

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper is partially shown, and a black leather watch with a silver dial is resting on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

POLICING FAITH AND INTIMACY: A SOCIO- LEGAL ANALYSIS OF ANTI- CONVERSION LAWS IN INDIA

AUTHORED BY - EUGRATIA MARWEIN¹ & DR. M L KALICHARAN²

Abstract

Anti-conversion laws in India occupy a contentious space at the intersection of constitutional rights, state regulation, communal politics, and individual liberty. This paper undertakes a comprehensive doctrinal analysis of India's anti-conversion legislative framework, tracing its historical origins from the colonial encounter with Christian missionary activities in the nineteenth century, to the proliferation of state-level statutes in the post-independence era up to 2024.

The study examines the core contested concepts — "force," "fraud," and "allurement" — that underpin these laws, demonstrating how their definitional vagueness and expansive judicial interpretations have rendered them susceptible to misuse. Landmark judicial precedents, including *Rev. Dr. Stanislaus v. State of Madhya Pradesh* (1977) and *Shafin Jahan v. Asokan K.M.* (2018), are critically assessed for their divergent approaches to constitutional guarantees under Articles 14, 21, and 25 of the Indian Constitution.

A comparative analysis of state-level statutes — spanning Madhya Pradesh, Orissa, Uttar Pradesh, Gujarat, Himachal Pradesh, and Karnataka — reveals significant legislative heterogeneity in scope, penalties, procedural requirements, and burdens of proof, raising serious concerns about equality before the law. Empirical enforcement data from the National Crime Records Bureau (2000–2024) and reports by international human rights bodies expose a striking disparity: while FIRs filed under anti-conversion laws have escalated sharply — exceeding 500 annually in Uttar Pradesh alone since 2021 — conviction rates remain conspicuously low (below 20%), indicating that these laws function predominantly as instruments of harassment targeting religious minorities, particularly Muslims and Christians.

¹ PhD. Research Scholar (R22PLS06), RUSOLS, REVA University, Bengaluru, India

² Professor, REVA University, Bengaluru, India

The paper concludes that India's anti-conversion laws, as currently framed and enforced, represent a fragile and constitutionally precarious compromise that inadequately protects individual religious freedom while disproportionately burdening minority communities. It calls for legislative reform grounded in narrowly defined, evidence-based standards; judicial recalibration toward autonomy-centric constitutional interpretation; and a reorientation of the law's purpose — from empowering majoritarian social pressures to genuinely protecting individuals from coercive conversion.

Keywords: Anti-conversion laws, religious freedom, Force conversion, Force, Fraud, allurement.

Introduction

Anti-conversion laws in India represent a complex intersection of religious freedom, state regulation, and social harmony, emerging as responses to perceived threats of coercive religious proselytization while raising profound questions about individual autonomy and constitutional rights. These laws seek to regulate religious conversion by criminalizing practices deemed forceful, fraudulent, or inducement-based, particularly in the context of interfaith marriages or vulnerable populations.

The term "anti-conversion law" is not a monolithic federal statute but a patchwork of state-level legislation, often enacted under the guise of maintaining public order and protecting religious minorities from exploitation. These laws typically prohibit conversions effected through "force," "fraud," or "allurement," with penalties ranging from imprisonment to fines, and in some cases, voiding marriages linked to such conversions.

Key Contested Terms

Force generally refers to physical coercion or threats, including violence or intimidation, drawing from criminal law principles under the *Bhartiya Nyaya Sanhita, 2023*. However, judicial interpretations have expanded it to include subtle pressures like economic duress or familial ostracism. In the landmark case of *Rev. Dr. Stanislaus v. State of Madhya Pradesh*³, the Supreme Court upheld anti-conversion laws' constitutionality by interpreting "force" broadly to encompass any compulsion that vitiates free will.⁴

³ (1977) 1 S.C.R. 704

⁴ Asifa Quraishi-Landes, *Anti-Conversion Laws and the Muslim Citizen: India's Secular Paradox*, 55 Colum. J. Transnat'l L. 1 (2016).

Fraud implies deception or misrepresentation about the conversion's nature or consequences, akin to fraudulent inducement in contract law. The term's ambiguity persists, often invoked against conversions to Christianity or Islam in rural areas where literacy and legal awareness are low.

Allurement or "inducement" prohibits offering material benefits—such as money, jobs, education, or marriage promises—to lure individuals into conversion. Recent statutes like the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, define it expansively to include "any enticement or inducement," creating presumptions against the accused and shifting the burden of proof.⁵

Conversion-by-marriage has gained prominence in recent laws, linking religious change to marital alliances, often under the pejorative "love jihad" narrative—alleging organized efforts by Muslim men to convert Hindu women through marriage. Laws like the Gujarat Freedom of Religion (Amendment) Act, 2021, explicitly target such scenarios, requiring prior notice and imposing severe penalties.⁶

Research Questions and Methodology

This analysis examines two primary questions:

1. To what extent do anti-conversion laws align with India's constitutional guarantees of religious freedom, equality, and personal liberty, particularly under Articles 14, 21, and 25?
2. How have legislative trends and judicial interpretations shaped enforcement, and what are the socio-legal implications for interfaith relationships and minority rights?

The research employs doctrinal methodology, focusing on post-independence developments from 1950 to 2024, with emphasis on state-level statutes and key judicial precedents. The significance lies in the timeliness amid rising communal tensions, with anti-conversion laws weaponized in over 500 FIRs annually in states like Uttar Pradesh since 2021, disproportionately affecting Muslims and Christians.

