

# State Anti-conversion Laws in India

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# State Anti-conversion Laws in India

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**SUMMARY** India's Freedom of Religion Acts or "anti-conversion" laws are state-level statutes that have been enacted to regulate religious conversions. The laws are in force in eight out of twenty-nine states: Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand. While there are some variations between the state laws, they are very similar in their content and structure. All of the laws seek to prevent any person from converting or attempting to convert, either directly or otherwise, another person through "forcible" or "fraudulent" means, or by "allurement" or "inducement." However, the anti-conversion laws in Rajasthan and Arunachal Pradesh appear to exclude reconversions to "native" or "original" faiths from their prohibitions. Penalties for breaching the laws can range from monetary fines to imprisonment, with punishments ranging from one to three years of imprisonment and fines from 5,000 to 50,000 Indian rupees (about US\$74 to \$735). Some of the laws provide for stiffer penalties if women, children, or members of scheduled castes or schedule tribes (SC/ST) are being converted.

Despite criticism of India's anti-conversion laws, some human rights bodies have acknowledged that these laws have resulted in few arrests and no convictions. However, some observers note that the laws create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing.

## I. History of Anti-conversion Laws

India is a nation that is home to a diversity of religious beliefs and practices. The Indian subcontinent is the birthplace of four major world religions—Hinduism, Buddhism, Sikhism, and Jainism.<sup>1</sup> According to reported 2011 census data, 79.80% of the population of India is Hindu, 14.23% Muslim, 2.30% Christian, 1.72% Sikh, 0.70% Buddhist, and 0.37% Jain.<sup>2</sup>

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<sup>1</sup> *Religion: 2001 Census Data*, OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA, [http://censusindia.gov.in/Census\\_And\\_You/religion.aspx](http://censusindia.gov.in/Census_And_You/religion.aspx) (last visited Apr. 19, 2017), archived at <https://perma.cc/ME8W-UBXD>.

<sup>2</sup> *Hindu Population Reducing in India as 'They Never Convert People': Kiren Rijju*, DECCAN CHRONICLE (Feb. 13, 2017; updated Feb. 14, 2017), <http://www.deccanchronicle.com/nation/current-affairs/130217/hindu-population-reducing-in-india-as-they-never-convert-people-kiren-rijju.html>, archived at <https://perma.cc/8BUG-KQ4N>; see also *C-1 Population by Religious Community*, OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA, <http://www.censusindia.gov.in/2011census/C-01.html> (last visited Apr. 19, 2017), archived at <https://perma.cc/Q7R7-DRRB>.

Laws restricting religious conversions were originally introduced by Hindu princely states during the British Colonial period—mainly “during the latter half of the 1930s and 1940s.”<sup>3</sup> These states enacted the laws “in an attempt to preserve Hindu religious identity in the face of British missionaries.”<sup>4</sup> There were “[o]ver a dozen princely states, including Kota, Bikaner, Jodhpur, Raigarh, Patna, Surguja, Udaipur, and Kalahandi,”<sup>5</sup> that had such laws. Some of the laws from that period include the Raigarh State Conversion Act, 1936; the Surguja State Apostasy Act, 1942; and the Udaipur State Anti-Conversion Act, 1946.

Following India’s independence, the Parliament introduced a number of anti-conversion bills, but none were enacted. First, the Indian Conversion (Regulation and Registration) Bill was introduced in 1954, which sought to enforce “licensing of missionaries and the registration of conversion with government officials.”<sup>6</sup> This bill failed to gather majority support in the lower house of Parliament and was rejected by its members. This was followed by the introduction of the Backward Communities (Religious Protection) Bill in 1960, “which aimed at checking conversion of Hindus to ‘non-Indian religions’ which, as per the definition in the Bill, included Islam, Christianity, Judaism and Zoroastrianism,”<sup>7</sup> and the Freedom of Religion Bill in 1979, which sought “official curbs on inter-religious conversion.”<sup>8</sup> These bills were also not passed by Parliament due to a lack of parliamentary support.

Ministers of the current Bharatiya Janata Party (BJP) government have voiced their support for the adoption of an anti-conversion law at the national level, which some critics see as an attack on the secular values of India’s Constitution.<sup>9</sup> In 2015, “high-ranking members of the ruling BJP party, including the party’s president Amit Shah, called for a nationwide anti-conversion law.”<sup>10</sup> Two

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<sup>3</sup> Jennifer R. Coleman, *Authenticity, Regulating Religious Tolerance: The Legal and Political Implications of Anti-Conversion Legislation for Indian Secularism* 23 (Paper Presented to Penn Program on Democracy, Citizenship, and Constitutionalism Graduate Workshop, Sept. 13, 2007–08), <https://www.sas.upenn.edu/dcc/sites/www.sas.upenn.edu.dcc/files/uploads/Coleman.pdf>, archived at <https://perma.cc/9WY3-DTFN>.

<sup>4</sup> James Andrew Huff, Note, *Religious Freedom in India and Analysis of the Constitutionality of Anti-Conversion Laws*, 10(2) RUTGERS J. L. & RELIGION 1, 4 (2009), <http://www.lawandreligion.com/sites/lawandreligion.com/files/A10S-6Huff.pdf>, archived at <https://perma.cc/7Z7Y-9U8Q>.

<sup>5</sup> Laura Dudley Jenkins, *Legal Limits on Religious Conversion in India*, 71 LAW & CONTEMP. PROBS. 109, 113 (2008), <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1469&context=lcp>, archived at <https://perma.cc/7BYA-UNDW>.

<sup>6</sup> DR. IQTIDAR KARAMAT CHEEMA, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, CONSTITUTIONAL AND LEGAL CHALLENGES FACED BY RELIGIOUS MINORITIES IN INDIA 4 (Feb. 2017), [https://www.uscirf.gov/sites/default/files/Constitutional and Legal Challenges Faced by Religious Minorities in India.pdf](https://www.uscirf.gov/sites/default/files/Constitutional%20and%20Legal%20Challenges%20Faced%20by%20Religious%20Minorities%20in%20India.pdf), archived at <https://perma.cc/KQ7P-DY7R>.

<sup>7</sup> INDIAN LAW INSTITUTE, A STUDY OF COMPATIBILITY OF ANTI-CONVERSION LAWS WITH RIGHT TO FREEDOM OF RELIGION IN INDIA 31 (2007) (submitted to India’s National Commission for Minorities).

<sup>8</sup> *Id.*

<sup>9</sup> Saurav Datta, *India’s Mass Conversion Problem*, AL JAZEERA (Jan. 4, 2015), <http://www.aljazeera.com/indepth/opinion/2015/01/india-mass-conversion-problem-20151274531627294.html>, archived at <https://perma.cc/4UFD-KQZ8>.

<sup>10</sup> USCIRF ANNUAL REPORT 2016 – TIER 2 COUNTRIES – INDIA (May 2, 2016), available at <http://www.refworld.org/docid/57307ce6c.html>, archived at <https://perma.cc/C78P-ZHJE>; Shoaib Daniyal, *As Clamour to Ban Conversion Grows, A Reminder: Five Indian States Have Already Done So*, SCROLL.IN (Sept. 15, 2014),

members of the BJP, including Amit Shah, have announced that anti-conversion bills are to be introduced in both houses of Parliament “so as to criminalise religious conversion without the government’s consent.”<sup>11</sup> However, the BJP government’s plan to enact national legislation reportedly “hit a roadblock” with the Ministry of Law and Justice, which advised against the move, stating that it is “not tenable” since it is “purely a state subject”<sup>12</sup>—i.e., a matter that lies purely under the constitutional domain of the states under the State List in Schedule Seven of the Constitution.<sup>13</sup>

At the state level, Freedom of Religion Acts have been enacted to regulate religious conversions carried out by force, fraud, or other inducements, as discussed below.<sup>14</sup>

## II. Overview of State Initiatives

India’s Freedom of Religion Acts or “anti-conversion laws” are state-level statutes enacted to regulate religious conversions that are not purely voluntary. Such laws began to be introduced in the 1960s after the failed attempts to enact an anti-conversion law at the Union (or central) level, and were first enacted by Orissa and Madhya Pradesh states.<sup>15</sup> At the present time, such laws are in effect in eight out of twenty-nine states: Arunachal Pradesh, Orissa, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand.<sup>16</sup> The law in Arunachal Pradesh has not been implemented due to a lack of subsidiary rules. The State of Rajasthan has passed an anti-conversion bill, but it has yet to be signed by the President of India. Several other states, including Manipur, are reportedly “considering similar laws.”<sup>17</sup>

In the 1980s, the target of anti-conversion legislation was largely Muslims seeking to convert non-Muslims, while “Christianity has received more attention since the 1990s because of its association

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<https://scroll.in/article/679080/as-clamour-to-ban-conversion-grows-a-reminder-five-indian-states-have-already-done-so>, archived at <https://perma.cc/3QZ6-58HS>.

<sup>11</sup> *BJP Lawmakers Plan Anti-conversion Bills in LS, RS*, INTERNATIONAL BUSINESS TIMES (Nov. 9, 2015), <http://www.ibtimes.co.in/bjp-members-introduce-bill-criminalising-religion-conversion-653925>, archived at <https://perma.cc/W4AD-QSVS>; *Indian Parliament Will Consider Criminalizing Religious Liberty*, ORGANIZATION FOR MINORITIES OF INDIA (Nov. 5, 2015), <http://www.minoritiesofindia.org/indian-parliament-will-consider-criminalizing-religious-liberty/>, archived at <https://perma.cc/U7SM-567E>.

<sup>12</sup> *National Anti-conversion Law Not Tenable: Law Ministry*, DECCAN CHRONICLE (Apr. 15, 2015), <http://www.deccanherald.com/content/471944/national-anti-conversion-law-not.html>, archived at <https://perma.cc/D4JD-SEBB>.

<sup>13</sup> CONSTITUTION OF INDIA, Seventh Sched., <http://lawmin.nic.in/olwing/coi/coi-english/coi-4March2016.pdf>, archived at <https://perma.cc/H8TF-SAVH>.

<sup>14</sup> The status and requirements of state laws are visually represented in the maps and graphs that appear at the end of this report.

<sup>15</sup> Huff, *supra* note 4, at 6.

<sup>16</sup> Meghan G. Fischer, *Anti-Conversion Laws and the International Response*, 6 PENN. ST. J. L. & INT’L AFF. 1, 14 (2018), <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1175&context=jlja>, archived at <https://perma.cc/HUP5-6QNW>.

<sup>17</sup> USCIRF, ANNUAL REPORT 2013: INDIA 4, [https://www.uscirf.gov/sites/default/files/resources/India%202013\(1\).pdf](https://www.uscirf.gov/sites/default/files/resources/India%202013(1).pdf), archived at <https://perma.cc/2QJX-KLEB>.

with Western-style colonialism and the role active proselytizing plays in the course of being a good Christian.”<sup>18</sup>

While there are some variations between the state laws, they are very similar in their content and structure. According to one researcher,

[t]he goal has been essentially the same in each draft bill: to constrain the ability of communities and individuals to convert ‘from the religion of one’s forefathers,’ often in the name of protecting those making up the ‘weaker’ or more easily ‘influenced’ sectors of society—namely women, children, backward castes and untouchables.<sup>19</sup>

The anti-conversion laws in Rajasthan and Arunachal do not address reconversions to “native” or “original” faiths.<sup>20</sup>

All of these laws seek to “prevent conversions ‘carried out’ by ‘forcible or ‘fraudulent’ means or by ‘allurement’ or ‘inducement.’ ”<sup>21</sup> Penalties for breaching the laws can range from monetary fines to imprisonment; the laws impose punishments ranging from one to three years of imprisonment and fines of 5,000 to 50,000 Indian rupees (about US\$70 to \$704<sup>22</sup>).<sup>23</sup> Some of the laws provide for stiffer punishments if women, children, or members of scheduled castes or schedule tribes (SC/ST) are being converted.<sup>24</sup>

### III. Examination of State-Level Legislation

#### A. Odisha (Formerly Orissa)

Odisha was the first state to enact anti-conversion legislation, the Orissa Freedom of Religion Act, 1967.<sup>25</sup> Section 3 of that Act stipulates that “[n]o person shall convert or attempt to convert, either

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<sup>18</sup> Coleman, *supra* note 3, at 26.

