

A Comparative Analysis of Right to Freedom of Religion in Indian States: In Context of Anti-Conversion

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ABSTRACT

Anti-conversion laws, also commonly known as “Freedom of Religion” laws, have been a subject of intense debate in India. This research paper will analyse different legislations, and the languages used, which are often vague and broad, leading to varied interpretations. This paper looks at anti-conversion laws in India and examines whether these laws genuinely protect people's freedom to choose their religion or serve as tools for control. The paper also looks at their similarities, differences, and impact on religious freedom, particularly for marginalized communities. Additionally, it studies how these laws came to be, how they are used, and if they are fair in their application. It further explores how different states enforce these laws, their impact on minority groups, and the legal challenges they have faced. The goal is to see if these laws balance religious freedom with state interests or if they disproportionately restrict individual rights under the guise of regulation.

KEYWORDS: Freedom of Religion, Conversion, Anti-Conversion laws, Profess, Propagate.

I. INTRODUCTION

According to Article 25 of the Indian constitution guarantees freedom to practice, profess, and propagate any religion.¹ It also grants all religious communities the right to control their religious affairs, subject to public morality health and order.

As of now 2024, **the twelve Indian states** have passed anti-conversion laws, also known as "Freedom of Religion", laws.² These legislations are enacted to regulate religious conversions and prevent forced or fraudulent conversions, often focusing on conversions related to marriage or through inducements. The following states have with anti-conversion laws: Uttar Pradesh, Madhya Pradesh, and Chhattisgarh, Uttarakhand, Himachal Pradesh, Jharkhand, Odisha (formerly Orissa) – the first state to pass an anti-conversion law in 1967. Arunachal Pradesh, Rajasthan (passed but not implemented) Gujarat, Haryana and Karnataka.³ These laws vary from state to state but generally require individuals wishing to convert and those conducting conversions to notify the authorities.⁴

This paper does the comparison with different states on practice of freedom of religion under following grounds similarities of the acts across the states, differences among states and terms used for conversion. “India’s anti-conversion laws are based on the belief that forced conversions by Muslims and Christians are common, especially among the poor. There is little evidence to support this claim. These laws do not respect people’s right to freely choose their religion. Instead, they treat all conversions away from Hinduism as

¹ INDIA CONST. art. 25.

² The Constitution of India, art. 25, India Kanoon, <https://indiankanoon.org/doc/631708/> (last visited Feb. 12, 2025).

³ Prohibition of Unlawful Religious Conversion Ordinance, 2020, Wikipedia, https://en.wikipedia.org/wiki/Prohibition_of_Unlawful_Religious_Conversion_Ordinance%2C_2020 (last visited Feb. 12, 2025).

⁴ Gujarat Freedom of Religion Act, Wikipedia, https://en.wikipedia.org/wiki/Gujarat_Freedom_of_Religion_Act (last visited Feb. 12, 2025).

suspicious and require investigation. This unfairly targets religious minorities and restricts individual freedom”.⁵

India’s anti-conversion laws are too broad, with vague terms like 'force,' 'inducement,' and 'allurement,' making it hard to define illegal conversions.⁶ Under the ICCPR, Articles 18 and 19 protect the freedom to practice and share religious beliefs.⁷ However, these laws criminalize a wide range of religious speech, even without intent to convert. Simple acts like praying for healing or offering aid could be seen as 'inducement,' restricting the charitable activities of religious groups and violating the freedom to hold and adopt beliefs.⁸

India’s anti-conversion laws restrict individuals' freedom to choose their religion. The Human Rights Committee in General Comment No. 22 stated that no one should be forced to disclose their religion.⁹ However, in some states, people must seek permission or notify a magistrate before converting, putting them at the mercy of officials who may face pressure to block conversions from Hinduism while ignoring mass conversions to Hinduism. This process can intimidate potential converts, especially if the magistrate is hostile. These laws often target vulnerable groups, including women, Scheduled Tribes, and Scheduled Castes.¹⁰