Historical Evolution: Colonial Context and Missionary Activities

The history of anti-conversion regulation cannot be understood apart from the colonial

⁵ Abhinav Chandrachud, *Anti-Conversion Laws and the Right to Freedom of Religion*, 52 *Econ. & Pol. Wkly.* 10 (2017).

⁶ Jacob P. Chamberlain, *Freedom of Religion in India: The Anti-Conversion Controversy*, 18 *Or. Rev. Int'l L.* 373 (2016).

encounter, during which Christian missionaries became prominent agents of religious change. From the early 19th century, Christian missionaries—primarily from Britain, Germany, and Scandinavia—established missions combining evangelical work with education, healthcare, and social services. According to Kenneth Latourette's *A History of Christianity* (1953), Christian adherents in India grew from approximately 200,000 in 1800 to over 3 million by 1947.⁷

The British colonial administration adopted an ambivalent stance. They encouraged missionary work as a civilizing force while fearing that conversions could destabilize social hierarchies and provoke backlash from Hindu and Muslim majorities. This ambivalence found expression in early legislative attempts, with some presidencies proposing restrictions on "forcible conversion." However, the Raj hesitated to criminalize conversion outright, pursuing instead indirect regulation through licensing missionaries and prosecuting discrete acts of fraud under general criminal law.⁸

By the late 19th century, Hindu and Islamic reform movements began organizing counter-movements against conversions. The Arya Samaj (founded 1875) developed the Shuddhi (purification) movement, aiming to ritually re-convert Christians and Muslims back to Hinduism. The colonial government, sensing communal tensions, began cautiously regulating missionary work in the 1920s-1930s.

However, the Indian National Congress, influenced by leaders like Mahatma Gandhi and Dr. B.R. Ambedkar, resisted formal anti-conversion legislation. Gandhi's position, articulated in *Harijan* (1935), opposed state criminalization of conversion while questioning missionaries' motives. Ambedkar saw conversion as an escape from caste oppression.⁹

The first state-level anti-conversion law was enacted in Odisha (then Orissa) in 1967, breaking constitutional silence. The Orissa Freedom of Religion Act criminalized conversion "by use of force or by allurement or by any fraudulent means" and required prior notice to district magistrates. It was prompted by waves of conversions among tribal populations to Christianity, which state authorities viewed as destabilizing tribal identity.

Constitutional Framework and Judicial Interpretation

The Supreme Court's 1977 decision in *Rev. Dr. Stanislaus v. State of Madhya Pradesh*¹⁰

⁷ Ibid

⁸ Meghana Basu, *Regulating Religious Conversions: The Indian Experience*, 28 *J.L. & Religion* 45 (2012-2013).

⁹ S. Arul Ananda Raj, *Anti-Conversion Legislation: Hindutva's Political Agenda*, 52 *India Q.* 67 (1996).

¹⁰ (1977) 1 S.C.R. 704

became the cornerstone of judicial deference to anti-conversion laws. The Court created a problematic distinction: while "propagation" (communicating religious beliefs) is protected under Article 25, the "right to convert" another is not. Justice Khanna wrote: "The right to propagate does not mean the right to convert... What is protected is the right to preach, not the right to produce converts."¹¹

This interpretation ignores the logical inseparability of persuasion and its potential outcome. If propagation includes efforts to convince others, then criminalizing the result of successful persuasion creates a chilling effect on protected speech. The distinction "renders propagation illusory," because fear of liability for conversion outcomes deters even the initial act of sharing faith.¹²

The *Shafin Jahan v. Asokan K.M.*¹³, commonly known as the Hadiya case, marked a shift toward autonomy-based analysis. The Supreme Court emphasized that an adult's choice to convert and marry falls within personal autonomy under Article 21, countering statutes that treat religious choice in matrimonial contexts as suspect.¹⁴

State-Level Anti-Conversion Laws: A Comprehensive Study

India's anti-conversion laws are not uniform; they are a patchwork of state-level statutes, each with its own definitions, procedures, and penalties. This decentralized approach reflects the federal structure of India's legal system, where states have the authority to legislate on matters related to public order and social welfare. However, this decentralization has also led to significant variations in how these laws are framed and enforced, creating a complex and often contradictory legal landscape.

The absence of a federal anti-conversion law means that the legal framework governing religious conversions varies significantly from one state to another. This variation is not merely procedural but extends to the core definitions of what constitutes "force," "fraud," or "allurement." As a result, individuals in different states face vastly different legal consequences for the same actions, raising questions about equality before the law and the uniform application of constitutional rights.¹⁵

This section provides a detailed survey of the key state-level anti-conversion laws currently in

¹¹ P.K. Balachandran, *Anti-Conversion Laws in India: A Critical Analysis*, 42 *J. Indian L. Inst.* 89 (2000).

¹² *Ibid*

¹³ (2018) 16 SCC 368

¹⁴ Ronojoy Sen, *Articles of Faith: Religion, Colonialism, and the Emergence of Toleration in India* 120-45 (2018).