<sup>19</sup> *Id.* at 23.

<sup>20</sup> Rajshree Chandra, *Converting Religion, Converting Law: Rajshree Chandra*, KAFILA (Dec. 24, 2014), <https://kafila.online/2014/12/24/converting-religion-converting-law-rajshree-chandra/>, archived at <https://perma.cc/T6D2-HFAJ>.

<sup>21</sup> BECKET FUND FOR RELIGIOUS LIBERTY, SUBMISSION ON UNITED NATIONS HUMAN RIGHTS COUNCIL: UNIVERSAL PERIODIC REVIEW: INDIA 2 (Nov. 20, 2007).

<sup>22</sup> One US dollar is currently equivalent to 71.02 Indian rupees.

<sup>23</sup> INTERNATIONAL RELIGIOUS FREEDOM REPORT FOR 2015: INDIA, *supra* note 16; see also South Asia Human Rights Documentation Centre, *Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights*, 43(2) ECON. & POL. WKLY. 71 (Jan. 12, 2008), available at <https://www.jstor.org/stable/pdf/40276904.pdf>, archived at <https://perma.cc/4HKT-85SJ>.

<sup>24</sup> Testimony of Katrina Lantos Swett, Vice Chair USCIRF, Before the Lantos Human Rights Commission on the Plight of Religious Minorities in India 5 (Apr. 4, 2014), [https://www.uscirf.gov/sites/default/files/India testimony TLHRC April 2014 FINAL.pdf](https://www.uscirf.gov/sites/default/files/India%20testimony%20TLHRC%20April%202014%20FINAL.pdf), archived at <https://perma.cc/GF6E-YCBK>.

<sup>25</sup> Orissa Freedom of Religion Act, No. 2 of 1968, [http://lawodisha.gov.in/files/acts/act\\_884132771\\_1437987451.pdf](http://lawodisha.gov.in/files/acts/act_884132771_1437987451.pdf), archived at <https://perma.cc/FGQ5-WQ9L>; Tahir Mahmood, *Religion, Law, and Judiciary in Modern India*, BYU L. REV. 761 (Sept. 12, 2006), <https://aefl.eui.eu/wp-content/uploads/sites/28/2014/05/Evans-19-Background-Mahmood.pdf>, archived at <https://perma.cc/9Y9F-M22E>.

directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.”<sup>26</sup> Similar provisions appear in all current anti-conversion laws.<sup>27</sup> The crime of “forcible conversion” is punishable with imprisonment of up to one year, a fine of up to 5,000 rupees, or both.<sup>28</sup> If the crime is committed against a minor, woman, or person belonging to an SC/ST, the term of imprisonment may be increased to a maximum of two years and the fine increased to 10,000 rupees.<sup>29</sup>

The Act defines “conversion” as “renouncing one religion and adopting another.”<sup>30</sup> It further defines “force” to “include a show of force or a threat of injury of any kind, including the threat of divine displeasure or social excommunication.”<sup>31</sup> Under the Act, “inducement” includes “the offer of any gift or gratification, either in cash or in kind, and shall also include the grant of any benefit, either pecuniary or otherwise,”<sup>32</sup> and “fraud” is defined to include “misrepresentation or any other fraudulent contrivance.”<sup>33</sup>

Crimes under the Act are cognizable offenses,<sup>34</sup> meaning an investigation or an arrest can be made without a warrant or authorization of a court. However, an investigation can only be made by an officer not below the rank of an Inspector of Police.<sup>35</sup>

In 1989, the Orissa Freedom of Religion Rules<sup>36</sup> were issued, which “required the priest performing the ceremony of conversion to ‘intimate the date, time[,] and place of the ceremony . . . along with the names and addresses of the persons to be converted to the concerned District Magistrate before fifteen days of the said ceremony.’ ”<sup>37</sup> Failure to do so would result in a fine of 1,000 rupees.<sup>38</sup>

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<sup>26</sup> Orissa Freedom of Religion Act § 3.

<sup>27</sup> South Asia Human Rights Documentation Centre, *supra* note 23, at 64.

<sup>28</sup> Orissa Freedom of Religion Act § 4.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* § 2(a).

<sup>31</sup> *Id.* § 2(b).

<sup>32</sup> *Id.* § 2(d).

<sup>33</sup> *Id.* § 2(c).

<sup>34</sup> *Id.* § 5.

<sup>35</sup> *Id.*

<sup>36</sup> Orissa Freedom of Religion Rules, 1989, available at [http://www.kandhamal.net/DownloadMat/Orissa\\_Freedom\\_of\\_Religion\\_Rules.pdf](http://www.kandhamal.net/DownloadMat/Orissa_Freedom_of_Religion_Rules.pdf), archived at <https://perma.cc/EAZ9-FC8A>.

<sup>37</sup> AMERICAN CENTER FOR LAW AND JUSTICE, “RELIGIOUS FREEDOM ACTS”: ANTI-CONVERSION LAWS IN INDIA 2 (June 26, 2009), [http://media.aclj.org/pdf/freedom\\_of\\_religion\\_acts.pdf](http://media.aclj.org/pdf/freedom_of_religion_acts.pdf), archived at <https://perma.cc/QFM3-TU24>.

<sup>38</sup> Orissa Freedom of Religion Rules, 1989, Rule 8.



In 1973, the High Court of Orissa declared that the Orissa Freedom of Religion Act, 1967 is “ultra vires the Constitution.”<sup>39</sup> The Court held in its conclusions that article 25(1) of the Constitution “guarantees propagation of religion and conversion is a part of the Christian religion,” that “the term ‘inducement’ is vague and many proselytizing activities may be covered by the definition and the restriction in Article 25(1) cannot be said to cover the wide definition,” and that the state legislature lacked the competence or jurisdiction to make the law in question on the topic of “religion” under the Seventh Schedule of the Constitution.<sup>40</sup> However, this decision was overturned by the Supreme Court of India in *Rev. Stainislaus v. State of Madhya Pradesh*, which is discussed in more detail below.

## B. Madhya Pradesh

The State of Madhya Pradesh was the second state to enact an anti-conversion law, the Madhya Pradesh Freedom of Religion Act, 1968.<sup>41</sup> Instead of using the term “inducement,” the Act uses the term “allurement,” which is defined under section 2(a) as an “offer of any temptation in the form of (i) any gift or gratification, either in cash or kind; (ii) grant of any material benefit, either monetary or otherwise.”<sup>42</sup> Section 3 of the Act states that “[n]o person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use [of] force or by allurement or by any fraudulent means nor shall any person abet any such conversion.”<sup>43</sup> The crime is punishable with imprisonment of up to one year, a fine of up to 5,000 rupees, or both.<sup>44</sup> If the crime is committed against a minor, woman, or person belonging to an SC/ST, the term of imprisonment may be increased to a maximum of two years and the fine up to 10,000 rupees.<sup>45</sup> Under section 5 of the Act, notice of the conversion must be given to the District Magistrate by the religious priest or the person who converts any person<sup>46</sup> “within seven days after the date of such ceremony.”<sup>47</sup>

Unlike the Orissa High Court, in 1977 the Madhya Pradesh High Court upheld the Madhya Pradesh Freedom of Religion Act, 1968, holding that the relevant sections “establish the equality of

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<sup>39</sup> *Yulitha Hyde & Ors. v. State of Orissa & Ors.*, A.I.R. 1973 116 (Ori), ¶ 12.

<sup>40</sup> *Id.*

<sup>41</sup> Madhya Pradesh Dharm a Swatantrya Adhiniyam [Madhya Pradesh Freedom of Religion Act], 1968, available at [http://www.kandhamal.net/DownloadMat/Madhya\\_Pradesh\\_Freedom\\_of\\_Religion\\_Act.pdf](http://www.kandhamal.net/DownloadMat/Madhya_Pradesh_Freedom_of_Religion_Act.pdf), archived at <https://perma.cc/7H96-2Y5A>; Madhya Pradesh Dharma Swatantrya [Madhya Pradesh Freedom of Religion Act] Rules, 1969, [http://www.kandhamal.net/DownloadMat/Madhya\\_Pradesh\\_Freedom\\_of\\_Religion\\_Rules.pdf](http://www.kandhamal.net/DownloadMat/Madhya_Pradesh_Freedom_of_Religion_Rules.pdf), archived at <https://perma.cc/L6UG-7SZ3>.

<sup>42</sup> Madhya Pradesh Freedom of Religion Act § 2(a).

<sup>43</sup> *Id.* § 3.

<sup>44</sup> *Id.* § 4.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* § 5.

<sup>47</sup> Madhya Pradesh Freedom of Religion Act Rules, 1969, Rule 3(1).

religious freedom for all citizens by prohibiting conversion by objectionable activities such, as conversion by force, fraud and by allurement.”<sup>48</sup>

Madhya Pradesh unsuccessfully sought to enact amending legislation in 2006 that would have required the priest to also provide notice to the District Magistrate one month prior to such conversion, giving “details of the related religion’s purification ceremony in which such conversion takes place along with the date, time, place and the name and address of the person whose religion is going to be changed.”<sup>49</sup> Failure to do so would have been punishable by up to one year in prison, a fine of up to 5,000 rupees, or both.<sup>50</sup> In addition, the amendment would have required the person who desired to convert to another religion to declare his or her intent to change religions “in front of [a] District Magistrate or in front of the Executive Magistrate specially authorized by [the] District Magistrate of [a] related District, that he wishes to change his religion on his own and at his will and pleasure.”<sup>51</sup> Failure to declare would have been punishable by a fine of 1,000 rupees.<sup>52</sup> After receiving the information, the District Magistrate was to provide the details to the Police Superintendent, who in turn would have investigated the matter to ensure there were no objections to the conversion<sup>53</sup> and reported his or her findings back to the District Magistrate.<sup>54</sup> However, the Madhya Pradesh Governor Balram Jakhar referred the amending bill to the President, who refused to grant it assent because he felt it “violated the freedom of religion guaranteed in the Constitution because it insists on prior permission.”<sup>55</sup>

The Madhya Pradesh Legislative Assembly approved a similar amendment to the state’s 1968 anti-conversion law in August 2013 “that would make the law more stringent.”<sup>56</sup> According to a news report, the 2013 amendment would enhance jail terms and fines for forced conversions (up to three years and a fine of up to 50,000 rupees, and in the case of a minor, woman, or person belonging to an SC/ST up to four years and a fine of up to 100,000 rupees), make it compulsory for the priest to request prior permission for the proposed conversion before conversion, and require the person

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<sup>48</sup> Rev. Stainislaus v. State of Madhya Pradesh & Ors., 1977 A.I.R. 908 (citing High Court of Madhya Pradesh).

<sup>49</sup> Madhya Pradesh Freedom of Religion (Amendment) Act, 2006 (adding revised ¶ II and new § 5(2)), available at [http://www.kandhamal.net/DownloadMat/Madhya\\_Pradesh\\_Freedom\\_of\\_Religion\\_Act\\_amendment.pdf](http://www.kandhamal.net/DownloadMat/Madhya_Pradesh_Freedom_of_Religion_Act_amendment.pdf), archived at <https://perma.cc/XQ8D-THVL>.

<sup>50</sup> *Id.* § 5(5).

<sup>51</sup> *Id.* § 5(1).

<sup>52</sup> *Id.* § 5(4).

<sup>53</sup> *Id.* § 5(3).

<sup>54</sup> *Id.*

<sup>55</sup> *MP Govt Moves Bill to Make Anti-conversion Law Stringent*, THE INDIAN EXPRESS (July 10, 2013), <http://archive.indianexpress.com/news/mp-govt--moves-bill-to-make-anti-conversion-law-stringent/1139927/>, archived at <https://perma.cc/49Z2-UGUV>.

