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Regulating Religious Conversion in India: A Constitutional Critique of State Anti-Conversion Laws

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Abstract- ***Religious conversion in India is a constitutional question located at the intersection of freedom of conscience, public order, privacy, family autonomy and criminal process. State anti-conversion statutes are generally defended as measures against force, fraud and exploitation; yet the latest generation of laws has moved beyond the narrow prevention of coercion and entered the domain of prior permission, police inquiry, marriage scrutiny, reverse burden and public disclosure. This paper argues that the older public-order foundation of anti-conversion law, affirmed in Rev. Stainislaus, cannot mechanically validate every modern statutory design. After Puttaswamy and Shafin Jahan, statutes that expose an adult's change of faith to public notice, family objections and criminal suspicion must satisfy a stricter constitutional inquiry. The paper comparatively examines the laws of Odisha, Madhya Pradesh, Gujarat, Uttarakhand, Himachal Pradesh, Uttar Pradesh, Karnataka, Haryana and Rajasthan, incorporates recent judicial developments up to 2026, and proposes an autonomy-sensitive coercion test for harmonising protection against exploitation with the constitutional promise of conscience.***

Keywords: Religious Conversion, Article 25, Anti-Conversion Laws, Freedom of Conscience, Privacy, Inter-Faith Marriage, Unlawful Conversion, Public Order, Reverse Burden, India.

I. INTRODUCTION

The regulation of religious conversion in India has never been merely a question of criminal drafting. It is a test of the constitutional balance between the autonomy of conscience and the State's duty to prevent coercion, deception and public disorder. Article 25 protects freedom of conscience and the right freely to profess, practise and propagate religion, subject to public order, morality and health.

The power to propagate, however, has repeatedly generated controversy because propagation may remain within persuasion, cross into procurement, or be alleged to have become coercive conversion. The difficulty lies in drawing that legal boundary without making the State the gatekeeper of belief.

The earlier draft of this paper correctly identified the tension between Article 25 and state regulation, but its structure needed greater clarity and some claims required verification. The revised argument proceeds from a limited proposition: the State may criminalise conversion secured through force, fraud or undue influence, but it cannot treat every voluntary change of faith, inter-faith relationship or charitable activity as presumptively suspect. The distinction is important because the modern statutes increasingly convert a private act of conscience into a public administrative event.

The enquiry is framed through three research questions. First, what is the constitutional difference between propagation, persuasion and unlawful conversion? Secondly, how have state statutes moved from prohibiting coercive means to regulating the process of conversion itself? Thirdly, what doctrinal limits should courts apply when the adult convert asserts free consent but the family, community or State alleges unlawful conversion? These questions are important because the legal category of "unlawful conversion" is often litigated in fact patterns involving inter-faith marriage, charity, education, prayer meetings, minority religious institutions and allegations of mass conversion.

The scope of the paper is deliberately limited to the constitutional and comparative study of state anti-conversion laws. It does not take a theological position on conversion and does not deny that coercive or fraudulent conversions may occur. Instead, it evaluates whether the legal tools chosen by the States are sufficiently precise, privacy-protective and proportionate. In reputable public-law writing,

this distinction is essential: a legitimate legislative objective does not automatically validate every procedural device adopted to achieve it.

The paper also avoids unsupported empirical claims. It does not assert that conversions are always voluntary or that allegations of coercion are always false. It instead uses verifiable legal materials to show that the statutory design has consequences independent of the truth of any individual allegation. A law may be constitutionally overbroad even if some cases prosecuted under it are genuine. Conversely, the possibility of misuse does not require total invalidation where narrower reading, procedural safeguards and legislative amendment can preserve the legitimate anti-coercion purpose.

The Supreme Court's decision in Rev. Stainislaus v. State of Madhya Pradesh remains the starting point. The Court upheld the Madhya Pradesh and Orissa laws and held that the right to propagate does not include a right to convert another person. But the case was decided in a pre-privacy era and dealt with statutes whose central focus was force, fraud and inducement. Contemporary laws, especially after 2018 and 2020, add features that were not squarely before the Court: prior declarations by the convert and the religious priest, police inquiry into "real intention", invalidation of marriage, stringent bail conditions, reverse burden and broad complainant standing.