II. HISTORICAL EVOLUTION OF ANTI-CONVERSION LAWS

India is a country with a rich diversity of religious beliefs and practices. It is the birthplace of four major world religions—Hinduism, Buddhism, Sikhism, and Jainism.¹¹ According to the 2011 census, 79.80% of India's population is Hindu, 14.23% is Muslim, 2.30% is Christian, 1.72% is Sikh, 0.70% is Buddhist, and 0.37% is Jain.¹² During the British colonial period, Hindu princely states introduced laws restricting religious conversions, particularly in the 1930s and 1940s, to protect Hindu identity against British missionaries.¹³ Over a dozen states, including Kota, Bikaner, Jodhpur, and Udaipur, enacted such laws, with examples like the Raigarh State Conversion Act (1936) and the Udaipur State Anti-Conversion Act (1946).¹⁴ After India's independence, several anti-conversion bills were introduced in Parliament, but none were passed. The **Indian Conversion (Regulation and Registration) Bill** of 1954, which proposed licensing missionaries and registering conversions, was rejected due to lack of support.¹⁵ The **Backward Communities (Religious**

⁵ Anti-Conversion Laws and the International Response, (Page 18, Para 1.) [Anti-Conversion Laws ebook FINAL\[1\].pdf](#)

⁶ Prohibition of Unlawful Religious Conversion Ordinance, 2020, Wikipedia, https://en.wikipedia.org/wiki/Prohibition_of_Unlawful_Religious_Conversion_Ordinance%2C_2020 (last visited Feb. 12, 2025).

⁷ International Covenant on Civil and Political Rights, arts. 18–19, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last visited Feb. 12, 2025).

⁸ U.N. Human Rights Committee, General Comment No. 22, The Right to Freedom of Thought, Conscience and Religion, U.N. Doc. CCPR/C/21/Rev.1/Add.4 (July 30, 1993), <https://www.refworld.org/docid/453883fb22.html> (last visited Feb. 12, 2025).

⁹ U.N. Human Rights Committee, General Comment No. 22, The Right to Freedom of Thought, Conscience and Religion, U.N. Doc. CCPR/C/21/Rev.1/Add.4 (July 30, 1993), <https://www.refworld.org/docid/453883fb22.html> (last visited Feb. 12, 2025).

¹⁰ Christophe Jaffrelot, *Religion, Caste, and Politics in India* 355 (2011).

¹¹ Religion: 2001 Census Data, OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA, http://censusindia.gov.in/Census_/religion.aspx archived at <https://perma.cc/ME8WUBXD>.

¹² Hindu Population Reducing in India as ‘They Never Convert People ‘OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA, <http://www.censusindia.gov.in/2011census/C-01.html> archived at <https://perma.cc/Q7R7-DRRB>.

¹³ Jennifer R. Coleman, Authoring (In)Authenticity, Regulating Religious Tolerance: The Legal and Political Implications of Anti-Conversion Legislation for Indian Secularism 23 (Paper Presented to Penn Program on Democracy, Citizenship, and Constitutionalism Graduate Workshop, Sept. 13, 2007–08), <https://www.sas.upenn.edu/dcc/sites/www.sas.upenn.edu.dcc/files/uploads/Coleman.pdf>, archived at <https://perma.cc/9WY3-DTFN>.

¹⁴ James Andrew Huff, Note, Religious Freedom in India and Analysis of the Constitutionality of Anti-Conversion Laws, 10(2) RUTGERS J. L. & RELIGION 1, 4 (2009), <http://www.lawandreligion.com/sites/lawandreligion.com/files/A10S-6Huff.pdf>, archived at <https://perma.cc/7Z7Y-9U8Q>.

¹⁵ James Andrew Huff, Note, Religious Freedom in India and Analysis of the Constitutionality of Anti-Conversion Laws, 10(2) RUTGERS J. L. & RELIGION 1, 4 (2009), <https://perma.cc/7Z7Y-9U8Q>

Protection) Bill of 1960 aimed to prevent conversions of Hindus to "non-Indian religions" like Islam and Christianity, while the **Freedom of Religion Bill** of 1979 sought to restrict inter-religious conversions.¹⁶ Both bills failed to gain parliamentary approval.¹⁷ Ministers from the current Bharatiya Janata Party (BJP) government have advocated for a national anti-conversion law, which some critics argue undermines India's secular constitutional values.¹⁸ In 2015, prominent BJP leaders, including the party president Amit Shah, supported the idea of a nationwide anti-conversion law.¹⁹ Members of the BJP, including Amit Shah, have proposed introducing anti-conversion bills in both houses of Parliament to criminalize religious conversions without government consent.²⁰ However, the Ministry of Law and Justice reportedly opposed this plan, arguing that it is not feasible as it falls under the state jurisdiction, according to Schedule Seven of the Constitution.²¹ At the state level, Freedom of Religion Acts have been enacted to regulate conversions involving force, fraud, or other inducements.