<sup>56</sup> Testimony of Katrina Lantos Swett, *supra* note 23, at 5.

who has converted to inform authorities within a stipulated period of time.<sup>57</sup> However, the state's Governor has yet to grant assent to the law.<sup>58</sup>

### C. Arunachal Pradesh

Following the High Court cases in Orissa and Madhya Pradesh, anti-conversion legislation was implemented in the states of Andhra Pradesh, Tamil Nadu, and Arunachal Pradesh in 1978. The State of Arunachal Pradesh's anti-conversion provisions are contained in the Arunachal Pradesh Freedom of Religion Act, 1978, and are along similar lines to those enacted in Orissa and Madhya Pradesh.<sup>59</sup> The law, which was passed “[i]n view of the perceived threat to indigenous religions,”<sup>60</sup> received presidential assent on October 25, 1978. However, it does not appear to be enforced because the government has yet to frame the rules needed to implement it.

Section 3 of the Act stipulates that “[n]o person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to any other religious faith by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.”<sup>61</sup> Conversion “means renouncing one religious faith and adopting another religious faith, and ‘convert’ shall be construed accordingly.”<sup>62</sup> Under the law religious faith includes “indigenous faith,” which is defined as

religions, beliefs and practices including rites, rituals, festivals, observances, performances, abstinence, customs as have been found sanctioned, approved, performed by the indigenous communities of Arunachal Pradesh from the time these communities have been known and includes Buddhism as prevalent among Monpas, Menbas, Sherdukpens, Khambas, Khamtis and Singaphoos, Vaishnavism as practised by Noctes, Akas, and Nature worships including worships of Donyi-Polo, as prevalent among other indigenous communities of Arunachal Pradesh.<sup>63</sup>

Some reports appear to construe the law's definition of “conversion” in a manner that excludes reconversions to native faiths,<sup>64</sup> but it is unclear if this is a mistake or as a result of some amendment that could not be located. Some human rights organizations and legal scholars have criticized this aspect of the law since its real intent is to prevent or regulate conversions to faiths

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<sup>57</sup> *MP Govt Moves Bill to Make Anti-conversion Law Stringent, supra* note 54; *Anti-conversion Law Being Misused in MP: Archbishop*, THE INDIAN EXPRESS (Jan. 24, 2016), <http://indianexpress.com/article/india/india-news-india/archbishop-says-anti-conversion-law-misused-in-madhya-pradesh/>, archived at <https://perma.cc/NC37-E3Z5>.

<sup>58</sup> Testimony of Katrina Lantos Swett, *supra* note 23, at 5.

<sup>59</sup> Arunachal Pradesh Freedom of Religion Act, 1978, <http://acts.gov.in/AR/2897.pdf>, archived at <https://perma.cc/9THA-9M2C>.

<sup>60</sup> CHRISTIANITY AND CHANGE IN NORTHEAST INDIA 234 (Tanka Bahadur Subba et al. eds., 2016).

<sup>61</sup> Arunachal Pradesh Freedom of Religion Act § 3.

<sup>62</sup> *Id.* § 2(b).

<sup>63</sup> *Id.* § 2(c).

<sup>64</sup> *See, e.g.*, South Asia Human Rights Documentation Centre, *supra* note 23, at 64.

such as Christianity and Islam, and exempt “reconversions,”<sup>65</sup> raising the issue of equal protection and treatment under the law.<sup>66</sup>

The term “force” in the law includes a “show of force or a threat of injury of any kind including threat of divine displeasure or social excommunication.”<sup>67</sup> The term “fraud” is defined to include “misrepresentation or any other fraudulent contrivance,”<sup>68</sup> and “inducement” means “the offer of any gift or gratification, either cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise.”<sup>69</sup> The crime of forcible conversion is punishable with imprisonment of up to two years and fine of up to 10,000 rupees.<sup>70</sup> Section 5 of the Act requires notice of a conversion by the priest or “[w]hoever converts any person” within a prescribed period to be established by subsidiary rules.<sup>71</sup>

While enforcement of the law is lacking, the government of Arunachal Pradesh has reportedly announced that it plans to repeal the law.<sup>72</sup> The announcement was made by the Chief Minister of Arunachal Pradesh in a function organized by the Arunachal Pradesh Catholic Association. The Chief Minister reasoned that the current Anti-conversion Law demoralizes people, targets only Christians, and will be “misused in the future by irresponsible officials.” He further stated that the misuse of this law will lead officials to torture people and spread violence, which will in turn “break Arunachal Pradesh into pieces.”<sup>73</sup> Some commentators argue that there may be political motives behind such an action taken by the BJP party in advance of the 2019 elections. As 32% of the state population is Christian, the BJP party would benefit from support of the Christians in this state.<sup>74</sup> However, the Arunachal Christian Forum has responded to these allegations by saying that there are no politics behind this action and that the history of past elections has proven this.<sup>75</sup>

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<sup>65</sup> Tehmina Arora, International Institute for Religious Freedom, *India’s Defiance of Religious Freedom: A Briefing on ‘Anti-Conversion’ Laws*, 1(2) IIRF REPORTS 5 (Feb. 2012), [http://www.iirf.eu/fileadmin/user\\_upload/IIRF\\_Reports/iirf\\_rep\\_2\\_1\\_india.pdf](http://www.iirf.eu/fileadmin/user_upload/IIRF_Reports/iirf_rep_2_1_india.pdf), archived at <https://perma.cc/4SWA-R4WX>.

<sup>66</sup> WEN-CHEN CHANG ET AL., CONSTITUTIONALISM IN ASIA: CASES AND MATERIALS 816 (2014).

<sup>67</sup> Arunachal Pradesh Freedom of Religion Act § 2(d).

<sup>68</sup> *Id.* § 2(e).

<sup>69</sup> *Id.* § 2(f).

<sup>70</sup> *Id.* § 4.

<sup>71</sup> *Id.* § 5.

<sup>72</sup> *Arunachal Pradesh Govt Plans to Repeal Anti-conversion Law ahead of 2019 Polls; Tribal Leaders Oppose Move*, FIRST POST (July 3, 2018), <https://www.firstpost.com/india/arunachal-pradesh-govt-plans-to-repeal-anti-conversion-law-ahead-of-2019-polls-tribal-leaders-oppose-move-4639461.html>, archived at <https://perma.cc/PXY9-LSJ5>.

<sup>73</sup> Utpal Parashar, *BJP Government in Arunachal Pradesh Plans to Repeal Anti-conversion Law*, HINDUSTAN TIMES (June 30, 2018), <https://www.hindustantimes.com/india-news/bjp-government-in-arunachal-pradesh-plans-to-repeal-anti-conversion-law/story-aLzsWx8ZNYtnxTHxgqFIZK.html>, archived at <https://perma.cc/E68H-MAUQ>.

<sup>74</sup> Prasanta Mazumdar, *Christians Elated as Arunachal Mulls Scrapping Anti-conversion Law*, THE NEW INDIAN EXPRESS (June 30, 2018), <http://www.newindianexpress.com/nation/2018/jun/30/christians-elated-as-arunachal-mulls-scrapping-anti-conversion-law-1836173.html>, archived at <https://perma.cc/5SCD-TN8K>.

<sup>75</sup> *Id.*

## D. Chhattisgarh

The State of Chhattisgarh was established in November 2000 as a result of the partitioning of the southeastern districts of Madhya Pradesh. Chhattisgarh reportedly retained the anti-conversion law of Madhya Pradesh and adopted it under the title Chhattisgarh Freedom of Religion Act, 1968.<sup>76</sup> The subsidiary rules for implementation of the Act were also retained.<sup>77</sup>

The rise of Hindu Nationalism and the BJP party in Chhattisgarh since the 1990s led to the passage of a number of anti-conversion laws between 2000 and 2010.<sup>78</sup> Moreover, attempts were made during this period to make pre-existing laws more stringent.

In 2006, the state legislature, in which the BJP held a majority, passed an amendment to the 1968 Act to make it more stringent, but the measure is still awaiting assent. The amendment would redefine “conversion” to provide that “the return in ancestor’s original religion or his own original religion by any person shall not be construed as ‘conversion’.”<sup>79</sup> The measure would also increase the punishment and fines for forced conversion,<sup>80</sup> require prior permission from a district magistrate before a conversion takes place, stipulate that notice must be given to the magistrate thirty days prior to the conversion, and authorize the magistrate after an inquiry order to “permit or refuse to permit any person to convert, any person, from one religious faith to another and such permission shall be valid for two months from the date of its order.”<sup>81</sup> This order would only be appealable to a district judge “whose decision shall be final.”<sup>82</sup> The bill states that anyone found guilty of converting any person in contravention of the district magistrate’s order commits a cognizable offense punishable by imprisonment for up to three years and a fine of up to 20,000 rupees.<sup>83</sup>

According to an *Indian Express* article published in late 2014, the bill is being reviewed by the Ministry of Home Affairs (MHA) after previous governors of Chhattisgarh refused to give their assent.<sup>84</sup>

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<sup>76</sup> *Chhattisgarh Passes Anti-conversion Bill*, GULF NEWS (Aug. 4, 2006), <http://gulfnnews.com/news/asia/india/chhattisgarh-passes-anti-conversion-bill-1.248514>, archived at <https://perma.cc/9RK6-6XZ4>; Saadiya Suleman, Note, *Freedom of Religion and Anti Conversion Laws in India: An Overview*, 1(1) ILI L. REV. 106, 118 (Feb. 1, 2010), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1597854](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1597854), archived at <https://perma.cc/9WMZ-UZ69>.

<sup>77</sup> South Asia Human Rights Documentation Centre, *supra* note 23, at 63.

<sup>78</sup> GOLDIE OSURI, RELIGIOUS FREEDOM IN INDIA: SOVEREIGNTY AND (ANTI) CONVERSION 2 (2013)

<sup>79</sup> Chhattisgarh Freedom of Religion (Amendment) Act, No. 18 of 2006, § 2.

<sup>80</sup> *Id.* § 3.

<sup>81</sup> *Id.* § 4.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> Vijaita Singh, *MHA Examining Chhattisgarh’s Anti-conversion Bill*, INDIAN EXPRESS (Dec. 22, 2014), <http://indianexpress.com/article/india/india-others/mha-examining-chhattisgarhs-anti-conversion-bill/>, archived at <https://perma.cc/98H5-TBDJ>.

## E. Gujarat

The anti-conversion law in the State of Gujarat was enacted as the Gujarat Freedom of Religion Act, 2003.<sup>85</sup> The purpose of the Act is to prohibit conversions from one religion to another by the use of force, allurement, or fraudulent means.

Section 3 of the Gujarat Freedom of Religion Act, 2003 prohibits forcible conversion and states that “[n]o person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by allurement or by any fraudulent means nor shall any person abet such conversion.”<sup>86</sup> Unlike the legislation of other states, however, the wording of the definition of “convert” is slightly different, and means “to make one person to renounce one religion and adopt another religion.”<sup>87</sup> Any person who contravenes section 3 is punishable by imprisonment for up to three years and is also liable to a fine of up to 50,000 rupees.<sup>88</sup> If the crime is committed against a minor, woman, or person belonging to an SC/ST, it is “punished with imprisonment for a term which may extend to four years and . . . [a] fine which may extend to [100,000 rupees].”<sup>89</sup>

Unlike the other state acts where only prior or subsequent notice is required, under section 5 of the Gujarat Act, a person wanting to convert must seek prior permission from the District Magistrate with respect to the conversion.<sup>90</sup> The section also requires the person who is converted to send a notice to the District Magistrate of the “[district] concerned in which the ceremony has taken place of the fact of such conversion within such period and in such form as may be prescribed by rules.”<sup>91</sup> The Gujarat Freedom of Religion Rules 2008 stipulate that such a notice should be given “within ten days from the date of such conversion ceremony.” Failure to comply with these permission or notice provisions is punishable by imprisonment for up to one year or a fine of up to 1,000 rupees, or both.<sup>92</sup>

On July 21, 2006, an amendment bill known as the Gujarat Freedom of Religion (Amendment) Act, 2006, was passed by the BJP state-level government.<sup>93</sup> The bill’s aim was to replace section 2(b) of the original Act, which defined the word “convert,” and to provide clarifying explanations. The amendment sought to clarify that the provisions of the Act “shall not apply to inter-

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<sup>85</sup> Gujarat Freedom of Religion Act, 2003, available at [https://home.gujarat.gov.in/Upload/Gujarat\\_Freedom\\_of\\_Religion\\_Act2003\\_new\\_home\\_1\\_1\\_221015.pdf](https://home.gujarat.gov.in/Upload/Gujarat_Freedom_of_Religion_Act2003_new_home_1_1_221015.pdf), archived at <https://perma.cc/7VBX-BGTP>.

