

RIGHT TO FREEDOM OF RELIGION UNDER CONSTITUTION OF INDIA: A CRITICAL ANALYSIS IN LIGHT OF RELIGIOUS CONVERSION

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I. Introduction

India through ages has been considered as a religious country. The question regarding the affinity or animosity between law and religion has always been of concern to all categories of people. Henry Maine observed that India has not passed beyond the stage at which rule of law is not yet discriminated from a rule of religion. For centuries the Indian society law consistently remained a secular one, in spite of intermittent religious prosecutions and communally fanatic movements. That the soul of India always remained secular is clear from the fact that after independence, India deliberately chose to be a secular welfare state accepting the multi-religious nature of pluralistic society. It is pointed out that in India “If life can be likened to a pie, religion is not one piece of that pie alongside the pieces labeled politics, economics, social structure, education and law. Rather, religion is the fruit found in each and every piece of the pie”².

Religious conversion is multifaceted and multidimensional phenomenon. Indian society is a pluralist and heterogeneous society with multiplicity of races, religions, cultures, castes and languages and many others. Non secular conversion has constantly been a difficult issue in India. Each incident of conversion causes lot of hues and cries in society; particularly it reasons nostalgic feelings to Hindu company due to its inherent socio-political milieu. Recently religious conversions have received unwanted popularity leading to passionate debate all over the world. Number of states in India has enacted laws regulating religious conversion and herby fuelling the sentiments of people in respect to their relation to the supreme creator by whatever name he is called Bhagwan, Allah, God etc.

The term “Religion” is a very wide concept. To define it in definite words is unjust and uncalled for; it is hardly susceptible to any rigid watertight definition. The constitution of India does not define the word religion. to define religion taking god as a sole criterion would be fruitless as there are religions which do not believe in god for instance Buddhism and Jainism.

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² Robert D Baird, *Religion and Law in India: Adjusting to the Sacred as Secular* in Religion and Law in Independent India (Ed.) Manohar 2005 p.7.

A Religion has undoubtedly its basis in a system of beliefs and doctrines which are considered by those who profess that religion as conducive to their spiritual well-being, but it would not be correct to say that religion is nothing else but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept it, it might also prescribe rituals and observances, ceremonies and mode of worship which are regarded as integral parts of religion and these forms and observances might extend to matters of food and dress³

II. Gandhi Ji on Religious Conversion

During an interview with Gandhiji, which was published in *Young India* on 21-3-1929, Dr. John Mott asked him - "Do you disbelieve in all conversions?" Gandhi ji replied: *"I disbelieve in the conversion of one person by another. My effort should never be to undermine another's faith but to make him a better follower of his own faith. This implies belief in the truth of all religions and therefore respect for them. It again implies true humility, a recognition of the fact that the divine light having been vouchsafed to all religions through an imperfect medium of flesh, they must share in more or less degree the imperfection of the vehicle."* Again Reacting to widespread attempt made by Christian missionaries to convert In an interview to a missionary, on or before 22-3-1935, Gandhiji complained that missionaries were preaching the gospel of Christ with some motive behind it. *"One sordid motive violates the whole preaching. It is like drop of poison, which fouls the whole food. Therefore, I should do without any preaching at all. A rose does not need to preach. It simply spreads its fragrance. The fragrance is its own sermon ...The fragrance of religious and spiritual life is much finer and subtler than of the rose."*⁴

At the Depressed Classes Conference, in Nasik in October 1935, on Dr. Ambedkar's advice, members passed a resolution that Harijans should sever ties with Hinduism and should embrace any other religion which gives them equal status and treatment. Referring to that resolution, Gandhi ji said :*"Ever since Dr. Ambedkar has thrown his bomb-shell in the midst of Hindu society in the shape of threatened conversion, frantic efforts have been made to wean him from the proposed step. ... Without a doubt these threats are a portent and a matter of grave concern to those who care at all for the religion of their forefathers. But it will not be served by coming to terms with those who have lost faith in Hinduism or for that matter in any religion. Religion is not a matter of barter. It is a matter for every individual to decide for himself to which faith he will belong. It does not lend itself to*

³ Ratilal Panchand Gandhi v. State of Bombay, AIR 1954 SC 388.

