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REGULATING FAITH: CONSTITUTIONAL VALIDITY OF RELIGIOUS CONVERSION LAWS IN INDIA

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ABSTRACT

Anti-Conversion laws are legal provisions that seeks to prohibit the conversion of one religion to another through force, fraud or allurement. These acts have been introduced in several Indian states, including Uttarakhand, Uttar Pradesh, Gujarat, Andhra Pradesh, Madhya Pradesh and Himachal Pradesh each exhibiting different levels of rigidity and breadth. This paper examines how these laws regulate religious conversion. The paper explains the Judicial approach to religious conversion with modern judicial approach. This paper further situates India's approach within comparative international frameworks, identifying similarities with South Asia models of regulated conversion and contrasts with Western autonomy-centred doctrines, and also tracks down the evolution of anti-conversion before independence and after independence and implementation of laws in modern period.

This also discuss some section where critics argue that it violates article 25 freedom of conscience, article 19 freedom of speech and expression and article 21 right to life and personal liberty and implications of these laws for women, minorities, Dalits and Adivasis. However, some argue that these laws are essential to prevent forceful religious conversion and safeguard the citizen's religion. This paper also analyses the judicial pronouncements on the issue of religious conversion by the Supreme Court. At present, anti-conversion legislations have been implemented in 12 out of India's 28th state. This research paper severally inspects

whether these anti conversion laws holdout against constitutional study and how courts have directed the infirm balance between personal liberty and state control.

Keywords: *Anti-conversion laws, marriage conversions, evolution of judicial proceeding, freedom of religion, coercion, right to life and liberty.*

INTRODUCTION

India's constitutional structure is setup on the principle of secularism, which does not indicate a separation of state and religion, but rather an uniform respect for all religions or state being equidistant from religion.¹ India's diversity across culture, caste, and religion². Still, it has evidently influenced laws, managing religious practice. Amidst these, anti-conversion laws implement at the state level, has initiated important legal and scholarly debate. These laws, currently present in twelve Indian states,³ prohibit conversions obtained through force, fraud, or allurements and prescribe penalties differ from fines to imprisonment. The most recent version of the Rajasthan Prohibition of Unlawful Conversion of Religion Act, 2025 reinforces the current importance of this subject matter as it clearly demonstrates that the State's authority over the regulation of religious conversions has continued to grow in spite of the significant development of the law with respect to privacy, autonomy and dignity under the Constitution.⁴

RESEARCH QUESTIONS

The central research issue addressed in this paper is: do state-level anti-conversion laws in India unlawfully restrict the fundamental right to religious freedom secure under Article 25 of the Constitution? To inspect this question, the paper surveys the following research questions:

- (1) Are the anti-conversion laws accordant with the constitutional protection of freedom of conscience and religious practice?
- (2) How do these laws affect marginalised populations, such as minor, women, and scheduled tribe/ scheduled caste?

¹ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India).

² Neha Chauhan, Religious Conversion and Freedom of Religion in India: Debates and Dilemmas, 1 *ILI L. Rev.* 126 (2017).

³ India Const. sched. VII, list II, entry 1.

⁴ Rajasthan Prohibition of Unlawful Conversion of Religion Bill, 2025, Bill No. 1 of 2025, Rajasthan Legislative Assembly

- (3) How India's state-level approach to anti-conversion⁵ laws contrast international frameworks in other democratic jurisdictions?

RESEARCH METHODOLOGY

This study approves a doctrinal methodology, analysing statutory provisions, judicial precedents, and scholarly remark, beside a comparative approach scrutinize international legal structure.

By establishing anti-conversion laws within the comprehensive theoretical framework of rights in opposition to state authoritarianism and autonomy-based liberty, this paper objective is to critically analyse their constitutional validity and propose potential improvement. At present, twelve Indian states⁶ have anti-conversion laws such as Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujrat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Uttarakhand, Uttar Pradesh, Odisha and Rajasthan⁷.

India executed anti-conversion law in regional level to direct the religious conversions that are not arbitrary, these statutes can obstruct forceful conversion of another individual or cease the religious community from encouraging or participate in conversion of other religion.

LITERATURE REVIEW

The academic research on religious freedom and conversion in India has developed through judicial interpretation, social commentary, and modified human rights inspection⁸. The primitive and contemporary literature examine the dynamic between individual governance on one hand, and the welfare of the state on the other. The study disclose two governing streams of thought, one examining conversion as an expression of personal autonomy and spiritual self-

⁵ U.S. Comm'n on Int'l Religious Freedom, *Constitutional and Legal Challenges Faced by Religious Minorities in India* (Feb. 2017).

