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SOVEREIGNTY AND CONSCIENCE: A POLITICAL THEOLOGY OF ANTI-CONVERSION LAWS IN INDIA

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Abstract: In contemporary India, the contest over religious conversion embodies a deeper struggle within political theology—the negotiation between divine conscience and state sovereignty. While the Constitution enshrines freedom of religion as an expression of moral and spiritual autonomy, the rise of anti-conversion laws reframes faith within structures of surveillance and control. Ostensibly preventing conversions by "force" or "allurement," these laws reveal how legal language mediates ethical responsibility, identity, and belonging in a polarized society. This paper examines the philosophical and ethical implications of such legislation, arguing that they transform the inner freedom of conscience, guaranteed by the Constitution, into an object of legal verification. Situated within the horizon of dharma and prophetic divergence, the study reclaims religious freedom as a living practice of conscience—where faith resists coercion, dissent sustains democracy, and political theology becomes a space of moral renewal and solidarity.

Keywords: *Religious freedom, Conscience, Anti-conversion Laws, Inducement, Dharma, Political Theology, Pluralism, Dissent.*

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1. Introduction

Carl Schmitt famously asserted that "all significant concepts of the modern theory of the state are secularized theological concepts" (Vatter 245). This insight resonates profoundly within India's contemporary discourse on religious conversion, where anti-conversion laws in multiple states, including Madhya Pradesh (2021), Himachal Pradesh (2006), Uttarakhand (2018), and Karnataka (2022), reveal a juridical anxiety over sovereignty and the regulation of conscience. The interplay between religion and state authority in India illustrates how the secular state often assumes a theological role, determining which faith practices are legitimate and which are considered disruptive.

Political theology provides a conceptual framework to explore how the state appropriates theological categories—faith, sin, redemption, salvation—into legal and administrative rationalities. Giorgio Agamben's observation that the "Kingdom and the Glory" merge divine economy and governmental order illuminates the concept of "sacral governmentality" in the Indian context (Agamben 11). Anti-conversion laws are justified as measures protecting public order and vulnerable communities, but at the same time, they expand state authority over religious conscience. Scholars such as Coleman observe that anti-conversion legislation "re-regulates tolerance by authoring authenticity" (Coleman 245), while Mustafa and Sohi note that the Supreme Court frequently acts as "clergy," policing the limits of faith (Mustafa and Sohi 915). However, any convincing explanation of India's anti-conversion law must consider the state's own rationale. The fact that religious conversion may- and occasionally does- occur through coercion, fraud, deception, conditional charity, or exploitative inducement cannot be written off as purely ideological in a deeply unequal and religiously plural society characterized by caste hierarchy, poverty, institutional asymmetry, and ongoing communal tension. The alleged purpose of each anti-conversion law is to prohibit conversion by force, fraud, or inducement (Fischer 15). According to this viewpoint, the legal regulation of conversion seems to be an effort to protect the integrity of conscience against manufactured consent and heteronomous pressures.

This article examines state-level anti-conversion laws in India through a political theological viewpoint, arguing that they transform the inner freedom of conscience into an object of legal verification. It develops this argument across three interconnected dimensions: first, by analysing how legal categories such as "allurement," "force," and "inducement" construct conscience as an evidentiary object subject to state scrutiny, second, by exploring how these categories reflect broader nationalist and communitarian concerns regarding identity, belonging, and moral order, and third, by demonstrating how such regulatory frameworks conflicts with international human rights principles on individual autonomy in matters of belief. Together, these developments reveal a broader political theology in which the state and judiciary assume the authorship of authenticity, converting legal protection into surveillance and sovereignty into authority over conscience itself.

2. Political Theology Beyond Constitutional Law

The Constitutional laws are insufficient to explain the deeper moral, symbolic, and sovereign concepts included within anti-conversion laws in India. It does, however, provide a normative and judicial framework through which questions of religious freedom are adjudicated. By contrast, the political theology explains the deeper structure of meaning of these legal formulations. It reveals how the state's authority over religion is not merely administrative or constitutional, but also moral and quasi-theological. Constitutional law can describe the legal restriction placed upon conversion, but it cannot adequately explain why conversion itself generates such intense political anxiety. Political theology addresses this gap by examining how the State constructs religious conversion as a disruption of collective identity, cultural continuity, and sacred national belonging rather than an act of individual conscience. In this sense, the political theology reveals the theological ideas hidden within secular legal language.