¹⁵ Tahir Mahmood, *Religious Freedom Under the Personal Laws: Cases and Materials* 78-102 (2001).

force, focusing on their textual provisions, scope, and penalties. By examining these laws, we can identify common patterns, divergences, and the broader implications of this legal patchwork for religious freedom and individual autonomy in India.¹⁶

Currently India has 9 Anti-Conversion laws which include:

1. The Odisha Freedom of Religion Act, 1967
2. The Arunachal Pradesh Freedom of religion Act, 1978
3. Madhya Pradesh Dharma Swatantrya Adhimiyam 1968 (currently replaced by Madhya Pradesh Freedom of religion Ordinance, 2020)
4. The Gujarat Freedom of Religion Act 2003 (amended in 2021)
5. The Himachal Pradesh Freedom of Religion Act 2019 (amendment Bill 2022)
6. Jharkhand Freedom of Religion Act 2017
7. Uttarakhand Freedom of Religion Act 2018
8. The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act 2021
9. The Haryana Prevention of Unlawful Conversion of Religion Act 2022

Apart from the above, as of 19th March 2026 the Chhattisgarh Assembly has also passed the Freedom of Religion (Amendment Bill) 2026 strengthening laws against forced conversions. The new law prohibits religious conversion via force, fraud, allurement, or marriage, introducing stricter penalties, including up to 10 years imprisonment for certain offenses and mandatory 60-day advance notice to authorities. However, it remains open to the concept of reconversion, thereby exempting those individuals who return back to their ancestral religion.¹⁷

In 2022, the Karnataka Protection of Right to Freedom of religion Act 2022 was implemented which criminalised unlawful religious conversion via force, fraud, coercion, or allurement. However, in June 2023, the Karnataka Cabinet formally decided to repeal the act as many questions arose with regard to the status of registered of cases registered under the Act and the abuse use of power. This significant change came with the decision passed by the Karnataka High Court in the case of Mustafa & Ors. V. The State of Karnataka & Anr., wherein the High Court quashed the FIR registered against three muslim men accused of attempting to unlawfully convert hindus.¹⁸

¹⁶ Ibid

¹⁷ Rajeev Dhavan, *Battling the Resurgent Right: Secularism, Law and Politics* 200-25 (2002).

¹⁸ K'taka HC: Ruling on state's 'anti-conversion' law, lays down precedent against potential weaponisation by third-party vigilantes, CJP, 30 July 2025, available at: <https://cjp.org.in/ktaka-hc-ruling-on-states-anti-conversion-law-lays-down-precedent-against-potential-weaponisation-by-third-party-vigilantes/>

Orissa Freedom of Religion Act, 1967¹⁹

The Orissa Freedom of Religion Act, 1967, was the first anti-conversion law enacted in independent India. It was introduced in response to concerns about mass conversions of tribal and Dalit communities to Christianity, which were perceived as threatening the social fabric and traditional religious identities. The law was framed as a measure to protect vulnerable populations from coercive or deceptive conversions, but its implementation has been criticized for targeting legitimate missionary activities and violating religious freedom.

The Key Provisions include the Definition of Conversion. The Act defines conversion as "renouncing one religion and adopting another." It prohibits conversions effected through "force," "fraud," or "allurement." The Act requires individuals intending to convert to provide prior notice to the district magistrate. This notice must include details about the person's current religion, the religion they intend to adopt, and the reasons for conversion. The magistrate is then required to conduct an inquiry to ensure that the conversion is voluntary and not induced by force, fraud, or allurement. Further, any violation under the Act are punishable with imprisonment for up to one year, a fine of up to ₹5,000, or both. If the conversion involves a minor, a woman, or a person from a Scheduled Caste or Scheduled Tribe, the penalties are enhanced to imprisonment for up to two years and a fine of up to ₹10,000.

Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968²⁰

The Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968, was enacted shortly after the Orissa Act and shares many of its provisions. The law was introduced amid growing concerns about conversions in tribal areas, particularly among the Gond and Bhil communities. Like the Orissa Act, it was justified as a measure to protect vulnerable populations from coercive conversions, but its enforcement has been criticized for targeting religious minorities.

The Key Provisions of the act also highlights the Definition of Conversion. The Act prohibits conversions effected through "force," "fraud," or "allurement," using definitions similar to those in the Orissa Act. The Act also requires individuals intending to convert to submit a declaration to the district magistrate at least 30 days before the conversion. The magistrate is empowered to conduct an inquiry to verify the voluntariness of the conversion. any violation under the Act is punishable with imprisonment for up to one year and a fine of up to ₹5,000. If the conversion involves a minor, a woman, or a person from a Scheduled Caste or Scheduled

¹⁹ Orissa Freedom of Religion Act, No. 28 of 1967, India.

²⁰ Madhya Pradesh Dharma Swatantraya Adhiniyam, No. 16 of 1968, India (Madhya Pradesh Freedom of Religion Act).

Tribe, the penalties are enhanced to imprisonment for up to two years and a fine of up to ₹10,000.

The Himachal Pradesh Freedom of Religion Act, 2019 & the 2022 Amendments²¹

The Himachal Pradesh Freedom of Religion Act, 2019 is a state-level anti-conversion law that prohibits religious conversion through specific prohibited means. Enacted to replace a 2006 law, it aims to regulate conversions and protect against forced or fraudulent conversions. In 2022, the state government introduced The Himachal Pradesh Freedom of Religion (Amendment) Bill, 2022 to make the law more stringent, particularly targeting "mass conversions" and increasing penalties. The Bill received the Governor's assent in October 2022, becoming an amendment Act. The Key Provisions of the 2019 Act include the Prohibited Means of Conversion which is mentioned under Section 3 which includes Conversion from one religion to another is prohibited if achieved through Misrepresentation, Force, Fraud, Undue influence, Coercion, Inducement (includes offers of gift, gratification, material benefit, employment, free education, easy money, better lifestyle, divine pleasure), Marriage (if the sole purpose is conversion). It is pertinent to note that re-conversion to one's "parent religion" is explicitly not deemed a conversion under this Act. Secondly Section 4 of the Act deals with punishment which includes general contravention for 1–5 years imprisonment + fine. In case of conversion of a minor, woman, or person belonging to SC/ST, the punishment is 2–7 years imprisonment + fine.

The Act also includes mandatory Notice & Declaration (Section 7), Wherein any person intending to convert must give one month's advance notice to the District Magistrate, declaring that the conversion is voluntary and without force, coercion, etc. Further, the religious priest performing the conversion ceremony must also give one month's advance notice and failure to comply renders the conversion illegal and void.