⁴ Sandhya Mehta, *"Gandhiji on Religious Conversion"*, Meghshaym T. Ajgaonkar, Pg. 5

purchase in any shape or form. Or if such an expression can be used in connection with things of spirit, religion can only be purchased with one's own blood"⁵. When Amtul Salaam, Gandhiji's follower, was apprehensive that Kanti, grandson of Gandhiji, would adopt Islam while in Bombay, Gandhiji wrote to Kanti from Seagaon on 1-12-1936. *"To me all the religions are equal, so I would not feel unhappy if one changed one's religion with deliberate knowledge and in a sincere spirit in order to cultivate more detachment and attain God sooner. However, there is one thing: one who believes that all religions are equal will have no need to change his religion as it includes other religions. One who has grasped this has no need to change his religion."*⁶

When a correspondent asked Gandhiji about the converted Hindus, now wanting to come back to their original faith, Gandhiji replied. *Harijan*, 25-9-1937 *"In my opinion they are not examples of real heart conversion. If a person, through fear, compulsion, starvation or for material gain or consideration, goes over to another faith, it is a misnomer to call it conversion. Most cases of mass conversion, of which we have heard so much during the past two years, have been to my mind false coin. Real conversion springs from the heart and at the prompting of God, not of a stranger. The voice of God can always be distinguished from the voice of man. The hypothetical cases coined by my correspondent are, so far as I see, not cases of conversion. I would, therefore, unhesitatingly re-admit to the Hindu fold all such repentants without ado, certainly without any shuddhi. Shuddhi is not applicable to such cases. And, as I believe in the equality of all great religions of the earth, I regard no man as polluted because he has forsaken the branch on which he was sitting and gone over to another of the same tree. If he comes back to the original branch, he deserves to be welcomed and not told that he had committed a sin by reason of his having forsaken the family to which he belonged. Insofar as he may be deemed to have erred, he has sufficiently purged himself of it when he repents of the error and retraces his step."*⁷

III. Constitutional provision

Constitutionally, India is a mundane country, however any wall of separation among religions and nation exists neither in regulation nor in practice, the two can, and frequently do, have interaction and interfere in every different affairs within the legally prescribed and judicially settled parameters. Indian Secularism does not require a complete banishment of faith from the societal or even state affairs. The best demand of Secularism,

⁵ Supra note 2 at pg. 19.

⁶ Supra note 2 at pg. 8

⁷ Supra note 2 at pg. 23, 24

as mandated with the aid of the Indian constitution, is that the nation needs to treat all religions creeds and their respective adherents on equal footing and without any discrimination in all subjects beneath its direct or oblique manipulate.

The constitution of India endeavors to establish a secular polity founded on social justice. In order to realize its goal in respect of its commitment the constitution of India guarantees to all person freedom of conscience, right to profess practice and propagate religion and to religious denomination right to establish and maintain

In relation to freedom of religious conversion, it may be worth glancing through the debates and discussion in constitutional assembly. The fundamental rights subcommittee, dealt with the issue of conversion. Several drafts were submitted on the subject of religion out of which only two directly were linked with conversion. One view was of Shri K.M Munshi who included in his draft a preventive measures on conversion in the section on "The right to religious and cultural freedom": 'Conversion from one religion to another brought about by coercion, undue influence or the offering of material inducement is prohibited and is punishable by the law of the union'.⁸ On the other hand, Dr B.R. Ambedkar saw the main purpose of the section on religious freedom as of every subject to life, liberty and pursuit of happiness and to free speech and free exercise of religion'. His draft section on fundamental duties of citizen stated; "The state shall guarantee to every Indian citizen liberty of conscience and free exercise of his religion including the right to profess, to preach, to convert within limits compatible with public order and morality".⁹

Article 25- 28 Constitution of India confers authority in regards freedom of religion in India. This freedom is not the property of citizens alone but of anyone who resides in the territory of India. The crystal clear wordings of Article 25 have guaranteed freedom of religion to all, not limited to the followers of any particular faith. Freedom of conscience envisages freedom of an individual either to follow the path of particular religion or to follow none and thereby remain atheist. It refers to the man's subjective sense of right or wrong. It can basically be said the freedom to choose as he desires. Freedom to propagate on the other hand envisages liberty within limits to transmit or spread ones religion by exposition of its tenets or his/her own idea or convictions. These two facets that are right to freedom of conscience and right to propagate have always been found at loggerheads.

