



## Allahabad HC on Religious Conversions

**For Prelims:** [Article 25](#), [Article 26](#), [Supreme Court of India](#), [Indian Penal Code](#), [Right to Privacy](#)

**For Mains:** Religious Conversions in India, Anti-conversions laws and associated issues, Related Supreme Court judgements.

**Source:** IE

### Why in News?

The **Allahabad High Court (HC)** recently addressed the issue of [religious conversions in India](#), highlighting the potential demographic impact on the majority population.

- Allahabad HC made these remarks while rejecting the bail application of an individual booked under [Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021](#) and (kidnapping or abduction with intent secretly and wrongfully to confine a person) of the [Indian Penal Code](#).
- This case underscores the court's stance on the constitutional boundaries of religious propagation and the urgent need to curb unlawful conversion activities.

### What are the Allahabad High Court Observations on Religious Conversions?

- The court stated that [Article 25 of the Indian Constitution](#), which guarantees freedom of religion, **does not provide for conversions but allows for the propagation of religion.**
  - The court clarified that "**propagation**" means to promote a religion, but it does not entail converting individuals from one religion to another.
- Court expressed concern that if such conversions continue unchecked, **the majority population in India could become a minority** and stressed the need to prevent the majority population from potentially becoming a minority due to these conversions.
- **The court noted that unlawful conversions, particularly targeting [Scheduled Castes\(SC\)/Scheduled Tribes\(ST\)](#) communities and economically disadvantaged individuals, are occurring at a rampant pace throughout Uttar Pradesh.**
- The court recommended that religious congregations where conversions are taking place should be immediately stopped.

### What are the Key Constitutional Provisions Related to Religious Conversion?

- **Article 25:** Guarantees freedom of conscience and the **right to freely profess, practice, and propagate religion**, subject to public order, morality, and health. The state can regulate or restrict any economic, financial, political, or other secular activity associated with religious practice.
  - It also allows for the regulation of secular activities associated with religious practice and the throwing **open of Hindu religious institutions to all classes and sections of Hindus.**

- **Article 26:** Entitles every **religious denomination to manage its own religious affairs**, subject to public order, morality, and health.
- **Articles 27 to 30:** Guarantee freedom to manage religious affairs, contribute monetarily to any religion, and set up and administer educational institutions.

## Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021

- It aims to **regulate religious conversions and prohibit conversions achieved by misrepresentation, force, undue influence, coercion, allurement, or any fraudulent means.**
- Illegal conversion carries standard punishment of 1-5 years imprisonment and a minimum fine of Rs. 15,000. Enhanced punishment of 2-10 years imprisonment and a minimum fine of Rs. 25,000 applies if the victim is a woman, a minor, or belongs to a Scheduled Caste or Scheduled Tribe.
  - In mass conversion cases, the punishment is 3-10 years of imprisonment and a minimum fine of Rs. 50,000.
- Repeat offenders may face up to double the relevant punishment. **Any marriage conducted for the purpose of unlawful conversion is declared void.**

## How Has the Supreme Court Interpreted Religious Conversions?

- **Rev. Stainislaus Vs. State of Madhya Pradesh, 1977:** Upheld anti-conversion laws, ruling that Article 25(1) does not grant the right to convert others, but rather the right to transmit or spread one's religion through the exposition of its principles.
- **Sarla Mudgal Vs. Union of India, 1995 and Lilly Thomas Vs. Union of India, 2000:** Held that **conversions to Islam solely for practicing polygamy were invalid.**
- **M Chandra Vs. M Thangamuthu & Another, 2010:** Established the need for evidence of both conversion and acceptance into the new community.
- **Graham Staines Case, 2011:** Stated there is no justification for converting someone through force, provocation, or incitement.
- **Right to Privacy Case, 2017:** Emphasised the **constitutional right to freedom of religion**, including the ability to choose and express faith, asserting that state interference must be proportionate.