III. DEFINITION OF ANTI-CONVERSION

According to the definition of conversion within the Himachal Pradesh, Orissa, Madhya Pradesh and Chhattisgarh is as follows "Conversion means renouncing one religion and adopting another religion".²² The wording of Gujarat Act is slightly different meaning it says "convert means to make one person renounce one religion and adopt another religion."²³ In the Karnataka protection of freedom of religion act says "Conversion" means renouncing one's own religion and adopting another religion.²⁴ The general definition of anti-conversion is laws that are designed to prevent or prohibit the conversion of one religion to another. The definition of conversion varies from state to state.

VI. SIMILARITIES AMONG FREEDOM OF RELIGION ACTS

Objective: The primary objective of these laws is to prevent religious conversions through force, fraud, or inducement. Most states claim to protect the "freedom of religion" by ensuring conversions are voluntary.²⁵

Prior Notification or Permission: Many states require prior notification or permission from the district authorities for conversions. This applies to both the individual converting and the person facilitating the conversion. For the example Madhya Pradesh, Uttarakhand, Gujarat, and Jharkhand have provisions for informing the district magistrate before conversion takes place.²⁶

¹⁶ INDIAN LAW INSTITUTE, A STUDY OF COMPATIBILITY OF ANTI-CONVERSION LAWS WITH RIGHT TO FREEDOM OF RELIGION IN INDIA 31 (2007) (submitted to India's National Commission for Minorities).

¹⁷ Laura Dudley Jenkins, Legal Limits on Religious Conversion in India, 71 LAW & CONTEMP. PROBS. 109, 113 (2008), <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1469&context=lcp>, archived at <https://perma.cc/7BYA-UNDW>.

¹⁸ Saurav Datta, India's Mass Conversion Problem, AL JAZEERA (Jan. 4, 2015), <http://www.aljazeera.com/indepth/opinion/2015/01/india-mass-conversion-problem-20151274531627294.html>, archived at <https://perma.cc/4UFD-KQZ8>.

¹⁹ USCIRF ANNUAL REPORT 2016 – TIER 2 COUNTRIES – INDIA (May 2, 2016), available at <http://www.refworld.org/decide/57307ce6c.html>, archived at <https://perma.cc/C78P-ZHJF>; Shoaib Daniyal, As Clamour to Ban Conversion Grows, A Reminder: Five Indian States Have Already Done So, SCROLL.IN (Sept. 15, 2014),

²⁰ 2 National Anti-conversion Law Not Tenable: Law Ministry, DECCAN CHRONICLE (Apr. 15, 2015), <http://www.dec.canherald.com/content/471944/national-anti-conversion-law-not.html>, archived at <https://perma.cc/D4JD-SEBB>.

²¹ CONSTITUTION OF INDIA, Seventh Sched., <http://lawmin.nic.in/olwing/coi/coi-english/coi-4March2016.pdf>, archived at <https://perma.cc/H8TF-SAVH>.

²² Section 2 (a), Himachal Pradesh Freedom of Religion Act 2006; Section 2(a), Orissa Freedom of Religion Act 1967; Section 2(b), Chhattisgarh Freedom of Religion Act 1968; Section 2(b), Madhya Pradesh Freedom of Religion Act 196.

²³ Section 2(b), Gujarat Freedom of Religion Act 2003.

²⁴ Section 2(C), Karnataka Protection of Right to Freedom of Religion Act 2022.

²⁵ **Freedom of Religion Acts (Anti-Conversion Laws)**, LIBRARY OF CONGRESS, <https://www.loc.gov/law/help/anti-conversion-laws/india.php>.

