

Religious Conversion, Constitutionalism, and Marginality in India: Historical Evolution, Legal Regulation, and State-Level Realities in Southern India

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Abstract

Religious conversion around the world involved not only faith but also social identity, law, politics and various other regional attributes. Although conversion is often understood as a personal spiritual decision, in India it has also been a path toward dignity, social mobility, and resistance within a deeply hierarchical society. This paper explores conversion both as a constitutional freedom and as a lived reality shaped by structural inequality, with particular attention to developments in Southern India.

The paper explores not only the history of different forms of conversion but also the sociological and political aspects of the same. A major thinker in this context has been Dr. B. R. Ambedkar who considered that conversion has rarely been only about theology; it has also been about equality and recognition. The second aspect of the paper highlights the constitutional and legal provisions of the same ranging from Articles 14, 21, and 25–28 of the Constitution, the Constitution (Scheduled Castes) Order, 1950, and the Supreme Court's ruling in *Rev. Stainislaus v. State of Madhya Pradesh* (1977), the paper further highlights a constitutional tension i.e. individuals are free to change their religion, yet may lose affirmative action protections. It calls for a more balanced approach that protects both religious freedom and substantive equality.

Introduction

The question of religion and conversion has a multifaceted historical journey involving factors such as spiritual awakening, caste, economy, constitutionalism, and politics. In most other intercontinental situations, religious conversion is supposed to be, first and foremost, a matter of individual morality a deeply personal act of spiritual conversion. Religious conversion across the time and space has fundamentally to do with change in spiritual awakening or shift in belief, however much of its historical accounts has remained associated with re-negotiation of social status, communal and legal identity, state resources, political landscape and economic motifs.

India's religious has happened from and to Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism. Many other indigenous religions co-exist in a constitutional framework that declares the country to be a secular state. In contrast to Western models of secularism, which have conventionally evolved out of the separation of state and church, Indian secularism has evolved in a multi-religious society in which the state is committed, simultaneously, to protecting the freedom of religion and regulating religious practice.

This double commitment—to freedom and regulation—is replete with inherent contradictions, particularly with regard to religious conversion.

Historically the phenomenon of conversion in India has been influenced by a number of factors:

- The rigid stratification of the caste system
- The advent and spread of Islam through trade, Sufi missionary work, and political domination
- Christian missionary activity during colonial rule
- Indigenous reform movements against social inequality
- Political movements initiated by marginalized sections

All of these instances from history has demonstrated that conversion was rarely an isolated religious experience. Rather, it often became a social tactic, a tool to an end of seeking dignity, equality, or political validation. The caste system is one such notion that is pivotal to comprehending the phenomenon of conversion in India. For individuals who have hitherto been recognized as “Untouchables” (who are currently recognized as Scheduled Castes in the Indian Constitution), religion and caste have been inextricably linked. Conversion to Islam or Christianity often became a declaration of defiance against the degradation that resulted from the caste system. Dr. B.R. Ambedkar’s massive conversion to Buddhism in 1956 is perhaps the most exemplary instance of conversion as a collective declaration of defiance against the domination of the caste system.

Instead, conversion has also been understood as an “affront to cultural heritage and demographic integration.” Specifically, in the context of post-independence India, religious conversion has become a politicized issue. The post independent political landscapes further ignited discussions on whether religious conversion, particularly to Christianity and Islam, represents foreign domination, demographic manipulation, or the exploitation of the weak. Due to several incidents of forced and manipulations to convert Hindu to Islam and Christianity led to enactments of anti-conversion laws in different states of India. Most recently due to exploitation in Islam and Christianity there have been incidents of reconversion as well.

The Article 25 of the Indian Constitution guarantees right to freely profess, practice, and propagate religion. But the same article also poses certain reasonable restrictions for the propagators and practitioners i.e. public order, morality, and health. But Christianity and Islam have misused this article to a greater extent to fraudulently converting Hindus in many areas of India. In this context, in the *Rev. Stanislaus v. State of Madhya Pradesh* case (1977), the Supreme Court of India clarified that “the right to propagate religion guaranteed under Article 25(1) of the Constitution does not include the right to convert another person to one’s own religion. If a person purposely undertakes the conversion of another, that would impinge upon the ‘freedom of conscience’ guaranteed to all citizens” (*Rev. Stanislaus v. State of Madhya Pradesh*, 1977). This judicial interpretation of the Indian Constitution has been the basis for anti-conversion laws at the state level.