### Note

The Supreme Court has yet to **provide a definitive ruling on the legal interpretation of "propagate" under Article 25.**

## What are the Anti-Conversion Laws in India?

- **About:** Anti-conversion laws in India are regulations that **seek to prevent individuals from converting from one religion to another** through means such as force, fraud, inducement, or allurement.
  - These laws aim to ensure that religious **conversions are voluntary and not coerced**, protecting individuals from being pressured or misled into changing their faith.
- **Historical Context of Anti-Conversion Laws:**
  - **Pre-Independence Era:** Before India gained independence, several princely states enacted **anti-conversion laws to restrict missionary activities** and conversions to Christianity.
    - **Examples:** Raigarh State Conversion Act (1936), Patna Freedom of Religion Act (1942), Sarguja State Apostasy Act (1945), and Udaipur State Anti-Conversion Act (1946).
  - **Post-Independence Attempts:** Efforts to pass central legislation on religious

**conversion have repeatedly failed.**

- **Indian Conversion (Regulation and Registration) Bill (1954)**, Backward Communities (Religious Protection) Bill (1960), and All India Freedom of Religion Bill (1978).
- Despite these failures, **several states have enacted their own anti-conversion laws** over the years.
- **State-Level Anti-Conversion Laws:**
  - **Odisha (1967): First State to enact a law restricting religious conversions**, prohibiting forceful conversions and fraudulent means.
  - **Madhya Pradesh (1968):** Introduced the Madhya Pradesh Dharma Swatantraya Adhiniyam, requiring notification to the District Magistrate for any conversion activities under penalty of law.
  - Arunachal Pradesh (1978), Gujarat (2003), Chhattisgarh (2000 and 2006), Rajasthan (2006 and 2008), Himachal Pradesh (2006 and 2019), Tamil Nadu (2002-2004), Jharkhand (2017), Uttarakhand (2018), Uttar Pradesh (2021), and **Haryana (2022)**.
    - These states have enacted laws prohibiting various forms of religious conversions, with enhanced penalties for conversions involving SCs, STs, minors, and women.
- **Centre's Stand:**The Union Ministry of Home Affairs stated in an affidavit to the Supreme Court that the **right to religion does not include the right to convert others, especially through fraudulent or coercive means**.
  - They referred to the **Supreme Court's** interpretation of Article 25 and emphasised that fraudulent conversion affects an individual's freedom of conscience and can disrupt public order.
  - The Centre has not clarified if it will introduce a special law on religious conversions as requested in the petition.

## What are the Challenges to Anti-Conversion Laws in India?

- **Constitutional Concerns:** The primary challenge to anti-conversion laws in India revolves around their constitutionality, particularly concerning **fundamental rights** guaranteed under the Indian Constitution.
  - Critics argue that these laws infringe upon the rights to **freedom of religion, expression, and privacy**, as enshrined in **Articles 19, 21, and 25**.
  - In 2012, the Himachal Pradesh High Court ruled certain provisions of the state's 2006 anti-conversion law as unconstitutional. It **upheld the right to privacy, stating that the requirement of giving a month's notice to the district magistrate violated this right**.
  - In 2021, Gujarat High Court stayed the provisions of the **Gujarat Freedom of Religion Act, 2003**, which were amended to **include marriage as grounds for prohibiting conversions**.
    - The court upheld the right to choice of an individual, stating that the **Act gave the impression that inter-faith marriages followed by conversion could be deemed illegal**.
- **Burden of Proof:** Anti-conversion laws often shift the burden of proof onto the accused to demonstrate that **conversions were not carried out through prohibited means**.
- **Impact on Interfaith Marriages:** Recent state law amendments declare marriages null if they involve conversion solely for the purpose of marriage.
  - Critics argue that these provisions interfere with individuals' rights to freely marry and choose life partners regardless of religious differences.
- **Allegations of Misuse and Targeting:** Critics argue that anti-conversion laws are often misused to **target religious minorities and dissenting voices**, leading to concerns about exacerbating communal tensions and discriminating against vulnerable groups such as Dalits, Adivasis, and women.

## Way Forward

- Establish **clear and unambiguous definitions of vague terms** like "force," "allurement", and "coercion" in anti-conversion laws to minimise subjective interpretations and potential misuse.
- Ensure that anti-conversion laws uphold the **principle of presumption of innocence** (every person accused of any crime is considered innocent until proven guilty).
- Create a **uniform set of regulations across states** to avoid confusion and potential misuse.
- Explore the possibility of a **national framework on religious conversions** that respects individual freedoms while safeguarding against coercion.
- This could offer more uniformity and potentially prevent misuse at the state level.
- Encourage **interfaith dialogue programs and educational initiatives** to foster understanding and respect between religious groups.

### Drishti Mains Question:

**Q.** Analyze the socio-political implications of anti-conversion laws on religious minorities in India. How do these laws intersect with issues of communal harmony and individual freedoms?

PDF Reference URL: <https://www.drishtias.com/printpdf/allahabad-hc-on-religious-conversions>