⁸ Ram Puniyani, *Ghar Wapsi, Conversions And Freedom Of Religion*, Media House, pg. 204

⁹ Ibid

The Constitutional guarantee of freedom of religion is not just restricted to freedom of conscience and to freely profess, practice and propagate religion, it is much wider. Every religious denominations or any section thereof have been given the right (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law. These rights are subject to public order, morality and health.¹⁰

Absolute right is a myth in any organised society, and India is not an exception when it comes down to freedom of religion. So the freedom of religion has been expressly made subject to: (i) Public order, morality and health; (ii) Other fundamental rights (iii) any law, whether existing or future, providing for regulation or restrictions of an economic, financial, political or other secular activity which may be associated with religious practice, and (iv) any law, whether existing or future, providing for social welfare and reform.

IV. Legislative provision in India

In contemporary India, government assessments of the legitimacy of conversions tend to rely on two assumptions: first, that people who convert in groups may not have freely chosen conversion, and second, that certain groups are particularly vulnerable to being lured into changing their religion. These assumptions, which pervade the anti-conversion laws as well as related court decisions and government committee reports, reinforce social constructions of women and lower castes as inherently naïve and susceptible to manipulation. Like “protective” laws in many other contexts, such laws restrict freedom in highly personal, individual choices and thus must be carefully scrutinized.

British who ruled India never imposed any sort of restriction on right to propagate ones religion and converting another. The reason being that they themselves were very active at proselytizing religion and they therefore kept themselves out of legislating on matter that could prove as a hindrance to their missionary activities

¹⁰ Article 26 of Constitution of India states” Subject to public order, morality and health, every religious denomination or any section thereof shall have the right— (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; Prohibition of employment of children in factories, etc. Freedom of conscience and free profession, practice and propagation of religion. Prohibition of traffic in human beings and forced labour. Freedom to manage religious affairs. (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law”

However there were many princely states that had enacted laws on conversion. The first and foremost was passed by Rajgarh state conversion act which was enacted in 1936. mass conversion being rampant during the period. by this act, Hindu rajah of Rajgarh banned the preaching of Christianity and prohibited the entry of Christian missionaries into the former kingdom of Rajgarh, Jashpur, Surguja, etc of Chhotanagpur area.

The next one was Surguja Hindu Aposty Act, 1945 which described Christianity as an alien religion and gave discretionary power in the hands of darbar of Rajah to permit conversion from Hindu to any alien religion. Similarly was the act of Udaipur state conversion act, 1946 which was enacted to counter conversion of adivasis in large number and thereby creating an atmosphere which might disturb public peace. The act requires all conversion from Hindu religion to Christianity to be officially registered.

In 1954, Mr Jethlal Harikrishna Joshi member of the ruling party moved in parliament the 'Indian converts (regulation and registration) Bill which provided for compulsory licensing of the missionaries and for registration of each and every conversion with the government functionaries. The bill was dropped at the behest of then prime minister of India.

It is worthwhile noting that Madhya Pradesh government appointed a Niyogi Enquiry Committee on Christian missionary activities which declared that "most conversion has been doubtless in insincere, admittedly brought about in expectation of social service benefits and other material consideration"¹¹.

In 1953, a private member bill known as Madhya Pradesh Conversion Bill was introduced which included clause making it obligatory on would be converts to declare that conversion was not due to "temptation or pressure", which revived the accusation made in Niyogi committee report. The bill was rejected on the ground that the matters relating to propagation belonged to center and not the state.

Out of Twenty nine states in India only Eight states have successfully passed legislation in respect of religious conversion. The first freedom of religion to be successfully enacted was in Bolangi (Bihar state in 1938. This state was subsequently merged with Orissa and the chief minister moved the Orissa freedom of religion act 1967 which was passed by the state assembly. The main object of the act was to act as check on conversion of religion by use of force, inducement or by fraudulent or incidental means. The Act was passed primarily to act as a check on law and order in society which was disturbed by religious conversion.

¹¹ M.P.Raju, "*Religious Conversion Legal Implication*", media house, pg. 50

After the recommendation by the Niyogi Committee in respect of religious matters, the state of Madhya Pradesh went on to pass the Madhya Pradesh Dharma Swatantraya Adhiniyam 1968 which stands amended as of now by Madhya Pradesh Dharma Swatantraya (Sanshodhan) Adhiniyum, 2006 the act was similar in all respect with the Orissa freedom of Religion act.