⁶ *Next IAS, Anti-Conversion Laws: Issue, Controversy & Criticism* (Nov.22,2024), <https://www.nextias.com/blog/anti-conversion-laws/>.

⁷ Law Libr. of Cong., *State Anti-Conversion Laws in India*, LL File No. 2018-016806 (updated Oct. 2018).

⁸ Madhur Bharatiya, *Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Bill, 2024: A Short Commentary*, *NLS Blog*.

determination, and other interpreting conversion as a discord process that may impact public order and social harmony.

One of the most significant contributions to this field is made by Ronojoy Sen's in "*Articles of Faith: Religion, Secularism, and the Indian Supreme Court*". Sen analyse how the supreme court's interpretation of religious freedom has shifted from a bare constitutional protection to a more interfering approach. His work argues that judicial decisions have frequently balanced religious freedom not as an isolated right, but as one subject to larger political and social contexts. Sen positions the Stanislaus's judgment as a turning point that normalized state interference into religious persuasion, marking a departure from an autonomy centered approach and setting a precedent for contemporary anti-conversion statutes.

Adding a deeper historical perspective, Sarah Claerhout and Jakob De Roover, in "*Religious Conversion: Indian Disputes and Their European Origins*", explore the foundation roots of conversion debates to colonial encounters. Their work challenges the assumption that conversion disputes are inherent to Hindu, Christian interactions; instead, they argue that the Indian debate was shaped by European political thought that cast conversion as a disruptive change of loyalty, risking collective identity. This work is particularly relevant because modern anti-conversion laws borrow vocabulary and assumptions that originated not from Indian philosophical tradition, but from colonial administration frameworks.

The case law forms the backbone of academic debate. *Rev. Stainislaus v. State of Madhya Pradesh (1977)*⁹ remains the most cited judgment supporting state restrictions. The Court interpreted propagation as excluding the right to convert another person, allowing the state to legislate to preserve public order. Scholars argue that Stainislaus case emerged in a different era before privacy, autonomy, and dignity became judicially recognized as fundamental constitutional¹⁰ principles.

This transformation appears clearly in *Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)*¹¹ where the Supreme Court recognized privacy and decisional autonomy as intrinsic to

⁹ *Rev. Stainislaus v. State of Madhya Pradesh*, A.I.R. 1977 S.C. 908 (India).

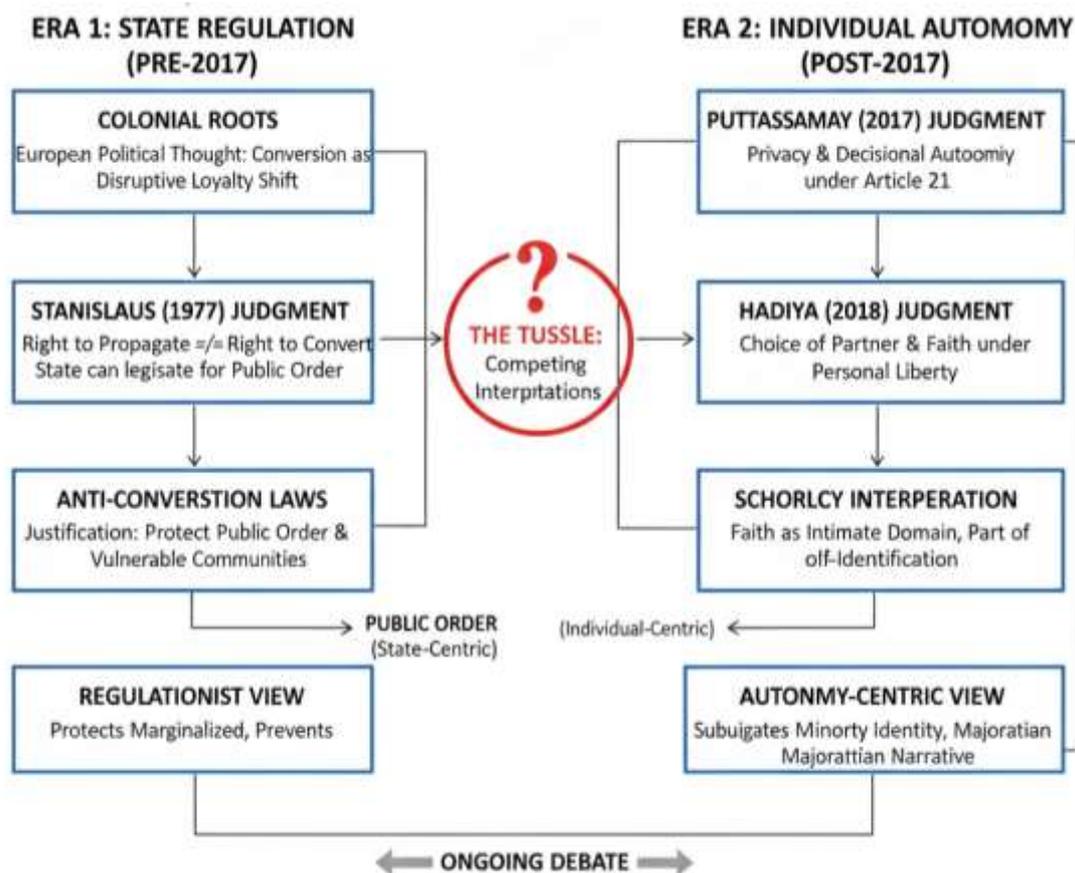
¹⁰ Harshith K.H., *Constitutionality of Anti-Conversion Laws in India: An Overview*, 7 *Int'l J.L. Mgmt. & Human.* 1045 (2024).