Carl Schmitt's proposition that modern political concepts are secularised theological concepts (Schmitt 36) is very relevant in this context. The sovereign gains the power to decide

exceptions, that is, to determine when ordinary freedoms may be suspended in the name of "public order, morality, and health," but political theology explains how these categories acquire sacred significance within nationalist discourse. When religious conversions are perceived as threatening the moral unity of the imagined community, it becomes politically charged.

Moreover, the neutrality of the secular State is assumed by the constitutional law, and political theology complicates this assumption. Often, it is projected that secular governance itself may carry implicit theological commitments. In the Indian context, the State continuously negotiates, regulates, and interprets religion in relation to national identity and public morality rather than keeping politics separate from religion (Bhargava 105–06). Political theology exposes how the secular State may function as a guardian of sacred cultural order while speaking the language of constitutional neutrality. Thus, the political theology deepens and supplements constitutional analysis rather than replacing it. Political theology explains why anti-conversion laws emerge with such intensity and persistence, whereas the constitutional law explains how these laws function juridically. According to this viewpoint, anti-conversion laws appear not merely as legal instruments, but as expressions of broader political theology in which the states seek to govern both the external practices and the inner convictions of religious life.

3. Historical and Constitutional Genealogies: Freedom, Restriction, and the Secular Compromise

The tension between sovereignty and conscience has deep constitutional and historical roots. Article 25 of the Constitution of India states that, "(1) Subject to public order, morality, and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law— (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; (b) providing for social welfare and reform or throwing open Hindu religious institutions

of a public character to all classes and sections of Hindus" (The Constitution of India, art. 25.). Yet, this freedom is explicitly "subject to public order, morality, and health," a triad of constraints that repeatedly justifies the imposition of restrictions (The Constitution of India, art. 25; Swarup 1477). As the freedom of conscience is subject to reasonable restrictions, the state has the power to regulate this fundamental right guaranteed by the Constitution.

Earlier, the Orissa High Court in Yulitha Hyde case invalidated the Orissa Freedom of Religion Act on constitutional grounds (Yulitha Hyde v. State of Orissa), but the Supreme Court reversed this decision and has given has given authority to state for legal regulation of religious belief by stating that "the right of freedom religion guaranteed by Articles 25 and 26 of the Constitution is expressly made subject to public order, morality and health" (Rev. Stainislaus v. State of Madhya Pradesh), embedding religious conversion within the domain of state surveillance. Here, the laws that claim to 'protect' the vulnerable people end up monitoring and controlling their personal beliefs. The logic of "reasonable restriction" echoes colonial precedents, in which religious regulation was employed as a tool of governance. As Clothey notes, colonial administrators treated religion as a domain requiring supervision to maintain social order (Clothey 211). Postcolonial India inherits this epistemic frame, translating imperial paternalism into a secular bureaucratic apparatus (Madan 78). Secularism in India, as Arora observes, does not imply a strict separation of religion and state but a dynamic negotiation among competing community identities (Arora 14). De Roover and Claerhout describe this as a "pragmatic pluralism" that allows the state to intervene in religious matters (De Roover 3049). Yet, such intervention increasingly aligns with majoritarian projects of Hindutva, transforming ostensibly neutral regulation into ideological partiality.

It is argued that Article 25 protects the right to propagate religion but not a fundamental right to convert another person. Rev. Stanislaus gave legal expression to this by stating "we have no doubt that it is in this sense that the word 'propagate' has been

used in Article 25 (1), for what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets" (Stainislaus). It further reasoned that a purported right to convert would violate the "freedom of conscience" of the individual seeking conversion, redefining ant-conversion laws as protective rather than restrictive. However, in a recent case, the Allahabad High Court asserted that distributing the Bible and preaching the religion have not been prescribed as a crime anywhere (Ram Kewal Bharti @ Bablu v. State of U.P.). Propagating one's religion through preaching and distributing its tenets does not amount to a crime.