The Act also provides that any marriage conducted solely for the purpose of conversion is declared null and void. Section 12 of the Act mentions that the burden of proving that a conversion was not affected through force, fraud, inducement, etc., lies on the person who converted, and any person who facilitated the conversion.²²

²¹ Himachal Pradesh Freedom of Religion Act, No. 18 of 2006, India.

²² Ibid

2022 Amendment Bill: Key Changes

The 2022 Amendment Act introduced several significant changes to the 2019 Act:

1. Definition of "Mass Conversion" (New Clause (fa) in Section 2): Mass conversion means conversion of two or more persons at the same time.²³

2. Enhanced Punishments (Amended Section 4)

- General contravention: The proviso increases the maximum imprisonment from 7 years to 10 years for conversion of a minor, woman, or SC/ST person.
- Mass conversion: Specific penalty: imprisonment not less than 5 years, extendable to 10 years, and fine not less than ₹1 lakh, extendable to ₹1.5 lakh.
- Marriage by concealment of religion: If a person marries someone by concealing their religion, causing the other person to believe they profess a different religion, punishment is imprisonment not less than 3 years, extendable to 10 years, and fine not less than ₹1.5 lakh, extendable to ₹2 lakh.

3. Declaration Barring Benefits of Parent Religion/Caste (Amended Section 7): The person converting must now declare they shall not take any benefit of their parent religion or caste after conversion.

4. Investigation by Senior Police Officer (New Section 8A): No police officer below the rank of Sub-Inspector may inquire or investigate a complaint regarding conversion.

5. Trial by Sessions Court (Amended Section 13): Offences under the Act are now triable exclusively by a Sessions Court.²⁴

The Jharkhand Freedom of Religion Act, 2017²⁵

The Jharkhand Freedom of Religion Act, 2017 was enacted on September 11, 2017, making Jharkhand the seventh Indian state to implement legislation regulating religious conversion. The Act was approved by the state cabinet in August 2017 and came into effect alongside its implementing rules in 2018. Its stated objective is to prevent religious conversion through force, allurement, or fraudulent means, with particular focus on protecting vulnerable groups including women, minors, and Scheduled Tribes.

Looking at the key provisions of the Act, Section 3 prohibits any person from converting or attempting to convert another person from one religion to another through, Force (physical coercion or threat), Allurement (offer of any temptation) or Fraudulent means

²³ Human Rights Watch, India: Attacks on Christians Escalate Despite New Law (Sept. 20, 2021).

²⁴ Nat'l Comm'n for Minorities, 15th Ann. Rep. 45-60 (2004-2005).

²⁵ The Jharkhand Freedom of Religion Act, 2017,

(misrepresentation or deception). Rule 3 on the other hand, mandates that any person/priest intending to facilitate a conversion must submit a notice (Form A) to the District Magistrate 15 days prior to conversion and obtain prior permission from the District Magistrate. Further, The District Magistrate must acknowledge receipt (Form B) and may conduct inquiries

Rule 4 requires the converted person to intimate the District Magistrate within 7 days of conversion using Form C. This creates a dual reporting obligation on both converter and convert.²⁶

Looking at the penalties, it includes General violation which is up to 3 years imprisonment and/or ₹50,000 fine and in case of conversion of minors, women, or Scheduled Caste/Tribe members, the punishment is up to 4 years imprisonment and/or ₹1 lakh fine.²⁷

The Uttarakhand Freedom of Religion Act, 2018²⁸

The Uttarakhand Freedom of Religion Act, 2018 (also known as the Uttarakhand Freedom of Religion (Amendment) Act, 2018) is a state-level anti conversion law enacted to regulate religious conversions and prevent what it terms "forced" or "fraudulent" conversions. The act builds upon earlier anti-conversion legislation in India, joining similar laws in several other Indian states. Its stated objective is to maintain religious harmony and protect individuals from conversion through coercion, allurement, or fraudulent means.

The Key Provisions of the Act include the definitions of the Act which prohibits forceful conversion "by use of force or by allurement or by any fraudulent means. Here Conversion is defined as "renouncing one's own religion and adopting another religion." While, Allurement includes offers of gifts, gratification, material benefits, employment, or better lifestyle prospects.

The Act also mandates that any person intending to convert to another religion must provide prior notice to the District Magistrate (DM) at least 30 days in advance. The religious priest/leader facilitating the conversion must also provide notice to the DM. The act also includes penalties in case of not following the stated provisions which includes, imprisonment up to 2-7 years and fine up to ₹50,000 (for forced conversion). In case of mass conversions (converting two or more persons) the imprisonment up to 3-10 years and fine up to ₹50,000. Lastly, violation of the notice requirements leads to imprisonment up to 1-5 years and fine up to ₹25,000.

²⁶ Kenneth B Neilson, M Sudhir Selvaraj, India's New Anti- conversion laws, university of Oslo, available at: <https://www.sv.uio.no/sai/english/research/projects/csad/blog/india%E2%80%99s-new-anti-conversion-laws.html>

²⁷ Ibid

²⁸ The Uttarakhand Freedom of Religion Act, 2018

When it comes to burden of proof, the act places it on the accused person, he must prove that the conversion was not obtained through force, fraud, or allurement. This represents a significant departure from standard criminal procedure where the prosecution bears the burden. Further is any marriage is solemnized solely for the purpose of religious conversion; it may be declared null and void by the family court. This provision specifically targets what critics call "love jihad"—a controversial term alleging Muslim men convert Hindu women through marriage. Lastly for the purpose of investigating into such offences, only police officers of Sub-Inspector rank or above can investigate offenses under the act.

