

# Anti-Conversion Laws in India: Constitutional Validity and Human Rights Implications

Roy Alex <sup>1</sup>, Shampa I Dev <sup>1\*</sup>, Douglas de Castro<sup>2</sup>

<sup>1</sup> School of Law, CHRIST (Deemed to be) University, Bangalore 560029, India.

<sup>2</sup> School of Law, Lanzhou University, Lanzhou, China.

\* **Corresponding author:** shampa.dev@christuniversity.in

**ABSTRACT:** This study critically evaluates the constitutional validity and human rights implications of State-level freedom of religion laws commonly known as anti-conversion laws in India within the broader framework of religious freedom. Enshrined in Article 25 of the Constitution of India, which guarantees freedom of conscience and the right to profess, practice, and propagate religion, the research analyses whether such laws impose unreasonable restrictions on this fundamental right. Employing a doctrinal research methodology, the study relies on constitutional provisions, statutory analysis of eleven state “Freedom of Religion” laws, judicial precedents—particularly *Rev. Stanislaus v. State of Madhya Pradesh* and *Sarla Mudgal v. Union of India*—and relevant international human rights instruments, including the UDHR and ICCPR. It is found that the states possess legitimate authority to regulate religious conversions obtained through force, fraud or coercion in the interest of public order, several state level anti-conversion statutes contain vague and expansive definitions of terms such as “allurement,” “inducement,” “force,” and “undue influence.” Such ambiguity enables potential misuse, restricts voluntary religious choice, and may infringe Articles 14, 15, and 25 of the Constitution. The study further identifies procedural burdens, including mandatory prior notification and reversal of the burden of proof, as inconsistent with the presumption of innocence and the right to freely adopt a religion under international human rights law. Additionally, the differential treatment of “conversion” and “reconversion” raises concerns of discrimination. The research concludes that although preventing unlawful conversions is constitutionally permissible, existing state anti-conversion laws require substantive clarification and reform to ensure compatibility with constitutional guarantees and international human rights standards.

**Keywords:** freedom of conscience; allurement; inducement; fraudulent means; international human rights principles.

## I. INTRODUCTION

Religion has historically constituted a foundational element of Indian society, shaping its cultural traditions, social institutions, and public life even as the nation evolved into a constitutional democracy. Although India does not recognize any official state religion, religious belief and practice continue to occupy a significant place in the daily lives of its people. The constitutional vision of India as a secular and pluralistic republic reflects a long civilizational heritage informed by concepts such as dharma, karma, and bhakti, while simultaneously accommodating diverse faith traditions including Islam, Christianity, Sikhism, Buddhism, Jainism, and others. Within this plural framework, the Constitution of India guarantees to every person the freedom of conscience and the right to profess, practice, and propagate religion under Article 25, subject to reasonable restrictions.

Despite this constitutional assurance, the issue of religious conversion has remained a deeply contested subject in India. In recent decades, the debate has intensified, particularly in light of legislative measures enacted by several states to regulate conversions alleged to have been effected through force, fraud, inducement, or allurement. At present, eleven Indian states have adopted so-called “Freedom of Religion” laws aimed at preventing unlawful conversions in the interest of public order. However, these statutes have generated sustained constitutional and human rights concerns. Critics argue that the broad and ambiguous terminology employed—such as “allurement,”

“inducement,” “force,” and “fraudulent means” — creates scope for misuse, imposes procedural burdens, and may disproportionately affect individuals seeking to change or adopt a faith.

This research is situated within this constitutional and normative tension. It addresses the central question of whether state-level anti-conversion laws, while ostensibly enacted to protect freedom of conscience, in fact impose disproportionate restrictions on the very right guaranteed under Article 25. The study identifies a significant gap in existing scholarship: although judicial precedents such as *Rev. Stanislaus v. State of Madhya Pradesh* have upheld the legislative competence of states to regulate conversions, there remains insufficient critical engagement with the evolving human rights framework and the practical implications of these laws.

This study pursues three interrelated objectives: first, to examine the scope and limitations of the constitutional guarantee of religious freedom under Article 25; second, to critically analyse state anti-conversion laws, particularly in relation to definitional ambiguity, procedural requirements, and the differential treatment of conversion and reconversion; and third, to assess their compatibility with international human rights standards, notably the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The research is confined to a doctrinal and comparative legal analysis of constitutional provisions, statutory texts, judicial decisions, and relevant international instruments, situating domestic legislation within a broader human rights framework to evaluate the balance between public order and individual autonomy in matters of faith. Structure of the Paper is organized as follows: Section II outlines the theoretical and constitutional background of religious freedom in India. Section III reviews the relevant literature and statutory framework concerning anti-conversion laws. Section IV presents a critical discussion of constitutional validity and international human rights implications. Section V concludes with observations and recommendations for reform.