The Constitutional history of anti-conversion jurisprudence demonstrates that the language of "reasonable restriction" has gradually expanded the interpretive authority of the state over religious conscience. In this sense, Schmitt's conception of sovereignty as the power to decide upon the exception becomes visible within the constitutional adjudication itself, where the state determines when religious freedom may be suspended in the name of public order.

4. Theological Vocabulary and the Sovereign Regulation of Conscience

The central mechanism through which anti-conversion laws regulate conscience is linguistic and juridical. Terms such as 'allurement,' 'inducement,' and 'force' carry a moral vocabulary that exceeds ordinary legal description, inviting authorities to read conversion through the language of temptation, deception, and transgression (Fischer 1; Muki Synthiya 1). The inherent ambiguity of the definitions of these terms enables authorities to interpret religious conversion through moral suspicion rather than empirical evidence.

The Karnataka Act, as in similar Acts, defines 'allurement' as "including any offer of temptation in the form of (i) any gift, gratification, easy money, or material benefit either in cash or kind; (ii) employment, free education in school or college run by any religious body; or (iii) promise to marry; or (iv) better lifestyle, avoidance of divine displeasure, or otherwise; or (v) portraying practice, rituals, and ceremonies or any integral part of a religion

in a detrimental way vis-à-vis another religion; or (vi) glorifying one religion against another religion" (Karnataka Protection of Right to Religion Act, 2022, sec. 2(a)). The definition of "allurement in Section 2(a) of the Act is one of the broadest and most constitutionally problematic in Indian anti-conversion jurisprudence. It narrows the distinction between coercion and conviction by transforming ordinary religious expression, charitable activity, and interfaith persuasion into potential sites of criminal liability. The words like "gift, gratification, easy money, or material benefit" may appear as means to target exploitative conversions, but the phrase "material benefit" is undefined and legally indeterminate. By criminalizing benefits associated with religious organizations, which provide humanitarian assistance, education, healthcare, and social welfare independent of conversion, the provision risks converting constitutionally protected charity into presumptive evidence of illegality. The Constitutional rights under Articles 19, 25, 26, and 30 are challenged by the inclusion of "employment" and "free education" as forms of allurement. Minority educational institutions and faith-based charities have historically functioned for the social upliftment of the poor and marginalized and not for conversions. Clauses (v) and (vi) regulate theological comparison itself by criminalizing portraying another religion negatively and glorifying one religion over another. Religious traditions inherently contain claims of truth in themselves and critiques of alternative belief systems. Article 25 protects not merely personal belief but also external propagation of the faith. Propagation necessarily includes persuasion, explanation, critique, and comparative advocacy.

However, in recent cases, Indian courts have increasingly adopted a narrower and more evidence-based interpretation of the word "allurement" in anti-conversion laws. In a recent case, the Allahabad High Court held that distributing the Bible, encouraging education, organizing village meetings, and advising villagers not to consume alcohol could not be treated as "allurement" under the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act 2021 (Jose Papachen and Another v. State of U.P.). The Court observed that religious teachings and

charitable activity, by themselves, do not amount to unlawful conversion.

Similarly, the term 'inducement' is defined as "any offer of temptation in the form of a gift, gratification, or material benefit, whether in cash or kind or employment, free education in a reputable school run by any religious body, easy money, a better lifestyle, divine pleasure, or any other kind of benefit" (Himachal Pradesh Freedom of Religion Act, 2006, sec. 2(d)). This provision converts ordinary religious discourse into potential criminal conduct by criminalizing not only material benefits such as money, gifts, or employment, but also intangible promises such as "better lifestyle" and "divine pleasure." Every religion, by its very nature, offers spiritual fulfillment, salvation, liberation, or divine grace or favors. In this provision, these theological claims themselves are placed under state suspicion. The expressions such as "better lifestyle," "easy money," or "any other kind of benefit" lack precise legal standards and grant broad discretionary power to police authorities.