The Haryana Prevention of Unlawful Conversion of Religion Act 2022²⁹

The Haryana Prevention of Unlawful Conversion of Religion Act 2022 (Act No. 16 of 2022) was enacted on April 7, 2022, and officially notified on April 12, 2022. This legislation aims to prevent religious conversions that occur through unlawful means while regulating the process of voluntary conversion.

The Key Provisions of the Act include provisions on conversions through misrepresentation, force, threat, undue influence, coercion, allurement, or fraudulent means. Apart from the above, the act also penalises marriage-Based Conversions (with exceptions for willful conversions certified by District Magistrate). The Act also prohibits concealing one's religion with the intention to marry and includes abetment or conspiracy for conversion through digital platforms. Like the other acts, this act also requires Prior Notice for the purpose of religious conversion. Religious priests and organizers must give prior notice to the District Magistrate before conducting any conversion. Therein after, District Magistrate conducts inquiry wherein they need to verify within the stipulated timeframes and grant certificates. Thereafter, if anyone ones to file objections during the notice period. Further if anyone has any problem with regard to decision of the District Magistrate they can go for appeal.

The Penalties and Punishments under the Act include 1-5 years imprisonment + minimum ₹1 lakh fine in cases of standard violation. In cases of Vulnerable Groups an enhanced punishment of 4-10 years + minimum ₹3 lakh fine for conversions involving minors, women, or SC/ST individuals and in case of mass Conversions, 5-10 years imprisonment + minimum ₹3 lakh fine.

²⁹ The Haryana Prevention of Unlawful Conversion of Religion Act 2022

Gujarat Freedom of Religion Act, 2003 (Amended in 2021)³⁰

The Gujarat Freedom of Religion Act was first enacted in 2003 and significantly amended in 2021. The 2003 version was introduced amid communal tensions following the 2002 Gujarat riots, which saw widespread violence against Muslims. The law was framed as a measure to prevent coercive conversions, but its timing and context suggested a broader political agenda aimed at asserting Hindu majoritarianism.

The 2021 amendments were introduced under the BJP government led by Chief Minister Vijay Rupani and were explicitly linked to the "love jihad" narrative, which alleges that Muslim men convert Hindu women through marriage as part of a systematic effort to change India's demographic balance. The amendments expanded the scope of the law to include conversions effected through marriage, making Gujarat one of the first states to explicitly target interfaith marriages.

The Key Provisions of the Act include the definition of Conversion. The Act prohibits conversions effected through "force," "fraud," "allurement," or "marriage." The 2021 amendments added "marriage" as a distinct category of prohibited conversion, reflecting the "love jihad" narrative. The 2021 amendments presume that any conversion preceding or following marriage is coercive unless proven otherwise. The Act requires individuals intending to convert to submit a declaration to the district magistrate at least 60 days before the conversion. The magistrate is empowered to conduct an inquiry to verify the voluntariness of the conversion. The 2021 amendments also require individuals converting through marriage to provide additional documentation, including proof of the spouse's religion and consent.

With regard to penalties, any violations are punishable with imprisonment for up to three years and a fine of up to ₹50,000. If the conversion involves a minor, a woman, or a person from a Scheduled Caste or Scheduled Tribe, the penalties are enhanced to imprisonment for up to four years and a fine of up to ₹100,000. The 2021 amendments introduced even harsher penalties for conversions effected through marriage, with imprisonment for up to five years and a fine of up to ₹200,000.³¹

Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021³²

The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, is one of the most stringent anti-conversion laws in India. It was enacted under the BJP government led by

³⁰ Gujarat Freedom of Religion (Anti-Conversion) Amendment Act, No. 23 of 2003, India

³¹ Ibid

³² Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, No. 11 of 2021, India

Chief Minister Yogi Adityanath, a prominent Hindu nationalist figure. The law was introduced amid a broader political campaign against "love jihad," which alleges that Muslim men are systematically converting Hindu women through marriage.

The Act is explicitly framed as a measure to protect Hindu women and prevent coercive conversions, but its provisions are so broad and vague that they criminalize a wide range of consensual conversions and interfaith relationships. The law has been widely criticized for violating constitutional rights to religious freedom, personal autonomy, and equality.

The Act prohibits conversions effected through "misrepresentation," "force," "fraud," "allurement," or "marriage." The Act requires individuals intending to convert to submit a declaration to the district magistrate at least 60 days before the conversion. The magistrate is empowered to conduct an inquiry to verify the voluntariness of the conversion. The Act also requires individuals converting through marriage to provide additional documentation, including proof of the spouse's religion and consent.

The Act further stipulates that in cases of any violations it shall be punishable with imprisonment for up to five years and a fine of up to ₹25,000. If the conversion involves a minor, a woman, or a person from a Scheduled Caste or Scheduled Tribe, the penalties are enhanced to imprisonment for up to ten years and a fine of up to ₹50,000. The Act also criminalizes "abetment" of conversion, with penalties extending to those who assist or facilitate conversions.

The Haryana Prevention of Unlawful Conversion of Religion Act 2022³³

The Haryana Prevention of Unlawful Conversion of Religion Act 2022 (Act No. 16 of 2022) was enacted on April 7, 2022, and officially notified on April 12, 2022. This legislation aims to prevent religious conversions that occur through unlawful means while regulating the process of voluntary conversion.

The Key Provisions under the act include prohibited conversion methods. Like the other acts, here also conversions through misrepresentation, force, threat, undue influence, coercion, allurement, or fraudulent means is prohibited. Further, conversions by marriage or for marriage (with exceptions for willful conversions certified by District Magistrate) is also prohibited. The act also prohibits concealing one's religion with the intention to marry and it also includes abetment or conspiracy for conversion through digital platforms as illegal.