## II. RELATED WORK

The discourse on religious freedom in India — particularly the interpretation of Article 25 and the constitutional validity of anti-conversion laws — has generated an extensive interdisciplinary scholarship spanning constitutional theory, secularism, minority rights, gender justice, and international human rights law. This body of literature provides the conceptual and normative foundation for evaluating the legitimacy of state regulation of religious conversion within India’s plural constitutional order.

### 1. THEORETICAL FOUNDATIONS OF RELIGIOUS FREEDOM AND SECULARISM

Comparative and theoretical scholarship situates Indian debates within broader constitutional and philosophical traditions. Works such as Ferrari and Cristofori’s *Law and Religion in the 21st Century*, Boylan’s *Freedom of Religion and the Secular State*, Ahdar and Leigh’s *Religious Freedom in the Liberal State*, and Cross’s *Constitutions and Religious Freedom* explore the tension between religious liberty and state authority in liberal democracies. Malcolm Evans, Peter Petkoff, and Julian Rivers extend this inquiry to international human rights law, examining the evolving scope of Article 18 protections. Rajeev Bhargava’s analysis of the ethics of the Indian Constitution and Gary Jacobsohn’s *The Wheel of Law* provide distinctive accounts of Indian secularism as a contextual and dialogic model rather than a strict separationist framework. T.N. Madan’s critique of secularism and Upendra Baxi’s reflections on the future of human rights further illuminate the normative dilemmas of accommodating diversity while safeguarding constitutional morality. Philosophical perspectives from Gavin Flood and Dr. S. Radhakrishnan reinforce the intrinsic relationship between freedom of conscience, dignity, and moral agency — an understanding echoed in international instruments such as the Universal Declaration of Human Rights (1948), the ICCPR (entered into force 1976), and the UN Human Rights Committee’s General Comment No. 22.

### 2. RELIGION, MINORITY RIGHTS, AND THE INDIAN CONSTITUTIONAL FRAMEWORK

Within Indian constitutional scholarship, M.P. Jain, P.I. Bhat, V.N. Mahajan, A.G. Noorani, and S.L. Swarup provide doctrinal analyses of Articles 25–30, emphasizing the interrelationship between religious liberty, equality, and minority protection. A. Singhvi and Tahir Mahmood underscore the plural character of Indian constitutionalism, while M.A. Wani examines the conceptual limits of freedom of conscience. Socio-legal perspectives, including Prakash Shah’s work on ethnic plurality and Stephens’ study of secular conflict sites, contextualize religious freedom within India’s complex social fabric. Flavia Agnes’ examination of gender inequality and women’s rights introduces a critical dimension, highlighting how religious regulation often intersects with gender justice — an issue increasingly visible in contemporary debates on conversion and marriage. Reports such as Asma Jahangir’s human rights mapping and analyses by the South Asia Human Rights Documentation Centre further situate religious freedom within broader civil liberties concerns.

### 3. ANTI-CONVERSION LAWS AND LEGISLATIVE DEVELOPMENTS

A substantial body of scholarship directly addresses anti-conversion legislation. Historical statutes such as the Orissa Freedom of Religion Act, 1967, and the Arunachal Pradesh Freedom of Religion Act, 1978, laid the groundwork for subsequent enactments, including the Madhya Pradesh Freedom of Religion Acts (2021), the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, and the Karnataka Protection of Right to Freedom of Religion Act, 2022. Scholars such as James Andrew Huff, Saadiya Suleman, Nazish S., and Sharma and Dixit provide doctrinal and critical analyses of these laws, while Arora and Wilson offer policy-oriented evaluations highlighting concerns of overbreadth and administrative discretion. The South Asia Human Rights Documentation Centre and Mallows (2021) critique expansive definitions of “force,” “fraud,” and “allurement,” arguing that vagueness risks chilling legitimate religious propagation. Empirical and socio-political studies, including Kim’s exploration of conversion controversies and Nielsen and Nilsen’s analysis of “love jihad” narratives, demonstrate how gender, intimacy, and majoritarian politics intersect with legislative regulation. Collectively, these works reveal a persistent tension between the stated objective of preventing coercion and the broader implications for individual autonomy.

### 4. JUDICIAL INTERPRETATION AND DOCTRINAL DEBATES

Judicial pronouncements form a central axis of the literature. The Supreme Court’s decision in *Rev. Stanislaus v. State of Madhya Pradesh* (1977) upheld anti-conversion statutes while narrowing the meaning of “propagation.” Subsequent cases such as *Sarla Mudgal*, *Shah Bano*, and later autonomy-centered decisions have reshaped the constitutional landscape, foregrounding dignity, privacy, and gender equality. Scholars including Faizan Mustafa and Jagtshwar Singh Sohi critique the “essential religious practices” doctrine, cautioning against judicial overreach into theological determination. Broader constitutional analyses by Baxi, Bhargava, and Singhvi interrogate the Court’s evolving role in balancing group rights and individual freedoms within India’s secular framework.