The term 'force' is defined as a demonstration of strength or a threat of harm in any form, encompassing not only physical harm but also the implied menace of divine disapproval or social exclusion (Orissa Freedom of Religion Act, 1967, sec. 2(b)). In Yulitha Hyda and Ors. Vs State of Orissa and Ors, Court analysed the definition of "force' within the Orissa Freedom of Religion Act, 1967. The term "force is defined as physical force in the Indian Penal Code, but the Act expanded this definition to include "threat of divine displeasure." The term 'divine pleasure' in this definition is subjective and is not verifiable by legal measures. Government bureaucrats are in the illegitimate, unfeasible, and onerous position of having to decide what qualifies as "valid" conversion as a result of these regulations (Jenkins, 2008: 120).

Suleman criticize that these terms as "vague and overbroad," allowing administrative arbitrariness (Suleman 106). The ambiguous definitions outlined in the laws also make it relatively simple for extremists to file police complaints against minorities and innocents (Arora, 18). The state or judiciary claims authority to decide what counts as 'real' or authentic conversion. Coleman describes this as the "authorship of authenticity,"

defining who truly believes and who deceives (Coleman 246). Mustafa and Sohi critique the judiciary's moral adjudication, noting that "the Supreme Court acts as clergy rather than interpreter" (Mustafa and Sohi 915). The ambiguity of these terms is a significant concern not merely as a drafting problem but because it expands sovereign discretion over determining when belief is considered authentic, voluntary, and socially legitimate.

Supporters of anti-conversion laws argue that this vocabulary's continued use cannot be explained only as a moral panic tactic; it also reflects a normative concern about the integrity of religious choice in vulnerable situations. These broad legal categories expand administrative discretion by allowing authorities to distinguish between legitimate persuasion and unlawful influence. The rhetoric of protection reinforces this framework. Laws purport to defend "vulnerable" groups—Dalits, women, and tribal communities—from manipulation (Selvaraj 2023). Yet, empirical data indicate that prosecutions disproportionately target minority missionaries and local pastors (Saiya and Manchanda 587; Ahmad 2022).

Although anti-conversion laws have been enacted in twelve Indian states with the objective of preventing unlawful religious conversions, available empirical evidence points out concerns regarding their implementation and potential misuse. The most comprehensive official data presently available, from Madhya Pradesh between 2020 and 2025, indicates that out of 283 registered cases, 197 remain under trial, while among the disposed cases, 50 resulted in acquittals and only 7 resulted in convictions (Madhya Pradesh Legislative Assembly). This result shows the acquittal rate of 58 percent in disposed cases, and the conviction rate is only 7 percent. These statistics indicate that a substantial number of prosecutions fail to satisfy the evidentiary requirements for conviction.

A similar pattern is seen in Karnataka, where 17 cases were registered between 2023 and 2026 under the Karnataka Protection of Right to Freedom of Religion Act, 2022. Out of 17 cases, no convictions were secured, three cases were closed, and the majority continued to be pending before the courts (Karnataka Legislative Council). Collectively, these figures indicate that the

broad and indeterminate definitions of terms such as "allurement," "inducement," and "force" may create considerable scope for subjective interpretation, selective enforcement, and the filing of unsubstantiated complaints. These semantic ambiguities are not politically neutral. The state's authority to classify certain forms as coercive originates from broader assumptions regarding national identity, cultural continuity, and social cohesion. The administrative scrutiny enabled by these ambiguous terms exemplifies Agamben's account of modern government practices, where legal mechanisms increasingly operate through continuous supervision of ordinary moral conduct.

5. National Belonging and the Political Theology of Conversion

The broader definitions of the legal terms discussed in the previous section acquire political force within an expansive moral imagination in which religious conversion is seen not merely as individual choice but as a challenge to collective identity and national cohesion.