<sup>86</sup> *Id.* § 3.

<sup>87</sup> *Id.* § 2(b).

<sup>88</sup> *Id.* § 4.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* § 5.

<sup>91</sup> *Id.* § 5(2).

<sup>92</sup> *Id.* § 5(3).

<sup>93</sup> Gujarat Freedom of Religion (Amendment) Bill, 2006, [http://www.kandhamal.net/DownloadMat/Gujarat\\_Freedom\\_of\\_Religion\\_Act\\_amendment.pdf](http://www.kandhamal.net/DownloadMat/Gujarat_Freedom_of_Religion_Act_amendment.pdf), archived at <https://perma.cc/F2C8-QQYT>.

denomination conversion of the same religion.”<sup>94</sup> The substitute language for section 2(b) read as follows:

- (b) “Convert” means to make one person to renounce one religion and adopt another religion; but does not include to make one person to renounce one denomination and adopt another denomination of the same religion.

*Explanation:* For removal of doubt, it is hereby illustrated that for the purpose of this Act:

- (i) Jain and Buddhist shall be construed as denominations of Hindu religion;  
(ii) Shia and Sunni shall be construed as denominations of Muslim religion; and  
(iii) Catholic and Protestant shall be construed as denominations of Christian religion.<sup>95</sup>

Buddhist and Jain communities, however, raised objection to being subsumed as a denomination of the Hindu religion when the bill was introduced in 2006.<sup>96</sup> The state government withdrew the bill after the governor returned it for reconsideration.<sup>97</sup> According to the South Asia Human Rights Documentation Centre,

[w]hile returning the amendment bill to the legislature, the governor stated that the explanations it contained “stipulating that the Jains and Buddhists . . . be construed as denominations of the Hindu religion, Shias and Sunnis of the Muslim religion and Catholics and Protestants of the Christian religion” were particularly objectionable. The Jain community had been especially vociferous in protesting against the amendment.<sup>98</sup>

## F. Himachal Pradesh

The Himachal Pradesh Freedom of Religion Act, 2006<sup>99</sup> is “modelled on existing anti-conversion laws in other Indian states” and came into effect on February 18, 2007.<sup>100</sup> According to the South Asia Human Rights Documentation Centre, “[i]ts adoption is particularly ironic in view of the fact that the state government is led by the Congress Party, which has consistently sought to highlight its ‘secular’ credentials.”<sup>101</sup>

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<sup>94</sup> *Id.* Statement of Objects & Reasons.

<sup>95</sup> *Id.* § 2.

<sup>96</sup> *Gujarat Withdraws Freedom of Religion Amendment Bill*, THE INDIAN EXPRESS (Mar. 11, 2008), <http://archive.indianexpress.com/news/gujarat-withdraws-freedom-of-religion-amendment-bill/282818/>, archived at <https://perma.cc/K77H-J859>.

<sup>97</sup> *Id.*

<sup>98</sup> South Asia Human Rights Documentation Centre, *supra* note 23, at 64.

<sup>99</sup> The text of the Himachal Pradesh Freedom of Religion Act, 2006, could not be located but is believed to be identical to the original bill text. See Himachal Pradesh Freedom of Religion Bill, No. 31 of 2006, [http://www.kandhamal.net/DownloadMat/Himachal\\_Pradesh\\_Freedom\\_of\\_Religion-Act.pdf](http://www.kandhamal.net/DownloadMat/Himachal_Pradesh_Freedom_of_Religion-Act.pdf), archived at <https://perma.cc/34KX-64D8>.

<sup>100</sup> South Asia Human Rights Documentation Centre, *supra* note 23, at 64.

<sup>101</sup> *Id.*

Section 3 of the Act prohibits conversion “by the use of force or by inducement or by any other fraudulent means.”<sup>102</sup> One important difference, however, is that “[t]he proviso to the prohibition clause of the Himachal Pradesh Act further goes on to declare that ‘any person who has been converted from one religion to another, in contravention of the provisions of this section, shall be deemed not to have been converted.’”<sup>103</sup> The Himachal Pradesh Act also uses the term “inducement” instead of “allurement.”<sup>104</sup>

Section 4(1) of the Act requires any person wishing to convert to another religion to give at least thirty days’ prior notice to district authorities. However, “no notice shall be required if a person reverts back to his original religion.”<sup>105</sup> Notice of a conversion must be made to the District Magistrate who can order an enquiry;<sup>106</sup> failure to do so is subject to punishment.<sup>107</sup> According to section 5, an offense under section 3 is punishable with imprisonment for up to two years, a fine of up to 25,000 rupees, or both.<sup>108</sup> In the case of the conversion of a minor, woman, or SC/ST, the term of imprisonment may extend to three years and the fine may be increased to 50,000 rupees.<sup>109</sup>

In a landmark 2007 decision, the Himachal Pradesh High Court struck down section 4 of the Act and Rules 3 and 5 of the Himachal Pradesh Freedom of Religion Rules 2007, which implement the Act.<sup>110</sup> The Court held that these provisions were in violation of article 14 of the Constitution, and that “a person not only has a right of conscience, the right of belief, the right to change his belief, but also has the right to keep his beliefs secret.”<sup>111</sup> The Court, after examining the anti-conversion laws in Madhya Pradesh and Orissa, came to the conclusion “that the Himachal Act had gone beyond the other two Acts and had infringed on the fundamental rights of the convertees,”<sup>112</sup> according to a news report.<sup>113</sup>

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<sup>102</sup> Himachal Pradesh Freedom of Religion Bill § 2.

<sup>103</sup> Suleman, *supra* note 76, at 120; *see also* Himachal Pradesh Freedom of Religion Bill § 3.

<sup>104</sup> Himachal Pradesh Freedom of Religion Bill § 2(d).

<sup>105</sup> *Id.* § 4(1).

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* § 4(2).

<sup>108</sup> *Id.* § 5.

<sup>109</sup> *Id.* § 5.

<sup>110</sup> Himachal Pradesh Freedom of Religion Rules, 2007, [http://www.olir.it/ricerca/getdocumentopdf.php?lang=ita&Form\\_object\\_id=5901](http://www.olir.it/ricerca/getdocumentopdf.php?lang=ita&Form_object_id=5901), archived at <https://perma.cc/AS8H-M9NN>.

<sup>111</sup> Ravinder Makhaik, *HC Partially Strikes Down Himachal’s Anti-conversion Law*, TIMES OF INDIA (Aug. 31, 2012), <http://timesofindia.indiatimes.com/india/HC-partially-strikes-down-Himachals-anti-conversion-law/articleshow/16036603.cms>, archived at <https://perma.cc/DQS6-PWPB>.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*



## G. Rajasthan

Rajasthan State's Parliament also passed an anti-conversion bill in 2006,<sup>114</sup> but it was never given assent by the state's governor.<sup>115</sup> According to one report, the governor "did not sign the bill because of complaints by religious minorities."<sup>116</sup> Under the bill, "conversion" was defined as "renouncing one's own religion and adopting another," and "own religion" was described as "[the] religion of one's forefathers."<sup>117</sup> Punishment for conversion is two years' imprisonment, which may extend to five years, and fines of up to fifty thousand rupees.<sup>118</sup> The offense is "cognizable and non-bailable and shall not be investigated by an officer below the rank of Deputy Superintendent of Police."<sup>119</sup>

## H. Tamil Nadu

The Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance 2002<sup>120</sup> was issued, but was subsequently replaced by the Tamil Nadu Prohibition of Forcible Conversion of Religion Act 2002<sup>121</sup> in the same year. The Act, now repealed, was passed under the initiative of the right-wing government led by former chief minister of Tamil Nadu, the late Jayaram Jayalalithaa. The Act adhered to the general framework as laid down in the Orissa Freedom of Religion Act 1967. Section 3 stated that "[n]o person shall convert or attempt to convert directly or otherwise any person from one religion to another either by use of force or by allurement or by any fraudulent means."<sup>122</sup> Anyone who "converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or by taking part directly or indirectly in such ceremony" was required to send notice to the District Magistrate within the prescribed period.<sup>123</sup> The Act imposed a fine of up to 50,000 rupees and three years of imprisonment on anyone found guilty of coercing religious conversions.<sup>124</sup> If the conversions

<sup>114</sup> Rajasthan Freedom of Religion Bill, No. 12 of 2006, [http://www.kandhamal.net/DownloadMat/Rajasthan\\_Freedom\\_of\\_Religion\\_Bill.pdf](http://www.kandhamal.net/DownloadMat/Rajasthan_Freedom_of_Religion_Bill.pdf), archived at <https://perma.cc/FPY9-ZDS2>.

<sup>115</sup> *Cable 64917: Rajasthan Governor Refuses to Sign Anti-conversion Bill*, THE HINDU (Apr. 21, 2011; updated Sept. 27, 2016), <http://www.thehindu.com/news/the-india-cables/the-cables/64917-Rajasthan-governor-refuses-to-sign-anti-conversion-bill/article14690462.ece>, archived at <https://perma.cc/GYS9-7Q8W>.

<sup>116</sup> *Rajasthan Religion Bill Rejected*, BBC NEWS, [http://news.bbc.co.uk/2/hi/south\\_asia/4996708.stm](http://news.bbc.co.uk/2/hi/south_asia/4996708.stm) (last updated May, 19, 2006), archived at <https://perma.cc/6P9E-KOKA>.

<sup>117</sup> Rajasthan Freedom of Religion Bill § 2(c).

<sup>118</sup> *Id.* § 4.

<sup>119</sup> *Id.* § 5.

<sup>120</sup> *The Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance*, BERKLEY CENTER FOR RELIGION, PEACE, AND WORLD AFFAIRS (Jan. 1, 2002), <https://berkeleycenter.georgetown.edu/quotes/the-tamil-nadu-prohibition-of-forcible-conversion-of-religion-ordinance>, archived at <https://perma.cc/P4L3-K7UK>.

<sup>121</sup> Tamil Nadu Prohibition of Forcible Conversion of Religion Act, No. 56 of 2002, available at [http://www.lawsfindia.org/pdf/tamil\\_nadu/2002/2002TN56.pdf](http://www.lawsfindia.org/pdf/tamil_nadu/2002/2002TN56.pdf), archived at <https://perma.cc/6X4B-8YRS>.

<sup>122</sup> *Id.* § 3.

<sup>123</sup> *Id.* § 5(1).

