



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>