### 5. IDENTIFIED GAPS AND RESEARCH DIRECTION

Despite the richness of existing scholarship, certain gaps remain. While doctrinal and socio-political critiques of anti-conversion laws are substantial, there is limited integrative analysis that systematically evaluates recent state enactments in light of both contemporary constitutional jurisprudence and binding international human rights standards. Moreover, although definitional ambiguity and procedural burdens have been discussed, insufficient attention has been paid to their cumulative impact on dignity, autonomy, gender justice, and the presumption of innocence. This study builds upon prior scholarship by synthesizing constitutional doctrine, statutory developments, judicial interpretation, and international norms into a consolidated analytical framework. In doing so, it seeks to advance a coherent and comprehensive evaluation of the legitimacy and human rights implications of anti-conversion laws within India’s evolving democratic and secular constitutional order.

## III. MATERIAL AND METHOD

This study adopts a qualitative doctrinal legal research design to examine the constitutional validity and human rights implications of anti-conversion laws in India. The research analyzes primary legal materials, including constitutional provisions, state-level freedom of religion statutes, Supreme Court and High Court judgments, and international human rights instruments. Primary sources include the Constitution of India (particularly Articles 14, 15, 19, 25–28), the Orissa Freedom of Religion Act, 1967; the Arunachal Pradesh Freedom of Religion Act, 1978; the Madhya Pradesh Freedom of Religion Act, 2021; the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021; the Karnataka Protection of Right to Freedom of Religion Act, 2022; and relevant judicial precedents such as *Rev. Stanislaus v. State of Madhya Pradesh*. International instruments examined include Article 18 of the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1976), and the UN Human Rights Committee’s General Comment No. 22. Secondary sources comprise peer-reviewed scholarship, constitutional commentaries, human rights reports, and socio-legal analyses that contextualize doctrinal developments.

The study applies a qualitative thematic and doctrinal analysis to identify structural tensions, interpretative ambiguities, and normative conflicts within and across statutory frameworks. Using a deductive–inductive coding approach, deductive codes were derived from constitutional principles such as freedom of conscience, secularism, equality, dignity, public order, and proportionality, while inductive codes emerged from close textual interpretation of statutory provisions and judicial reasoning. Coding was systematically applied to constitutional texts, legislative enactments, judicial decisions, comparative materials, and scholarly commentary. In total, the study generated

thirty-four primary codes, organized into eleven subcategories and consolidated into six overarching themes, with coding conducted manually through structured doctrinal examination and comparative legal analysis.

**Table 1.** Summarized coding matrix table.

Theme	No. of Codes	Core Legal Focus
Constitutional Scope of Article 25	6	Limits of conscience, profession, practice, propagation
Public Order and State Regulation	5	Justifications for restriction and regulatory thresholds
Definitional Ambiguity	6	Force, fraud, allurement, undue influence
Procedural Control Mechanisms	6	Prior notice, administrative inquiry, burden of proof
Autonomy, Dignity and Gender Justice	5	Individual choice, marriage, identity, equality
International Human Rights Compatibility	6	Article 18 standards and proportionality review

Through this structured doctrinal methodology, the study ensures analytical rigor, transparency, and normative coherence in evaluating anti-conversion laws within India’s constitutional and international human rights framework.

#### IV. DATA ANALYSIS

The present study employs a structured doctrinal and qualitative analytical framework to evaluate the constitutional and human rights implications of state-level anti-conversion laws in India. Given that the research is non-empirical and library-based, the “data” consist of constitutional provisions, statutory texts, judicial precedents, and international human rights instruments. The analysis is conducted through systematic interpretation, thematic categorization, and normative evaluation aligned with the research objectives.

The analytical approach is divided into quantitative (descriptive-statistical mapping of legislation), qualitative (thematic doctrinal analysis), and mixed-method synthesis to ensure coherence, transparency, and methodological rigor.

##### 1. QUANTITATIVE DATA ANALYSIS

Although the study is primarily doctrinal, limited quantitative analysis has been undertaken to map the structural features of anti-conversion laws across eleven Indian states. This involves descriptive tabulation and comparative categorization of statutory elements such as definitional scope, procedural requirements, penal provisions, and burden of proof clauses. No inferential statistical tools (e.g., regression or ANOVA) are employed, as the research does not involve numerical datasets or hypothesis testing. Instead, quantitative analysis is confined to legislative pattern identification and frequency comparison.