This paper therefore asks whether modern anti-conversion statutes remain constitutionally proportionate when applied to consenting adults. The research is doctrinal and comparative. It relies on the Constitution, state statutes, Supreme Court and High Court decisions, and official or otherwise verifiable legislative sources. It does not assume that all conversion regulation is invalid. Rather, it identifies the point at which a law designed to prevent exploitation becomes a mechanism for licensing conscience.

The novelty of the paper lies in the proposed "autonomy-sensitive coercion test". The test requires the State to separate coercion from persuasion, direct material procurement from general charity, and adult autonomous choice from family disagreement. This approach protects the vulnerable without disabling voluntary faith movement or treating inter-faith intimacy as a criminal fact.

II. CONSTITUTIONAL FRAMEWORK: CONSCIENCE, PROPAGATION AND PUBLIC ORDER

The constitutional foundation begins with conscience. Article 25 is not confined to organised religious practices; it protects an individual's inward freedom to believe, disbelieve, change belief or decline belief. The Supreme Court's early religious freedom cases emphasised that religious practice is protected not because the State approves its content, but because constitutional secularism requires the State to maintain equal respect and principled distance. The same line of reasoning recognised that propagation is a constitutional right, though it does not include force or fraud.

Conscience also has a negative dimension. A person cannot be compelled by the State or a private actor to profess a religion against his or her belief. In Bijoe Emmanuel, the Supreme Court protected students who refused to sing the national anthem on grounds of religious conscience, demonstrating that constitutional protection extends to unpopular or minority belief positions. This is relevant to conversion because the freedom to retain a religion and the freedom to leave it are both aspects of the same constitutional guarantee.

Public order is the principal justification for anti-conversion statutes. The State's claim is that conversions by force, fraud or allurement may create communal tension and disturb social peace. Rev. Stainislaus accepted this connection in relation to the laws then under challenge. Yet public order cannot be reduced to a formula that validates all forms of surveillance over faith. The State must still demonstrate that the measure is connected to a real risk of coercion or disorder and is not merely an instrument for preventing socially disfavoured choices.

The later development of Article 21 strengthens this point. Puttaswamy recognised decisional autonomy,

privacy, dignity and the ability to make intimate choices as core constitutional values. A decision to change religion is plainly a decision "close to life" because it concerns identity, belief, family, community and moral self-definition. If such a decision must be announced in advance to the District Magistrate, investigated by the police and sometimes displayed for objections, the interference is not merely procedural. It changes the nature of the right itself.

The doctrine of proportionality supplies the correct analytical frame. Where a law restricts a fundamental freedom, it should pursue a legitimate aim, use means suitable to that aim, avoid unnecessary impairment, and maintain a proper balance between the right and the State interest. The Supreme Court's privacy cases make this especially relevant because the State must justify not merely the existence of regulation but the intensity of intrusion. A secret verification of consent may be easier to defend than public notice; a complaint by the convert may be easier to defend than a complaint by a stranger; and proof of direct material inducement may be easier to defend than criminalising vague promises of a "better lifestyle".

The equality dimension is equally significant. When adult women are statutorily grouped with minors for aggravated punishment, the law may unintentionally reinforce the stereotype that women cannot decide questions of religion and marriage without being deceived. The Supreme Court's autonomy jurisprudence rejects such paternalism. Navtej Singh Johar and Joseph Shine are not conversion cases, but they affirm that constitutional morality protects decisional autonomy against majoritarian or patriarchal control.

Marriage adds another layer. In Shafin Jahan, the Supreme Court restored Hadiya's marriage and held that the choice of a partner is integral to personal liberty under Article 21. Earlier and later cases similarly protect the choice of adults to marry across caste, community or family preference. The anti-conversion debate must therefore be read with the Court's adult-choice jurisprudence, including the warning in Shakti Vahini that family or community disapproval cannot control adult partnership choices.