After the formation of state of Chhattisgarh, the Government of Chhattisgarh adopted Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968 which is now proposed to be amended by Chhattisgarh Dharma Swatantraya (Sanshodhan) Vidheyak, 2006.

The Union Territory of Arunachal Pradesh as it was the passed Arunachal Pradesh freedom of Religion Act, 1978. The only difference to previous act was the definition of conversion from “renouncing one religion and adopting another” to “renouncing an indigenous faith and adopting another fait or religion”¹².

The state of Tamil Nadu enacted the Tamil Nadu Prohibition of Forcible Conversion of religion Act, 2002 which stands repealed by the Tamil Nadu Prohibition of Forcible Conversion of Religion (Repeal) Act, 2006.

In order to maintain peace and order in society in respect of religion and to act as a regulatory mechanism the state of Gujarat and Rajasthan enacted Gujarat Freedom of Religion Act, 2003 and Rajasthan Freedom of Religion Bill, 2006 on similar lines with other states in regards conversion. The Rajasthan act defined conversion as renouncing ones Religion and adopting another which further added an explanation defining own religion as religion of forefathers. The Government of Himachal Pradesh enacted the Himachal Pradesh Freedom of Religion Act, 2006¹³ on similar lines with other States. For the better understanding of these acts as enacted by different states a comparative chart would be fruitful for crystal clear understanding:

State	In force	Reconversion Excluded (y/n)	Prior permission	Notice by converting peerson	Notice by convert	Penalties	Enhanced penalties in cade of women children, SC, ST
Orissa ¹⁴	Yes	No	No	Yes	No	1yr/ Rs 5000	2yr / Rs 10000
Madhya Pradesh ¹⁵	Yes	No	No	Yes	No	1yr/ Rs 5000	2yr / Rs 10000

¹² Arunachal Pradesh freedom of religion Act, 1978 (Act 4 of 1978), sec. 2(b)

¹³ Bill no 31 of 2006

¹⁴ The Orissa Freedom of Religion Act, 1967

Chhattisgarh ¹⁶	Yes	No	No	Yes	No	1yr/ Rs 5000	2yr / Rs 10000
Himachal Pradesh ¹⁷	Yes	No	No	No	Yes	2yr/Rs 25000	3yr / Rs 50000
Arunachal Pradesh ¹⁸	Yes	Yes	No	Yes	No	2yr/Rs 10000	None
Rajasthan ¹⁹	No	Yes	No	No	No	2yr/Rs 50000	None
Gujarat ²⁰	Yes	No	Yes	No	Yes	3yr/Rs 50000	4yr / Rs 100000

V. Judicial Response

According to Dr. Radha krishnan religion is the code of ethical rules and it also means rituals, observances, ceremonies and mode of worship which are its outer manifestations. It is identified with feelings, instinct, cult, perception, conscience and belief or faith²¹.

In *Sayedna Tahir v. Moasaji*²², Justice M.C.Chagla While dealing with constitutionality of Bombay prevention of ex communication Act, 1949 defined religion our matter of man's faith and worship. It is a matter concerning man's contact with his Creator. It has nothing to do with the manner in which a practice is all adopted as forming part of a particular faith or religion.

In an *American case Davis v. Beasou*²³, it has been held that, “the term religion has reference to ones views of his relation to his creator and to the obligations which they impose for reverence of his being and character and of obedience to his will. It is awful compounded with cults of form or worship of particular sect but is distinguishable from the latter”.

In its broad sense religion includes all forms of faith and worship, all the varieties of man's belief in Superior being or a moral law²⁴. Religious conversion “points to the phenomenon that is associated with personal and communal metamorphosis”²⁵. In popular usage, religious conversion refers to the adoption, wholesale, of a set of beliefs identified with one

¹⁵ Madhya Pradesh Dharma Swatantraya (Sanshodhan) Adhiniyum, 2006

¹⁶ Chhattisgarh Dharma Swatantraya (Sanshodhan) Vidheyak, 2006.