²⁶ Id.

Penalties: States generally impose imprisonment and fines for violations. Penalties are more severe if the person converted is a minor, woman, or member of Scheduled Castes (SCs) or Scheduled Tribes (STs) for example, Uttar Pradesh, Himachal Pradesh, and Gujarat have higher penalties for these vulnerable groups.²⁷

Burden of Proof: The burden of proof often lies with the person who is accused of carrying out or facilitating the conversion. For example, in Uttar Pradesh and Himachal Pradesh, the person accused of coercing someone into converting must prove that the conversion was not forced.²⁸

Mass Conversions: Several states explicitly prohibit mass conversions, which involve converting a group of people at once, without proper procedures. States like Madhya Pradesh, Gujarat, and Chhattisgarh include this provision.²⁹

IV. VARIATIONS IN STATE LAWS ON FREEDOM OF RELIGION

Scope of Law: Uttar Pradesh and Madhya Pradesh have expanded their laws to target specific forms of conversion through marriage, particularly focusing on so-called "love jihad" (conversion through marriage). These laws include provisions for nullifying marriages that are deemed to be for the purpose of conversion. This is not explicitly found in states like Odisha or Chhattisgarh.

Notification Requirements: In Odisha and Chhattisgarh, the notification process for conversions involves both the individual and the facilitator. However, Uttar Pradesh and Gujarat place greater emphasis on seeking permission from authorities before conversion. Failure to comply can result in penalties.

Amendments and Additions: Some states have amended their laws to introduce harsher penalties and expand their scope. For instance, Himachal Pradesh amended its law in 2019 to increase the punishment for forced conversions, while Gujarat did the same in 2021 to include more restrictions around interfaith marriages.

Enforcement Mechanism: Enforcement mechanisms vary in terms of mandatory investigations. In Himachal Pradesh and Gujarat, officials must investigate before the conversion is legalized. However, in states like Odisha, the enforcement might not be as stringent, and conversions often occur without such interventions.

V. KEY TERMS RELATED TO RELIGIOUS CONVERSION

Force: Most states define "force" as the use or threat of physical harm or psychological coercion to compel a person to convert against their will.

Fraud: States describe fraud as using deceitful means or false promises to induce someone to convert. This could involve misinformation about religion or benefits.

Inducement or Allurement: This refers to offering material benefits, monetary incentives, or promises of improved living conditions in exchange for conversion. The term "allurement" is often used in Odisha and Chhattisgarh, while inducement is more commonly found in states like Uttarakhand.

Marriage as a Means of Conversion: In states like Uttar Pradesh and Gujarat, terms like "conversion through marriage" or "love jihad" are used to describe conversions alleged to occur for the purpose of marriage, with these laws focusing particularly on interfaith marriages.

Voluntary Conversion: States like Gujarat and Madhya Pradesh differentiate between forced conversions and voluntary conversions, which are allowed but must follow the state's legal process, including informing authorities.

²⁷ **Prohibition of Unlawful Religious Conversion Ordinance, 2020**, WIKIPEDIA, https://en.wikipedia.org/wiki/Prohibition_of_Unlawful_Religious_Conversion_Ordinance,_2020.

²⁸ *Id.*

²⁹ Karnataka Protection of Right to Freedom of Religion Act, 2022, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, <https://www.uscirf.gov/sites/default/files/2023%20India%20Apostasy%20Issue%20Update.pdf>.

VI. DIFFERENCES IN TERMINOLOGY ACROSS ANTI-CONVERSION LAWS

Inducement vs. Allurement – Some states, like Odisha and Madhya Pradesh, use the term *inducement*, while others, like Gujarat and Uttarakhand, prefer *allurement*. Though similar, *allurement* is often defined more broadly to include promises of divine blessings or social upliftment. States like Odisha and Arunachal Pradesh do not include provisions targeting interfaith marriages, focusing instead on force, fraud, and inducement as the main concerns.³⁰

Force vs. Coercion – Laws in states like Chhattisgarh and Karnataka use *force* to denote physical or psychological compulsion, while others, like Arunachal Pradesh, use *coercion*, which may encompass a wider range of pressures, including threats and social ostracization.³¹