A related but distinct constitutional consequence of conversion concerns caste-based statutory status. In Chinthada Anand v. State of Andhra Pradesh, the Supreme Court held that a person who openly professes Christianity cannot claim Scheduled Caste status under Clause 3 of the Constitution (Scheduled Castes) Order, 1950 unless legally relevant reconversion and community acceptance are proved. The decision is not an anti-conversion statute case; its relevance here is narrower but important: conversion may carry serious collateral legal consequences, and therefore the legal system must verify voluntariness without converting an adult's faith decision into public surveillance.

The constitutional question is not whether the State may prevent coercion. It may. The more difficult question is whether the State may presume that a conversion attached to marriage is suspect, require the convert to pass through an administrative filter, and then expose the decision to relatives, objectors or police inquiry. After the privacy and autonomy cases, the answer must depend on whether the law is narrowly tailored to coercion and contains safeguards against misuse.

This balance also follows from India's model of secularism. Indian secularism does not require the State to be indifferent to exploitation in the name of religion. It permits reform, welfare regulation and public-order protection. But it also denies the State a theological role. Once a person's motive is examined not for evidence of coercion but for the genuineness of faith, the State risks entering a domain that constitutional secularism requires it to avoid. The proper enquiry is legal voluntariness, not religious authenticity.

III. STATE LEGISLATIVE FRAMEWORK: COMPARATIVE ANALYSIS

State anti-conversion laws developed in phases. The first generation began with the Orissa Freedom of Religion Act, 1967 and the Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968. These statutes prohibited conversion by force, fraud or inducement and were primarily justified on public-order grounds in tribal and communally sensitive areas. Arunachal Pradesh followed in 1978 with a statute that similarly

prohibited conversion by force, inducement or fraudulent means. Their common feature was that the prohibited means, not conversion itself, formed the core offence.

The second generation expanded procedural control. Gujarat's 2003 Act prohibited conversion by force, allurement or fraudulent means and required permission-related compliance. Later, the Gujarat Amendment Act, 2021 inserted marriage-linked provisions and made the statute more stringent. Uttarakhand's 2018 Act and Himachal Pradesh's 2019 Act similarly brought marriage, prior declaration and official scrutiny into the statutory architecture.

The third generation, beginning especially with the Uttar Pradesh law, represents a sharper shift. The U.P. Act prohibits conversion by misrepresentation, force, undue influence, coercion, allurement or fraudulent means, and its amended text also treats conversion by marriage or relationship in the nature of marriage as included when linked to those factors. The 2024 amendment made the law more stringent by widening who may lodge information, increasing punishment, retaining prior declarations and adding more restrictive bail conditions. The amended Act also defines allurement broadly, including free education in a reputed school run by a religious body, better lifestyle and divine displeasure.

Madhya Pradesh's 2021 statute follows a similar model. It prohibits unlawful conversion through misrepresentation, allurement, threat or force, undue influence, coercion, marriage or fraudulent means; declares certain marriages void; requires prior declaration; makes offences cognizable and non-bailable; and places the burden of proof on the accused. Karnataka's 2022 Act also includes prior declaration, inquiry and penal consequences for non-compliance. Haryana's 2022 Act prohibits conversion by misrepresentation, force, threat, undue influence, coercion, allurement, fraudulent means or marriage and contains aggravated punishments and declaration requirements.

Rajasthan is the most recent statutory development considered in this paper. The Rajasthan Prohibition of Unlawful Conversion of Religion Act, 2025 prohibits conversion through misrepresentation, misinformation, force, undue influence, coercion, allurement, online solicitation, fraudulent means, marriage or pretext of marriage. It also introduces concepts such as propaganda, online solicitation, property consequences, wide first-information standing and a ninety-day declaration before conversion. This makes the Rajasthan law a significant example of the migration from anti-coercion legislation to a broad regulatory regime over religious movement.