<sup>124</sup> *Id.* § 4.

involved women, minors, or members of the SC/ST, a fine of 1,000,000 rupees and four years of imprisonment were imposed.<sup>125</sup>

Thousands of Dalits converted to Christianity and Buddhism without approval from the local magistrate in protest of the new anti-conversion laws.<sup>126</sup> On May 21, 2004, due to electoral implications and representation from minorities against the anti-conversion provisions,<sup>127</sup> the Tamil Nadu Prohibition of Forcible Conversion of Religion Act was repealed by the state government.<sup>128</sup>

## I. Jharkhand

Jharkhand, a northern Indian state, enacted an anti-conversion law on August 12, 2017. The BJP, the governing party in Jharkhand, held a state-level executive meeting on May 1, 2017, where they “adopted a resolution proposing a law to end religious conversion activities in the state.”<sup>129</sup> According to news reports, J.B. Dubit, the state’s BJP spokesperson, said that “[t]he resolution asks the state government to formulate a law that will make all conversions done through allurements or force illegal and punishable.”<sup>130</sup> The BJP and other Hindu nationalist groups in the state “maintain that Christian missionaries’ service in the fields of education and health are a cover to attract poor tribal and Dalit people in the villages.”<sup>131</sup> The state government is reported to have studied the draft bills of other states such as Gujarat, Madhya Pradesh and other states before making a final decision.<sup>132</sup>

The Jharkhand Vidhan Sabha (Legislative Assembly) passed the Jharkhand Dharm Swatantra Bill, 2017 (also known as the Jharkhand Freedom of Religion Bill, 2017) on August 12, 2017.<sup>133</sup> News reports indicate that on September 5, 2017, Jharkhand Governor Draupadi Murmu gave her assent

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<sup>125</sup> *Id.*

<sup>126</sup> *Crackdown over India Mass Baptism*, BBC NEWS (Dec. 6, 2002), [http://news.bbc.co.uk/2/hi/south\\_asia/2548471.stm](http://news.bbc.co.uk/2/hi/south_asia/2548471.stm), archived at <https://perma.cc/NN75-3L5K>.

<sup>127</sup> *Government Announces Anti-Conversion Law Not in Force in Tamil Nadu, India*, CHRISTIAN TODAY (May 25, 2005), [http://www.christiantoday.com/article/government\\_announces\\_anti\\_conversion\\_law\\_not\\_in\\_force\\_in\\_tamil\\_nadu\\_india/2969.htm](http://www.christiantoday.com/article/government_announces_anti_conversion_law_not_in_force_in_tamil_nadu_india/2969.htm), archived at <https://perma.cc/4T4K-9U8N>.

<sup>128</sup> Tamil Nadu Prohibition of Forcible Conversion of Religion (Repeal) Act, 2006, GOVERNMENT GAZETTE EXTRAORDINARY, June 7, 2006, [http://cms.tn.gov.in/sites/default/files/acts/ACT\\_10to12\\_131\\_07JUN06\\_0.pdf](http://cms.tn.gov.in/sites/default/files/acts/ACT_10to12_131_07JUN06_0.pdf), archived at <https://perma.cc/5TL5-C554>;

<sup>129</sup> Saji Thomas, *India: Hindu Party Pushes Anti-Conversion Law in Jharkhand*, EURASIA REVIEW (May 5, 2017), <https://www.eurasiareview.com/05052017-india-hindu-party-pushes-anti-conversion-law-in-jharkhand/>, archived at <https://perma.cc/YYK8-7Z8L>.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Jharkhand Likely to Move Anti-conversion Bill in Monsoon Session*, FIRSTPOST (July 10, 2017), <https://www.firstpost.com/india/jharkhand-likely-to-move-anti-conversion-bill-in-monsoon-session-3796191.html>, archived at <https://perma.cc/T4K4-DE3W>.

<sup>133</sup> Prashant Pandey, *Jharkhand Passes Anti-conversion Bill, Govt Rejects Demand for More Scrutiny*, INDIAN EXPRESS (Aug. 13, 2017), <http://indianexpress.com/article/india/jharkhand-passes-anti-conversion-bill-govt-rejects-demand-for-more-scrutiny-4794360>, archived at <https://perma.cc/A4UC-PG2M>.

to the Bill, although the Act itself states that the governor approved the Bill on September 6, 2017.<sup>134</sup>

According to section 4, the contravention of section 3 (“Prohibition of forcible conversion”) is a cognizable and nonbailable offense punishable with imprisonment for up to three years, a fine of up to 50,000 rupees, or both.<sup>135</sup> In the case of the conversion of a minor, woman, or SC/ST, the term of imprisonment may extend to four years and the fine may be increased to 100,000 rupees. Section 5 requires that a person wanting to convert must seek prior permission from the District Magistrate with respect to the conversion. The Act also requires that the person who is converted send a notice to the District Magistrate of the “[district] concerned in which the ceremony has taken place of the fact of such conversion within such period and in such form as may be prescribed by rules.”<sup>136</sup>

Section 1(3) of the Act stipulates that “[i]t shall come into force from the date of its issuance,” which is September 11, 2017. However, though the law appears to be in force, certain sections of the law—namely, sections 5(1) and 5(2) (“Prior permission for conversion”)—require certain prescribed rules to be issued in order for the provisions to be implemented. Section 8 of the Act authorizes the state government to make rules for the purpose of carrying out the Act. No information was located, official or otherwise, indicating whether such rules have been issued. On February 21, 2018, a news report with the title “Conversion Rules” indicated that the district administration has published a form that a “religious head needs to fill up if he or she intends to convert someone and asked religious bodies under its domain to furnish details of their conversion-related activities in a week, signaling possibly the first formal rollout of [the] Jharkhand Freedom of Religion Act-2017.”<sup>137</sup>

## J. Uttarakhand

On November 20, 2017, the High Court of Uttarakhand issued a decision in the context of a habeas corpus petition suggesting that the state government pass an anti-conversion law. The petition sought the production of one Ms. Sharma, who had allegedly married a Husain Ansari (alias Atul Sharma). Mr. Sharma’s conversion to Hinduism as well as his marriage to Ms. Sharma were contested in the case.<sup>138</sup> The Court noted that this case was not the first it had considered involving

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<sup>134</sup> Prashant Pandey, *Jharkhand Gov Approves Freedom of Religion Bill, Land Act; BJP Welcomes Move*, INDIAN EXPRESS (Sept. 6, 2017), <http://indianexpress.com/article/india/jharkhand-gov-approves-freedom-of-religion-bill-land-act-bjp-welcomes-move>, archived at <https://perma.cc/TJN5-R3NL>; Jharkhand Dharm Swatantra Act, No. 17 of 2017, JHARKHAND EXTRAORDINARY GAZETTE No. 657, Sept. 11, 2017, <http://jhr2.nic.in/egazette/Notification.aspx> (locate Act through search or browse), archived at <https://perma.cc/2EYL-9PKX>.

<sup>135</sup> *Id.* § 5.

<sup>136</sup> *Id.* § 5(2).

<sup>137</sup> *Conversion Rules*, TELEGRAPH INDIA (Feb 21, 2018), <https://www.telegraphindia.com/states/jharkhand/conversion-rules-210193>, archived at <https://perma.cc/64RV-EV2Z>.

<sup>138</sup> Apoorva Mandhani, *Uttarakhand HC Suggests Enactment of Freedom of Religion Act to Curb “Sham Conversions” for Marriage [Read Order]*, LIVELAW.IN (Nov. 20, 2017), <http://www.livelaw.in/uttarakhand-hc-suggests-enactment-freedom-religion-act-curb-sham-conversions-marriage-read-order/>, archived at <https://perma.cc/JN7J-MXD5>.

inter-religious marriages, and that in some of these cases conversion was a “sham” undertaken to “facilitate the process of marriage”:

In order to curb this tendency, the State Govt. is expected to legislate the Freedom of Religion Act on the analogy of Madhya Pradesh Freedom of Religion Act, 1968 as well as Himachal Pradesh Freedom of Religion Act, 2006, without hurting the religious sentiments of citizens.

The Court, while making this suggestion, is well aware that it is not the role of the Court to give suggestions to the State Government to legislate but due to [the] fast changing social milieu, this suggestion is being made.<sup>139</sup>

On December 17, 2017, the governing BJP concluded a meeting of the party in which the Chief Minister of the state declared that the government was planning to send an anti-conversion bill to the State Assembly.<sup>140</sup> Four months after the order of the High Court, the state government submitted the bill in the State Assembly on March 21, 2018.<sup>141</sup> The bill was passed by the Assembly and signed by the Governor on April 18, 2018.<sup>142</sup>

Section 3 of the new law provides that forced conversion is punishable with imprisonment of between one to five years and a fine (which is not specified in the Act).<sup>143</sup> If the conversion involves a woman, minor, or member of the SC/ST, the term of imprisonment is two to seven years and a fine.<sup>144</sup> Section 3 stipulates an exemption for any person who “comes back to this ancestral religion,” which is not deemed conversion under the Act.<sup>145</sup>

Section 8 stipulates that a person who desires to convert his/her religion is required to give a declaration at least one month in advance to the District Magistrate or the Executive Magistrate “that he wishes to convert his religion on his own and at his free consent and without any force, coercion, undue influence or allurement.”<sup>146</sup> The religious priest who performs the conversion ceremony is also required to give one month’s advance notice of such conversion to the District

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<sup>139</sup> Girish Kumar Sharma v. State of Uttarakhand & others, Habeas Corpus Petition No. 20 of 2017 (Nov. 14, 2017), <http://lobis.nic.in/ddir/uhc/RS/orders/15-11-2017/RS14112017HABC202017.pdf>, archived at <https://perma.cc/Y7YP-SMHQ>; HABC No. 20 of 2017, <http://lobis.nic.in/ddir/uhc/RS/judgement/21-11-2017/RS20112017HABC202017.pdf>, archived at <https://perma.cc/R4NE-KLFA>.

<sup>140</sup> *Government to Bring Anti-conversion Bill: CM*, THE TIMES OF INDIA (Dec. 18, 2017), <https://timesofindia.india.com/city/dehradun/govt-to-bring-anti-conversion-bill-cm/articleshow/62109095.cms>, archived at <https://perma.cc/87TQ-JQ3U>.

<sup>141</sup> Deep Joshi, *Conversion Bill Tabled in Uttarakhand, Moots up to 2-year Jail to Offenders*, HINDUSTAN TIMES (Mar. 21, 2018), <https://www.hindustantimes.com/dehradun/conversion-bill-tabled-in-uttarakhand-moots-up-to-2-year-jail-to-offenders/story-WTLZs61cL2MNOVt6YPjDVN.html>, archived at <https://perma.cc/7J8S-ZX8F>.

<sup>142</sup> *‘Anti-Conversion’ Bill Becomes Law in Uttarakhand*, CHRISTIAN TODAY (May 6, 2018), <http://www.christiantoday.co.in/article/anti.conversion.bill.becomes.law.in.uttarakhand/18557.htm>.

<sup>143</sup> Uttarakhand Freedom of Religion Act, 2018, § 5.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.* § 3.

<sup>146</sup> *Id.* § 8(1).

Magistrate or any other officer appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.<sup>147</sup> The District Magistrate, after receiving the information “shall get an enquiry conducted through police, with regard to real intention, purpose and cause of that proposed religion conversion.”<sup>148</sup> Contravention of the declaration/notice requirements “have the effect of rendering the said conversion, illegal and void”<sup>149</sup> and are subject to stipulated punishments.<sup>150</sup>

One important difference between the Uttarakhand measure and that of other states is that it contains a provision on marriage and religious conversion that stipulates as follows:

Any marriage which was done for the sole purpose of conversion by the man of one religion with the woman of another religion either by converting himself before or after marriage or by converting the woman before or after marriage may be declared null and void by the Family Court or where [a] Family Court is not established, the Court having jurisdiction to try such case on a petition presented by either party thereto against the other party of the marriage.<sup>151</sup>

#### IV. Treatment by the Supreme Court

The Constitution of India guarantees the freedom to profess, practice, and propagate one’s religion under article 25. The Supreme Court in the case of *Ratilal Panachand Gandhi v. State of Bombay* clarified this provision by holding that

every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for edification of others.<sup>152</sup>

The Supreme Court in *Rev Stainislaus v. State of Madhya Pradesh*<sup>153</sup> examined whether the right to practice and propagate one’s religion also included the right to convert. The Court upheld the validity of the earliest anti-conversion statutes: the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968, and the Orissa Freedom of Religion Act, 1967. As summarized by Professor Laura Jenkins, the Court found that “restrictions on efforts to convert are constitutional because

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<sup>147</sup> *Id.* § 8(2).

<sup>148</sup> *Id.* § 8(3).