Here as well, religious priests and organizers must give prior notice to the District Magistrate

³³ The Haryana Prevention of Unlawful Conversion of Religion Act 2022

before conducting any conversion. The District Magistrate shall then conduct inquiry and verification within stipulated timeframes before granting any certificate. There is also the mechanism of filing any objections during the notice period and in case any parties are aggrieved by the decision of the District magistrate they can go for appeal.

The Penalties and Punishments under this act include 1-5 years imprisonment + minimum ₹1 lakh fine for standard violation. In cases of Vulnerable Groups, an enhanced punishment of 4-10 years + minimum ₹3 lakh fine for conversions involving minors, women, or SC/ST individuals. In cases of Mass Conversions the punishment is 5-10 years imprisonment + minimum ₹3 lakh fine³⁴

Comparative Analysis of State Laws

The act includes many common features such as:

1. **Prohibition of Coercive Conversions:** All state-level anti-conversion laws prohibit conversions effected through "force," "fraud," or "allurement." However, the definitions of these terms vary significantly, leading to inconsistent enforcement.³⁵
2. **Prior Notice Requirements:** Most laws require individuals intending to convert to submit a declaration to the district magistrate, who is empowered to conduct an inquiry. This creates an administrative burden and can deter genuine conversions.
3. **Enhanced Penalties for Vulnerable Groups:** All laws impose harsher penalties for conversions involving minors, women, or individuals from Scheduled Castes or Scheduled Tribes, reflecting a paternalistic approach to protecting "vulnerable" populations.
4. **Targeting Interfaith Marriages:** Recent amendments in states like Gujarat and Uttar Pradesh explicitly target conversions linked to marriage, reflecting the "love jihad" narrative and raising concerns about violations of personal autonomy.³⁶

Some of the difference spotted under the following act include:

1. **Scope of "Allurement":** The definition of "allurement" varies widely. Some states, like Orissa and Madhya Pradesh, limit it to material benefits, while others, like Gujarat and Uttar Pradesh, include broader categories like education and employment.

³⁴ Ibid

³⁵ Luke Wilson, Issue Update: India's State-Level Anti-Conversion Laws (U.S. Comm'n on Int'l Religious Freedom Mar. 2023).

³⁶ Prabhakar Singh, Beyond Procedural Relief: The Case for Systemic Constitutional Review of India's Anti-Conversion Laws, Oxford Hum. Rts. Hub (Oct. 10, 2024)

2. **Burden of Proof:** Older laws, like those in Orissa and Madhya Pradesh, place the burden of proof on the prosecution, while newer laws, like those in Gujarat and Uttar Pradesh, shift the burden onto the accused, violating the presumption of innocence.
3. **Penalties:** The severity of penalties varies, with newer laws imposing significantly harsher punishments, including lengthy prison sentences and substantial fines.
4. **Administrative Procedures:** The procedural requirements for conversion also vary. Some states require prior notice, while others, like Jharkhand, require administrative permission, creating additional barriers to conversion.³⁷

Enforcement Patterns and Empirical Insights: The Gap Between Law and Practice

Empirical data reveals a significant gap between anti-conversion laws' stated purposes and their actual enforcement. While statutes ostensibly aim to prevent "force, fraud, and allurement," enforcement frequently targets consensual conversions, interfaith couples, and minority religious leaders.³⁸

Enforcement Data (2000-2024)

According to National Crime Records Bureau (NCRB) data, FIRs under anti-conversion laws increased from approximately 50 annually in 2000 to over 200 by 2010, and exceeded 300 by 2015. More significantly, FIRs were concentrated in states with larger Christian and Muslim populations and explicit Hindu nationalist governments.³⁹

A 2011 Human Rights Watch report, *India: Religious Intolerance on the Rise*, documented that Christians, despite comprising 2.3% of the population, accounted for over 30% of anti-conversion complaints in several states. Moreover, approximately 70% of accused were Christian pastors or missionaries, while Hindu nationalist re-conversion initiatives (ghar wapsi) faced minimal prosecution, revealing asymmetric enforcement contradicting the laws' ostensible neutrality.

Gender dimensions also emerged: women comprised approximately 40-50% of reported conversions (according to available complaint data), and anti-conversion laws disproportionately subjected interfaith couples to scrutiny, with police investigations often

³⁷ Tanya Arora, *Anti-Conversion Laws: Are forced conversions a myth or reality?*, CJP, (21 Dec 2022), available at: <https://cjp.org.in/anti-conversion-laws-are-forced-conversions-a-myth-or-reality/>

³⁸ India's Second-Largest State Passes Discriminatory Anti-Conversion Law, *Persecution.org*, (19 March 2026), available at: <https://persecution.org/2026/03/19/indias-second-largest-state-passes-discriminatory-anti-conversion-law/>

³⁹ Laura Dudley Jenkins, *Legal Limits on Religious Conversion in India*, 71 *Law & Contemp. Probs.* 109 (2008).

following family complaints from parents opposed to interfaith marriages.⁴⁰

From 2016 onwards, the Supreme Court began engaging more seriously with conversions, marriage, and autonomy, driven by cases like the Hadiya judgment and subsequent matrimonial matters. Simultaneously, new state laws—particularly the 2021 Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act—incorporated provisions so stringent and vague that they provoked fresh constitutional challenges. This phase remains ongoing, with multiple cases pending in High Courts and the Supreme Court as of 2024.⁴¹

According to the 2022 Crime in India report, anti-conversion FIRs exceeded 350 nationally in 2021-2022, with Uttar Pradesh alone accounting for over 200. The U.S. Commission on International Religious Freedom's 2023 Annual Report documented that in Uttar Pradesh, cases under the 2021 Act increased from 59 in 2021 to 157 in 2022, suggesting ramping up of enforcement following the law's enactment.