¹⁷ Himachal Pradesh Freedom of Religion Act, 2006

¹⁸ Arunachal Pradesh freedom of Religion Act, 1978

¹⁹ Rajasthan Freedom Of Religion Bill, 2006

²⁰ Gujarat Freedom of Religion Act, 2003

²¹ S. Radhakrishnan, *The idealist view of life*, George Allen and Unwind ltd, pg. 84

²² AIR 1953 BOMBAY 188

²³ 133 4 U.S 133

²⁴ P.M. Bramadathan Nambooripad v. Cochin Dewaswrom Board AIR 1956 Travancore 19

²⁵ Faizan Mustafa & Anurag Sharma, *Conversion: Constitutional and Legal Implications*, pg.21

particular religious denomination to the exclusion of others. Thus ‘religious conversion’ would describe the abandoning of adherence to one denomination and affiliating with another.

The Supreme Court of Canada’s seminal decision on freedom of religion, in *R. v. Big M Drug Mart Ltd.* Dickson J. said that: “*The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination. But the concept means more than that.....Freedom in a broad sense embraces both the absence of coercion and constraint, and the right to manifest beliefs and practices. Freedom means that, subject to such limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, no one is to be forced to act in a way contrary to his beliefs or his conscience*”.²⁶

Religious conversion seems to particularly confound courts seeking clear-cut identities, as illustrated in Galanter’s early essay on the *Brother Daniel* case, in which a Polish Jew who had become a Carmelite monk applied to be admitted to Israel under the Law of Return. Galanter notes the problems of “*state inquiries into the imponderables of personal identity*” in such a case and the awkwardness of a state trying to discern and evaluate “*personal qualities by administrative and judicial procedures ill-suited to the task.*”²⁷ Marc Galanter’s work reminds us of the intertwined nature of law and religion, even in countries officially committed to secularism. Legal and religious orders help to constitute each other⁹ “*No secular State is or can be merely neutral or impartial among religions, for the State defines the boundaries within which neutrality must operate.*”²⁸

Judiciary being the protector of the constitution of India, it has again and again been resorted to settle the issue in hand. In *Rev. Stainislaus v. State Of Madhya Pradesh & Ors.*²⁹, the court held that, “*Article 25 guarantees to all persons right to freedom and conscience and the right freely to profess, practice and propogate religion subject to public order, morality and health. The word ‘propogate’ has been used in the Article as meaning to transmit or spread from person to person or from place to place. The Article does not grant right to convert other person to one’s own religion but to transmit or spread one’s religion by an exposition of its tenets. The freedom of religion enshrined in Art. 25 is not guaranteed in respect of one religion only but covers all religions alike which can be*

²⁶ [1985] 1 S.C.R. 295

²⁷ Marc Galanter, *A Dissent on Brother Daniel*, 36 COMMENT. 10, 13 (1963).

²⁸ MARC GALANTER, LAW

²⁹ AIR 1977 SC 908

properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following other religion. 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".

The stand of apex court in this case is in consonance with the well Acknowledged International Instrument Universal Declaration of Human Right, 1948 and International Convention for Civil and Political Rights, 1966.

The meaning of guarantee under Article 25 of the Constitution came up for consideration in this Court in *Ratilal Panachand Gandhi vs. The State of Bombay & Ors.*³⁰ and it was held as "*Thus, subject to the restrictions which this Article imposes, 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 the edification of others.*"

Again the apex court in *Digyadarsan vs. State of A.P.*³¹, answered the issue negatively by holding that the right to propagate ones religion means the right to communicate person's belief to another person or to expose the tenets of that faith, but would not include the right to convert another person to the former faith.

Recently, In *Justice K S Puttaswamy (Retd.), and Anr. vs. Union of India and Ors.*³² The court held that, "*Insofar as religious beliefs are concerned, a good deal of the misery our species suffer owes its existence to and centers on competing claims of the right to propagate religion. Constitution of India protects the liberty of all SUBJECTS guaranteeing the freedom of conscience and right to freely profess, practice and propagate religion. While the right to freely "profess, practice and propagate religion" may be a facet of free speech guaranteed under Article 19(1)(a), the freedom of the belief or faith in any religion is a matter of conscience falling within the zone of purely private thought process and is an aspect of liberty. There are areas other than religious beliefs which form part of the individual's freedom of conscience such as political belief etc. which form part of the liberty under Article 21*".