<sup>149</sup> *Id.* § 8(4).

<sup>150</sup> *Id.* § 8(5)–(6).

<sup>151</sup> *Id.* § 6.

<sup>152</sup> *Ratilal Panachand Gandhi v. State of Bombay*, 1954 S.C.R. 1035, 1063, <http://judis.nic.in/supremecourt/imgs1.aspx?filename=949>, archived at <https://perma.cc/TNT3-EKTK>.

<sup>153</sup> *Rev. Stainislaus v. State of Madhya Pradesh*, (1977) 1 SCC 677 (Online).

such efforts impinge on ‘freedom of conscience’ and ‘public order’.”<sup>154</sup> In one of its conclusions the Court held that propagation only indicated persuasion/exposition without coercion and that the right to propagate did not include the right to convert any person. This holding was summed up by the Court as follows:

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 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.

...

It has to be appreciated that the freedom of religion enshrined in the Article [25] is not guaranteed in respect of one religion only, but covers all religions alike, and it can be properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following the other religions. What is freedom for one, is freedom for the other, in equal measure, and there can therefore be no such thing as a fundamental right to convert any person to one’s own religion.<sup>155</sup>

Because article 25(1) stipulates that the right is subject to “public order,” the Court also found that the acts “clearly provide for the maintenance of public order for, if forcible conversion had not been prohibited, that would have created public disorder in the States,” and that “the expression ‘Public order’ is of wide connotation.”<sup>156</sup> On the question of competency, the Court found that the acts fall within the purview of the states pursuant to Entry I (“Public Order”) of List II of the Constitution’s Seventh Schedule and are not regulated as a subject of religion, which is under the residuary jurisdiction of the central legislature.<sup>157</sup>

This decision has come under some academic criticism for not recognizing “propagation” as including freedom to convert and failing to “discuss the definitions of inducement and allurement, which was the primary bone of contention” with these laws. According to Professor Mustafa and Professor Sohi, the Supreme Court

also did not revert to the legislative history of Article 25—the term propagate was included in the Constitution as a compromise to assure Christians that it would include freedom to convert. Moreover, if one takes the reductionist understanding of propagation—given the court in this case—the inclusion of such a term in the Indian Constitution would be rendered meaningless. The mere right to propagate for the enlightenment of others would already be covered under the right to free speech and expression under Article 19(1)(a) of

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<sup>154</sup> Laura Dudley Jenkins, *Legal Limits on Religious Conversion in India*, 71 LAW & CONTEMP. PROBS. 109, 115 (2008), <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1469&context=lcp>, archived at <https://perma.cc/MM8W-K64C>.

<sup>155</sup> Rev. Stainislaus v. State of Madhya Pradesh, ¶ 21.

<sup>156</sup> *Id.* ¶ 24.

<sup>157</sup> *Id.* ¶ 25.

the Indian Constitution. Thus, we submit that the right to convert was actually included in Article 25, and, as such, the decision of the Supreme Court in *Stainislaus* not only was erroneous but also led to instability in society, as Indian Christians feel they have been cheated in this matter. The assurances given to them in the Constituent Assembly on the inclusion of the word propagate have not been fulfilled, and the government has done nothing to remedy the situation arising out of the highly restrictive interpretation of the term propagation by the Supreme Court.<sup>158</sup>

## V. Implementation and Enforcement

### A. Human Rights Concerns

Human rights organizations and institutions have expressed concerns over the years about the rights implications of, and lack of equitable treatment under, these state anti-conversion laws. According to the US Commission on International Religious Freedom (USCIRF), “[t]hese laws, based on concerns about unethical conversion tactics, generally require government officials to assess the legality of conversions out of Hinduism only, and provide for fines and imprisonment for anyone who uses force, fraud, or ‘inducement’ to convert another.”<sup>159</sup>

A report released by the USCIRF stated that although India emphasizes “complete legal equality” and prohibits faith-based discrimination, “there are constitutional provisions, State and national laws that do not comply with international standards of freedom of religion or belief, including Article 18 of the UN Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights.”<sup>160</sup> The report also stated that “the anti-conversion laws both by their design and implementation infringe upon the individual’s right to convert, favor Hinduism over minority religions, and represent a significant challenge to Indian secularism.”<sup>161</sup> In addition, “these laws have resulted in inequitable practices against minorities.”<sup>162</sup>

On the other hand, a Hindu advocacy group in the United States, the Hindu American Foundation, has claimed that

Freedom of Religion laws were primarily formulated to prevent vulnerable populations or populations without power, such as children and those that are poor, uneducated, and illiterate from being preyed upon and falling victim to predatory efforts seeking religious

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<sup>158</sup> Faizan Mustafa & Jagteshwar Singh Sohi, *Freedom of Religion in India: Current Issues and Supreme Court Acting as Clergy*, 2017(4) BYU L. REV. 915, 942-3 (2018), <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=3113&context=lawreview>, archived at <https://perma.cc/V7KT-H8VW>.

<sup>159</sup> USCIRF, ANNUAL REPORT 2016: INDIA 162, [http://www.uscifr.gov/sites/default/files/USCIRF 2016 Annual Report.pdf](http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf), archived at <https://perma.cc/A5NM-947L>.

<sup>160</sup> KARAMAT CHEEMA, USCIRF, *supra* note 6, at 11.

<sup>161</sup> *Id.* at 3.

<sup>162</sup> *Id.* at 2.

conversion in exchange for or with the allurements of medical and humanitarian aid, education, or employment.<sup>163</sup>

Proponents view the laws as a restriction on conversion, “so as to preserve peace and harmony in plural India.”<sup>164</sup>

There have been increasing reports of “reconversion” ceremonies of non-Hindus to Hinduism conducted by hardline Hindu nationalist groups. A report published by the USCIRF observed that the “reconversion” to Hinduism under the term *Ghar Wapsi* (returning home) has not been included in the purview of any anti-conversion law. According to the report, “[s]uch exclusion of reconversion from the purview of the freedom of religion acts unavoidably suggests reconversion by use of force, fraud, or allurements is not punishable under the provisions of these acts.”<sup>165</sup> In December 2014, “Hindu nationalist groups announced plans to ‘reconvert’ thousands of Christian and Muslim families to Hinduism as part of a so-called *Ghar Wapsi* (returning home) program.”<sup>166</sup>

## B. Arrests and Convictions

Despite criticism of India’s anti-conversion laws, some human rights bodies, including the USCIRF, have acknowledged that “these laws have resulted in few arrests and no convictions.”<sup>167</sup>

The US State Department’s International Religious Freedom reports published in 2010 and 2011 have also noted few arrests and no convictions under various anti-conversion laws during the respective reporting periods.<sup>168</sup>

Nevertheless, according to the USCIRF, some observers note that “these laws create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing.”<sup>169</sup>

More recent reports by USCIRF have highlighted certain incidents of arrests:

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<sup>163</sup> USCIRF Hearing – March 10, 2011, HINDU AMERICAN FOUNDATION, <https://www.hafsite.org/media/pr/uscirf-hearing-testimony>, archived at <https://perma.cc/3ZVM-6B32>.

<sup>164</sup> Preethi Maria Correa, *Anti-Conversion Laws in India and Their Conflict with Freedom of Religion* (UNILU Center for Comparative Constitutional Law and Religion, Working Paper 01/13, 2013), <https://www.unilu.ch/fileadmin/fakultaeten/rf/institute/zrv/dok/wp01-13-correa.pdf>, archived at <https://perma.cc/DV9Z-DU5A>.

<sup>165</sup> KARAMAT CHEEMA, USCIRF, *supra* note 6, at 2.

<sup>166</sup> USCIRF ANNUAL REPORT 2016, *Tier 2 Countries – India*, *supra* note 10.

<sup>167</sup> USCIRF ANNUAL REPORT 2014, *Tier 2: India*, at 122 (Apr. 30, 2014), [http://www.uscirtf.gov/sites/default/files/USCIRF 2014 Annual Report PDF.pdf](http://www.uscirtf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf), <https://perma.cc/B7VS-A53V>.

<sup>168</sup> U.S. DEPARTMENT OF STATE: BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM 2010: INDIA (Nov. 17, 2010), <http://www.state.gov/j/drl/rls/irf/2010/148792.htm>, archived at <https://perma.cc/8LFV-4UWK>.

<sup>169</sup> USCIRF ANNUAL REPORT 2016, *Tier 2 Countries – India*, *supra* note 10.



In 2017, religious minority leaders and adherents faced intimidation and arrest as a result of these laws. For example, a Catholic nun, along with four tribal women, were detained in June 2017 based on suspicion of induced conversion.<sup>170</sup>

In April 2017, three Christians were arrested in the Khandwa district based on allegations that they were converting people.<sup>171</sup>

In July 2017, Christians protested in Ludhiana, Punjab, after Sultan Masih, the pastor of the Temple of God Church, was murdered in public based on suspicions of his engaging in the conversion of others.<sup>172</sup>

Moreover the US State Department has also highlighted an incident in its most recent international religious freedom report:

Media reported police arrested seven Christian pastors – Stanley Jacob, Vijay Kumar, Sumit Varghese, David from New Delhi, Amit from Mathura, Anita from Hathras, and Dinesh from Rajasthan – on December 4 while they were holding a prayer meeting in a private home. The following day a court sentenced them to 14 days in judicial custody for carrying out a forcible conversion campaign.<sup>173</sup>

Other recent incidents of arrests from news reports are outlined below:

- In early December 2017, in Mathura district in the North Indian state of Uttar Pradesh, police arrested seven Christian preachers “for allegedly carrying out a “forcible conversion campaign” in a village.<sup>174</sup>
- In mid-December 2017, Indian police in the state of Madhya Pradesh arrested a Christian priest and questioned members of a seminary after a hardline Hindu group linked to the ruling BJP government “accused them of trying to convert villagers to Christianity by distributing Bibles and singing carols.”<sup>175</sup>

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<sup>170</sup> USCIRF ANNUAL REPORT 2018, *Tier 2: India*, at 165 (Apr. 2018), <http://www.uscirf.gov/sites/default/files/2018USCIRFAR.pdf>, archived at <https://perma.cc/MQ2W-FBDD>.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> U.S. DEPARTMENT OF STATE: BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INTERNATIONAL RELIGIOUS FREEDOM 2017: INDIA (May 29, 2018), <https://www.state.gov/j/drl/rls/irf/2017/sca/281022.htm>, archived at <https://perma.cc/S747-CNZG>.

<sup>174</sup> Anuja Jaiswal, *7 Christian Preachers Jailed for ‘Forcible’ Conversion Bid in UP*, THE TIMES OF INDIA (Dec. 6, 2017), [https://timesofindia.indiatimes.com/city/agra/7-christian-preachers-jailed-for-forcible-conversion-bid-in-up/articleshow/61940544.cms?utm\\_source=toiaandroidapp&utm\\_medium=others&utm\\_campaign=show](https://timesofindia.indiatimes.com/city/agra/7-christian-preachers-jailed-for-forcible-conversion-bid-in-up/articleshow/61940544.cms?utm_source=toiaandroidapp&utm_medium=others&utm_campaign=show), archived at <https://perma.cc/3FE7-Y7BU>.

<sup>175</sup> *Indian Police Arrest Christian Priest after Complaint by Hindu Group*, REUTERS (Dec. 16, 2017), <https://www.reuters.com/article/us-india-religion/indian-police-arrest-christian-priest-after-complaint-by-hindu-group-idUSKBN1EA06V>, archived at <https://perma.cc/22F5-X66E>; *Indian Carol Singers Arrested after ‘Conversion’ Complaint*, BBC NEWS (Dec. 15, 2017), <https://www.bbc.com/news/world-asia-india-42363561>, archived at <https://perma.cc/LLB3-M9C4>; *Losing Confidence in Government, Country Is Being Divided in Name of Religion: Top Catholic Body*, THE WIRE (Dec. 22, 2017), <https://thewire.in/government/losing-confidence-government-country-divided-name-religion-top-catholic-body>, archived at <https://perma.cc/C7QE-3P7J>.

