

# ANTI-CONVERSION LAWS IN INDIA

The Constitution 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. To date, there has been no central legislation restricting or regulating religious conversions. However, over the years, several states have enacted 'Freedom of Religion' legislation to restrict religious conversions carried out by force, fraud, or inducements.

At the present time, such laws are in effect in ten states: Arunachal Pradesh, Orissa, Madhya Pradesh, Chhattisgarh, Gujarat, Uttar Pradesh, Uttarakhand, Jharkhand, Himachal Pradesh and Karnataka while Haryana is all set to become the 11th state as it awaits the assent of the Governor. The Rajasthan Assembly also passed an anti-conversion bill in 2006, but it was never given assent by the state's governor. The Rajasthan Dharma Swatantraya Vidheyak was passed by the Assembly in 2008 but in 2017, the central government returned the bill seeking further clarifications.

These laws prescribe the procedure for individuals seeking to undergo conversions, which are more or less the same in all the states above mentioned and declare all other forms of conversion (that violate the prescribed procedures) illegal.

■ **Prohibition on conversions:** These laws prohibit conversion of religion through means, such as: (i) force, misrepresentation, undue influence, and allurement, or (ii) fraud, or (iii) marriage. They also prohibit a person from abetting, convincing, and conspiring to such conversions. Further, these anti-conversion laws assign the burden of proof of the lawfulness of religious conversion to: (i) the persons causing or facilitating such conversions, and (ii) the person accused of causing unlawful conversion.

■ **Marriages involving religious conversion:** As per these laws, a marriage is liable to be declared null and void, if: (i) it was done for the sole purpose of unlawful conversion, or vice-versa, and (ii) the religious conversion was not done as per the procedure specified in the acts/ordinance.

■ **Right to inheritance and maintenance:** These laws additionally provide certain safeguards for women and children. It considers children born out of a marriage involving unlawful religious conversion as legitimate and provides for them to have the right to property of only the father (as per the law governing the inheritance of the father). Further, these laws provide for maintenance to be given to: (i) a woman whose marriage is deemed unlawful under these laws, and (ii) her children born out of such a marriage.

■ **Complaints against unlawful conversions:** These laws allow for police complaints, against unlawful religious conversions, to be registered by: (i) the victim of such conversion, (ii) his/her parents or siblings, or (iii) any other person related to them by blood, and marriage or adoption. (iv) persons related by guardianship or custodianship, provided they take the leave of the court. The Ordinance in Karnataka additionally permits any person associated in any form, or even a colleague to register a complaint.

■ **Procedure for conversion:** These laws state that the (i) persons wishing to convert to a different religion, and (ii) persons supervising the conversion (religious converters and religious priests or persons organising a conversion) to submit an advance declaration of the proposed religious conversion to the District Magistrate (DM) or any equivalent officer appointed under the Act specifically.

The individuals seeking to undergo conversion are required to give advance notice, to such appointed authority 30/60 days prior as the rules prescribe in different states as a declaration or to get prior permission. The religious converters are also required to notify such appointed authority 30/60 days prior as the rules prescribe in different states as a declaration or intimation. In some states, the appointed authorities are required to conduct a police enquiry into the intention, purpose, and cause of the proposed conversion, while in some other states a notice in the offices calling for objections is mandatory.

There are certain post-conversion procedures as well in the states where these laws have been enacted most recently. Post-conversion, within 30/60 days from the date of conversion, the converted individual is required to submit a declaration (with various personal details) to the DM or appointed authority. The DM or appointed authority will publicly exhibit a copy of the declaration (till the conversion is confirmed) and record any objections to the conversion. The converted individual must then appear before the DM or appointed authority to establish his/her identity, within 21 days of sending the declaration, and confirm the contents of the declaration. These laws also prescribe varying punishments for violation of any procedure prescribed by them, as specified in the Table.

■ **Victim Compensation:** As per the laws in few states, the accused will be liable to pay compensation of up to five lakh rupees to the victim of conversion and repeated offences will attract double the punishment specified for the respective offence.