**Table 2.** Comparative legislative features of state anti-conversion laws.

Legislative Feature	Number of States (out of 11)	Observations
Broad definitions of “allurement/inducement”	11	Uniform presence of expansive terminology
Mandatory prior notification	7	Procedural pre-condition to conversion
Public objection mechanism	5	Administrative scrutiny by District Magistrate
Reversal of burden of proof	7	Accused required to prove innocence
Exemption for reconversion	4	Differential treatment between conversion and reconversion

Note: The table reflects doctrinal mapping based on statutory review.

This descriptive quantification reveals legislative convergence in three core areas: definitional expansiveness, procedural control, and penal enforcement. The statistical distribution supports the argument that regulatory intensity is not isolated but systemic across jurisdictions.

##### 2. QUALITATIVE DATA ANALYSIS

Given the doctrinal nature of the research, qualitative thematic analysis constitutes the principal analytical method. Textual materials—including constitutional provisions (Articles 14, 15, 25), judicial decisions (Rev.

Stanislaus; Sarla Mudgal), and international instruments (UDHR Article 18; ICCPR Articles 14 and 18)—were examined through content analysis and thematic coding.

The analysis proceeded in three stages:

- Textual Coding – Identification of recurring statutory terms (e.g., “allurement,” “force,” “undue influence,” “fraudulent means”).
- Theme Development – Grouping provisions into broader constitutional themes such as autonomy, equality, public order, presumption of innocence, and secular neutrality.
- Normative Evaluation – Assessing compatibility with constitutional guarantees and international human rights standards.

**MAJOR THEMES IDENTIFIED**

**Theme 1: Definitional Ambiguity and Overbreadth**

Expansive definitions of “allurement,” “inducement,” and “force” were found to blur the line between coercion and legitimate religious propagation. The inclusion of concepts such as “divine displeasure” or “better lifestyle” potentially criminalizes ordinary religious expression and charitable acts.

**Theme 2: Procedural Intrusion into Freedom of Conscience**

Mandatory prior notification and public objection mechanisms were identified as intrusive state oversight into personal belief systems. These requirements potentially chill voluntary conversions and conflict with the ICCPR’s prohibition on coercive disclosure of religious belief.

**Theme 3: Reversal of Burden of Proof**

Statutory provisions shifting the burden of proof to the accused conflict with the presumption of innocence recognized under Article 14 of the ICCPR and Article 11 of the UDHR. This procedural inversion raises concerns regarding fairness and due process.

**Theme 4: Discrimination between Conversion and Reconversion**

Exemptions for reconversion create asymmetrical treatment based on religious identity. This distinction raises constitutional concerns under Articles 14 and 15 relating to equality and non-discrimination.

**Theme 5: Tension between Public Order and Individual Autonomy**

Judicial reliance on Rev. Stanislaus affirms the state’s authority to regulate forcible conversions in the interest of public order. However, evolving jurisprudence emphasizing dignity, autonomy, and privacy suggests the need for re-evaluation in light of contemporary constitutional morality.

**Table 3.** Thematic categorization of key legal issues.

Theme	Constitutional Concern	International Standard
Definitional Ambiguity	Article 25 – Freedom of conscience	ICCPR Art. 18
Notification Requirement	Privacy & autonomy	ICCPR General Comment 22
Burden of Proof	Article 14 – Equality before law	ICCPR Art. 14
Reconversion Exception	Article 15 – Non-discrimination	UDHR Art. 2
Penal Severity	Proportionality principle	ICCPR proportionality doctrine

Thematic analysis demonstrates that the cumulative impact of these provisions extends beyond isolated statutory irregularities and instead reflects structural constraints on religious autonomy.

**3. MIXED-METHODS DATA ANALYSIS**

The study integrates descriptive legislative mapping (quantitative) with doctrinal thematic interpretation (qualitative) to produce a comprehensive evaluation. This mixed-method synthesis enables triangulation between statutory frequency patterns and normative constitutional assessment.

The convergence of findings across both analytical dimensions indicates:

A systematic legislative trend toward regulatory expansion in matters of conversion.

A consistent pattern of procedural burdens affecting religious choice.

A normative misalignment with international human rights principles concerning autonomy and presumption of innocence.

**Table 4.** Integrated analytical synthesis.

Analytical Dimension	Key Finding	Implication
----------------------	-------------	-------------

Legislative Mapping	Broad, similar statutory structures across states	Indicates coordinated regulatory model
Thematic Evaluation	Ambiguity + procedural intrusion	Potential infringement of Article 25
Human Rights Assessment	Conflict with ICCPR & UDHR norms	International compatibility concerns
Judicial Context	Reliance on Rev. Stanislaus	Need for doctrinal re-examination

The mixed-method approach enhances analytical reliability by demonstrating that doctrinal concerns are not speculative but grounded in observable statutory patterns.