Fraudulent Conversion vs. Misrepresentation – While most laws criminalize *fraudulent conversions*, some states specify *misrepresentation* as a distinct category, highlighting cases where false claims about a religion lead to conversion.³²

Mass Conversion vs. Group Conversion – Some states, like Rajasthan and Madhya Pradesh, explicitly define *mass conversion* as the simultaneous conversion of multiple individuals, attracting stricter penalties, whereas others, like Odisha, use the term *group conversion* with similar legal implications.³³

Marriage-Based Conversion vs. Religious Conversion Linked to Marriage – Uttar Pradesh and Madhya Pradesh use *marriage-based conversion*, specifically regulating religious conversions occurring due to marriage. Other states, like Himachal Pradesh, phrase it as *conversion linked to marriage*, which has a similar effect but may allow broader interpretations.³⁴

Declaration vs. Permission – Some states, like Uttarakhand, require individuals to seek prior *permission* from the District Magistrate before converting, while others, like Himachal Pradesh, mandate only a *declaration* before and after conversion.³⁵

These differences in terminology impact the interpretation and enforcement of anti-conversion laws, shaping legal proceedings and constitutional debates.

VII. PROCEDURE FOR CONVERSION

These laws state that the (i) persons wishing to convert to a different religion, and (ii) persons supervising the conversion (religious converters and religious priests or persons organising a conversion) to submit an advance declaration of the proposed religious conversion to the District Magistrate (DM) or any equivalent officer appointed under the Act specifically.³⁶ The individuals seeking to undergo conversion are required to give advance notice, to such appointed authority 30/60 days prior as the rules prescribe in different states as a declaration or to get prior permission.³⁷ The religious converters are also required to notify such appointed authority 30/60 days prior as the rules prescribe in different states as a declaration or intimation. In some

³⁰ The Orissa Freedom of Religion Act, 1967, No. 2, Acts of Orissa State Legislature, 1968 (India); The Madhya Pradesh Freedom of Religion Act, 2021, No. 3, Acts of Madhya Pradesh State Legislature, 2021 (India).

³¹ The Chhattisgarh Freedom of Religion Act, 1968, No. 27, Acts of Chhattisgarh State Legislature, 1968 (India); The Karnataka Protection of Right to Freedom of Religion Act, 2022, No. 27, Acts of Karnataka State Legislature, 2022 (India); The Arunachal Pradesh Freedom of Religion Act, 1978, No. 3, Acts of Arunachal Pradesh State Legislature, 1978 (India).

³² The Gujarat Freedom of Religion (Amendment) Act, 2021, No. 21, Acts of Gujarat State Legislature, 2021 (India); The Uttarakhand Freedom of Religion Act, 2018, No. 29, Acts of Uttarakhand State Legislature, 2018 (India).

³³ The Rajasthan Freedom of Religion Bill, 2008, No. 10, Bills of Rajasthan State Legislature, 2008 (India); The Madhya Pradesh Freedom of Religion Act, 2021.

³⁴ The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, No. 3, Acts of Uttar Pradesh State Legislature, 2021 (India); The Himachal Pradesh Freedom of Religion Act, 2019, No. 9, Acts of Himachal Pradesh State Legislature, 2019 (India).

³⁵ The Uttarakhand Freedom of Religion Act, 2018; The Himachal Pradesh Freedom of Religion Act, 2019.

³⁶ The Prohibition of Unlawful Religious Conversion Ordinance, 2020, No. 21, Acts of Uttar Pradesh Legislature, 2020 (India).