■ **Punishment for violation by Institution:** These laws further prescribe separate punishment for violations of any provision of these laws by an institution or organisation and in such cases, the person-in-charge of the affairs of such institution or organisation shall be liable to punishment. Further, the financial aids/grants and the registration of such organisations can be cancelled.

■ **Nature of Offence:** The offences under these laws are cognizable and non bailable.

Further, these laws assign the burden of proof of the lawfulness of religious conversion to: (i) the persons causing or facilitating such conversions, and (ii) the person accused of causing unlawful conversion.

|   | Odisha  | Arunachal Pradesh   | Gujarat  | Chhattisgarh*   | Jharkhand   | Uttarakhand                                | Himachal Pradesh                             | Uttar Pradesh  | Madhya Pradesh                             | Karnataka                                      | Haryana (Bill)  |
|---|---|---|--|---|---|--|--|--|--|--|---|
| <b>Latest Year Of Enactment</b>   | 1967  | 1978  | 2021   | 2006  | 2017  | 2018                                       | 2019   | 2020   | 2021                                       | 2022   | 2022  |
| <b>Prohibition On Conversion</b>  |   |   |  |   |   |  |  |  |  |  |   |
| <b>By Fraud Or Allurement</b>   | Yes   | Yes   | Yes  | Yes   | Yes   | Yes  | Yes  | Yes  | Yes  | Yes  | Yes   |
| <b>By Marriage</b>  | No  | No  | Yes  | No  | No  | Yes  | Yes  | Yes  | Yes  | Yes  | Yes   |
| <b>Right To Inheritance And Maintenance</b>   |   |   |  |   |   |  |  |  |  |  |   |
| <b>For Marriages Contravening The Provisions Of The Act</b>                                       | Nil   | Nil   | Nil  | Nil   | Nil   | Nil  | Nil  | Nil  | Yes  | Yes  | Yes   |
| <b>(Prior) Procedure for conversion- Declaration to District Magistrate or equivalent officer</b> |   |   |  |   |   |  |  |  |  |  |   |
| <b>By individual Seeking to Convert</b>   | Advance notice (no specific timing)                   | Nil   | Notification to be sent to the District Magistrate | Permission needed, 30 days in advance                   | Notification to be sent within 7 days of conversion | Declaration to be given 30 days in advance | Declaration to be given one month in advance | Declaration to be given as prescribed in Schedule-I 60 days in advance | Declaration to be given 60 days in advance | Declaration to be given thirty days in advance | Declaration to be sent to DM prior to conversion, Time period not specified |
| <b>By priest/ Religious converter</b>   | Intimation within 15 days of conversion about details | Nil   | Permission required (no specific timing)           | Notification within 30 days of conversion about details | Permission at least 15 days in advance              | Notification to be given one month prior   | Notice to be given one month in advance      | Notice to be given one month in advance                                | Notice to be given 60 days in advance      | Notice to be given 30 days in advance          | Prior notice to be sent to DM regarding specifics about ceremony            |
| <b>(Post) Procedure for conversion- Declaration to District Magistrate or equivalent officer</b>  |   |   |  |   |   |  |  |  |  |  |   |
| <b>By individual Seeking to Convert</b>   | No specific timing                                    | Notification to be sent to the Deputy Commissioner after ceremony | Notification to be sent to the District Magistrate | Nil   | Notification to be sent within 7 days of conversion | Nil  | Nil  | Nil  | Nil  | Notice to be given 30 days post conversion     | Nil   |
| <b>By priest/ Religious converter</b>   | Nil   | Notification to be sent to the Deputy Commissioner after ceremony | Nil  | Nil   | Nil   | Nil  | Nil  | Nil  | Nil  | Nil  | Nil   |
| <b>Penalties for causing/abetting conversion</b>  |   |   |  |   |   |  |  |  |  |  |   |
| <b>Imprisonment</b>   | Up to 1 year  | Up to 2 years   | Up to 3 years                                      | Up to 3 years   | Up to 3 years                                       | Up to 1-5 Years                            | Up to 1-5 years                              | Up to 1-5 years  | Up to 1-5 years                            | Up to 3-5 years                                | Up to 1-5 years   |
| <b>Fine</b>   | Up to Rs.5000   | Up to Rs. 10,000  | Up to Rs.50,000                                    | Up to Rs. 20,000  | Up to 50,000  | Amount not specified                       | Amount not specified                         | Up to Rs. 15,000   | Up to Rs. 25,000                           | Up to Rs.25,000                                | Not less than 1 Lakh  |
| <b>Penalties for causing/abetting conversion by an institution</b>                                |   |   |  |   |   |  |  |  |  |  |   |
| <b>Imprisonment</b>   | Nil   | Nil   | Up to 3 years                                      | Up to 3 years   | Nil   | Up to 1-5 Years                            | Up to 1-5 years                              | Up to 1-5 years  | Up to 1-5 years                            | Up to 3-5 years                                | Up to 1-5 years   |
| <b>Fine</b>   | Nil   | Nil   | Up to Rs.50,000                                    | Up to Rs. 20,000  | Nil   | Amount not specified                       | Amount not specified                         | Up to Rs. 15,000   | Up to Rs. 25,000                           | Up to Rs.25,000                                | Not less than 1 Lakh  |