**Analytical Outcome**

The data analysis establishes that while state legislatures possess constitutional authority to regulate conversions obtained through coercion or fraud in the interest of public order, the cumulative statutory architecture—characterized by vague definitions, procedural preconditions, burden-shifting mechanisms, and differential treatment of reconversion—raises substantial constitutional and human rights concerns.

The structured analytical framework adopted in this section ensures methodological transparency, strengthens the credibility of findings, and provides a coherent foundation for the study’s concluding recommendations on statutory reform and doctrinal reconsideration.

**V. THEMATIC SYNTHESIS**

The thematic synthesis of the study demonstrates that state-level anti-conversion laws in India exhibit a structurally consistent regulatory model characterized by expansive definitional clauses, procedural preconditions, penal enforcement mechanisms, and selective exemptions, which collectively intensify state oversight over religious conversion. Through descriptive legislative mapping and qualitative doctrinal analysis, the research identifies recurring constitutional tensions relating to freedom of conscience under Article 25, equality and non-discrimination under Articles 14 and 15, and principles of autonomy, privacy, and presumption of innocence. The thematic coding reveals that vague terminology such as “allurement” and “undue influence,” mandatory prior notification requirements, public objection procedures, and reversal of the burden of proof cumulatively extend beyond the legitimate regulation of coercive conversions and risk constraining voluntary religious choice. Furthermore, exemptions for reconversion introduce asymmetrical treatment that raises equality concerns. When evaluated against international human rights standards, particularly Articles 14 and 18 of the ICCPR and Articles 2 and 11 of the UDHR, these statutory features indicate normative inconsistencies with global protections of religious freedom and due process. The integrated mixed-method synthesis thus establishes that the legislative convergence across states reflects not isolated irregularities but a systemic regulatory expansion that warrants careful constitutional re-examination and doctrinal reconsideration in light of evolving jurisprudence on dignity, autonomy, and secular neutrality.

**VI. DISCUSSION**

*1. FREEDOM OF RELIGION AS A CONSTITUTIONAL GUARANTEE*

India’s constitutional identity as a secular republic is anchored in its commitment to religious pluralism and equal respect for all faiths. Although religion continues to play a visible role in public life, the Constitution safeguards secularism by recognizing freedom of religion as a fundamental right. Article 25 guarantees to all persons—not merely citizens—the freedom of conscience and the right freely to profess, practice, and propagate religion, subject to public order, morality, health, and other constitutional limitations. This guarantee extends beyond mere tolerance; it affirms the individual’s autonomy to hold religious or non-religious beliefs, to live in accordance with those convictions, and to communicate them to others. The constitutional protection of “propagation” has been interpreted to include persuasion and explanation, but not coercion or forced conversion. Thus, while individuals may disseminate and explain their faith, the right does not encompass converting another person through force, fraud, or undue influence. Freedom of religion therefore embodies both the liberty to articulate one’s beliefs and the equal liberty of others to accept or reject them.

*2. ANTI-CONVERSION LAWS IN INDIA*

India’s religious diversity has rendered the question of religious conversion both socially sensitive and legally contested. Concerns regarding coercive or fraudulent conversions have led several states to enact legislation commonly referred to as “Freedom of Religion Laws.” Currently, eleven states—Uttar Pradesh, Himachal Pradesh, Gujarat, Chhattisgarh, Odisha, Madhya Pradesh, Arunachal Pradesh, Uttarakhand, Jharkhand, Haryana, and

Karnataka—have introduced such laws. These statutes generally prohibit conversions effected through force, fraud, coercion, undue influence, or allurement. While the stated objective is to preserve public order and prevent exploitative conversions, critics argue that certain statutory provisions curtail the constitutional guarantee of religious freedom.

#### 1. Factors Constraining Religious Freedom in Anti-conversion laws

A central concern lies in the breadth and ambiguity of key statutory terms such as “allurement,” “inducement,” “force,” “undue influence,” and “fraudulent means.”

##### Ambiguity and Overbreadth:

The expansive definitions of “allurement” and “inducement,” often including promises of material benefit, improved lifestyle, or divine pleasure, risk criminalizing ordinary acts of charity and legitimate religious expression. In a society where charitable activities are integral to many religious traditions, such provisions may blur the distinction between benevolent assistance and unlawful inducement. Similarly, the inclusion of “divine displeasure” or threats of social excommunication within the definition of “force” creates uncertainty, as doctrinal teachings regarding salvation or divine judgment may be construed as coercive. The undefined scope of “undue influence” and “fraudulent means” further enhances discretionary power, potentially enabling arbitrary enforcement.

##### Discrimination between Conversion and Reconversion:

Several statutes exclude reconversion to one’s “previous religion” from the definition of conversion. This differential treatment introduces asymmetry in legal protection and raises concerns under Articles 14 and 15 of the Constitution, which guarantee equality before the law and prohibit discrimination. If coercion invalidates conversion, logically it should also invalidate reconversion. The selective exemption therefore invites constitutional scrutiny.

