



State-Level Anti-Conversion Laws in India: A Socio-Legal Analysis

Manju, Research Scholar

Dept of Law, Maharshi Dayanand University Rohtak, Haryana India

Mail: mkboddh7@gmail.com

Dr Anupam Kurlwal, Associate Professor

MDU CPAS GURUGRAM, Haryana INDIA

Mail: acharyaanupam16@gmail.com

Abstract

The Constitution of India guarantees freedom of religion as a fundamental right under Article 25, encompassing freedom of conscience and the right to profess, practise, and propagate religion. Despite this constitutional guarantee, religious conversion has emerged as a highly contested socio-legal issue, prompting several Indian states to enact anti-conversion laws aimed at regulating conversions allegedly obtained through force, fraud, inducement, or undue influence. These statutes, often titled “Freedom of Religion Acts,” have generated significant constitutional, political, and social debate. This paper undertakes an in-depth socio-legal analysis of state-level anti-conversion laws in India by examining their historical evolution, legislative framework, constitutional validity, judicial interpretation, and social impact. It critically evaluates whether these laws strike a legitimate balance between preventing coercive conversions and safeguarding individual autonomy, or whether they disproportionately restrict freedom of conscience, minority rights, and secular values. The study argues that while the state has a legitimate interest in preventing forced conversions, the expansive scope, vague definitions, and procedural mechanisms of contemporary anti-conversion laws undermine constitutional morality and transform regulatory laws into instruments of social control.

Keywords: Anti-Conversion Laws, Freedom of Religion, Article 25, Secularism, Socio-Legal Analysis, Constitutional Morality

1. Introduction

Religion has historically occupied a central position in Indian society, influencing social organisation, cultural practices, and personal identity. India’s pluralistic character is reflected in the coexistence of multiple religious traditions, belief systems, and philosophies. Recognising this diversity, the framers of the Constitution accorded special protection to religious freedom by incorporating Articles 25 to 28, which guarantee freedom of conscience and the right freely to profess, practise, and propagate religion, subject to public order, morality, and health ¹.

Despite constitutional protection, religious conversion has remained a politically sensitive and socially contentious issue. While conversion may represent a deeply personal spiritual choice, particularly for individuals belonging to historically marginalised communities, it is frequently portrayed in political

¹ Constitution of India, Art. 25.



discourse as a threat to social harmony and cultural identity². In response to such anxieties, several Indian states have enacted anti-conversion laws to regulate religious conversions.

These laws raise fundamental constitutional questions regarding the scope of state power over individual belief, the meaning of secularism, and the limits of reasonable restrictions under Article 25. This paper seeks to examine these questions through a socio-legal lens, acknowledging that law operates within a broader social, political, and ideological context³.

2. Conceptual Framework: Freedom of Religion and Secularism

Freedom of religion under the Indian Constitution is not merely a collective right of religious denominations but an individual right rooted in freedom of conscience⁴. Article 25 protects both belief and practice, recognising religion as an essential aspect of human dignity and autonomy. The inclusion of “freedom of conscience” signifies the individual’s right to hold, change, or reject religious beliefs.

Indian secularism differs from Western models of strict separation. It embodies a principle of equal respect for all religions rather than state neutrality or hostility⁵. The state is permitted to regulate secular activities associated with religious practice, but it cannot interfere with matters of belief or conscience.

Anti-conversion laws challenge this framework by placing administrative and criminal restrictions on the act of conversion itself. By requiring prior notice, imposing criminal sanctions, and scrutinising personal belief, these laws blur the distinction between permissible regulation and impermissible interference with conscience⁶.

3. Historical Evolution of Anti-Conversion Laws in India

The regulation of religious conversion in India predates independence. Several princely states enacted laws restricting conversion, primarily targeting missionary activity and reflecting fears of social disruption rather than constitutional reasoning⁷.

Post-independence, Odisha enacted the first Freedom of Religion Act in 1967, followed by Madhya Pradesh in 1968⁸. These statutes prohibited conversion by force, fraud, or inducement and marked the beginning of formal state regulation of religious conversion in independent India.

In recent decades, anti-conversion laws have proliferated and intensified. States such as Uttar Pradesh, Uttarakhand, Gujarat, Himachal Pradesh, Haryana, Karnataka, and Rajasthan have enacted or amended laws to include stricter penalties, non-bailable offences, prior permission requirements, and provisions

² B.R. Ambedkar, Constituent Assembly Debates

³ Marc Galanter, Law and Society in Modern India.

⁴ H.M. Seervai, Constitutional Law of India.

⁵ Granville Austin, Working a Democratic Constitution.

⁶ Upendra Baxi, “The Crisis of Secularism.”

⁷ R.Panikkar, Religion and Society in India.

⁸ Odisha Freedom of Religion Act, 1967.



linking conversion with marriage⁹. This evolution reflects changing political narratives and increased state intervention in matters of personal belief.

