RELIGION, DIGNITY AND FAITH: THE NEXUS OF THREE WITH REGARDS TO INDIAN CONSTITUTION

by

Mayuri Rakesh Jain

&

Abha Sharma

ABSTRACT

Our Indian Constitutions guarantees various rights – Right to freedom of profession, practice or trade, Right to freedom of Speech and Expression, Right to live life with dignity, Right to assemble peacefully, Right to reside in any part of India, Right to religion.

Freedom of religion is a fundamental right recognized in the Indian Constitution in Article 25. It ensures that each individual has the freedom of conscience and the right to profess, practice and propagate their religion. This protection as a fundamental human right has been borrowed by various international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Thus, religious faith is not merely a matter of belief but is closely connected with an individual's freedom, identity and dignity.

The right to religion provided for in Article 25 is by no means absolute; it may be subject to certain qualifications and limitations concerning public order, morality, and health. In this regard, different Indian states have passed laws prohibiting conversions which are carried out by force, fraud, coercion, inducement, allurement or misrepresentation. The Supreme Court's ruling in Rev. Stainislaus v. State of Madhya Pradesh is especially important for determining the extent of the right to propagate a religion; the judgment propounded that the right to religion does not entail a right to convert another person as a result of such propagation. It distinguished propagation from conversion. This article talks about the recently introduced enactment - Maharashtra Freedom of Religion Act of 2026 for banning the involuntary and forced religious conversions. This article goes on to talk about the relationship between religious freedom and state regulation.

This article therefore poses important questions concerning the balance between individual choice, religious freedom, dignity and legitimate state interference, especially as it applies to minority communities.

Journal of Multi-Disciplinary Legal Research | Licensed under CC BY 4.0 — https://creativecommons.org/licenses/by/4.0/ | DOI: 10.5281/zenodo.22762163 | Title: Religion, Dignity And Faith: The Nexus Of Three With Regards To Indian Constitution

Religion, Dignity and Faith : The Nexus of three with regards to the Indian Constitution

Indian Constitution is the bedrock of our democracy. It is considered as charter of liberties as it guarantees not only its citizens but any person in the country with rights and liberties. Some of the rights which are guaranteed by our Indian Constitution are Right to freedom of profession, practice or trade, Right to freedom of Speech and Expression, Right to live life with dignity, Right to assemble peacefully, Right to reside in any part of India, Right to religion.

India is one of the most religiously diverse nations in the world. According to the Census of India 2011, Hindus constituted 79.8% of the population, Muslims 14.2%, Christians 2.3%, Sikhs 1.7%, Buddhists 0.7%, and Jains 0.4%. This demographic pluralism makes the constitutional guarantee of religious freedom not merely aspirational but operationally indispensable, since the coexistence of multiple faiths within a single constitutional framework requires robust protections against both state interference and the hazards of majoritarian overreach.[1]

The Article 25 of our Indian Constitution provides the right to freedom of religion. It guarantees right to conscience and free profession, practice and propagation of religion. However, this right is not absolute. Its restricted with limitations and qualifications of public order, morality and health. The right is not just limited to the citizens of our country, but extends to every person in India. All persons irrespective of him or her being an Indian citizen, are equally entitled to freedom of conscience and the right freely to profess, practice and propagate their religion.

Article 25 does not operate in isolation. It forms part of a cluster of four constitutional provisions, Articles 25 to 28, that together constitute the right to freedom of religion. While Article 25 safeguards individual freedom of conscience and religious practice, Article 26 protects the right of religious denominations to manage their own affairs, Article 27 prohibits the use of public funds for the promotion of any particular religion, and Article 28 restricts religious instruction in State-funded educational institutions. These provisions collectively reflect a constitutional design that is simultaneously protective of religious identity and insistent upon principled state neutrality.[2]

Our Indian Constitution has granted every person **3Ps - Right to Profess, Practice and Propagate religion.** This is of huge significance. This category of right has been borrowed by our Constitution from International Covenants. Article 2 of the Universal Declaration of Human Rights states - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, **religion**, political or other opinion, national or

[1] Office of the Registrar General and Census Commissioner, India, 'Census of India 2011: Data on Population by Religious Communities' (Ministry of Home Affairs, 25 August 2015) <https://www.pib.gov.in/newsite/printrelease.aspx?relid=126326> accessed 12 September 2026.