Across these statutes, five trends are clear. First, definitions of allurement have broadened from direct material inducement to "better lifestyle", "divine displeasure", "divine pleasure", free education and even comparative religious claims. Secondly, procedural requirements have shifted from post-conversion intimation to prior declarations and police inquiry. Thirdly, marriage has become a specific trigger for suspicion. Fourthly, modern statutes increasingly reverse the burden of proof. Fifthly, complainant standing has been widened in some States, allowing relatives or even wider categories of persons to initiate criminal process. These features were not part of the narrow issue decided in Rev. Stainislaus.

A second comparative point concerns penalty. The early statutes imposed relatively modest imprisonment terms, whereas the recent laws use substantially higher minimum punishments, aggravated categories and non-bailable classification. The amended U.P. Act, for example, now includes severe punishment for aggravated forms and restrictive bail language. Rajasthan's 2025 Act goes further by combining broad definitions with property consequences, wide first-information standing, public notice features and higher penalties. Such severity may be defensible for trafficking, violent coercion or organised fraud, but it becomes constitutionally problematic when the definitional threshold itself is vague.

A third comparative point concerns administrative design. Some statutes require the person intending to convert and the religious functionary to give prior declarations. The District Magistrate may then trigger an inquiry. In theory, this verifies consent. In practice, it can create a list of persons who intend to

change faith before they have done so. That list may become socially dangerous in local settings where inter-faith relationships or minority conversions are already contested. The regulatory structure therefore affects not only legal validity but also physical safety, family pressure and community surveillance.

A fourth comparative point is the treatment of reconversion. Several laws exclude return to an "immediate previous" or "ancestral" religion from the definition of conversion. This exception may be defended as a clarification, but it also reveals an asymmetry: movement away from one religion may invite scrutiny while movement back to a prior or ancestral faith is treated differently. A genuinely conscience-centred statute should focus on the presence or absence of coercion rather than on the direction of religious movement.

Comparative material from PRS Legislative Research and the Law Library of Congress confirms that Indian state laws vary considerably in definitions, punishment, cognizability, declaration rules and enforcement design. The diversity itself is not unconstitutional; Indian federalism permits state experimentation. The problem arises when experimentation burdens a fundamental right without a uniform constitutional baseline. A person's conscience should not receive substantially different levels of privacy depending merely on the State in which the conversion takes place.

A constitutionally preferable model would therefore distinguish three categories. The first category is voluntary conversion, which should require no prior permission and no public notice. The second is conversion involving a vulnerable person, such as a minor or a person unable to give legally valid consent, where protective verification may be justified. The third is conversion through provable unlawful means, where the ordinary criminal process should apply. The weakness of several recent statutes is that they collapse these categories and subject even adult voluntary conversion to a criminal-law style filter.

IV. JUDICIAL DEVELOPMENTS AND RECENT CASES

The judicial trajectory has moved in three directions. First, the public-order line begins with Rev. Stainislaus, which continues to authorise regulation of conversion by improper means. Secondly, the personal-law line prevents conversion from being used as a device to defeat existing legal obligations. In Sarla Mudgal, the Supreme Court held that a Hindu husband could not escape the first marriage and commit bigamy by converting to Islam for a second marriage. Lily Thomas reaffirmed that religion cannot be used as a cloak for fraud on law.

Thirdly, the autonomy line has become increasingly important. The Himachal Pradesh High Court in Evangelical Fellowship of India struck down a prior notice requirement because compelled disclosure of an intended change of faith invaded privacy and created the risk of social pressure. The case is significant because it treats conversion not simply as a public-order event, but as an intimate decision requiring constitutional breathing space.

Allahabad High Court decisions on adult choice and inter-faith relationships have also shaped the debate. In Salamat Ansari, the Court held that two adults living together cannot be treated as criminals merely because they belong to different religions; the decision emphasised personal liberty and choice. In Safiya Sultana, the Court read the Special Marriage Act notice regime in light of privacy and held that publication of notice should not become a source of social coercion for couples. These decisions are relevant because anti-conversion laws often operate in the same social field as inter-faith marriage.