¹¹ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

life and liberty under Article 21. Scholars use this case to argue that religious belief and change of faith fall under the intimate domain of self-identification. Literature following this case asserts that the decision to adopt a faith cannot be separated from the broader interpretative expansion of Article 21.

Similarly, *Shafin Jahan v. Asokan (Hadiya, 2018)*¹² upholds the right to choose a partner as part of personal liberty and freedom of belief. Academic discourse cites Hadiya as demonstrating a shift toward an autonomy-centred legal approach that acknowledges the role of personal choice in matters of identity, marriage, and religious affiliation. Collectively, the literature demonstrates a fundamental transition in the legal narrative from state-controlled protection of religious order in *Stainislaus* to an autonomy driven constitutional vision in *Puttaswamy* and *Hadiya* case. However, intellect remain divided while some view anti-conversion laws as protecting marginalized communities, others argue they subjugate minority identity and support majoritarian narratives.

¹² *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India).

PROPOSED RESEARCH GAP

The above diagram depicts the evolution of Legal Thought¹³

Since the existing literature extensively documents the shift to the 'Individual Autonomy' framework in *Puttaswamy (2017)* and *Hadiya (2018)*, from the state-centric 'Public Order' doctrine in *Stainislaus (1977)* there is a **critical lack of analysis on how the 'Decisional Autonomy' test is being applied (or bypassed) by lower courts in the face of the 2021-2024 'unlawful conversion' amendments.** This leaves a vacuum in understanding whether the *Puttaswamy* privacy doctrine can practically override the historical 'Public Order' justification used to sustain contemporary anti-conversion statutes.

THEORETICAL FRAMEWORK

This research is constructed in the *Constitutional Doctrine*¹⁴ that individual autonomy is the foundation of religious freedom, while state interfere is justified only to prevent force and

¹³ created by the author

¹⁴ Diva Rai, Freedom of Religion under the Indian Constitution, *iPleaders*.

preserve law and order. This regime connects constitutional text, judicial interpretation, and human rights principles to assess whether anti-conversion laws dispose with India's constitutional principles.

At the core of this study lies the *Doctrine of Freedom of Conscience*, insert in Article 25, which recognizes religion as a matter of internal faith and personal autonomy. The research embraces the view that religious conversion through belief or choice forms a part of this within the scope of conscience¹⁵. This theoretical perspective is strengthened through modern constitutional interpretation after *Justice K.S. Puttaswamy Case (2017)*,¹⁶ where dignity and autonomy of life were held to be essential part of Article 21.

However, Indian constitutional law concurrently recognizes the social dimension of religion, where religious acts are capable of affecting public order, social cohesion, and marginalised groups. This duplexity forms the conceptual tension explored in this research: does religious freedom belong solely to an individual or does the state have a lawful interest in adjusting its public expression? To analyse this tension, the study depends on the Principle of Proportionality, now a part of Indian constitutional jurisprudence, which requires that state regulations must be based on a rightful aim, suitable to achieve that aim and the least restrictive measure available.