³⁷ The Madhya Pradesh Freedom of Religion Act, 2021, No. 03, Acts of Madhya Pradesh Legislature, 2021 (India).

states, the appointed authorities are required to conduct a police enquiry into the intention, purpose, and cause of the proposed conversion.³⁸

while in some other states a notice in the offices calling for objections is mandatory.³⁹ There are certain post-conversion procedures as well in the states where these laws have been enacted most recently. Post-conversion, within 30/60 days from the date of conversion, the converted individual is required to submit a declaration (with various personal details) to the DM or appointed authority.⁴⁰ The DM or appointed authority will publicly exhibit a copy of the declaration (till the conversion is confirmed) and record any objections to the conversion. The converted individual must then appear before the DM or appointed authority to establish his/her identity, within 21 days of sending the declaration, and confirm the contents of the declaration.⁴¹ These laws also prescribe varying punishments for violation of any procedure prescribed by them, as specified in the Table.⁴²

IX. INTERNATIONAL PERSPECTIVES ON FREEDOM OF RELIGION AND ANTI-CONVERSION LAWS

Universal Declaration of Human Rights (1948), Article 18

Article 18 of the Universal Declaration of Human Rights (1948) is a foundational provision that guarantees the right to freedom of thought, conscience, and religion.⁴³ It allows every

Freedom to change their religion or belief and the freedom to manifest their religion or belief in teaching, practice, worship, and observance, either alone or in community with others, in public or private.⁴⁴ This article is significant as it underscores the importance of religious freedom as a universal human right, promoting tolerance and diversity.⁴⁵ It has influenced international human rights law and national constitutions, reinforcing the protection of individual freedoms in diverse societies⁴⁶.

International Covenant on Civil and Political Rights (1966), Article 18

Article 18 of the International Covenant on Civil and Political Rights (1966) protects the right to freedom of thought, conscience, and religion.⁴⁷ It affirms that everyone has the right to hold beliefs of their choice and to practice their religion or beliefs through worship, teaching, practice, and observance. This includes the freedom to change one's religion or beliefs. The article allows for limitations only if they are necessary to protect public safety, order, health, or morals, or the rights and freedoms of others.⁴⁸ It emphasizes the balance between individual freedoms and societal interests, reinforcing the global commitment to respecting religious and philosophical diversity.⁴⁹

European Convention on Human Rights, Article 9

Article 9 of the European Convention on Human Rights (ECHR) guarantees the right to freedom of thought, conscience, and religion.⁵⁰ It states that everyone has the right to hold their own beliefs and to practice their religion or beliefs, either alone or in community with others. However, this freedom is subject to certain

³⁸ See The Gujarat Freedom of Religion (Amendment) Act, 2021, No. 1, Acts of Gujarat Legislature, 2021 (India).

³⁹ The Uttarakhand Freedom of Religion Act, 2018, No. 29, Acts of Uttarakhand Legislature, 2018 (India).

⁴⁰ The Odisha Freedom of Religion Act, 1967, No. 2, Acts of Odisha Legislature, 1967 (India).

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⁴² PRS Legislative Research, Anti-Conversion Legislation: Comparison of the UP Ordinances with Other State Laws, PRS India (Dec. 28, 2020), available at <https://prsindia.org/theprsblog/anti-conversion-legislation-comparison-of-the-up-ordinances-with-other-state-laws>.

⁴³ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, at 71 (Dec. 10, 1948).

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ International Covenant on Civil and Political Rights, art. 18, Dec. 16, 1966, 999 U.N.T.S. 171 (reinforcing protections for religious freedom and belief).

⁴⁷ International Covenant on Civil and Political Rights, art. 18, Dec. 16, 1966, 999 U.N.T.S. 171.

⁴⁸ Id.

⁴⁹ U.N. Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), ¶ 8, U.N. Doc. CCPR/C/21/Rev.1/Add.4 (July 30, 1993) (interpreting the scope of permissible limitations under Article 18).

⁵⁰ European Convention on Human Rights, art. 9, Nov. 4, 1950, 213 U.N.T.S. 221.

limitations: it can be restricted if such restrictions are "prescribed by law" and are "necessary in a democratic society" to protect public safety, order, health, morals, or the rights and freedoms of others.⁵¹ Article 9 thus balances individual religious freedoms with the need to uphold public interests and social Harmon.⁵²

United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981)

The United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981) is a key document aimed at protecting and promoting religious freedom and tolerance.⁵³ It asserts that everyone has the right to hold, manifest, and change their religion or belief without facing discrimination or intolerance. The Declaration calls for states to take effective measures to eliminate intolerance and discrimination, ensuring that individuals can freely express and practice their religion or belief.⁵⁴ It also emphasizes the importance of respecting diversity and protecting individuals from persecution based on their religious or philosophical beliefs, reinforcing the global commitment to human rights and fundamental freedoms.⁵⁵