The Gujarat High Court's interim order in Jamiat Ulama-E-Hind Gujarat is a direct example of judicial pushback against marriage-linked overbreadth. The Court stayed the operation of certain amended provisions to the extent that they treated inter-faith marriages between consenting adults as offences without force, fraud or allurement. This approach preserves the State's power to prosecute coercive conversion while preventing the criminalisation of adult marital choice.

Recent cases after 2024 show that misuse and over-inclusion are not hypothetical concerns. In Mustafa v. State, the Karnataka High Court quashed proceedings

under the Karnataka Act because the complaint was lodged by an unrelated third party and the allegations did not disclose conversion or an attempt to convert. The decision is important because it distinguishes propagation or distribution of religious material from a legally punishable conversion attempt.

The Supreme Court's 2025 judgment in Rajendra Bihari Lal is a major recent development. The Court examined multiple FIRs arising from alleged mass conversion under the U.P. Act and emphasised that criminal process cannot be used as a tool of harassment where the statutory ingredients are not made out. The decision does not finally decide the facial validity of every anti-conversion statute, but it strengthens the principle that courts must scrutinise ingredients, locus, allegations and the possibility of abuse in such prosecutions.

The relevant portion of Rajendra Bihari Lal is especially significant for this paper. The Court treated the unamended Section 4 of the U.P. Act as a substantive procedural safeguard: prosecution could be initiated only by the aggrieved individual or by close relatives, because religious belief, renunciation and acceptance of faith lie within the private domain of conscience and decisional autonomy. The Court further held that criminal proceedings initiated by strangers or unrelated third parties would impermissibly intrude into personal liberty and freedom of religion. It also applied the T.T. Antony rule to hold that multiple FIRs for the same alleged mass-conversion occurrence were impermissible; subsequent information had to be treated as part of the first investigation, not as fresh FIRs.

The concern has continued into 2026. In Mohd. Faizan, the Allahabad High Court, relying on the statement of the adult woman and the absence of conversion-related coercion, flagged the disturbing trend of third-party FIRs under the U.P. Act and directed official accountability. The order illustrates the practical risk that family objection or organisational pressure may be converted into a criminal case even when the supposed victim asserts autonomy.

The criminal-process cases are also important because many anti-conversion prosecutions begin not with a final judicial finding of unlawful conversion but with arrest, investigation and social stigma. The Supreme Court's quashing jurisprudence in Bhajan Lal remains relevant wherever the allegations, even if accepted at face value, do not disclose the ingredients of the offence. Similarly, compensation and accountability principles from illegal-arrest cases such as Rini Johar matter when the State uses stringent statutes without adequate factual foundation.

The 2026 decision in Chinthada Anand also contributes to this criminal-process analysis. The Supreme Court accepted that, after conversion to Christianity, the appellant could not invoke SC/ST Act protection as a Scheduled Caste under the Presidential Order; at the same time, it refused to revive the IPC charges because the investigation material did not disclose the basic foundation of wrongful restraint, hurt or intimidation. The doctrinal lesson is twofold: conversion can be legally consequential, but criminal proceedings arising out of conversion-related social conflict must still satisfy the statutory ingredients of the alleged offences.

The Special Marriage Act jurisprudence must also be read alongside conversion law. Many adults choose conversion because the secular marriage route is slow, publicly exposed or socially unsafe. If the secular route itself becomes a notice-and-objection regime and the conversion route becomes a prior-permission regime, the combined effect is to narrow the practical freedom of inter-faith couples. The law then creates a paradox: it formally allows adult choice but structures both available paths in a manner that invites family or community obstruction.

These cases produce a doctrinal tension. Rev. Stainislaus validates the State's power to prevent coercive conversion, but Puttaswamy, Shafin Jahan and the recent High Court cases require privacy, autonomy and evidentiary discipline. The future constitutional review of anti-conversion laws will therefore likely turn not on the abstract power to legislate, but on the proportionality of specific devices: prior notice, public display, reverse burden, marriage invalidation, bail restrictions and complainant standing.