When applied to anti-conversion laws does terms like force, allurements, inducement, or undue influence defined with clarity? Does the law protect individual liberty or create hindrance and infiltration? Finally, this framework includes human rights theory, particularly the international recognition of the right to change religion under *International Covenant on Civil and Political Rights* (ICCPR). The research assesses whether India's evolving privacy and dignity based legal philosophy with global norms or departs from them due to socio-political duty specific to India. Thus, the conceptual framework arranges religious conversion laws at the interchange of constitutional liberty¹⁷, government authority, and human rights protection, and uses correspond, autonomy, and secularism as inquisitive tools to assess whether these laws are constitutionally.

¹⁵ Constitutionality of Anti-Conversion Laws, *Citizens for Just. & Peace v. State of Uttar Pradesh*, *Supreme Ct. Observer*.

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

¹⁷ Neha Chauhan, Religious Conversion and Freedom of Religion in India: Debates and Dilemmas, 1 *ILI L. Rev.* 126 (2017).

JUDICIAL APPROACH TO RELIGIOUS CONVERSION

The judicial approach to religious conversion in India reflects a shifting balance between individual autonomy and state power to regulate religious activities. Courts have repeatedly acknowledged freedom of conscience as a core constitutional guarantee, yet have simultaneously permitted legislative restrictions where conversion is alleged to involve force, fraud, inducement, or manipulation. The tension therefore lies not in the recognition of religious freedom, but in determining how far the State may extend its regulation without infringing personal liberty.

*Rev. Stanislaus v. State of Madhya Pradesh (1977)*¹⁸, the Supreme Court held that the right to “propagate” religion under Article 25 does not include the right to convert another person, particularly through force, fraud, or inducement. The Court treated conversion as a potential threat to public order, thereby upholding the constitutional validity of the Madhya Pradesh and Orissa anti-conversion statutes. This judgment adopts an interpretation based on the collective rights of religious communities, rather than individual autonomy. It did not engage with the modern privacy, choice, and dignity-based interpretation of Articles 21 and 25, which later jurisprudence developed after 2017.

Ratilal Panachand Gandhi v. State of Bombay (1954),¹⁹ the Supreme Court recognised that Article 25 protects not only internal belief but also the emotion and disclose of religious faith. While essential religious practices fall within constitutional protection, the State may regulate secular activities attached to religion. This case expands the capacity of religious freedom more broadly than Stanislaus case, distinguishing between faith-based rituals and secular consequences.

*Digyadarsan Rajendra Ramdassji Varu v.. State of Andhra Pradesh*²⁰, the Court upheld the right to communicate and circulate religious beliefs, while elucidate that it does not expand the right to convert others. This strengthen the reasoning in Stanislaus case, yet leaves unresolved

¹⁸ Supreme Court to Decide Validity of Religious Conversion Laws: A Landmark Hearing on Freedom of Religion, *Legally Present*.

¹⁹ *Ratilal Panachand Gandhi v. State of Bombay*, A.I.R. 1954 S.C. 388 (India).

²⁰ Apoorva, Constitution Only Permits Right to Freedom of Religion, Not Right to Convert Others: Allahabad High Court, *SCC Times*.

where encouragement ends and inducement begins, contributing to legal ambiguity. These cases construct a legal trend where sharing religious belief is enabled, but changing religious identity becomes a matter of political attention. The unresolved constitutional question remains whether “law and order” can justify broad restrictions without violating the individual's autonomy to choose their faith, especially after the recognition of self-governance in *Justice K.S. Puttaswamy case (2017)*²¹ and interfaith choice in *Hadiya Case, 2018*.²²

ARGUMENT IN FAVOUR OF ANTI-CONVERSION LEGISLATION

“*Doctrine of Non-Conversion*”

Article 25(1) guarantees the freedom of conscience and the right to profess, practice and propagate religion. The Supreme Court, however, has consistently held that “propagate” does not include the right to convert another person. This limitation was articulated in *Rev. Stainislaus v. State of Madhya Pradesh (1977)*,²³ where the Court declared that a law prohibiting conversion by “force, fraud or allurement” does not violate Article 25 because the Constitution does not protect the act of converting others.

“*Doctrine of Reasonable Restrictions*”

Article 25(1) is subject to “reasonable restrictions” on the grounds of public order, morality, health and the protection of the rights of others. The Court applies a proportionality test: the restriction must be rationally connected to a legitimate aim and must not be excessive. Anti-conversion statutes prevent coercive or deceptive conversions that disturb social harmony and penalise the conversion achieved through “force, fraud, inducement or allurement” directly target the mischief of undue influence. Also, penalties are limited to the act of illegal conversion, not to genuine spiritual belief, thereby respecting the core of religious freedom while protecting individual autonomy. The Apex Court upheld such a steady act in *S. R. Bommai v. Union of India*²⁴ (1994), declare that the State may regulate religious activity when it menaces public order.