[2] Maheshwari Nautiyal, 'Interplay of the Right to Religious Freedom with Other Fundamental Rights' (2021) 10 Indian Journal of Constitutional Law 1, 4 <https://ijcl.nalsar.ac.in/wp-content/uploads/2021/11/Maheshwari-Nautiyal_IJCL_volume-10_2021-pdf.pdf> accessed 12 September 2026.

social origin, property, birth or other status. Article 18 of UDHR states that Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Article 2 of ICCPR(International Covenant on Civil and Political Rights) states that - Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, **religion**, political or other opinion, national or social origin, property, birth or other status. Article 18 of ICCPR states that Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The inclusion of the word 'propagate' in Article 25 was not achieved without controversy. During the Constituent Assembly debates, several members moved amendments to delete or curtail this right, expressing concern that propagation might facilitate forced conversions. These amendments were ultimately rejected. The Assembly took the position that propagation properly understood means the public exposition of a religion's tenets, and does not extend to coercive conversion. This founding-moment distinction between propagation and coercion subsequently became the doctrinal foundation on which the limits of the propagation right were built.[3]
Thus, this concept of right to religion has been borrowed by various international declarations and is an established human right leading to be formed as a fundamental right under Article 25 of our Indian Constitution. This fundamental right is not an absolute right. It is backed with some reasonable restrictions - public order, morality and health. And in reference to these restrictions, laws prohibiting forceful and involuntary conversions have been framed.

Journal of Multi-Disciplinary Legal Research

Various precedents have been set prohibiting forceful and deceitful conversions. The landmark case of **Rev. Stainislaus vs State Of Madhya Pradesh & Ors**[1] is the most remarkable judgment discussing every aspect and hues of right to religion and their restrictions.

The landmark judgment states that the right to religion includes the right to propagate, however it does not include the right of converting others to their own religion as a manner for propagation. This is an important distinguishing factor. And on this concept itself, the legislation prohibiting forceful or deceitful conversions have been introduced. These legislation introduce the concept of obtaining sanctions from District Collectors before converting and has a whole procedure where

[3] 'Article 25: Freedom of Conscience and Free Profession, Practice and Propagation of Religion' (Constitution of India, 2023) <https://www.constitutionofindia.net/articles/article-25-freedom-of-conscience-and-free-profession-practice-and-propagation-of-religion/> accessed 12 September 2026.

even objections are invited against such conversions to establish whether such conversions are rightful or not.

The state of Maharashtra is the 13th state in India, to bring Maharashtra Freedom of Religion Act, 2026 which targets involuntary and forceful conversion of religion, faith and penalizes it and makes it a statutory offense. The act came into force on 28th August, 2026. As stated earlier, Maharashtra is not the only state in our country to bring legislation for prohibiting forceful conversions. As of February 2026, 12 states have enacted such laws.

The Maharashtra Freedom of Religion Act, 2026 introduces graduated punishments tied to the circumstances of the unlawful conversion. A standard conviction carries a prison term of up to seven years and a fine of up to one lakh rupees. Where the victim is a minor, a woman, or a person belonging to the Scheduled Castes or Scheduled Tribes, these penalties are enhanced to seven years' imprisonment and a fine of five lakh rupees. The Act further requires that any proposed conversion be notified to the District Collector in writing at least sixty days in advance, with a thirty-day window thereafter for the filing of objections by any interested party.[4]

These laws prohibit conversions induced by force, fraud, allurement, inducement, coercion, or misrepresentation, and in many cases, criminalize conversions linked to marriage (often framed as the "love jihad" narrative). One interesting development after the introduction of the Maharashtra Freedom of Religion Act, 2026, is the reported use of self-declaration forms in some Christian churches. According to *India Today's article* [2], pastors in certain churches have reportedly started giving these self declaratory forms to members before their weekly and monthly Religious Mass. Through these declarations, individuals are asked to affirm and declare that they attend the Religious Mass voluntarily and out of their own free will, without any force, undue influence, inducement, or consideration, and that they have not been compelled to participate in the religious ceremony.[2] While such declarations may be intended to ensure that religious participation is voluntary, they also raise an important question: whether individuals should have to repeatedly establish the voluntariness of their religious practices because of the fear surrounding anti-conversion laws. Another important issue is the actual effectiveness of anti-conversion laws. A significant number of cases filed under such laws have reportedly ended in acquittals, particularly because of lack of evidence and hostile witnesses.[3]