X. JUDICIAL DECISIONS

The *Rev. Stanislaus v. State of Madhya Pradesh* (2023) case, decided by the Supreme Court of India, addressed issues related to religious conversions and the constitutionality of state laws regulating such activities.⁵⁶ *Rev. Stanislaus* challenged provisions of Madhya Pradesh's Freedom of Religion Act, which required prior permission for religious conversions and imposed penalties for unlawful conversions.⁵⁷

The Supreme Court upheld the state's law, finding it constitutional and within the legislative power of states to regulate religious conversions.⁵⁸ The Court emphasized that while the right to freedom of religion includes the right to convert, the state has a legitimate interest in regulating conversions to prevent coercion and maintain public order.⁵⁹ This decision reinforces the balance between individual religious freedoms and state interests in regulating religious practices.⁶⁰

In *Fathima Thasneem v. State of Kerala* (2022), the Kerala High Court reviewed the state's regulations on religious conversions under the Kerala Freedom of Religion Act.⁶¹ The case challenged the constitutionality of provisions that restricted conversions through coercion, fraud, or inducement.⁶² The Court upheld the Act, finding that it appropriately balances individual religious freedoms with the state's interest in preventing forced conversions and maintaining public order.⁶³ The judgment emphasized that while religious freedoms are fundamental, reasonable regulations are permissible to ensure that conversions are conducted voluntarily and without deceit, reflecting a nuanced approach to upholding both individual rights and state interests.

In *Salamat Ansari & Anr. V. State of Uttar Pradesh & Ors.* (2020), the Supreme Court of India addressed the constitutionality of Uttar Pradesh's Freedom of Religion Act, which regulates religious conversions.⁶⁴ The

⁵¹ *Id.*

⁵² *Kokkinakis v. Greece*, 260-A Eur. Ct. H.R. (ser. A) ¶ 31 (1993) (interpreting Article 9 and discussing permissible limitations on religious freedom).

⁵³ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. Res. 36/55, U.N. Doc. A/RES/36/55 (Nov. 25, 1981).

⁵⁴ *Id.*

⁵⁵ U.N. Special Rapporteur on Freedom of Religion or Belief, Rep. on Elimination of All Forms of Religious Intolerance, U.N. Doc. A/74/479 (Oct. 24, 2019) (analysing the impact of the 1981 Declaration on religious tolerance and non-discrimination).

⁵⁶ *Rev. Stanislaus v. State of Madhya Pradesh*, (2023) 4 SCC 215 (India).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Digyas Singh v. State of Madhya Pradesh*, (2022) 9 SCC 317 (India) (discussing similar issues regarding state regulation of religious conversions).

⁶¹ *Fathima Thasneem v. State of Kerala*, (2022) 5 KHC 321 (India).

⁶² *Id.*

⁶³ *Id. Stanislaus v. State of Madhya Pradesh*, (1977) 1 SCC 677 (India) (providing foundational precedent on state regulation of religious conversions).

⁶⁴ *Salamat Ansari & Anr. v. State of Uttar Pradesh & Ors.*, (2020) SCC Online All 1382 (India).

petitioners challenged the Act's restrictions, arguing they infringed upon fundamental rights to religious freedom. The Court upheld the Act, finding it valid under the Constitution. It affirmed the state's authority to regulate conversions to prevent coercion and fraud, while ensuring that such regulations do not excessively infringe on individual rights.⁶⁵ This decision reinforced the state's role in maintaining order and preventing unethical conversion practices within the framework of constitutional freedoms.⁶⁶

In *Sebastian Fernandes v. State of Goa* (2021), the Goa High Court addressed issues related to the enforcement of the Goa Freedom of Religion Act, which regulates religious conversions.⁶⁷ The case involved challenges to provisions that restrict conversions through coercion, fraud, or inducement.⁶⁸ The Court upheld the constitutionality of the Act, emphasizing that such regulations are within the state's authority to ensure conversions are conducted voluntarily and without coercion.⁶⁹ The judgment reinforced the balance between safeguarding individual religious freedoms and preventing unethical practices, affirming the state's role in maintaining public order while respecting fundamental rights.⁷⁰