5. 1. Conversion as Threat to National Unity

The politics of anti-conversion laws cannot be understood apart from the moral economy of national belonging. For many critics, Hindutva operates not merely as a political ideology but also as a moral project centred on collective civilizational belonging, within which certain forms of religious difference are perceived as unsettling social cohesion (Shani 264; Ayoob 414). Within this frame, religious conversion is often represented not simply as a matter of personal conscience, but as a disturbance to the imagined unity of the nation (Varshney 230). Savarkar explicitly equates conversion with "cultural apostasy," arguing that the nation's integrity depends on preserving Hindu civilizational continuity (Savarkar 54). The Phrase "cultural apostasy" shows his concept of religious conversion as alienation from Hindu civilizational roots. Bauman traces this ideological genealogy from Savarkar to contemporary theorists such as Malhotra, who cast Christianity and Islam as "predatory faiths" undermining indigenous spirituality (Bauman 142). In the nationalist imagination, the convert represents disloyalty not merely to

religion but to homeland. Conversion disrupts the continuity of the sacred community, necessitating legal regulation.

5. 2. Conversion as Threat to Communal Stability

Projecting conversion as a civilizational disloyalty goes beyond national ideology into communitarian anxieties concerning kinship, caste continuity, and local moral order. However, the communitarian defence of anti-conversion laws is based on more than just ideological majoritarianism; it also stems from the conviction that religious conversion could upset inherited networks of kinship, trust, and collective belonging in a plural society (Nandy 330–32). According to this viewpoint, conversion is seen as an act with social ramifications for families, caste locations, village solidarity and intercommunity balance rather than as a purely private change of belief. The state's intervention is justified, in the eyes of supporters, as a means of containing conflict where organized proselytization is seen as operating on unequal conditions of vulnerability, and faith is inextricably linked to community membership. Gandhi's discomfort with proselytization was a reflection of the belief that religion is closely linked to moral community and personal convictions (Gandhi, *Autobiography*), even though it is not accessible to coercive state management. He considered religion as a path of self-realization, which is deeply rooted in one's inherited moral community, which is shaped by ethical practices. Therefore, he feared that the proselytization might transform the religion into an instrument of competition, social disruption, and moral superiority rather than a path of self-realization.

5. 3. Conversion as Threat to Familial/Sexual Order

These anxieties also become visible in legal disputes regarding interfaith marriage, sexuality, and demographic preservation. Recent legislation, including the Madhya Pradesh Freedom of Religion Act 2021 and Karnataka Protection of Right to Freedom of Religion Act 2022, criminalizes conversion via "marriage or undue influence," intertwining religious choice with state definitions of family, morality, and loyalty (Arora 18). In a 2014 case, the Allahabad High Court stated that the religious

conversion only for marriage is void. In this case, the petitioner, a Hindu girl who converted to Islam and married a Muslim boy, filed a writ petition praying for protection as a married couple. She stated that she knows nothing about Islam. The Honourable Court observed that, "the conversion of religion to Islam, in the present set of facts, of the girls without their faith and belief in Islam and at the instance of the boys, solely for the purpose of marriage, cannot be said to be a valid conversion to Islam religion" (Smt. Noor Jahan Begum @ Anjali Mishra v. State of U.P.). But in another case in 2020 with similar facts, The Allahabad High Court deviated for its previous stand in Noor Jahan's case stating that "An individual on attaining majority is statutorily conferred a right to choose a partner, which if denied would not only affect his/her human right but also his/her right to life and personal liberty, guaranteed under Article 21 of the Constitution of India" (Salamat Ansari v. State of U.P.). In a similar case, the Supreme Court upheld a marriage in Safin Jahan (2018) and ruled that the Constitution of India guarantees a person's unalienable right to select their religion and life partner. "The strength of our Constitution lies in its acceptance of the plurality and diversity of our culture. Intimacies of marriage, including the choices which individuals make on whether or not to marry and on whom to marry, lie outside the control of the state" (*Shafin Jahan v. Asokan K.M.*). Despite restrictive laws, rulings like Shafin Jahan v. Asokan affirm individual autonomy in matters of faith and marriage. The regulation of conversion thus operates within a broader political theology in which sovereignty seeks to preserve the moral continuity of the national community. Prevailing conceptions of cultural cohesion, familial legitimacy, and civilizational identity form religious freedom conditionally. In this context, sovereignty takes a theological character as a guardian of the nation's ethical unity, echoing Schmitt's insight that modern political authority retains theological structures beneath secular language.