The broad language employed in anti-conversion legislation has drawn sustained criticism from civil society organisations, legal scholars, and international human rights bodies. Critics argue that expansive definitions of terms such as 'allurement' and 'inducement' cast legitimate charitable, educational, and social welfare activities under suspicion, creating what scholars have described as a chilling effect on the free exercise of religion. The United States Commission on International Religious Freedom has concluded that anti-conversion laws, as a category, impermissibly restrict

[4] 'Maharashtra Government Passes Freedom of Religion Act 2026' (Devgatha, 9 April 2026) <https://devgatha.in/en/social-justice/maharashtra-government-passes-freedom-of-religion-act-2026/> accessed 12 September 2026.

the individual right to change one's religion and to persuade or assist another person to do so voluntarily, bringing such laws into tension with established international human rights standards.[5]

---

1. Rev. Stainislaus v. State of Madhya Pradesh, (1977) 1 S.C.R. 611 (India).

2. India Today, *Maharashtra Faith and Fear at the Altar: Anti-Conversion Law*, **India Today** (Sept. 4, 2026), .

3. *More Acquittals, Fewer Convictions: 5 Years of Madhya Pradesh's Anti-Conversion Law*, **NDTV** (2026), .

This raises questions about whether the prosecution and state is able to successfully establish that a conversion was actually caused by force, fraud, coercion, inducement, or undue influence. If a large number of prosecutions fail because the necessary evidence cannot be established and case cannot be proved beyond reasonable doubt, the effectiveness and implementation of these laws deserve closer examination.

The concern about conviction rates is not confined to Madhya Pradesh alone. Investigative reporting by The Indian Express, based on court records examined as of September 2025, found that of all cases registered under the Uttarakhand Freedom of Religion Act since its enactment, only five had proceeded to a completed trial. All five of those trials ended in acquittals. At least seven further cases were dismissed at an intermediate stage due to complainants turning hostile, absence of corroboration, or the prosecution's failure to establish the essential elements of coercion or inducement before the court.[6]

The purpose of protecting individuals from forced or fraudulent conversion is undoubtedly important. However, such protection should not come at the cost of an individual's freedom of conscience, religious choice, and dignity. The real challenge for the State is therefore to create a balance between preventing coercive conversions and ensuring that people remain free to practice, profess, or choose their religion without fear or unnecessary State interference.

These reactions to the laws are worthy to be pondered upon. Are we not hampering a person's freedom to follow any religion of his or her own choice and his dignity by introducing such fear based laws? Are we not creating fears in the minds of minorities? Are we not imposing our sense of righteousness onto others? At what point does the State, while attempting to protect a person's religious freedom, begin to interfere with that very freedom?

These are some critical questions which need to be heavily discussed, pondered upon by the current regime for it to be actually trying to prohibit forceful conversions.

---

[5] Christian Solidarity Worldwide, 'Maharashtra State Passes Anti-Conversion Bill' (23 March 2026) <https://www.csw.org.uk/2026/03/23/press/6765/article.htm> accessed 12 September 2026; United States Commission on International Religious Freedom, 'Issue Update: India's State-Level Anti-Conversion Laws' (March 2023).

[6] 'Lack of Evidence Leads to Acquittals in 5 Anti-Conversion Cases' (International Christian Concern, 2 February 2026) <https://persecution.org/2026/02/02/lack-of-evidence-leads-to-acquittals-in-5-anti-conversion-cases/> accessed 12 September 2026, citing The Indian Express.

BIBLIOGRAPHY :

- Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

- International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.
- India Today, Maharashtra Faith and Fear at the Altar: Anti-Conversion Law, India Today.
- More Acquittals, Fewer Convictions: 5 Years of Madhya Pradesh's Anti-Conversion Law, NDTV .