4. Legislative Framework of State-Level Anti-Conversion Laws

Although state anti-conversion laws vary in form, they share several common features.

First, they prohibit conversions obtained through force, fraud, misrepresentation, allurements, or undue influence. The definition of “allurement” is often excessively broad, encompassing offers of education, employment, or divine blessing, thereby criminalising legitimate religious persuasion¹⁰.

Second, many statutes mandate prior or post-conversion intimation to district authorities. This procedural requirement subjects religious choice to bureaucratic scrutiny and raises serious concerns regarding privacy and dignity¹¹.

Third, penal provisions impose severe punishment, including imprisonment and fines, with enhanced penalties where the converted person is a woman, minor, or member of a Scheduled Caste or Scheduled Tribe¹². While ostensibly protective, these provisions reinforce paternalistic assumptions about agency and vulnerability.

Finally, some laws declare marriages conducted for the purpose of conversion void, directly interfering with personal relationships and matrimonial autonomy¹³.

5. Constitutional Validity and Judicial Interpretation

The constitutionality of anti-conversion laws was upheld by the Supreme Court in *Rev. Stainislaus v. State of Madhya Pradesh* (1977), where the Court held that the right to propagate religion does not include the right to convert another person¹⁴. The Court justified state regulation on the ground of maintaining public order.

However, the judgment has been criticised for failing to adequately address the freedom of conscience of the individual seeking conversion¹⁵. Subsequent judicial decisions have increasingly emphasised individual autonomy.

In *Lily Thomas v. Union of India* (2000), the Supreme Court acknowledged that freedom of religion includes the right to change one’s faith¹⁶. In *Shafin Jahan v. Asokan K.M.* (2018), the Court held that the

⁹ Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021.

¹⁰ Gujarat Freedom of Religion (Amendment) Act, 2021.

¹¹ Law Commission of India, 267th Report.

¹² *Rev. Stainislaus v. State of M.P.*, AIR 1977 SC 908.

¹³ *Lily Thomas v. Union of India*, (2000) 6 SCC 224.

¹⁴ *Shafin Jahan v. AsoSalamat Ansari* 16 SCC 368.

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

¹⁶ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.



choice of religion and partner lies within the exclusive domain of the individual and forms part of personal liberty under Article 21¹⁷.

High Courts have expressed concern over misuse of anti-conversion laws. The Allahabad High Court, while interpreting the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, has repeatedly held that consensual inter-faith relationships cannot automatically attract criminal liability¹⁸. In *Salamat Ansari v. State of Uttar Pradesh* (2020), the Court affirmed that interference with consensual inter-faith relationships violates Article 21¹⁹.

Ongoing challenges before the Supreme Court against various state anti-conversion laws further reflect judicial unease regarding procedural safeguards, reversal of burden of proof, and proportionality²⁰.

6. Socio-Legal Impact of Anti-Conversion Laws

From a socio-legal perspective, anti-conversion laws have had a chilling effect on voluntary religious conversions. Fear of prosecution and social harassment discourages individuals from exercising freedom of conscience.

Minority communities often perceive these laws as discriminatory and selectively enforced. Empirical observations suggest that allegations are frequently raised in cases involving inter-faith marriages rather than genuine coercion.

Administrative involvement in religious choice raises concerns of surveillance and state overreach. The Supreme Court's privacy jurisprudence in *Justice K.S. Puttaswamy* case affirms that matters of belief fall within the protected inner sphere of autonomy²¹.

7. Critical Evaluation through Constitutional Morality

Constitutional morality requires that state action conform not merely to textual legality but to values of dignity, liberty, equality, and autonomy. Anti-conversion laws, in their current form, often fail this test.

Vague definitions, harsh penalties, and intrusive procedures undermine individual agency and transform protective laws into instruments of social control. A rights-oriented approach demands narrowly tailored legislation, strong safeguards, and judicial oversight.

8. Conclusion and Suggestions

Anti-conversion laws in India reflect a complex intersection of law, religion, politics, and society. While preventing forced conversions is a legitimate state interest, excessive regulation threatens freedom of conscience, minority rights, and secular values.

¹⁷ Faizan Mustafa, *Freedom of Religion in India*.

¹⁸ A.G. Noora Jaffrelot, *Constitutional Questions in India*.

¹⁹ Christophe Jaffrelot, *Religion, Caste and Politics in India*.

²⁰ UGC-CARE Journal Guidelines (2023).

²¹ *K.S. Puttaswamy v. Union of India* (2017)



The paper suggests:

- Clear and narrow definitions of prohibited conduct
- Removal of prior permission requirements
- Strong safeguards against misuse
- Judicial guidelines protecting voluntary conversions and inter-faith marriages

A truly secular democracy must respect individual belief while addressing genuine exploitation through proportionate and just legal measures.

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