In a case where a person tries to marry second time after converting to Muslim and thereby trying to shield itself from a charge of bigamy was

³⁰ AIR 1954 SC 388

³¹ AIR 1970 SC 181

³² WRIT PETITION CIVIL NO 494 OF 2012

strictly disallowed by the apex court in *Lily Thomas v. Union of India*,³³ where the court held that, “Freedom guaranteed under Article 25 of the Constitution is such freedom which does not encroach upon a similar freedom of the other persons. Under the constitutional scheme every person has a fundamental right not merely to entertain the religious belief of his choice but also to exhibit his belief and ideas in a manner which does not infringe the religious right and personal freedom of others”.

The issue of forcible conversion was all over the media in case of *Shafin Jahan v. Ashokan and ors.*,³⁴ A Hindu girl named Athira got converted to Muslim religion and got married to shafin jahan hiding these facts from her parents. Her name in Muslim religion was changed to Hadiya .on her parents filling a petition in high court regarding forceful conversion and marriage the high court held that the marriage of Athira alias Hadiya was a mere sham. The husband Shafin Jahan knocked the doors of apex court which after intense deliberation by both sides held that, “The right to marry a person of one’s choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability of each individual to take decisions on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty. The Constitution exists for believers as well as for agnostics. The Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere. Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. The law may regulate (subject to constitutional compliance) the conditions of a valid marriage, as it may regulate the situations in which a marital tie can be ended or annulled. These remedies are available to parties to a marriage for it is they who decide best on whether they should accept each other into a marital tie or continue in that relationship. Society has no role to play in determining our choice of partners”.

In *Chirag Singhvi v. State of Rajasthan*³⁵, the court held that held that till enforcement of the Act of 2006, some guidelines are necessary to check the problem of forcible conversion of religion for the purpose of solemnizing marriage only and issued the following directions: (A) An individual, who wishes to change his/her religion will be at liberty to change the same after attaining the age of majority. (B) One, who intends to change his/her religion should satisfy himself/herself about niceties of conversion of

³³ AIR 2000 SC 1650

³⁴ CRIMINAL APPEAL NO 366 OF 2017

³⁵ D.B. Habeas Corpus. No. 149/2017

religion. (C) The authority/person, who is performing ceremony of conversion of religion, should first ascertain whether the person concerned is desirous to change the religion, is having full faith in the newly adopted religion and should also ascertain whether he/she is under any threat of other person or not and if finds that it is forceful conversion, then the authority/person shall give information to the District Collector/SDO/SDM, as the case may be. (D) The person, who is desirous to change his/her religion, shall give information to the District Collector/SDM/SDO of the concerned city and Sub-Divisional Area before conversion of religion. (E) The District Collector/SDM/SDO shall put such information upon the Notice Board of its office on the same day. (F) The person, who has converted his religion from one religion to another religion, shall solemnize the marriage/Nikah after one week of such conversion of religion. For that, the authority/person concerned before whom such marriage/Nikah is being solemnized, shall ensure whether information of conversion has been made or not and thereafter assist in solemnizing the marriage/Nikah (G) The District Collector upon receiving information of forceful conversion shall take appropriate action in accordance with law, so as to check the forceful conversion. (H) It is made clear that if any person is desirous for publication of change of religion in the Gazette, he/she shall take recourse of Press and Registration of Books Act, 1867. (I) It is also directed that if any marriage in the form of any nomenclature of any religion will be performed after conversion in contravention of above guidelines, then such marriage of any nomenclature can be declare voidable upon complaint of aggrieved party. (J) That aforesaid guidelines shall remain operative until the Act of 2006 or any other act governing the subject matter came into existence in State of Rajasthan to protect the forcible conversion of religion.

VI. Conclusion

To conclude I would like to quote Swami Vivekananda who said “Religion as it is generally taught all over the world is said to be based upon faith and belief and in most cases consists only of different sects of theories and that is the reason why we find all religions quarrelling with one another. These theories are again based upon faith and belief”³⁶. In spite of provision in the constitution of India in regards religious freedom, there seems to be some lacunae in it which needs to be addressed on utmost priority basis in order to curb violence in matters of religious conversion.

³⁶ The complete works of Swami Vivekanand available online at http://www.ramakrishnavivekananda.info/vivekananda/volume_1/addresses_at_the_parliament/addresses_at_the_parliament.htm (last visited on 16/08/2018)