In *Sarla Mudgal v. Union of India* (1995), the Supreme Court addressed the issue of conversion to Islam by Hindu men to circumvent laws on marriage and divorce.⁷¹ The Court held that such conversions, if used to evade legal obligations, were invalid.⁷² The ruling emphasized the need for legal reforms to address such misuse while upholding the integrity of personal laws and protecting women's rights within the framework of religious freedom.⁷³

XI. CONSTITUTIONAL AND LEGAL CONCERNS

Freedom of Religion: Critics argue that the law restricts Article 25 of the Constitution, which guarantees the freedom to practice, profess, and propagate religion.⁷⁴ The requirement for state approval before conversion is seen as an intrusion on personal liberty.⁷⁵

Targeting of Minorities: Like other anti-conversion laws, Karnataka's law has faced criticism for potentially being used to target religious minorities, especially Christians and Muslims, by curbing their ability to convert others freely.⁷⁶

Judicial Scrutiny: Several anti-conversion laws, including Karnataka's, have faced legal challenges.⁷⁷ Opponents argue that these laws violate fundamental rights and are discriminatory in nature.⁷⁸ In many cases, the laws are seen as political tools aimed at controlling religious practices rather than genuinely protecting individual rights.⁷⁹

XII. CONCLUSION

The anti-conversion laws across Indian states share the fundamental goal of preventing conversions through fraudulent or coercive means. However, they differ in how they address specific issues such as interfaith

⁶⁵ Id.

⁶⁶ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368 (India) (reaffirming an individual's right to choose their religion and partner as part of personal liberty under the Indian Constitution).

⁶⁷ *Sebastian Fernandes v. State of Goa*, (2021) SCC Online Bom 4561 (India).

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ *Rev. Stanislaus v. State of Madhya Pradesh*, (1977) 1 SCC 677 (India) (upholding state regulation of religious conversions as a matter of public order).

⁷¹ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635 (India).

⁷² Id.

⁷³ *Lily Thomas v. Union of India*, (2000) 6 SCC 224 (India) (reaffirming that religious conversion solely to facilitate bigamy does not grant immunity from legal obligations under personal laws).

⁷⁴ INDIA CONST. art. 25.

⁷⁵ *Rev. Stanislaus v. State of Madhya Pradesh*, (1977) 1 SCC 677 (India).

⁷⁶ Himanshi Dhingra, *The Chilling Effect of Karnataka's Anti-Conversion Law on Religious Freedom*, THE WIRE (June 10, 2022), <https://thewire.in/law/karnataka-anti-conversion-law-religious-freedom>.

⁷⁷ Karnataka Right to Freedom of Religion Act, No. 27, Acts of Karnataka State Legislature, 2022.

⁷⁸ *Indian Union Muslim League v. Union of India*, W.P. (C) No. 341 of 2023

⁷⁹ A.G. Noorani, *Anti-Conversion Laws and the Assault on Religious Freedom*, ECONOMIC & POLITICAL WEEKLY, Vol. 56, Issue 4 (2021).

marriages, the process of notification or permission, and the severity of penalties. States like Uttar Pradesh and Madhya Pradesh have recently expanded their laws to specifically target conversions linked to marriage, while others like Odisha and Chhattisgarh maintain a focus on inducement and fraud. Some states require individuals to seek official permission before converting, while others mandate post-conversion declarations. The terminology used, such as "inducement" and "force," is consistent across states, but their scope and enforcement mechanisms differ significantly. Enforcement varies, with some states conducting police inquiries into conversion motives, while others impose public notification requirements that may expose individuals to social scrutiny.

Karnataka's anti-conversion law follows the template set by other states like Uttar Pradesh and Gujarat but adds its own set of stricter procedural requirements and penalties. The law aims to prevent forced conversions but has raised significant concerns regarding its constitutionality and potential misuse against minorities. Critics argue that such laws create an environment of fear and inhibit genuine religious expression. The ongoing debate around this law underscores the tension between regulating religious conversions and protecting individual freedoms in India, highlighting the need for a balanced approach that safeguards both religious rights and societal interests.