6. International Human Rights and the Limits of Sovereign Regulation

The preceding sections indicate how anti-conversion laws

transform conscience into an object of sovereign supervision through legal ambiguity and moral regulation. International human rights law provides an important contrast because it protects the freedom of every individual to adopt, change, or retain a religion or belief of their own choice, while prohibiting coercion in matters of faith. However, by prioritizing communal integrity over individual conscience, Indian jurisprudence subordinates international human rights commitments to national political theology (Bielefeldt 2015). The Freedom of Religion laws at the state level in India have three critical elements in common: restrictions on conversions, notice requirements, and burden-shifting provisions, which are not in line with safeguarding freedom of religion or belief as outlined in international human rights law.

Although the anti-conversion laws restrict coercive religious conversion, they may affect the voluntary conversions, as it is hard to distinguish coercive and voluntary conversions. In ICCPR Art. 18, the emphasis is placed on the extensive range of freedom of thought, understanding that Article 18 safeguards various manifestations of religion (General Comment 22 Art. 18; ICCPR 1993). This includes the entitlement to practice any religion or belief openly, and it firmly establishes that the freedom of religion or belief cannot be subjected to any constraints that impede the liberty to embrace or adopt a religion or belief of one's preference.

The majority of these state-level laws require individuals to obtain permission from the District Magistrate to change their religion. It is emphasized that any conversion undertaken without proper prior notice is considered illegal and void. The principles of international human rights suggest that governments are prohibited from compelling individuals to divulge their religious beliefs or changes in those beliefs through the imposition of notification requirements (ICCPR General Comment No. 22: Article 18). A European Court ruling from February 2010 *Sinan Isik v. Turkey*, clarifies that the right to freedom of religion, along with the right to manifest one's religion, includes a negative right not to be compelled to disclose one's religion or belief (Şirin, 2014: 73). In accordance with articles 18.2 and 17, no one can be

compelled to reveal his thoughts or adherence to a religion or belief (United Nations Human Rights Committee, 1993, para 3). ICCPR Article 18(2) asserts that no individual should be subjected to pressure undermining their ability to choose or adopt a religion or belief freely (ICCPR Article 18(2)).

Most state-level anti-conversion statutes place the burden of proof on individuals accused under these laws to prove their innocence. International human rights law prohibits assuming guilt for individuals accused of crimes. According to Article 11 of the UDHR, anyone facing charges for a criminal act is entitled to the presumption of innocence until proven guilty (Art. 11, UDHR). Similarly, Article 14 of the ICCPR emphasizes the right of individuals accused of criminal offences to be considered innocent until proven guilty under the law (Art. 14, ICCPR). General Comment No. 32 on Article 14 further elaborates that the presumption of innocence places the responsibility of proving the charges on the prosecution rather than burdening the defendant with proving their innocence (ICCPR General Comment No. 32 on Article 14). In the context of state anti-conversion laws in India, placing the burden of proof on the accused directly contradicts international principles that uphold the presumption of innocence until guilt is proven.

7. Conclusion

This paper has argued that anti-conversion laws in India are not merely regulatory measures intended to prevent coercive religious conversions, but juridical expressions of a broader political theology. This study developed four interconnected arguments. First, through procedural mechanisms such as prior notification, administrative inquiry, and burden-shifting provision, the anti-conversion laws transformed conscience into an evidentiary object. Second, "authorship of authenticity" is assumed by the state and the judiciary by determining whether a conversion is voluntary, genuine, or legitimate. Third, legal measures framed for protection simultaneously operate as systems of surveillance. Fourth, these developments reveal a political theological structure in which sovereignty enters into the moral and spiritual sphere of citizenship. In doing so, the paper

contributes to existing literature by reframing anti-conversion legislation not only as a Constitutional or communal issue, but as a struggle over the relationship between sovereignty, authenticity, and the inner freedom of belief.

