate religion.

Article 21 – Right to life and personal liberty, including the right to choose one's faith.

Article 14 – Right to equality, ensuring laws do not discriminate against religious minorities.

Legal Challenge:

Anti-conversion laws restrict propagation of religion, violating Article 25.

The requirement of state permission before conversion violates personal liberty under Article 21.

The laws are often applied selectively, violating Article 14's equality principle.

2. Ambiguous Definitions and Legal Uncertainty

Terms like "force," "fraud," and "allurement" are vague and open to misuse.

Laws do not clearly define what constitutes a genuine voluntary conversion vs. an induced conversion.

This leads to arbitrary arrests and legal harassment, especially of religious leaders and NGOs.

3. Burden of Proof on the Accused

Most anti-conversion laws reverse the burden of proof, requiring the person accused of forced conversion to prove their innocence.

This violates legal principles, where the burden of proof should be on the state.

Religious leaders, social workers, and even individuals who voluntarily convert face legal challenges and harassment.

4. Judicial Interpretations and Inconsistencies

Stanley v. State of Madhya Pradesh (1977) – The Supreme Court upheld anti-conversion laws, ruling that the right to propagate religion does not include the right to convert others.

Rev. Stainislaus v. State of Madhya Pradesh (1977) – The Supreme Court ruled that conversion by force or fraud can be regulated, but voluntary conversions are protected under Article 25.

Hadiya Case (2017) – The Supreme Court ruled that an adult woman has the right to choose her faith, rejecting state interference.¹⁷

5. Potential for Supreme Court Review

Given the recent rise in state-level anti-conversion laws, the Supreme Court may need to re-examine their constitutionality.

A possible future ruling could strike down aspects of these laws if they are found to violate fundamental rights.

Relevance and Criticism of Religious Conversion in India

Religious conversion remains a highly relevant and contentious issue in India, where it intersects with social, legal, political, and cultural dynamics. While the concept of conversion continues to be of social and spiritual importance, it has also faced intense criticism from various sections of society, including political groups, social reformers, and religious leaders. Below is a comprehensive exploration of the relevance and criticism of religious conversion in India.

Relevance of Religious Conversion in India

1. Social Mobility and Justice

Caste-based discrimination in Hindu society has been one of the primary motivators for religious conversion, especially for Dalits and Adivasis.

Many individuals and communities convert to Christianity or Islam to escape the oppressive caste system, and conversions have historically provided a path for social mobility and equal rights.

¹⁷ Shafin Jahan vs. Asokan K.M. and Ors. 2017

B.R. Ambedkar's conversion to Buddhism was a monumental act to combat caste-based injustices and promoted Dalit empowerment.

Tribal populations have also turned to Christianity and Islam in search of a better social status and economic opportunities, where their rights and needs were largely ignored by mainstream Hindu society.

2. Humanitarian and Welfare Efforts

Religious organizations, particularly Christian missionaries, have been active in educational and healthcare sectors, providing free education, healthcare, and social services to marginalized communities.

Conversions often go hand-in-hand with welfare programs, where individuals receive basic necessities like food, shelter, and healthcare. For example, Christian missionaries have played a significant role in providing education and healthcare in rural and tribal areas.

Many conversion efforts are perceived as acts of charity, particularly when they are linked to social service initiatives like orphanages, hospitals, and schools.

3. Expression of Freedom of Religion

Religious conversion, from a legal perspective, is a fundamental right under the Indian Constitution, which guarantees freedom of religion (Article 25).¹⁸

The right to choose, practice, and propagate religion is an intrinsic part of individual autonomy and personal choice.

Conversion, therefore, is seen as an expression of freedom of thought, conscience, and religion, which is essential for a pluralistic society like India.

4. Interfaith Marriages and Conversion

Conversion in the context of interfaith marriages remains a socially relevant issue in India.

Religious intermarriage often involves conversion, especially for women, who may be expected to adopt their husband's religion.