### 3. CONSTITUTIONALITY OF ANTI-CONVERSION LAWS

While forced or fraudulent conversions undeniably violate freedom of conscience and justify state regulation in the interest of public order, any such regulation must conform to constitutional limits. Article 13(2) mandates that laws infringing fundamental rights are void to the extent of inconsistency. Consequently, the constitutional validity of anti-conversion laws depends on whether they narrowly target coercive practices or impermissibly abridge voluntary religious choice.

Judicial pronouncements have largely upheld these statutes. In *Rev. Stanislaus v. State of Madhya Pradesh* (1977), the Supreme Court held that the right to “propagate” religion under Article 25 does not include the right to convert another person by force, fraud, or inducement, thereby affirming state competence to legislate in this domain. Similarly, in *Sarla Mudgal v. Union of India* (1995), the Court emphasized that conversion cannot be used as a device to evade personal law obligations, particularly in matters of bigamy.

However, these decisions were rendered in a different constitutional milieu. With the subsequent evolution of jurisprudence emphasizing dignity, autonomy, and privacy, there is growing scholarly debate regarding whether existing anti-conversion frameworks adequately balance public order with individual liberty.

### 4. ANTI-CONVERSION LAWS AND INTERNATIONAL HUMAN RIGHTS PRINCIPLES

International human rights law affirms both the right to adopt or change one’s religion (UDHR, Art. 18; ICCPR, Art. 18) and the prohibition of coercion in matters of belief. A comparative analysis reveals three recurring features of India’s state-level laws that raise compatibility concerns:

#### 4.1 Broad Restrictions on Conversion:

Expansive definitions of prohibited conduct may encompass voluntary religious persuasion, thereby discouraging lawful religious expression and contravening the international guarantee of the freedom to adopt a religion of one’s choice.

#### 4.2 Notification Requirements:

Several statutes mandate prior notice to state authorities and, in some cases, invite public objections before a conversion may proceed. Such provisions intrude into the private sphere of conscience and may amount to coercion, contrary to ICCPR Article 18(2), which prohibits measures impairing the freedom to adopt a religion.

#### 4.3 Reversal of Burden of Proof:

In certain states, the accused must prove that a conversion was not effected through unlawful means. This inversion conflicts with the presumption of innocence enshrined in UDHR Article 11 and ICCPR Article 14, which place the burden of proof on the prosecution.

Collectively, these elements suggest that while the legislative objective of preventing coercion is legitimate, the cumulative statutory framework may extend beyond permissible regulation and encroach upon constitutionally and internationally protected freedoms.

## VII. SUGGESTIONS

Based on the foregoing discussion, the following ten suggestions are proposed to ensure that anti-conversion laws effectively prevent unlawful conversions while safeguarding constitutional and international human rights standards:

### 1. *PROVIDE CLEAR AND PRECISE DEFINITIONS*

The legislature should amend anti-conversion statutes to clearly define key terms such as “allurement,” “inducement,” “force,” “undue influence,” and “fraudulent means” in narrow and objective language to prevent ambiguity, arbitrary interpretation, and misuse.

### 2. *EXCLUDE GENUINE CHARITABLE AND RELIGIOUS ACTS*

Acts of bona fide charity, humanitarian assistance, religious teaching, or propagation conducted without coercion should be expressly excluded from the ambit of unlawful conversion to protect legitimate religious expression under Article 25.

### 3. *ENSURE EQUALITY BETWEEN CONVERSION AND RECONVERSION*

Laws should eliminate discriminatory distinctions between conversion and reconversion. Any conversion—whether to a majority or minority religion—obtained through coercion or fraud must be treated equally to comply with Articles 14 and 15 of the Constitution.

### 4. *REMOVE OR REFORM MANDATORY PRIOR NOTIFICATION REQUIREMENTS*

The requirement of prior notice to the District Magistrate should be abolished or replaced with a voluntary post-conversion declaration system to respect the individual’s freedom of conscience and privacy.

### 5. *ABOLISH PUBLIC OPINION MECHANISMS*

Inviting public objections to a proposed conversion should be discontinued, as it intrudes into personal belief systems and exposes individuals, particularly minorities, to social pressure or harassment.

### 6. *RESTORE PRESUMPTION OF INNOCENCE*

Provisions placing the burden of proof on the accused should be repealed to align with constitutional guarantees and international standards under Article 14 of the ICCPR and Article 11 of the UDHR.

### 7. *ENSURE PROPORTIONALITY OF PUNISHMENT*

Penal provisions should be proportionate and limited strictly to cases involving proven coercion, fraud, or force, avoiding excessive imprisonment and fines that may deter voluntary religious choice.