|   | Odisha  | Arunachal Pradesh   | Gujarat  | Chhattisgarh*   | Jharkhand   | Uttarakhand                                | Himachal Pradesh                             | Uttar Pradesh  | Madhya Pradesh                             | Karnataka                                      | Haryana (Bill)  |
|---|---|---|--|---|---|--|--|--|--|--|---|
| Latest Year Of Enactment  | 1967  | 1978  | 2021   | 2006  | 2017  | 2018                                       | 2019   | 2020   | 2021                                       | 2022   | 2022  |
| <b>Prohibition On Conversion</b>  |   |   |  |   |   |  |  |  |  |  |   |
| By Fraud Or Allurement  | Yes   | Yes   | Yes  | Yes   | Yes   | Yes  | Yes  | Yes  | Yes  | Yes  | Yes   |
| By Marriage   | No  | No  | Yes  | No  | No  | Yes  | Yes  | Yes  | Yes  | Yes  | Yes   |
| <b>Right To Inheritance And Maintenance</b>   |   |   |  |   |   |  |  |  |  |  |   |
| For Marriages Contravening The Provisions Of The Act  | Nil   | Nil   | Nil  | Nil   | Nil   | Nil  | Nil  | Nil  | Yes  | Yes  | Yes   |
| <b>(Prior) Procedure for conversion- Declaration to District Magistrate or equivalent officer</b> |   |   |  |   |   |  |  |  |  |  |   |
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| By priest/ Religious converter  | Nil   | Notification to be sent to the Deputy Commissioner after ceremony | Nil  | Nil   | Nil   | Nil  | Nil  | Nil  | Nil  | Nil  | Nil   |
| <b>Penalties for causing/abetting conversion</b>  |   |   |  |   |   |  |  |  |  |  |   |
| Imprisonment  | Up to 1 year  | Up to 2 years   | Up to 3 years                                      | Up to 3 years   | Up to 3 years                                       | Up to 1-5 Years                            | Up to 1-5 years                              | Up to 1-5 years  | Up to 1-5 years                            | Up to 3-5 years                                | Up to 1-5 years   |
| Fine  | Up to Rs.5000   | Up to Rs. 10,000  | Up to Rs.50,000                                    | Up to Rs. 20,000  | Up to 50,000  | Amount not specified                       | Amount not specified                         | Up to Rs. 15,000   | Up to Rs. 25,000                           | Up to Rs.25,000                                | Not less than 1 Lakh  |
| <b>Penalties for causing/abetting conversion by an institution</b>                                |   |   |  |   |   |  |  |  |  |  |   |
| Imprisonment  | Nil   | Nil   | Up to 3 years                                      | Up to 3 years   | Nil   | Up to 1-5 Years                            | Up to 1-5 years                              | Up to 1-5 years  | Up to 1-5 years                            | Up to 3-5 years                                | Up to 1-5 years   |
| Fine  | Nil   | Nil   | Up to Rs.50,000                                    | Up to Rs. 20,000  | Nil   | Amount not specified                       | Amount not specified                         | Up to Rs. 15,000   | Up to Rs. 25,000                           | Up to Rs.25,000                                | Not less than 1 Lakh  |