At the same time, the paper does not reduce anti-conversion laws to a purely majoritarian or ideological phenomenon. It indicates that support for these laws is also rooted in concerns regarding exploitation, social vulnerability, communal stability, and the negative effects of conversion within historically unequal social contexts. Realization of these concerns helps us to understand why anti-conversion laws continue to retain political and legal legitimacy in parts of India.

The paper, therefore, contributes to broader debates in political theology, Constitutional secularism, and religious freedom, showing how legal regulation of conversion produces a tension between collective moral order and individual autonomy. This insight goes beyond the Indian context and offers a framework for examining how contemporary states negotiate religious plurality, vulnerability, and sovereignty in deeply divided societies. Finally, the study suggests that the future of religious freedom in India depends not on the expansion of regulatory verification, but on a constitutional ethic that protects individuals from coercion without transforming conscience into an object of state supervision.

REFERENCES

Agamben, Giorgio. "On the Limits of Violence (1970)." Translated by Elisabeth Fay. In Towards the Critique of Violence, edited by Brendan Moran and Carlo Salzani *(2015): 231-38.*

Arora, S. "Secularism in India: Exploring Its Reality, the 42nd Amendment, and Its Relation to Article 370 of the Constitution." *Indian Journal of Social Science and Literature*, Vol. 3/2 (2023): 14–18.

Arora, T. "Asia: The Ambiguity in Freedom of Religion in India: A Commentary on Anti-Conversion Laws." *Christian Law*, Vol. 4 (2008): 18-29.

Ayoob, M. "The Rise of Hindu Nationalism in Historical Perspective." *India Review*, Vol. 19/4 (2020): 414–425.

Bhargava, Rajeev. "What Is Indian Secularism?" *India's Living Constitution: Ideas, Practices, Controversies*, edited by Zoya Hasan, E. Sridharan, and R. Sudarshan, Permanent Black, 2002: 105–32.

Bauman, C. M. "Critiques of Christianity from Savarkar to Malhotra." *The Routledge Handbook of Hindu-Christian Relations*, Routledge, 2020: 139–152.

Bielefeldt, H. *Report of the Special Rapporteur on Freedom of Religion or Belief*, 2015.

Clothey, F. W. *Religion in India: A Historical Introduction*. Routledge, 2007.

Coleman, J. "Authoring (In) Authenticity, Regulating Religious Tolerance: The Implications of Anti-Conversion Legislation for Indian Secularism." *Cultural Dynamics*, Vol. 20/3 (2008): 245–277.

De Roover, J., and S. Claerhout. "The Question of Conversion in India." *Economic and Political Weekly*, 2005: 3048–3055.

Fischer, M. G. "Anti-Conversion Laws and the International Response." *Penn State Journal of Law & International Affairs*, Vol. 6/1 (2018): 3-69.

Gandhi, M. K. *An Autobiography: The Story of My Experiments with Truth*. Navajivan Publishing House, 1927

International Covenant on Civil and Political Rights (ICCPR), 1976, art. 18.

Jenkins, L. D. "Legal Limits on Religious Conversion in India." *Law and Contemporary Problems*, Vol. 71/2 (2008): 109–127.

Jose Papachen and Another v. State of U.P. through Principal Secretary, Home Department. Allahabad High Court, 6 Sept. 2023. *Indian Kanoon*.

Karnataka Legislative Council. *Reply of Home Minister G. Parameshwara regarding cases under the Karnataka Protection of Right to Freedom of Religion Act, 2022*. Legislative Council Proceedings, 26 Mar. 2026, Bengaluru.

Madan, T. N. M. *Modern Myths, Locked Minds: Secularism and Fundamentalism in India*. Oxford University Press, 2012, doi:10.1093/acprof:oso/9780198065104.001.0001.

Madhya Pradesh Legislative Assembly. *Reply by the Home*

Department regarding cases registered under the Madhya Pradesh Freedom of Religion Act, 2021. Vidhan Sabha Proceedings, Aug. 2025, Bhopal.