### 8. *INTRODUCE NATIONAL GUIDELINES*

Parliament may consider enacting comprehensive legislation or model guidelines that establish uniform standards across states, ensuring consistency while respecting federal principles and constitutional limitations.

### 9. *INCORPORATE HUMAN RIGHTS SAFEGUARDS*

Anti-conversion laws should explicitly incorporate safeguards consistent with international human rights principles, particularly the right to adopt, change, or renounce religion without coercion.

### 10. *PERIODIC JUDICIAL AND LEGISLATIVE REVIEW*

In light of evolving constitutional jurisprudence emphasizing dignity, autonomy, and privacy, anti-conversion laws should be subjected to periodic review to reassess their compatibility with contemporary constitutional morality.

These measures would enable the State to regulate unlawful and coercive conversions while preserving the fundamental right to freedom of conscience and ensuring alignment with constitutional and international human rights norms.

## VIII. CONCLUSION

This study has examined the constitutional and human rights implications of state-level anti-conversion laws in India within the broader framework of religious freedom under Article 25 of the Constitution. It affirms that the State possesses legitimate authority to regulate conversions obtained through force, fraud, or coercion in the interest of public order. Judicial precedents, particularly *Rev. Stanislaus v. State of Madhya Pradesh*, have upheld such regulatory competence, clarifying that the right to propagate religion does not extend to the right to convert another person through unlawful means. Thus, the objective of preventing exploitative conversions is constitutionally permissible and normatively defensible.

However, the study demonstrates that the existing statutory framework in several states extends beyond narrowly tailored regulation. Through doctrinal and thematic analysis, it reveals a pattern of expansive and ambiguous definitions of “allurement,” “inducement,” “force,” and “undue influence,” which risk criminalizing legitimate religious expression and charitable activity. Procedural requirements such as mandatory prior notification, public objection mechanisms, and the reversal of the burden of proof impose substantial constraints on individual autonomy and raise concerns under Articles 14, 15, and 25 of the Constitution. The differential treatment of conversion and reconversion further introduces elements of inequality that are inconsistent with constitutional guarantees of non-discrimination.

When assessed against international human rights standards, particularly Articles 14 and 18 of the ICCPR and Articles 2 and 18 of the UDHR, these provisions reveal normative inconsistencies with global protections of freedom of conscience and presumption of innocence. The cumulative effect of these statutory features reflects not isolated irregularities but a broader trend toward regulatory expansion.

Accordingly, the study concludes that while anti-conversion laws may serve a legitimate public purpose, they require substantive clarification, proportionality, and reform to ensure alignment with constitutional morality, evolving jurisprudence on dignity and autonomy, and international human rights obligations

## Funding Statement

This research received no external funding.

## Author Contributions

All authors have read and agreed to the published version of the manuscript. All authors made an equal contribution to the development and planning of the study.

## Conflicts of Interest

The authors declare no conflicts of interest.

## Data Availability Statement

No new data were created or analyzed in this study. The research is based on publicly available legal materials.

## Acknowledgments

The author acknowledges the assistance of peer reviewers and editorial feedback in refining this manuscript. The authors would like to acknowledge the use of Grammarly for improving the quality of the language.

## REFERENCES

1. F. Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India*. New Delhi, India: Oxford University Press, 2001.
2. T. Arora, “India’s defiance of religious freedom: A briefing on anti-conversion laws,” *International Journal for Religious Freedom*, vol. 5, no. 1, pp. 59–71, 2012.
3. *Arunachal Pradesh Freedom of Religion Act, No. 4*, Acts of Arunachal Pradesh State Legislature, India, 1978.