²¹ *Rev. Stainislaus v. State of Madhya Pradesh*, A.I.R. 1977 S.C. 908 (India).

²² *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India).

²³ *Rev. Stainislaus v. State of Madhya Pradesh*, A.I.R. 1977 S.C. 908 (India).

²⁴ Kruthika R., Key Precedents Challenging the Constitutionality of Anti-Conversion Laws, *Supreme Ct. Observer*.

“Doctrine of Essential Religious Practice”

Article 25 protects only those practices that are pivotal to a religion. The Supreme Court determines “cruciality” by observing the religion’s own doctrines and the influence of the practice on the religion’s core identity. Why anti-conversion laws pass this test as conversion, as a change of faith, is not a crucial exercise of any religion; it is a personal decision. Consequently, the State may adjust the means by which conversion occurs without undermine the freedom of religion.

EVOLUTION OF ANTI-CONVERSION LAWS IN INDIA

Pre-Independence Phase (1930–1947)

The primary anti-conversion measures did not originate from the Indian Parliament but from princely states between 1930 to 1946. Legislations such as the Raigarh State Conversion Act (1936), Patna Freedom of Religion Act (1942), Sarguja State Apostasy Act (1945), and Udaipur State Anti-Conversion Act (1946) aimed primarily to curb missionary led conversions and protect the socio-religious identity of vulnerable communities. These laws reflected political unease, not legal doctrine, the attempt to endure perceived demographic and cultural disintegration under colonial influence, especially among indigenous populations. Thus, anti-conversion restrictions arose not from constitutional norms, but from social unease and local power structures.

Early Post-Independence Wave (1967–2006)

After independence, no national anti-conversion law gained legislative sanction, but states independently enacted law. The Orissa Freedom of Religion Act (1967) became the first law prohibiting conversion through force, fraud, or inducement, followed by Madhya Pradesh Dharma Swatantrya Adhinyam (1968). For the first time, criminal penalties and aggravated punishment for conversion of women, minors, and Scheduled Castes/ Scheduled Tribes were designate that anti-conversion law was framed as a protectionist, welfare-oriented measure.

Subsequent enactments such as Andhra Pradesh Freedom of Religion Act (1978)²⁵ and amendments in Chhattisgarh and Gujarat continued this governance model, but added escalating criminalisation and expanded definitions of undue influence, force and allurement. During this period, the focus shifted from monitor missionary influence to monitor inter-community conversions within India.

Contemporary Trend (2020 Onwards)

The contemporary phase marks a histrionic legal transformation; anti-conversion laws broaden from prohibiting forced conversion to regulating personal decisions including marriage conversions²⁶. A common ground in modern statutes is moving the burden of proof onto the person converting or performing the conversion thereby assume guilt rather than requiring state proof, which raises fundamental question. Penalties increased notably up to 10 years, in some cases life imprisonment, and laws began to introduce mass conversion as a separate offence, foreign-funding restrictions, mandatory permission, criminalisation of “indirect influence”. This reflects a move from regulation to prohibition, and from protecting individuals to observing personal decisions.

COMPARATIVE STUDY WITH OTHER COUNTRIES

India has no national “freedom-of-religion” law, but twelve states have enacted statutes that criminalise conversion by “force, fraud, inducement or allurement” [e.g., Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act 2021, Madhya Pradesh Freedom of Religion Ordinance, 2020, Odisha Freedom of Religion Act, 1967]. The Supreme Court has upheld these laws, conclude that the right to propagate religion does not include a right to convert another individual. The penalties extend from fines up to five years imprisonment, and many laws require a prior notice to district magistrate.

And other South Asian neighbours regulate conversion like Nepal and Bhutan have similar anti-conversion laws that prohibit conversion by force or undue influence and require official

²⁵ The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, No. 3 of 2021, Acts of Parliament, India, as amended by the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Act, 2024, No. 7 of 2024, *U.P. Gazette Extraordinary*, Mar. 5, 2021.

²⁶ Harshith K.H., Constitutionality of Anti-Conversion Laws in India: An Overview, *7 Int'l J.L. Mgmt. & Human.* 1045 (2024).

enrolment of any change of faith. Sri Lanka criminalises unlawful conversions, especially when they involve material benefit, and has been associated with India as part of a regional trend associate to religious nationalism.