- The Jharkhand Police have arrested sixteen preachers, including seven women, for allegedly trying to convert local residents to Christianity and making objectionable comments against tribal places of worship in Dumka. All sixteen were booked under the Freedom of Religion Act.<sup>176</sup>

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<sup>176</sup> *Jharkhand: Under Act, 16 Preachers Held for 'Conversion Bid'*, THE INDIAN EXPRESS (July 9, 2018), <https://indianexpress.com/article/india/jharkhand-under-act-16-preachers-held-for-conversion-bid-5251495/>, archived at <https://perma.cc/3VWT-FYCJ>.

**Table: Elements of State Anti-conversion Laws**

State	In Force? (Y/N)	Rules? (Y/N)	Repealed? (Y/N)	Re-conversion Excluded? (Y/N)	Prior Permission? (Y/N)	Notice by Priest/Other Person Performing Conversion? (Y/N)	Notice by Convert? (Y/N)	General Penalties	Enhanced Penalties where Convert is Woman, Minor, SC/ST
<b>Arunachal Pradesh</b>	Y	N	N	Y*	N	Y	N	2 yrs. / Rs. 10,000	None
<b>Chhattisgarh</b>	Y	Y	N	N**	N	Y	N	1 yr. / Rs. 5,000	2 yrs. / Rs. 10,000
<b>Gujarat</b>	Y	Y	N	N	Y	N	Y	3 yrs. / Rs. 50,000	4 yrs. / Rs. 100,000
<b>Himachal Pradesh</b>	Y	Y	N	N***	N	N	Y	2 yrs. / Rs. 25,000	3 yrs. / Rs. 50,000
<b>Madhya Pradesh</b>	Y	Y	N	N	N	Y	N	1 yr. / Rs. 5,000	2 yrs. / Rs. 10,000
<b>Odisha</b>	Y	Y	N	N	N	Y	N	1 yr. / Rs. 5,000	2 yrs. / Rs. 10,000
<b>Rajasthan</b>	N	N	N	Y	N	N	N	2 yrs. / Rs. 50,000	None
<b>Tamil Nadu</b>	N	N	Y	N	N	Y	N	3 yrs. / Rs. 50,000	4 yrs. / Rs. 100,000
<b>Jharkhand</b>	Y	N	N	N	Y	N	Y	3 yrs. / Rs. 50,000	4 yrs. / Rs. 100,000
<b>Uttarkhand</b>	Y	N	N	Y	N	Y	Y	<1 / ≤ 5 yrs. / fine but not specified	<2 / ≤ 7 yrs. / fine but not specified

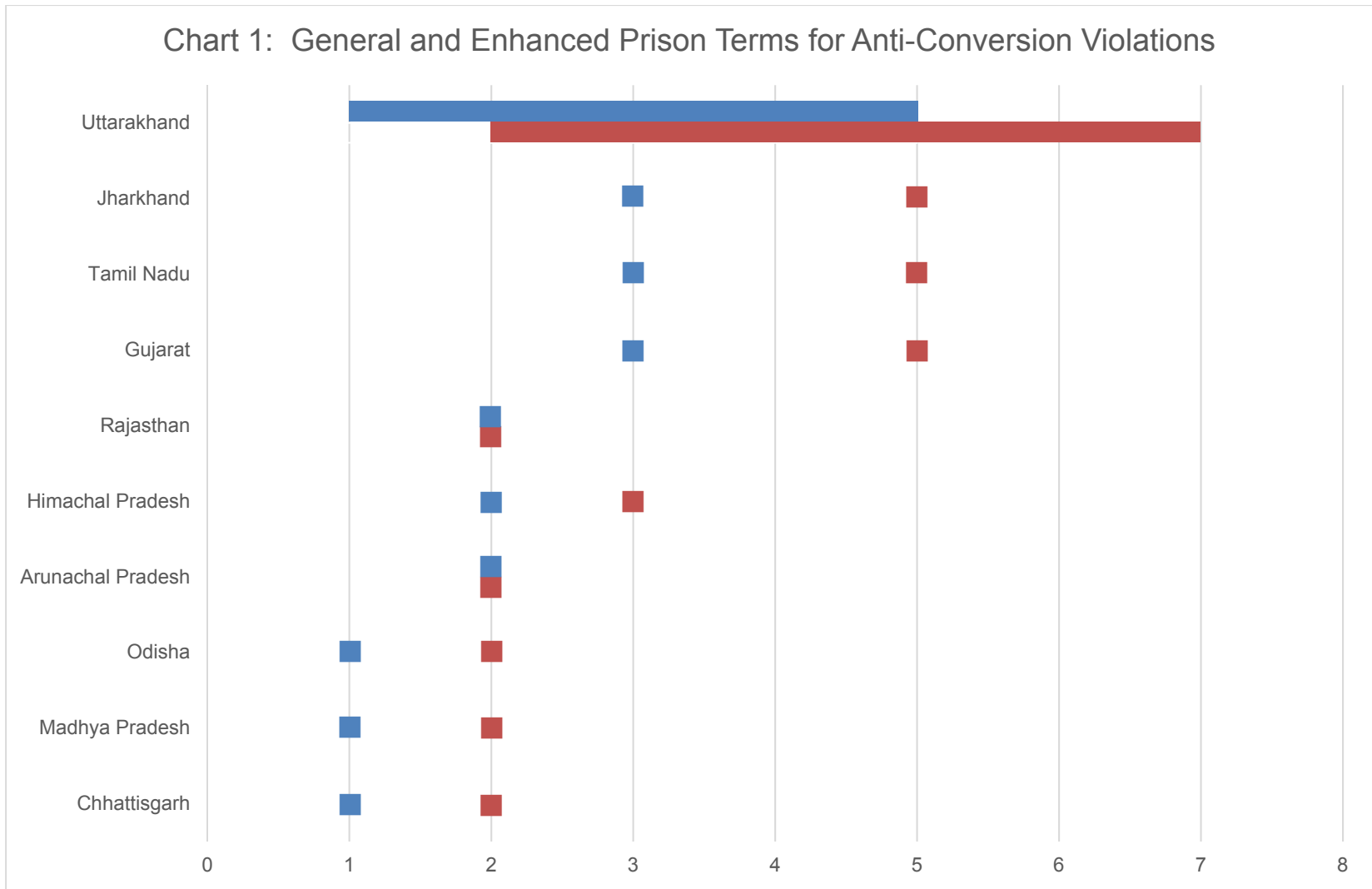
*Source:* Prepared by author based on information provided in this report.

\* Some reports appear to construe the law’s definition of “conversion” in a manner that excludes reconversions to native faiths, but this does not appear to be the case under a plain reading of the law.

\*\* An amendment was passed which would redefine “conversion” to provide that “the return in ancestor’s original religion or his own original religion by any person shall not be construed as ‘conversion’” but it has yet to receive assent.

\*\*\* Though the law does not explicitly exclude reconversions from punishment it does stipulate that “no notice shall be required if a person reverts back to his original religion.”

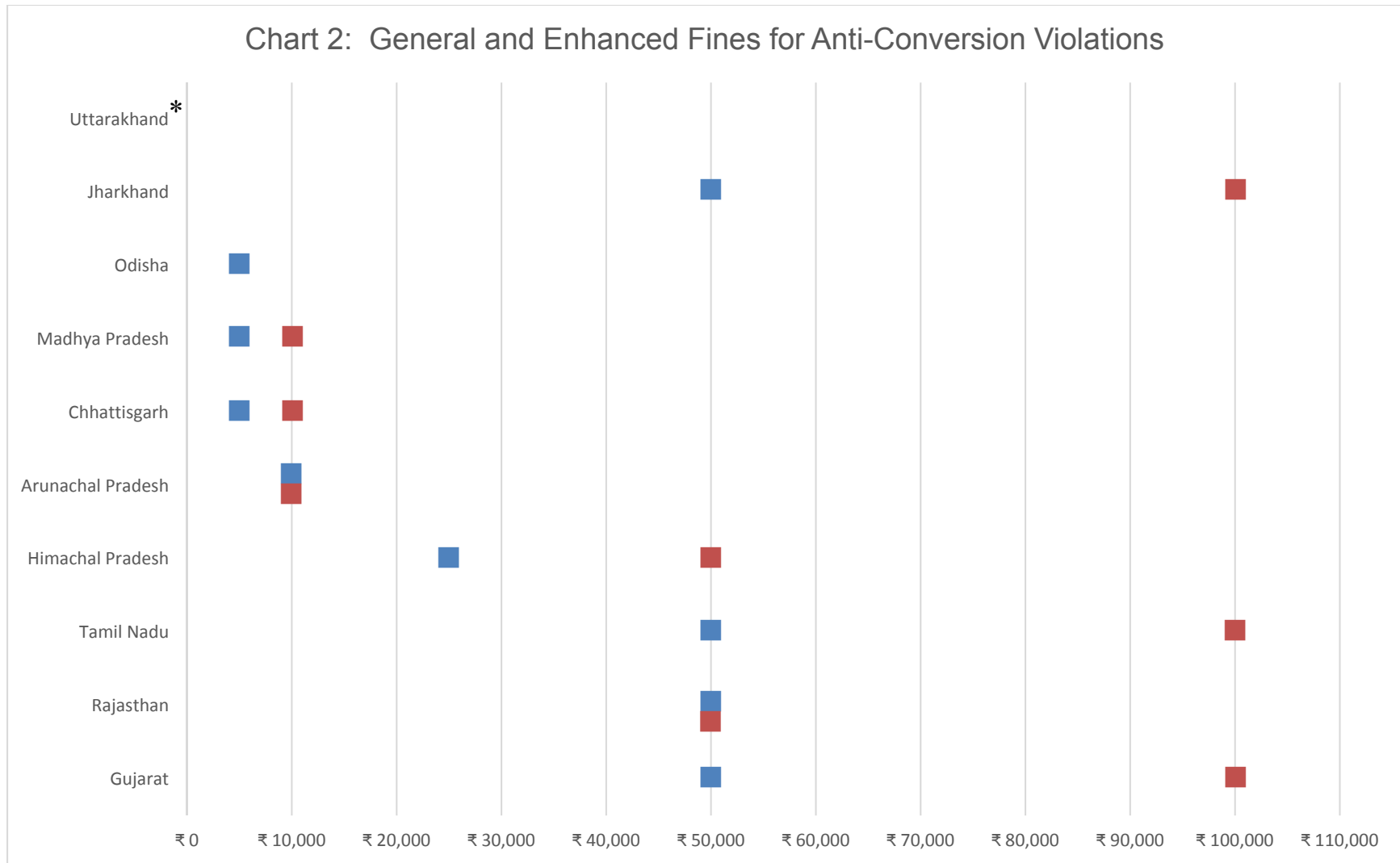
Chart 1: General and Enhanced Prison Terms for Anti-Conversion Violations



■ General Prison Terms in Years

■ Enhanced Prison Terms in Years (applicable where convert is a woman, minor, or member of a scheduled caste (SC) or scheduled tribe (ST))