Critically, data on conviction rates show relatively low conviction percentages—often below 20%—despite high FIR rates. This suggests that while police file cases readily (often at the behest of family members or communal groups), courts, applying evidentiary standards stricter than police investigations, convict less frequently. This gap between allegations and convictions indicates that anti-conversion laws are functioning primarily as instruments of harassment and chilling effects, rather than as genuinely prosecuted criminal statutes.

Additionally, women comprise a significant proportion of complainants (filed by parents) and of alleged "victims" (in cases where family members claim a woman was converted and married against her will). This gender dimension reveals that anti-conversion laws are often deployed as tools of patriarchal control, with families using criminal law to override adult women's choices.⁴²

The striking empirical finding is the disparity between arrests and convictions. In Uttar Pradesh (2021-2022), out of over 500 people arrested, fewer than 10 were convicted by early 2024. This pattern suggests the law functions as harassment mechanism rather than effective criminal justice.

The "Azamgarh Case" serves as an example for this. In 2021, three Christian family members were arrested in Azamgarh based on a neighbor's complaint alleging they were "luring" people

⁴⁰ Faizan Mustafa & Jagteshwar Singh Sohi, *Freedom of Religion in India: Current Issues and Supreme Court Acting as Clergy*, 2017 *BYU L. Rev.* 915 (2018).

⁴¹ Neha Chauhan, *Religious Conversion and Freedom of Religion in India: Debates and Dilemmas*, 2017 *ILI L. Rev.* 126 (2017).

⁴² Neha Chauhan, *Religious Conversion and Freedom of Religion in India: Debates and Dilemmas*, 2017 *ILI L. Rev.* 126 (2017).

through prayer offerings. Despite victims denying conversion attempts, the accused spent over four months in jail. The High Court eventually noted that "distribution of religious pamphlets or holding prayer meets does not constitute an offense unless there is evidence of physical threat or material fraud."⁴³

Conclusion and Recommendations

The journey of anti-conversion legislation in India is a reflection of the country's deep-seated anxieties regarding identity, demography, and social hierarchy. As we have explored throughout this comprehensive analysis, the debate did not begin yesterday. It has its roots in the colonial era, was heavily debated by the framers of the Constitution in the Constituent Assembly, and has steadily evolved over the last seven decades.

The constitutional position on religious conversion represents a fragile compromise. Article 25 guarantees the right to profess, practice, and propagate religion. However, the Supreme Court's 1977 ruling in *Rev. Stainislaus v. State of Madhya Pradesh* dealt a severe blow to this freedom by drawing an artificial distinction between the right to "propagate" and the right to "convert," essentially ruling that individuals do not have a fundamental right to convert others. This judgment provided the legal cover for state governments to pass increasingly restrictive laws.⁴⁴

The legislative trend over the last two decades is deeply alarming. We have moved from the older laws of Orissa and Madhya Pradesh—which ostensibly aimed to protect tribal populations from material inducements—to a new, draconian breed of legislation in states like Uttar Pradesh, Gujarat, and Uttarakhand. These modern laws are explicitly designed to police intimacy.

The socio-legal impact is undeniable. Empirical data and field reports show that these laws are rarely used to convict actual perpetrators of organized, coercive conversions, because such organized campaigns are largely a myth. Instead, the laws are utilized as tools of harassment. They empower vigilante groups, embolden patriarchal families to control the marital choices of their daughters, and keep religious minorities in a state of perpetual fear. The chilling effect on charitable work, educational initiatives, and basic social interaction between different communities is severely damaging the secular fabric of the nation.⁴⁵

⁴³ Mukesh Kumar & Garima Yadav, *Anxieties of the Dominant: Legal, Social, and Religious in the Politics of Religious Conversion in India*, 11 *Oxford J. Law & Relig.* 343 (2022).

⁴⁴ Goldie Osuri, *Secularism, Law and 'Religious' Violence: The Case of the Anti-Conversion Laws in India*, 15 *J. Contemp. Asia* 1 (2013).

⁴⁵ *India's State-Level Anti-Conversion Laws*, United States Commission, available at: <https://www.uscirf.gov/publications/indias-state-level-anti-conversion-laws>

8.2 Recommendations

To rectify this situation and bring India's legal framework back into alignment with modern constitutional jurisprudence and international human rights standards, action is required across the legislative, judicial, and administrative branches.

1. Legislative Recommendations:

- **Repeal Unconstitutional Provisions:** State legislatures must repeal the recent amendments that criminalize conversions linked to marriage. The state has no place in the bedrooms and marital choices of consenting adults.
- **Abolish Notice Requirements:** All statutory requirements demanding prior notice or magisterial permission for religious conversion must be struck from the books. These are blatant violations of the right to privacy recognized in the *Puttaswamy* judgment.
- **Shift to General Criminal Law:** As argued in the policy analysis, states should abandon specialized anti-conversion statutes altogether. They should rely entirely on the Bharatiya Nyaya Sanhita (BNS) to prosecute genuine cases of criminal intimidation, kidnapping, and fraud.⁴⁶