In western democracies like in United States²⁷, the First Amendment protects the free exercise of religion, and conversion is largely unregulated; the state may only intervene in cases of actual coercion or fraud under general criminal law.²⁸ European countries like Germany, Spain, Belgium, France allow conversion, upholding freedom of belief while prohibiting coercion; the European Court²⁹ of Human Rights has repeatedly held that a complete prohibition on conversion is disproportionate.³⁰

Key comparative points:

Aspect	India	Nepal/Bhutan	Sri Lanka	US/Europe
Legal Basis	State “Freedom of Religion” Act, upheld by Supreme Court	Constitution-based bans on forced conversion.	Penal Code provisions on “improper” conversion.	Constitutional guarantees (First Amendment)
Scope of Restriction	Criminalises conversion by force, fraud, or inducement, often includes marriage-linked conversions.	Similar wording, plus registration requirements	Board language covering “material benefit”	Only criminalises actual coercion/fraud.

²⁷ Dr. Binalben Sanjaykumar Patel, A View on Anti-Conversion Laws in India, 6 *L. E-J.* no. 3 (2020).

²⁸ *U.S. Const. amend. I*; Employment Div. v. Smith, 494 U.S. 872, 878–79 (1990).

²⁹ Mallows Priscilla P., Restrictions on Freedom to Propagate Religion vis-à-vis Anti-Conversion Laws in India, 4 *Int’l J.L. Mgmt. & Human.* 187 (2021).

³⁰ *Larissis v. Greece*, 1998-I Eur. Ct. H.R. 378, ¶¶ 45–59.

Enforcement	Variable; some states actively investigate, other less so	Enforcement uneven, often used against minorities	Used to curb evangelism, especially Christian groups	Rare, usually via courts on individual cases.
Impact on minorities	Critics argue disproportionate effect on Christians and Muslims.	Similar groups; NGOs report harassment.	Minority groups (especially Christians feel targeted)	Generally low impact; robust civil-society safeguards.

India's anti-conversion laws share common features with Nepal³¹, Bhutan³², Sri Lanka³³, and Myanmar, particularly the emphasis on preventing "force, fraud, or allurement" but they differ markedly from the more permissive frameworks in the United States and most European nations, where conversion is protected unless it involves demonstrable coercion. The debate in India continues to depend on balancing public order against individual conscience, a tension that also shapes the legal framework in many other countries.

CRITICAL ANALYSIS - WHY ANTI-CONVERSION LAWS CAN BE DEFENDED?

The discussion over "freedom of religion" regulation has flared again after the Supreme Court's recent revoke of FIRs in Uttar Pradesh in a series of orders passed during 2023 & 2024, where the Court exercised supervisory jurisdiction to prevent mechanical prosecution under state anti-conversion laws. Under Indian constitution, article 25 guarantees the right to profess, practise and propagate religion, but the supreme court has constantly held that "propagate" does not include a fundamental right to convert another individual. This "non-conversion" principle, articulated in *Rev. Stanislaus's (1977)* and proclaim in recent orders, including the Supreme Court's interim and final directions in *Mufti Mohammad Tasleem v. State of Uttar Pradesh*³⁴ gives the State a legitimate support to regulate conversion that is not truly discretionary.

³¹ Nepal Const. art. 26(3) (2015).

³² Ashish Arun Shukla & Shefali Nilesh Kshirsagar, *Constitutionality of Anti-Conversion Laws: A Brief Introspection*, 3 *Int'l J.L. Soc. Sci. Stud.* 19 (2021).

³³ *Sri Lanka Penal Code § 290A; Christian S. Perera v. Attorney-General*, S.C. Spl. Determination No. 2/2003 (Sri Lanka).

³⁴ *Mufti Mohammad Tasleem v. State of Uttar Pradesh*, SLP (Crl.) No. 5298 of 2023.

The Constitution authorize permissible thresholds on religious freedom for public order, ethics and health. Anti-conversion laws target conversion attain through force, fraud, undue influence or allurements. The Supreme Court's inspect that such provisions are "rationally connected" to maintaining social harmony emphasize their proportionality while simultaneously cautioning that enforcement must disclose prima facie elements of coercion or inducement and not rest merely on interfaith relationships or marital choice.

Many laws increase penalties when the victim is a woman, a minor or belongs to a Scheduled Caste/ Scheduled Tribes. This aligns with Article 15 clause 4, which authorize specific provisions for the disadvantaged. By criminalising "allurement", the aim to shield the economically vulnerable from undue pressure a rationale repeatedly invoked by state legislatures to justify enhanced punishment and preventive regulation.