The pending and connected challenges before the Supreme Court make this doctrinal reconciliation urgent. The Court is not required to choose between protecting vulnerable citizens and protecting religious freedom. It can do both by preserving the offence of coercive conversion while reading down or testing the ancillary devices that burden adult choice. The question for constitutional adjudication should be framed with precision: not "are anti-conversion laws valid?", but "which parts of which laws are necessary and proportionate to prevent force or fraud?"

V. CRITICAL ANALYSIS: FROM ANTI-COERCION TO CONSCIENCE LICENSING

The first problem is vagueness. A criminal statute must define the offence with sufficient clarity so that citizens know what is prohibited and enforcement authorities cannot act on subjective preference. Terms such as "better lifestyle", "divine displeasure", "divine pleasure", "glorifying one religion against another" or "propaganda" risk criminalising ordinary religious speech. Many religions make comparative truth claims; many charitable institutions provide education, health care or social support without a direct bargain for conversion. A constitutionally acceptable law must distinguish direct quid pro quo procurement from general charity and persuasion.

The second problem is prior declaration. A law that asks an adult to notify the District Magistrate sixty or ninety days before changing religion treats conscience as a licensed activity. Where the law then authorises police inquiry into the "real intention, purpose and cause" of the proposed conversion, the convert's inner life becomes an administrative file. This is difficult to reconcile with the privacy principle in Puttaswamy and the adult-choice principle in Shafin Jahan.

The third problem is public exposure. Some statutory schemes require display of declarations or invite objections. The Special Marriage Act experience shows how notice regimes may become mechanisms of social surveillance rather than neutral administration. Where conversion notice is displayed, relatives, vigilante groups or community actors may intervene before the adult has a safe opportunity to exercise choice. The problem is therefore not only legal but practical: prior notice can chill the right even if the eventual conversion is never formally prohibited.

The fourth problem is the treatment of women. Several statutes treat women, along with minors and Scheduled Caste/Scheduled Tribe persons, as an aggravated category. Protective legislation may legitimately recognise vulnerability in specific contexts, but a blanket assumption that adult women are inherently less capable of choosing faith or marriage risks reproducing gender paternalism. The Supreme Court in Shafin Jahan rejected the idea that an adult woman's religious and marital choices can be judicially or parentally re-made. A law that begins from suspicion of women's agency must therefore be narrowly justified.

The fifth problem is reverse burden. Modern laws in Uttar Pradesh and Madhya Pradesh place the burden on the person who caused or facilitated conversion to show that it was not unlawful. Reverse burdens are not unknown to criminal law, but they require strong justification and procedural safeguards. In conversion cases, a reverse burden may be especially harsh because the facts often involve private conversations, spiritual motivation, family disagreement and community pressure. Presuming suspicion may convert ordinary religious association into a defence burden.

The sixth problem is bail and arrest. When offences are made cognizable and non-bailable, and when bail is restricted through twin-condition language, the process itself becomes punitive. The Supreme Court has repeatedly cautioned that arrest should not be mechanical and that personal liberty must guide criminal process. In anti-conversion cases, a false FIR can immediately affect liberty, reputation, employment and family life even if the case ultimately fails.

The seventh problem is complainant standing. A law that allows "any person" or very broad categories of relatives to lodge information increases the risk of criminalising adult autonomy. Recent judicial orders show that third-party complaints can be used where the alleged victim denies coercion. The complainant rule should therefore be tied to the converted person,

a guardian in case of a minor or a court-permitted complainant in narrowly defined circumstances.

The eighth problem is institutional overbreadth. Recent statutes sometimes attach liability to organisations, educational institutions, hospitals, orphanages, old age homes or religious bodies. Institutional liability is justified where an institution is directly involved in coercion or fraud. However, if the statutory definition of allurement includes free education, medical care or better lifestyle, then ordinary welfare activity by a religious institution may become vulnerable to criminal suspicion. This is particularly troubling in a country where civil society organisations often fill gaps in public welfare delivery.