**Source:** Created by the Law Library of Congress based on information contained in this report.

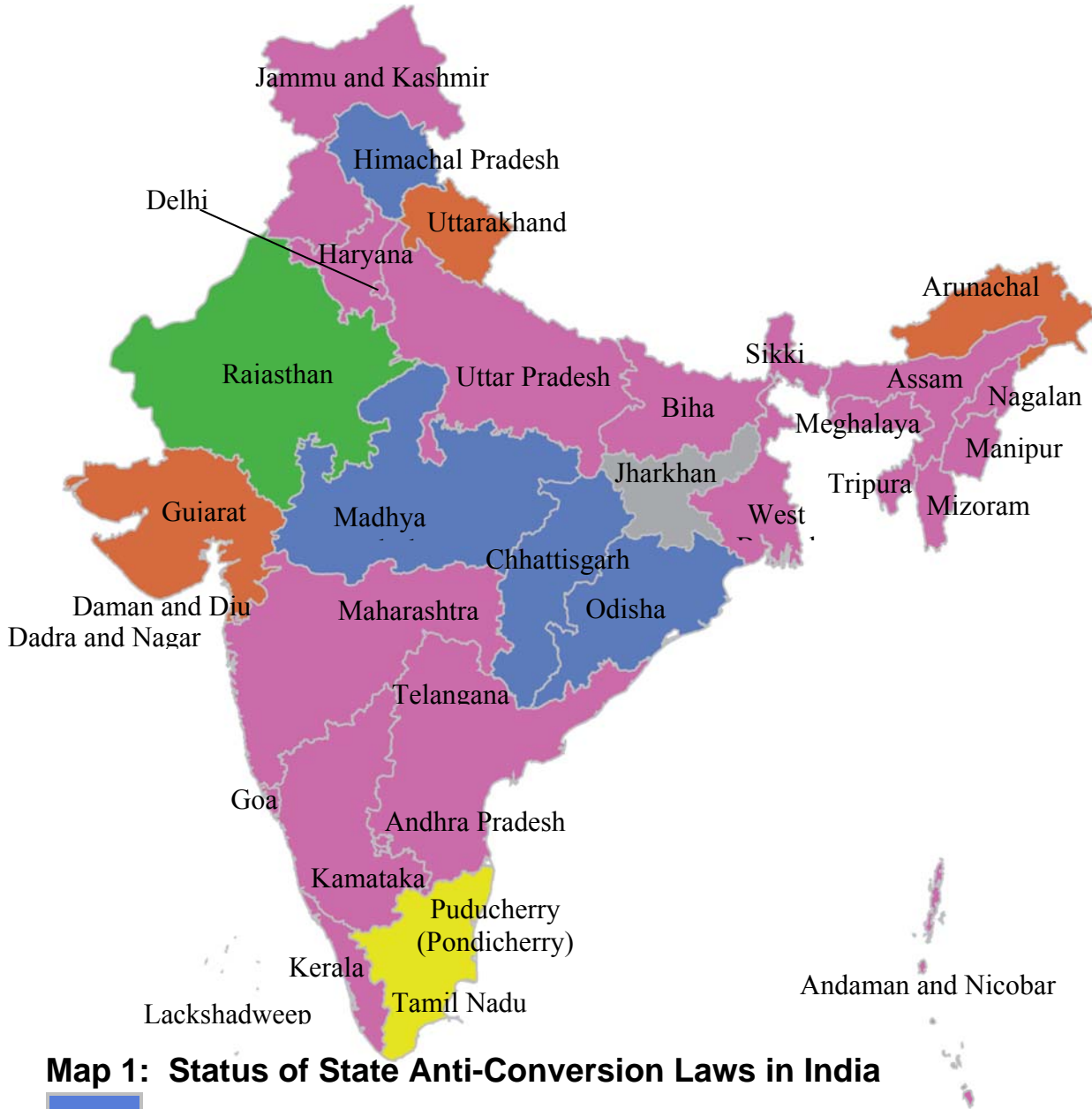


■ General Fines in Indian Rupees (₹)

■ Enhanced Fines in Indian Rupees (₹) (applicable where convert is a woman, minor, or member of a scheduled caste (SC) or scheduled

\*For this jurisdiction, in both the general and enhanced fines, the violator will be fined for an amount not specified in the corresponding Act.

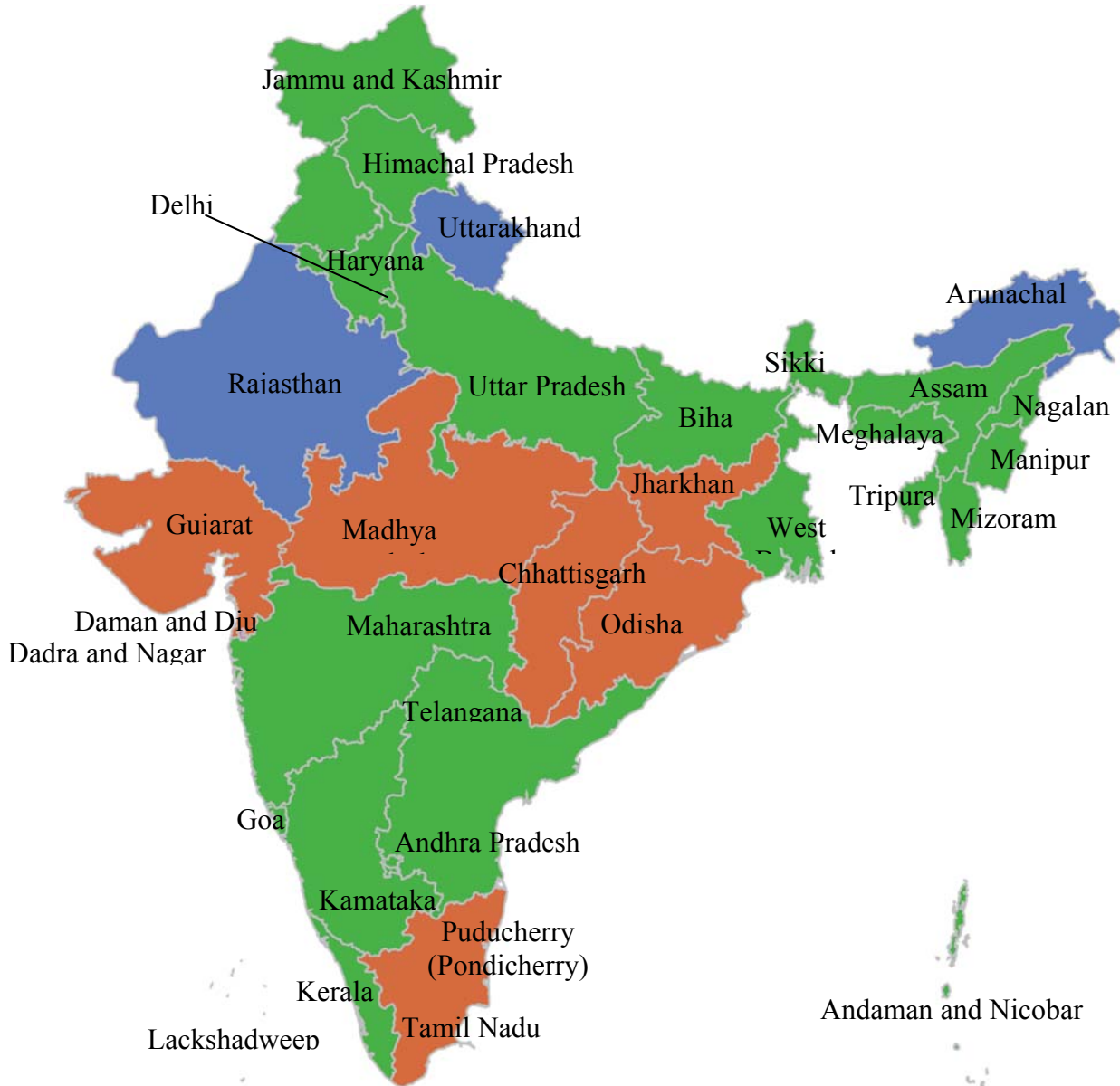
**Source:** Created by the Law Library of Congress based on information contained in this report.






**Map 1: Status of State Anti-Conversion Laws in India**

- Law currently in force with implementing rules
- Law currently in force, but no implementing rules
- Law passed but did not receive assent
- No current or prior law identified
- Prior law repealed
- Law currently in force, but unclear whether there are implementing rules

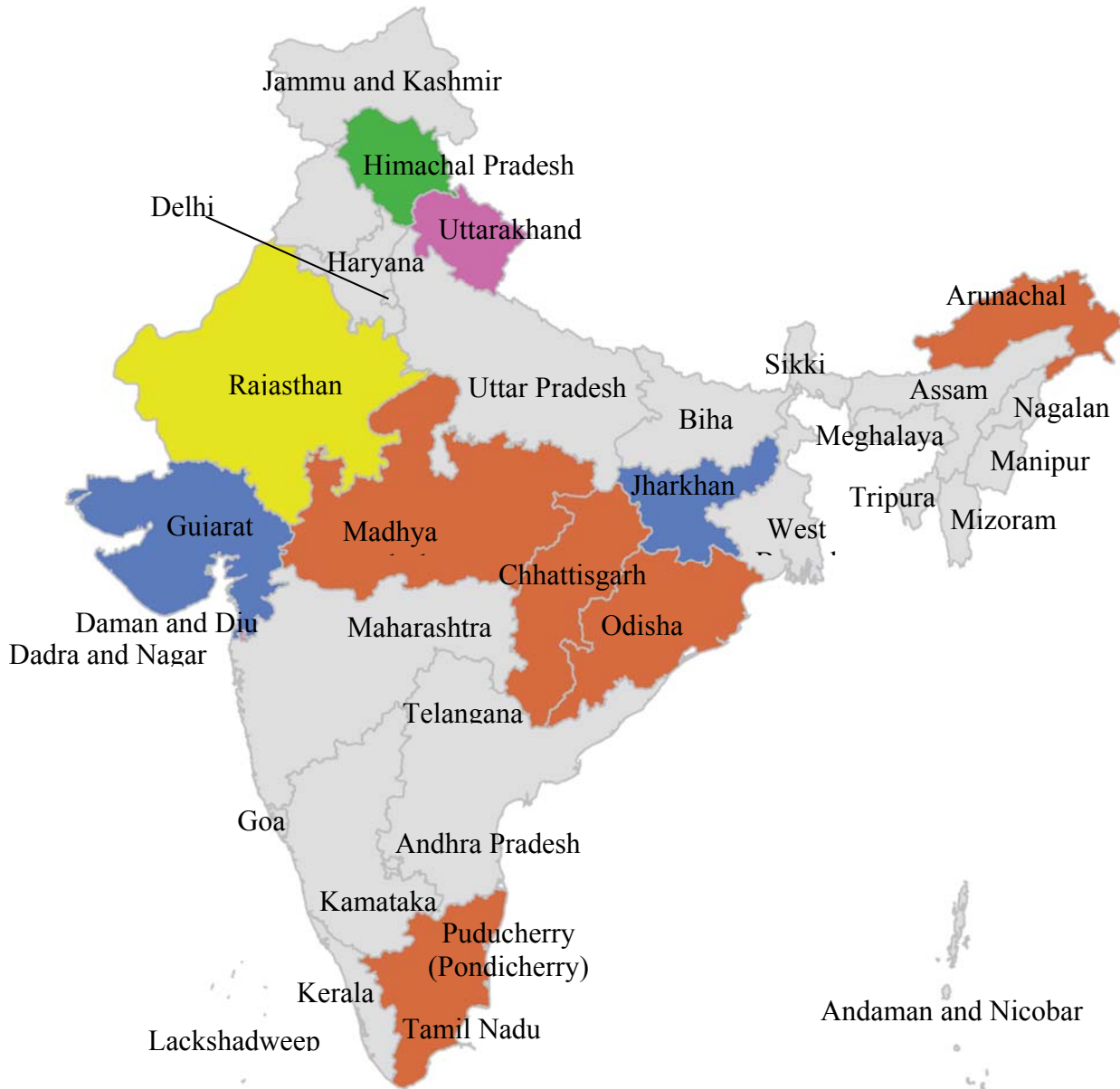
**Source:** Created by the Law Library of Congress based on information provided in this report.



**Map 2: State Law Treatment of Re-Conversions in India**

-  Re-conversions excluded from punishment
-  Re-conversions not excluded from punishment
-  No current or prior law identified

**Source:** Created by the Law Library of Congress based on information provided in this report.



**Map 3: Conversion Permission and Notice Requirements**

- Prior permission and notice by convert
- Notice by priest/other person
- Notice by convert
- No permission or notice required
- Notice by priest/other person and notice by convert
- No current or prior law identified

**Source:** Created by the Law Library of Congress based on information provided in this report.