The Supreme Court has not struck down the laws absolutely; instead, it has quashed specific FIRs on procedural grounds particularly where allegations were vague, unsupported, or failed to satisfy statutory ingredients of force, fraud or undue influence, signalling that the statutes themselves are not per se invalid but must be applied fairly. The court flagged "onerous" pre- and post-conversion declaration requirements as potentially infringing privacy and as raising concerns under Article 21 relating to decisional autonomy and personal liberty, yet it left the substantive prohibition on coercive conversion intact. This measured approach suggests the judiciary recognises a legitimate state interest while checking abuse. It proponents argue that a narrowly drafted anti-conversion law actually enhances religious freedom³⁵ by ensuring that any change of faith is truly voluntary. When the State steps in to prevent coercion, it protects the core of Article 25 freedom of conscience rather than curtailing it. The law thus operates as a safeguard against the "weaponization" of religion for political or personal gain.

One of the most significant aspects of anti-conversion legislation in terms of its implications for contemporary constitutional law is the burden of proof shift where numerous state legislatures require the religious officiant or the accused to demonstrate that a religious conversion was freely chosen and that it was not the result of fraud, deception or inducement. Such burden shifting is contrary to traditional presumptions of innocence and raise serious

³⁵ Bill Amending Uttarakhand Anti-Conversion Act Includes Prison Sentences Ranging from Three Years to Life Term, *The Hindu*.

questions as to whether they comply with Article 21, particularly given the Supreme Court's strong emphasis on due process, dignity and the decisional autonomy of individuals as set forth in Justice K.S. Puttaswamy (Retd.) v. Union of India³⁶. However, while burden-shifting provisions are not unconstitutional per se, the current trend of judicial decisions indicates that they will be valid only if accompanied by sufficient procedural protections and the State first establishes a prima facie case prior to shifting the burden to the defendant.

The relative approach of countries like Nepal, Bhutan and Sri Lanka has similar clause that prohibit forced conversion, reflecting a regional agreement that the State may intrude when conversions threaten social integration³⁷. While western-style democracies endorse a more laissez-faire policy, they still restrain outright coercion under general criminal law a principle reflecting in India's anti-conversion statutes.

Comparative Penalties Under State

State & Law	Basis Punishment	Punishment when the victim is women/ minor / SC/ST	Special/ Additional Provisions
Orissa Freedom of Religion Act, 1967	Up to 1 year imprisonment or 5000 fine or both	Up to 2 years imprisonment or 10,000 fine or both	Mandating that anyone converting must inform D.M in advance.
Andhra Pradesh Freedom of Religion Act, 1978	1 year imprisonment and fine up to 5,000.	Up to 2 years imprisonment and fine up to 10,000	-

³⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

³⁷ Rajeev Kumar Singh & Keerti Singh, Proselytization and Anti-Conversion Laws: A Critical Study with Reference to the Keralite Couple Case in Uttar Pradesh, 5 *Indian J. Integrated Res. L.* 959 (2025).

Gujarat Freedom of Religion Act, 2003	3 to 5 years imprisonment and fine up to 2,00,000.	4 to 7 years imprisonment and minimum fine 3,00,000.	-
Himachal Pradesh Freedom of Religion Act, 2006	3 to 10 years imprisonment.	Higher range applies.	Makes marriage involving forced conversion illegal.
Madhya Pradesh Freedom of Religion Act, 2021	3 to 5 years imprisonment and fine up to rupees 50,000.	Higher penalties apply ³⁸ .	Mandatory 60-day prior intimation to DM before conversion.
Uttar Pradesh Prohibition of Unlawful conversion (Amendment) Bill, 2024	5 to 10 years imprisonment and rupees 50,000 fine ³⁹ .	5 to 14 years in vulnerable cases.	Foreign funded conversion fine up to 10 lakh ; awaiting Governor's approval.
Uttarakhand Freedom of Religion (Amendment), 2025	3 years to 10 years. ⁴⁰	5 to 14 years imprisonment for vulnerable category victims.	Foreign funded conversion: 7 to 14 years.

CRITICISM OF ANTI-CONVERSION LAWS

³⁸ The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, No. 3 of 2021, Acts of Parliament, India, as amended by the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Act, 2024, No. 7 of 2024, *U.P. Gazette Extraordinary*, Mar. 5, 2021.

³⁹ Tanya Arora, Anti-Conversion Laws: Are Forced Conversions a Myth or Reality?, *Citizens for Just. & Peace* (Dec. 21, 2022).