The ninth problem is the digital expansion of conversion law. Rajasthan's 2025 Act refers to online solicitation and propaganda, reflecting contemporary concern about digital persuasion. Digital fraud, impersonation and targeted coercion can certainly be regulated. But digital religious speech is also speech protected by Articles 19 and 25. A person watching a sermon, receiving a message or participating in an online prayer group cannot automatically be treated as a victim of unlawful conversion. The legal test must again be means-based and evidence-based.

The tenth problem is the risk of selective enforcement. Anti-conversion laws are facially neutral in many respects, yet enforcement often arises in minority religious contexts or inter-faith relationship contexts. Constitutional courts need not assume bad faith in every case, but they must design doctrines that reduce the possibility of selective use. The requirement of specific allegations, competent complainant, adult statement, demonstrable nexus and arrest safeguards is therefore not merely technical; it is a rule-of-law necessity.

The proposed autonomy-sensitive coercion test addresses these problems. It has four limbs. First, the prohibited act must be a coercive or fraudulent means, not mere propagation, charity or comparative religious speech. Secondly, the law must require a direct nexus between the alleged benefit or threat and the act of conversion. Thirdly, where the convert is an adult and personally asserts free consent before a magistrate or court, that statement should ordinarily be decisive unless there is specific evidence of coercion. Fourthly, any procedural requirement must preserve confidentiality and avoid public notice unless a court finds a concrete risk of unlawful pressure.

This test does not weaken protection against real exploitation. It strengthens it by directing enforcement towards provable coercion rather than diffuse suspicion. It also aligns with federal diversity: States may retain their legislation, but the constitutional minimum should be that voluntary adult conversion is not presumed unlawful and that privacy is the default.

The test also improves administrability. Police officers would first ask whether the complaint is competent and whether the alleged convert is an adult. They would then record the adult's statement in a safe and confidential setting. If the adult denies coercion and there is no independent evidence of force, fraud, trafficking, confinement, impersonation or direct payment for conversion, arrest should not follow. If there is such evidence, the ordinary criminal law should proceed. This method is more protective than the present suspicion-based model because it concentrates state power on actual wrongdoing.

VI. CONCLUSION AND SUGGESTIONS

Conclusion. The Indian law of religious conversion has travelled from public-order regulation to an increasingly intrusive model of conscience supervision. The early statutes targeted force, fraud and inducement; the latest statutes include wide definitions, declaration duties, police inquiry, marriage-linked presumptions, reverse burden, broad complainant categories and restrictive bail. The State's legitimate objective is real: vulnerable persons should not be converted by coercion, fraud, trafficking, intimidation or direct material procurement. But the constitutional difficulty begins when the law treats adult choice as suspect merely because it concerns religion or marriage.

The correct position is neither absolute deregulation nor blanket criminal suspicion. The Constitution

protects both the right to retain religion and the right to leave it. It protects propagation but not coercion. It allows public-order regulation but not public exposure of conscience without necessity. The modern jurisprudence of privacy and autonomy therefore requires anti-conversion statutes to be read, applied and if necessary amended so that they punish unlawful means, not voluntary belief. The recent decisions in Rajendra Bihari Lal, Mustafa and Mohd. Faizan demonstrates that courts are increasingly attentive to statutory ingredients, misuse and third-party harassment.

Suggestions. The following reforms are recommended for a constitutionally sound and publication-worthy model of conversion regulation:

- 1. Narrow the definition of allurement. Allurement should be confined to direct material inducement offered as a quid pro quo for conversion. General charity, education, medical aid, sermons, theological promises and comparative religious claims should not be treated as criminal allurement unless linked to a specific coercive bargain.
- 2. Protect confidential adult declarations. If a declaration mechanism is retained, it should be confidential and limited to verifying consent. Public display, invitation of objections and routine police inquiry should be removed for adult converts.
- 3. Restore the ordinary burden of proof. The prosecution should prove force, fraud, coercion, undue influence or direct inducement. A reverse burden, if retained at all, should be limited to cases involving minors, persons of unsound mind or proven custodial domination.
- 4. De-link marriage from criminal presumption. Marriage should not by itself create a presumption of unlawful conversion. The validity of marriage must be determined under family law and the Special Marriage Act, while conversion-related crime should require independent proof of prohibited means.
- 5. Restrict complainant standing. The primary complainant should be the converted person. In cases involving minors or persons unable to complain, a guardian or a court-permitted complainant may act. “Any person” standing should be deleted because it encourages vigilantism and third-party criminalisation.
- 6. Apply arrest safeguards. Police should record reasons for arrest, comply with statutory arrest safeguards and treat the adult convert’s statement as central. Mechanical arrest in family-dispute or inter-faith relationship cases should attract departmental accountability.
- 7. Provide safe access to magistrates and legal aid. State Legal Services Authorities should create confidential help desks for adults facing family or community pressure due to conversion or inter-faith marriage. The purpose should be protection of choice, not counselling against conversion.
- 8. Adopt the autonomy-sensitive coercion test. Courts and legislatures should adopt a four-part test: identify a prohibited means; require direct nexus; give decisive weight to the adult convert’s free statement; and preserve confidentiality unless concrete coercion is shown.
- 9. Create a statutory protection clause. Every state law should expressly state that voluntary conversion by an adult, propagation of religion, comparative theological speech, and bona fide charity are not offences unless accompanied by a prohibited means proven by the prosecution.
- 10. Require periodic legislative review. State legislatures should review FIRs, arrests, charge-sheets, convictions, acquittals and quashing orders under these Acts every two years. Publication of anonymised enforcement data would allow courts, scholars and civil society to distinguish genuine coercion cases from misuse.
- 11. Provide neutral information on collateral legal consequences. Where an adult declaration is recorded, the authority may privately inform the convert of legal consequences relating to personal law, marriage registration, inheritance, guardianship and, where applicable, Scheduled Caste status under the Constitution (Scheduled Castes) Order, 1950. This should remain an informational safeguard and must not become a permission requirement.

A secular democracy is not weakened by genuine changes of faith. It is weakened when the State is asked to police conscience without evidence of coercion. The aim of law should be to protect the

vulnerable from exploitation while preserving the dignity of the seeker. Anti-conversion law will be constitutionally legitimate only when it targets unlawful means with precision and leaves voluntary conscience free.

FOOTNOTES

[1] The Constitution of India, arts. 25(1), 25(2), 26 and 21.

[2] Rev. Stainislaus v. State of Madhya Pradesh, (1977) SCC 677.

[3] Commr., Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, 1954 SCR 1005.

[4] Ratilal Panachand Gandhi v. State of Bombay, 1954 SCR 1055.

[5] Bijoe Emmanuel v. State of Kerala, (1986) 3 SCC 615.

[6] Rev. Stainislaus v. State of Madhya Pradesh, (1977) 1 SCC 677.

[7] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

[8] Modern Dental College & Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.

[9] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2019) 1 SCC 1.

[10] Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

[11] Joseph Shine v. Union of India, (2019) 3 SCC 39.

[12] Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368.

[13] Lata Singh v. State of U.P., (2006) 5 SCC 475.

[14] Shakti Vahini v. Union of India, (2018) 7 SCC 192.

[15] Chinthada Anand v. State of Andhra Pradesh, 2026 INSC 283 (S.C.), Criminal Appeal No. 1580 of 2026, decided on Mar. 24, 2026, paras 55-61, available at: https://api.sci.gov.in/supremecourt/2025/26891/26891_2025_16_1501_69653_Judgement_24-Mar-2026.pdf (last visited on May 14, 2026).

[16] The Orissa Freedom of Religion Act, 1967 (Orissa Act 2 of 1968), ss. 2 and 3, available at: https://law.odisha.gov.in/sites/default/files/2020-12/act_884132771_1437987451.pdf (last visited on May 13, 2026).

[17] The Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 (M.P. Act 27 of 1968), ss. 2 and 3.

[18] The Arunachal Pradesh Freedom of Religion Act, 1978 (Act 4 of 1978), ss. 2 and 3, available at: https://www.indiacode.nic.in/bitstream/123456789/3921/1/AP%20freedom%20of%20Religion%201978.pdf (last visited on May 13, 2026).

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