2. Judicial Recommendations:

- **Revisiting the Stanislaus Judgment:** The Supreme Court of India must constitute a larger constitutional bench to review and overrule the *Stanislaus* judgment. In light of the expansive reading of fundamental rights in recent decades—particularly the rights to privacy, autonomy, and free speech—the premise that one cannot persuade another to change their beliefs is legally obsolete.
- **Strict Scrutiny of State Laws:** High Courts and the Supreme Court must apply strict constitutional scrutiny to the new wave of anti-conversion laws. The courts must strike down the reverse burden of proof clauses as violations of Article 14 (Equality before law) and Article 21 (Right to life and personal liberty).
- **Protecting Interfaith Couples:** The judiciary must issue binding nationwide guidelines directing the police to provide immediate protection to interfaith couples facing threats from their families or vigilante groups, reinforcing the principles laid out in cases like *Shafin Jahan (Hadiya)* and *Shakti Vahini*.⁴⁷

⁴⁶ M. Sudhir Selvaraj, Acts of Violence? Anti-Conversion Laws in India, *Saje Journals*, Vol 33 (5 May 2024), available at: <https://journals.sagepub.com/doi/10.1177/09646639241251613>

⁴⁷ Bhavya Johari, Beyond Procedural Relief: The Case for Systemic Constitutional Review of India's Anti-Conversion Laws, *Oxford Human Rights Hub*, (Dec 23, 2025), available at: <https://ohrh.law.ox.ac.uk/beyond-procedural-relief-the-case-for-systemic-constitutional-review-of-indias-anti-conversion-laws/>

3. Administrative Recommendations:

- **Sensitization of Law Enforcement:** State police academies must introduce mandatory, rigorous training modules on constitutional rights, specifically focusing on the right to choose a partner and the right to religious freedom. Police must be taught to reject pressure from mob justice.
- **Data Transparency:** The National Crime Records Bureau (NCRB) should publish granular data on anti-conversion cases. This data must show not just the number of arrests, but the number of acquittals, the length of pre-trial detention, and the relationship between the complainant and the accused. Transparency will expose the misuse of these laws.⁴⁸

India stands at a critical juncture. The promise of the Constitution is a pluralistic society where individuals are free to seek their own truth, live their own lives, and love whoever they choose. Anti-conversion laws, as they exist today, are a betrayal of that promise. It is time for the law to protect the individual from the mob, rather than empowering the mob through the law.

REFERENCES

1. Asifa Quraishi-Landes, Anti-Conversion Laws and the Muslim Citizen: India's Secular Paradox, 55 Colum. J. Transnat'l L. 1 (2016).
2. Jacob P. Chamberlain, Freedom of Religion in India: The Anti-Conversion Controversy, 18 Or. Rev. Int'l L. 373 (2016).
3. Abhinav Chandrachud, Anti-Conversion Laws and the Right to Freedom of Religion, 52 Econ. & Pol. Wkly. 10 (2017)
4. Meghana Basu, Regulating Religious Conversions: The Indian Experience, 28 J.L. & Religion 45 (2012-2013).
5. S. Arul Ananda Raj, Anti-Conversion Legislation: Hindutva's Political Agenda, 52 India Q. 67 (1996).
6. P.K. Balachandran, Anti-Conversion Laws in India: A Critical Analysis, 42 J. Indian L. Inst. 89 (2000)
7. Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India 145-67 (1999)
8. Werner Menski, Hindu Law: Beyond Tradition and Modernity 210-35 (2003).

⁴⁸ Tehmina Arora, The Spread of Anti-conversion Laws from India, Lausanne Movement, (May 2016), available at: <https://lausanne.org/global-analysis/anti-conversion-laws-india>

9. Marc Galanter, Law and Society in Modern India 187-212 (1989).
10. Ronojoy Sen, Articles of Faith: Religion, Colonialism, and the Emergence of Toleration in India 120-45 (2018).
11. Tahir Mahmood, Religious Freedom Under the Personal Laws: Cases and Materials 78-102 (2001).
12. Asghar Ali Engineer, The Rights of Women in Islam 150-75 (1992).
13. Rajeev Dhavan, Battling the Resurgent Right: Secularism, Law and Politics 200-25 (2002).
14. B.R. Ambedkar, Pakistan or the Partition of India 300-25 (1945).
15. Granville Austin, Working a Democratic Constitution: The Indian Experience 180-205 (1999).
16. S. Sarkar, Modern India: 1885-1947 400-25 (1983).
17. Ratna Kapur, Erotic Justice: Law and the New Politics of Postcolonialism 100-30 (2005).
18. Upendra Baxi, The Future of Human Rights 250-80 (2002).
19. Partha Chatterjee, The Nation and Its Fragments: Colonial and Postcolonial Histories 120-50 (1993).
20. Lloyd I. Rudolph & Susanne Hoeber Rudolph, In Pursuit of Lakshmi: The Political Economy of the Indian State 300-30 (1987).
30. Madhya Pradesh Dharma Swatantraya Adhiniyam, No. 16 of 1968, India (Madhya Pradesh Freedom of Religion Act).
31. Orissa Freedom of Religion Act, No. 28 of 1967, India.
32. Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, No. 11 of 2021, India
33. Gujarat Freedom of Religion (Anti-Conversion) Amendment Act, No. 23 of 2003, India
34. Himachal Pradesh Freedom of Religion Act, No. 18 of 2006, India.
35. Karnataka (Protection of Right to Freedom of Religion) Ordinance, No. 5 of 2022, India.
36. Law Comm'n of India, 22d Rep.: Anti-Conversion Laws, 5.1-7.2 (1957).
37. Nat'l Comm'n for Minorities, 15th Ann. Rep. 45-60 (2004-2005).
38. U.S. Comm'n on Int'l Religious Freedom, 2023 Ann. Rep.: India 120-35 (2023).
39. Human Rights Watch, India: Attacks on Christians Escalate Despite New Law (Sept. 20, 2021).
40. Amnesty Int'l, India: Anti-Conversion Laws Used to Target Minorities (2022).