⁴⁰ Bill Amending Uttarakhand Anti-Conversion Act Includes Prison Sentences Ranging from Three Years to Life Term, *The Hindu*.

Anti-conversion laws in India have been condemned by legal scholars, former judges and civil society groups. The criticisms are mostly linked on constitutional rights, prejudicial implementation and their inclusive impact on vulnerable social groups. The religious conversion elevates several human rights concerns.

It is argued that the laws assume an implicit state authority to validate personal spiritual choices, thereby inviting debate on whether the State should intervene in matters of individual belief and identity. A frequently raised concern pertains to the shift in the burden of proof onto the accused or the religious officiant, which critics believe discourages genuine and voluntary conversions. Expressions such as force, fraud, undue influence, and allurement, central to defining *unlawful conversion* are considered by opponents to be imprecisely framed, creating space for interpretational ambiguity. A major criticism that the anti-conversion law alters the burden of proof to the accused or the priest who conducting ceremony.

It discourages legitimate conversion of religion who are willing to convert in to another religion. The term force, undue influence, coercion and allurement in unlawful conversion are often loosely defined. For example- promoting religious education, healthcare charity and social welfare of religion interpreted as provocation even when the influence of religion was not deliberate. This obscurity allows: harassment of minority group, frequent arrest, criminalizing religious organisation. Therefore, prior permission of state increases the observation of religious belief but the state involvement came with lack of confidentiality, disclosure of personal choice.

Another objection arises from mandatory prior notice and state verification procedures, which critics argue compromise confidentiality and expose personal belief⁴¹ to public scrutiny, especially in socially sensitive contexts. Moreover, some state laws that declare interfaith marriages invalid when accompanied by conversion are criticised for excessive interference in the private sphere, with opponents asserting that decisions relating to faith and marriage fall within the exclusive domain of personal autonomy and should not be subject to state approval.

CONCLUSION

⁴¹ U.K. Home Off., Country Policy & Info. Note: Religious Minorities & Scheduled Castes & Tribes, India (Apr. 2024, updated Oct. 3, 2025).

The constitutional validity of anti-conversion laws is not an inquiry of either conversions should be synchronized and how rule should occur. India's anti-conversion law display the historical insecurities and modern-day political concern but they also involve significant constitutional concerns. In current era, judiciary focus on the independent choice as it safeguards the dignity and autonomy of individual as recognised by the Supreme Court's autonomy-centred interpretation of Article 21 in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017). In above case laws, judicial advancement post- 1977 demand a more interpretation disposed with modern constitutional jurisprudence including the recognition of decisional autonomy in matters of faith, belief and identity reaffirmed in Shafin Jahan v. Asokan (Hadiya case)]. The solution lies in balancing procedure that protect vulnerable individuals without authorize the state to act as an arbiter of credence.

India, as secular republic, must frame laws that avert abuse of religion without misuse the freedom of religion. These acts aim to prohibit coercive religious conversion, which is nothing but effective public security. Even the supreme court, in its preceding judgments with regards to ant conversion laws do not infringe article 25. These laws aim to avert coercive religious conversion which is nothing but better public order. Even the supreme court, in its previous judgments regarding anti conversion laws, had held the credibility of anti-conversion laws as these statues were required for the protection of the rights of the citizens. Anti-conversion law does not violate an independent's freedom of religion but fortify this right provided that enforcement remains confined to demonstrable instances of force, fraud or coercion and does not intrude upon voluntary religious choice. For example- the charge of proof is on the defendant to prove that it was not a coercive religious conversion, which leads to embezzlement of law a mechanism that raises constitutional concerns under Article 21 and the presumption of innocence when applied without strict procedural safeguards.

It is important to penalize individuals who have falsely converted from their religion. However, the uncontrolled extension of judicially created procedural limitations including prior consent or "reversal of the burden of proof" could undermine the framework of decisional autonomy set forth by the Supreme Court in both Puttaswamy (2017) and Hadiya (2018) and ultimately lead to an inconsistency in the implementation of the provisions contained in the 2021-2024 amendments.

Based on the findings of this research, the researcher has taken a clear academic stance that the goal of protecting individuals from coercive religious conversion is constitutional; however, at the present time, the implementation of the current laws relating to anti-conversion laws reflect a lack of consistency in the enforcement of the Supreme Court's autonomy, based on jurisprudence. Therefore, unless there is a reorientation of both legislative drafting and administrative practices regarding proportionality, decisional autonomy and dignity, anti-conversion laws may operate in a manner that is consistent with excessive government control and not as constitutionally acceptable regulatory mechanisms.