Conversion, in this case, is viewed as an identity marker that can symbolize commitment to a relationship or a desire to unite with the partner's religious group.

Criticism of Religious Conversion in India

1. Violation of Religious Identity and Cultural Integrity

Many critics, particularly from Hindu nationalist groups, argue that religious conversion undermines India's cultural and religious identity.

They claim that conversion leads to the erosion of traditional Indian values and that foreign religious ideologies (such as Christianity and Islam) are being imposed on indigenous cultures. Some argue that mass conversions to Christianity or Islam represent an undue influence and that such practices undermine India's Hindu identity.

2. Allegations of Forced and Fraudulent Conversions

A major criticism of religious conversion is the allegation that some conversions are coerced, fraudulent, or induced through allurements or pressure.

Anti-conversion laws are often justified as a means to combat forced conversions, particularly where financial incentives, material goods, or false promises are used to encourage conversions. Critics claim that missionaries or religious organizations sometimes offer money, jobs, or social

¹⁸ Constitution of India

status as part of a strategy to convert individuals, particularly vulnerable populations.

Instances of "Love Jihad"—where Muslim men allegedly convert Hindu women through marriage—have also fueled concerns about conversion as a tool for religious manipulation.

3. Political and Communal Polarization

Religious conversion is increasingly being used as a political tool, particularly by Hindu nationalist parties.

Critics argue that these laws and debates over conversions are politicized to marginalize minorities and secure votes.

Anti-conversion rhetoric is used by some political parties to rally Hindu votes while framing religious conversions as a threat to national identity.

Conversion is often depicted as a "battle" between Hinduism and other religions, which exacerbates communal tension and increases religious polarization in society.

4. Impact on Interfaith Relations and Gender Equality

Anti-conversion laws, particularly those that target interfaith marriages, disrupt individual freedoms and personal relationships.

Women, especially those in interfaith marriages, face legal and social hurdles when they convert for marriage or choose their own religious path.

Critics argue that gender-based restrictions on conversions undermine women's autonomy and perpetuate patriarchal norms in society.

The imposition of conversion restrictions on interfaith couples fuels hostility and division between communities, rather than fostering mutual understanding and tolerance.

5. Legal Uncertainty and Human Rights Violations

Anti-conversion laws often lead to legal ambiguity and human rights violations, particularly for religious minorities.

The laws' vague wording (e.g., "force," "fraud," "allurement") leads to arbitrary enforcement, and those accused of violating these laws may face false charges or legal harassment.

Religious leaders, missionaries, and NGOs working in the religious field are often targeted by these laws, even when conversions are voluntary.

Religious minorities who choose to convert or propagate their faith face significant legal and social risks due to the existence of these laws.

Conclusion

Religious conversion in India is a highly relevant issue, particularly for marginalized communities like Dalits and Adivasis, who seek conversion as a means of escaping caste-based oppression and finding social justice. Conversion is also an expression of religious freedom and personal autonomy.

However, it faces criticism, especially regarding forced or fraudulent conversions, communal polarization, and gender-based discrimination. Anti-conversion laws, though meant to prevent coercion, often lead to legal ambiguity and misuse, infringing on individual freedoms and minority rights.

Suggestions

A balanced approach is needed, where religious freedom is respected while ensuring protection against coercion. Clear laws, interfaith dialogue, and human rights protection are crucial to

preserving India's secular values and fostering a society where everyone can freely choose and practice their religion.

1. Clarify laws: Define "forced" and "voluntary" conversions clearly to avoid misuse.
2. Protect individual freedoms: Uphold the right to choose and practice religion without state interference.
3. Promote interfaith dialogue: Foster understanding between religious communities to reduce communal tensions.
4. Ensure legal fairness: Ensure anti-conversion laws are applied consistently, without discrimination.
5. Safeguard vulnerable groups: Protect marginalized communities from coercion while promoting their right to religious freedom.
6. Strengthen human rights: Focus on the protection of personal rights and dignity in matters of religion.

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