Manickam, Thomas. "Indian Civil Laws Governing Religious Conversion." *Journal of Dharma*, *28*/1 (2003): 49–72.

Mrs Yulitha Hyde And Ors. vs State Of Orissa And Ors., AIR 1973 ORISSA 116, 24 Oct. 1972.

Muki, S. Synthiya. "A View on Anti-Conversion Laws in India." *Indian Journal of Law & Legal Research*, Vol. 3 (2021): 230-239.

Mustafa, F., and J. S. Sohi. "Freedom of Religion in India: Current Issues and Supreme Court Acting as Clergy." *BYU Law Review*, (2017): 915-955.

Nandy, Ashis. "The Politics of Secularism and the Recovery of Religious Tolerance." *In Secularism and Its Critics*, edited by Rajeev Bhargava, Oxford UP, 1998: 321–344.

Ram Kewal Bharti @ Bablu and Others v. State of U.P., Allahabad High Court, Lucknow Bench, Dec. 2025.

Rev Stanislaus vs State Of Madhya Pradesh & Others, AIR 908, 1977 SCR (2) 611.

Saiya, N., and S. Manchanda. "Anti-Conversion Laws and Violent Christian Persecution in the States of India: A Quantitative Analysis." *Ethnicities*, Vol. 20/3 (2020): 587–607.

Salamat Ansari and 3 Others v. State of U.P. and 3 Others. Allahabad High Court judgment in Salamat Ansari v. State of U.P. (2020), 11 Nov. 2020. *Indian Kanoon*, https://indiankanoon.org

Savarkar V. D. *Essentials of Hindutva*, 2016, http://library.bjp.org/jspui/handle/123456789/284.

Savarkar, Veer. *Hindu Rashtra Darshan*. Prabhat Prakashan, 2021.

Selvaraj, M. S. "Acts of Violence? Anti-Conversion Laws in India." *Social & Legal Studies*, 2023, 09646639241251613.

Shafin Jahan v. Asokan K.M, *Supreme Court of India*. 8 Mar. 2018.

Shani, G. "Towards a Hindu Rashtra: Hindutva, Religion, and Nationalism in India." *Religion, State & Society*, Vol. 49/3 (2021): 264–280.

Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab, University of Chicago Press, 2005.

Sinan Isik v. Turkey, Application No. 21924/05, European Court of Human Rights, 2010.

Şirin, T. *Freedom from Religion in Turkey*. Freedom of Religion and Belief in Turkey, 2014: 59–88.

Smt. Noor Jahan Begum @ Anjali Mishra v. State of Uttar Pradesh and Others. Allahabad High Court, 16 Dec. 2014.

Suleman, S. "Freedom of Religion and Anti-Conversion Laws in India: An Overview." *ILI Law Review*, Vol. 1/1 (2010): 105-126.

Swarup, Jagadish S. L. M. *Constitution of India*. 3rd ed., vol. 2, Thomson Reuters, 2013.

Sweet, William. "Freedom of Religion: From Tolerated Practice to Human Right." *Journal of Dharma*, *31*/1 (2006): 3–28.

The Constitution of India, 1950, art. 25.

The Himachal Pradesh Freedom of Religion Act, 2006.

The Karnataka Protection of Right to Freedom of Religion Act, 2022.

The Madhya Pradesh Freedom of Religion Act, 2021.

The Uttarakhand Freedom of Religion Act, 2018.

UN Human Rights Committee (HRC). *ICCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1, https://www.refworld.org/docid/453883fb22.html.

UN Human Rights Committee. *General Comments Adopted by the Human Rights Committee Under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights: Addendum General Comment*, 1999.

Universal Declaration of Human Rights, 1948, art. 18.

Varshney, A. "Contested Meanings: India's National Identity, Hindu Nationalism, and the Politics of Anxiety." *Daedalus*, Vol. 122/3 (1993): 227–261.

Vatter, Miguel. "OF CARL SCHMITT." *The Oxford Handbook of Carl Schmitt* (2016): 245-268.