



Religious Conversion

For Prelims: States that have passed anti conversion laws, Constitutional provisions on freedom of religion, Article 21 of the Constitution, Articles 14, 21, 25 of the Constitution.

For Mains: Anti-conversions laws and associated issues, Related Supreme Court judgements.

Why in News?

Recently, the [Supreme Court](#) has asked the Centre to step in and make very serious and sincere efforts to tackle the issue of [Forced Religious Conversion](#).

What was Petition and the Court's Ruling?

- The petition sought a declaration that fraudulent religious conversion by “intimidation, threatening, deceivingly luring through gifts and monetary benefits” offends **Articles 14, 21, 25 of the Constitution**.
- The plea pointed out that in the 1977 ruling in the **Rev Stainislaus versus State of Madhya Pradesh case**, the Supreme Court had said: “It has to be remembered that **Article 25(1) guarantees ‘freedom of conscience’** to every citizen, and not merely to the followers of one particular religion and that, in turn, postulates that there is no fundamental right to convert another person to one’s own religion.
- The SC, while hearing the petition sought directions to the Centre and states to **take stringent steps** to check such conversions.
- The court has said that **forced conversion is very dangerous** and may affect security of the nation and freedom of religion and conscience.
- This is because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that **would impinge on the freedom of conscience** guaranteed to all the citizens of the country alike.

What is Religious Conversion?

- Religious conversion is the **adoption of a set of beliefs identified with one particular religious** denomination to the exclusion of others.
- Thus "religious conversion" would describe the **abandoning of adherence to one denomination** and affiliating with another.
 - For example, Christian Baptist to Methodist or Catholic, Muslim Shi'a to Sunni.
- In some cases, religious conversion "marks a **transformation of religious identity** and is symbolized by special rituals".

What is the Need for Anti-Conversion Laws?

- **No Right to Proselytize:**
 - The Constitution confers on each individual the fundamental right to profess, practice and propagate his religion.

- Proselytizing is the act of trying to convert another individual from the convertee's religion to the converter's religion.
- The individual right to freedom of conscience and religion **cannot be extended to construe a collective right to proselytize.**
- For the right to religious freedom belongs equally to the person converting and the individual sought to be converted.
- **Fraudulent Marriages:**
 - In the recent past, several instances have come to the notice that whereby people **marry persons of other religion by either misrepresentation or concealment** of their own religion and after getting married they force such other person to convert to their own religion.
- **SC Observations:**
 - Recently, the Supreme Court took judicial notice of instances of people marrying by either misrepresentation or concealment of their own religion.
 - According to the court, **such incidents not only infringe the freedom of religion of the persons** so converted but also militate against the secular fabric of our society.

What is the Status of Anti-Conversion Laws in India?

- **Constitutional Provision:**
 - The Indian Constitution under **Article 25 guarantees** the freedom to profess, propagate, and practice religion, and allows all religious sections to manage their own affairs in matters of religion, subject to public order, morality, and health.
 - However, no person shall force their religious beliefs and consequently, no person should be forced to practice any religion against their wishes.
- **Existing Laws:**
 - There has been **no central legislation restricting or regulating religious conversions.**
 - However, since 1954, on multiple occasions, [Private Member Bills](#) have been introduced in (but never approved by) Parliament, to regulate religious conversions.
 - Further, in 2015, the Union Law Ministry stated that Parliament does not have the legislative competence to pass anti-conversion legislation.
- **Anti-Conversion Laws in Various States:**
 - Over the years, **several states have enacted 'Freedom of Religion'** legislation to restrict religious conversions carried out by force, fraud, or inducements.
 - Orissa Freedom of Religion Act, 1967, Gujarat Freedom of Religion Act, 2003, Jharkhand Freedom of Religion Act, 2017, Uttarakhand Freedom of Religious Act, 2018, The Karnataka Protection of Right to Freedom of Religion Act, 2021.

What are the Issues Associated with Anti-Conversion Laws?

- **Uncertain and Vague Terminology:**
 - The uncertain and vague terminology like misrepresentation, force, fraud, allurement presents a serious avenue for misuse.
 - These terms leave room for ambiguities or are too broad, extending to subjects far beyond the protection of religious freedom.
- **Antithetical to Minorities:**
 - Another issue is that the present anti-conversion laws focus more on the prohibition of conversion to achieve religious freedom.
 - However, the broad language used by the prohibitive legislation might be used by officials to oppress and discriminate against minorities.
- **Antithetical to Secularism:**
 - These laws may pose a threat to the secular fabric of India and the international perception of our society's intrinsic values and legal system.

Way Forward

- The governments implementing such laws need to ensure that these **do not curb one's**

Fundamental Rights or hamper the national integration instead, these laws need to strike a balance between freedoms and malafide conversions.

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