4. U. Baxi, *The Future of Human Rights*. New Delhi, India: Oxford University Press, 2007.
5. R. Bhargava, *Politics and Ethics of the Indian Constitution*. New Delhi, India: Oxford University Press, 2006.
6. P. I. Bhat, *Fundamental Rights: A Study of Their Interrelationship*. Lucknow, India: Eastern Law House, 2004.
7. H. Bielefeldt, "Misperceptions of freedom of religion or belief," *Human Rights Quarterly*, vol. 35, no. 1, pp. 33–68, 2013.
8. *Chhattisgarh Freedom of Religion (Amendment) Act*, No. 27, Acts of Chhattisgarh State Legislature, India, 2006.
9. N. Dixit, *Religious Conversion in India: Modes, Motivations, and Meanings*. London, U.K.: Routledge, 2018.
10. M. G. Fischer, "Anti-conversion laws and the international response," *Penn State Journal of Law & International Affairs*, vol. 6, no. 1, pp. 1–36, 2018.
11. *Haryana Prevention of Unlawful Conversion of Religion Act*, Acts of Haryana State Legislature, India, 2022.
12. *Himachal Pradesh Freedom of Religion Act*, No. 31, Acts of Himachal Pradesh State Legislature, India, 2006.
13. J. A. Huff, "Religious freedom in India and analysis of the constitutionality of anti-conversion laws," *Rutgers Journal of Law and Religion*, vol. 10, no. 2, pp. 1–36, 2008.
14. *International Covenant on Civil and Political Rights*, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).
15. G. J. Jacobsohn, *The Wheel of Law: India's Secularism in Comparative Constitutional Context*. Princeton, NJ, USA: Princeton University Press, 2009.
16. A. Jahangir, *Human Rights in India: A Mapping*. London, U.K.: Amnesty International, 2005.
17. M. P. Jain, *Indian Constitutional Law*. New Delhi, India: LexisNexis Butterworths, 2013.
18. *Karnataka Protection of Right to Freedom of Religion Act*, Acts of Karnataka State Legislature, India, 2022.
19. S. C. Kim, "Why is religious conversion controversial in India?" *Economic and Political Weekly*, p. 1562, 2003.
20. T. N. Madan, *Modern Myths, Locked Minds: Secularism and Fundamentalism in India*. New Delhi, India: Oxford University Press, 2010.
21. *Madhya Pradesh Freedom of Religion Act*, No. 18, Acts of Madhya Pradesh State Legislature, India, 2021.
22. *Orissa Freedom of Religion Act*, Acts of Odisha State Legislature, India, 1967.
23. V. Mahajan, *Constitutional Law of India*. Bengaluru, India: Eastern Book Company, 1991.
24. P. Mallows, "Restrictions on freedom to propagate religion vis-à-vis anti-conversion laws in India," *International Journal of Law Management & Humanities*, vol. 4, no. 5, p. 187, 2021.
25. F. Mustafa and J. S. Sohi, "Freedom of religion in India: Current issues and Supreme Court acting as clergy," *BYU Law Review*, p. 915, 2017.
26. S. Nazish, *Freedom of Religion in India: A Study of Religious Conversion*. Aligarh, India: Aligarh Muslim University, 2008.
27. K. B. Nielsen and A. G. Nilsen, "Love jihad and the governance of gender and intimacy in Hindu nationalist statecraft," *Religions*, vol. 12, no. 12, p. 1068, 2021.
28. A. G. Noorani, *Constitutional Questions in India: The President, Parliament, and the States*. New Delhi, India: Oxford University Press, 2008.
29. *Rev. Stanislaus v. State of Madhya Pradesh*, AIR 1977 SC 908, 1977 SCR (2) 611.
30. *Smt. Sarla Mudgal v. Union of India*, AIR 1995 SC 1531.
31. P. Shah, Ed., *Law and Ethnic Plurality: Socio-Legal Perspectives*, vol. 13. Leiden, Netherlands: Martinus Nijhoff Publishers, 2007.
32. P. Sharma and P. Dixit, "An analysis of state anti-conversion laws in India," 2021.
33. R. Shivani, "Anti-conversion laws: Is it a challenge to secularism of the Indian Constitution?" *Law Essentials Journal*, vol. 2, p. 171, 2021.
34. A. Singhvi, "India's Constitution and individual rights: Diverse perspectives," *George Washington International Law Review*, vol. 41, pp. 327–360, 2009.
35. South Asia Human Rights Documentation Centre, "Anti-conversion laws: Challenges to secularism and fundamental rights," *Economic and Political Weekly*, vol. 43, no. 2, pp. 63–69, 71–77, Jan. 2008.
36. R. J. Stephens, "Sites of conflict in the Indian secular state: Secularism, caste and religious conversion," *Journal of Church and State*, vol. 49, p. 251, 2007.
37. S. Suleman, "Freedom of religion and anti-conversion laws in India: An overview," *ILI Law Review*, vol. 1, no. 1, p. 106, 2010.
38. S. L. Swarup, *Constitution of India*, 3rd ed., vol. 2. New Delhi, India: Thomson Reuters, 2013.
39. M. Synthiya, "A view on anti-conversion laws in India," *Indian Journal of Law and Legal Research*, vol. 3, p. 1, 2021.
40. UN Human Rights Committee, *General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, CCPR/C/21/Rev.1/Add.4, 1993.
41. United Nations, *Universal Declaration of Human Rights*, 1948.
42. *Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act*, No. 30, Acts of Uttar Pradesh State Legislature, India, 2021.
43. *Uttarakhand Freedom of Religion Act*, No. 9, Acts of Uttarakhand State Legislature, India, 2018.
44. M. A. Wani, "Freedom of conscience: Constitutional foundations and limits," *Journal of the Indian Law Institute*, vol. 42, nos. 2–4, pp. 289–313, 2000.
45. L. Wilson, "India's state-level anti-conversion laws," United States Commission on International Religious Freedom, 2021