

Beyond Procedural Relief: The Case for Systemic Constitutional Review of India's Anti-Conversion Laws

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On 17 October 2025, the Supreme Court of India in [Rajendra Bihari Lal v. State of Uttar Pradesh](#), quashed multiple FIRs under the [Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021](#) (UP Act), arising from alleged mass conversion of 80–90 Hindus to Christianity. The Vice-President of the Vishwa Hindu Parishad, a third party, complained. The Court held that Section 4 of the UP Act restricts standing to the converted person or close family members, rendering the complainant incompetent to lodge the FIR. However, the judgment avoided examining the Act's constitutional validity, despite noting its intrusive nature, and left unresolved tensions with Article 18 of the [International Covenant on Civil and Political Rights](#) (ICCPR), which protects the freedom to change one's religion. This blog argues for systemic judicial and legislative reforms to transform religious freedom into a substantive, enforceable right.

The Doctrinal Dissonance Between Domestic and International Law

India [ratified](#) the ICCPR in 1979, binding itself to guarantee the freedom to change one's religion. The UN Human Rights Committee, in [General Comment 22](#) (GC 22), clarified that Article 18 protects the right to adopt, replace, or retain religious beliefs, and that Article 18(2) permits restrictions solely to prevent coercion that would impair this choice.

Twelve Indian states have [enacted anti-conversion laws](#) criminalising conversions obtained through force, fraud, allurement, or inducement, with imprisonment ranging from one to ten years. These laws contradict international human rights obligations in three ways. First, they prohibit conversions through vaguely defined allurement or inducement; for instance, Section 2(a) of the UP Act defines allurement so broadly that it includes gifts, financial assistance, education, or a better lifestyle, enabling arbitrary application against voluntary religious activities. Second, they impose mandatory notification requirements, compelling converts to inform authorities before changing their faith, thereby violating Article 17 of the ICCPR, which prohibits arbitrary interference with privacy rights and protects autonomous decisions about deeply personal matters from state surveillance.

Third, they reverse the burden of proof by requiring the accused to demonstrate that any conversion was not obtained through prohibited means, which contradicts Article 14(2) of the ICCPR, which guarantees a

[presumption of innocence](#) until the prosecution proves guilt beyond a reasonable doubt.

Procedural Remedy Without Systemic Resolution

The petitioners argued that the FIRs violated Section 4 of the UP Act because a third party with no connection to any alleged victim had lodged them. The State invoked Section 154 of the [Criminal Procedure Code](#), which allows police to register information about cognisable offences from any person, arguing it should prevail over Section 4's standing requirements. The Court granted relief on narrow procedural grounds, holding that complainants lacked standing under Section 4 as initially enacted. Crucially, the Court applied the unamended Section 4. However, the judgment's protective holding does not extend to future prosecutions, especially since Uttar Pradesh amended Section 4 in August 2024 to permit any person to file complaints, eliminating *locus standi* restrictions.

The Court also raised constitutional concerns, observing that mandatory reporting requirements may require scrutiny under Article 25 (freedom of religion) and Article 21 (right to privacy) of the [Constitution of India](#), but declined to rule on these issues in the absence of a direct challenge. As a result, issues surrounding vague statutory definitions, notification duties, and reverse burdens of proof remain unresolved, creating hostile environments for religious minorities that enable [harassment without evidentiary requirements](#). Combined with the 2024 amendment that expands standing, this necessitates urgent, proactive institutional reform.

Institutional Reforms: Coordinated Judicial and Legislative Action

The doctrinal gap requires a coordinated institutional response across judicial and legislative domains. First, a Constitutional Bench should be convened under Article 32 (constitutional remedies), read in conjunction with Article 142 (plenary powers) of the Constitution, to comprehensively examine state anti-conversion laws in light of the Constitution's Article 25 and the ICCPR's Article 18 requirements. Such a Bench should establish binding guidelines clearly defining unlawful coercion, incorporating international standards from the GC 22, which distinguishes genuine coercion from voluntary religious activities. These guidelines would invalidate mandatory reporting provisions nationwide, preventing administrative harassment of converts and requiring courts to maintain the presumption of innocence consistent with ICCPR Article 14(2).

Second, Parliament should complement judicial efforts by establishing an Independent Religious Freedom Monitoring Authority, as mandated by Article 51(c) of the Constitution, which directs India to foster respect for

international law. This Authority would review draft state legislation for ICCPR compliance before enactment and investigate discriminatory enforcement patterns, serving as an early warning mechanism while addressing the enforcement gap.

Conclusion

The *Rajendra Bihari Lal* judgment delivers procedural relief but leaves fundamental constitutional and international challenges unaddressed. Coordinated institutional action is required: a Constitution Bench reconciling domestic laws with international human rights standards, accompanied by independent monitoring mechanisms preventing arbitrary enforcement. Only through integrated institutional action can India transform religious freedom from a fragmented procedural remedy into a substantive, enforceable right.