However, the constitutional guarantee of the right to religious freedom co-exists with another constitutional regime that significantly impacts converts: Constitution (Scheduled Castes) Order, 1950. This order limits the (SC) Scheduled Caste status to only those who follow Hinduism, Sikhism, or Buddhism. Consequently, conversion to Christianity or Islam automatically results in the loss of Scheduled Caste status and the perks of reservation that accompany it. This creates a paradox. Converts may leave their former religion to outflow the oppression of the caste system but also leave the constitutional safeguards that are intended to remedy this same problem. Recent judicial pronouncements in southern Indian states illustrate this paradox. Though such judicial verdict warns converts to loose their

reservation rights, however such verdict has also been challenged and also it opens scope for individuals to modify their new religious identities. Such contrary experiences illustrate that the subject of conversion in India is not simply one of religion but also one of documentation, classification, and recognition. Further empirical studies also illustrate the complexity of the religious situation in India.

This paper thus undertakes that the subject of conversion in India is both a question of morality and a site of structural contestation. It is submitted that even though the Constitution of India via its judicial assertions has guaranteed the right to freedom of religion, the interplay between anti-conversion laws, reservation policies, and the classification of caste at times results in the marginalization of converts, particularly those belonging to the historically disadvantaged sections of society.

The research questions that this article pursues to answer via the analysis of the historical trajectories, constitutional discourse, state-level legislation, and judicial assertions in many Indian states:

- What has been the historical trajectory of religious conversion as a strategy of mobility and resistance?
- How does the constitution regulate and restrict religious conversion?
- Does the present legal regime safeguard or exclude religious converts?

This research uses a qualitative and interdisciplinary research approach that combines doctrinal legal analysis with historical and sociological interpretation. The subject of religious conversion in India is associated with constitutional law, caste systems, political identity, and social mobility; therefore, this study uses an exploratory approach that syndicates various methods of analysis to understand the phenomenon.

This paper largely explores the constitutional provisions such as Article 14, 21, 25 and 28 along with Scheduled Caste Order 1950 and Prevention of Atrocity Act 2005 to understand the historical evolution and contemporary debate on the same. Furthermore, the verdict of *Rev. Stanislaus vs. State of Madhya Pradesh (1977)* is analysed to comprehend the judicial perception of religious propagation and the constitutionality of anti-conversion laws. The current decisions of the High Courts and the Supreme Court of the Southern states are also analysed to comprehend the implications of conversion with respect to caste status, benefits of reservations, and identity cards.

Furthermore to the legal enquiry, the study also includes a historical-sociological analysis to recognise the process of religious conversion from the Islamic extension and Christian missionary work to the Ambedkarite Buddhist conversion. Lastly, the study includes the principles of equality, proportionality, due process, and freedom of morality to evaluate whether the current legal systems are defending religious freedom or creating structural marginality. This approach will allow the reader to comprehend the concept of conversion as a constitutional subject matter and a social reality in India.

Historical Trajectories of Religious Conversion in India

The subject of conversion in India has to be defined in the milieu of historical developments that have been formed by pluralism, hierarchy, colonialism, and social reform. Unlike other parts of the world wherein religious conversion happened through the agency of centralized religious institutions, the history of conversion in India is marked by the multifaceted interaction of indigenous and alien components. The subject of conversion in the Indian subcontinent has interchangeably been one of spiritual revolution, social manoeuvring, political defiance, and structural mobility.

Islamic Expansion and Social Transformation

The arrival of Islam into the Indian subcontinent occurred in the 7th century with the coming of Arab merc-

hants to the western coast of the Indian subcontinent. Later, it spread with the establishment of the Delhi Sultanate and the Mughal Empire. The entry of Islam into the Indian subcontinent occurred in several ways: through trade, Sufi missionary activities, intermarriages, patronage systems, and sometimes force (Eaton, 1993). Contrary to the popular view of mass conversions being imposed on non-Muslims, it has been shown that many conversions took place in a more mediated manner.

Sufi saints also had a very important role. Their message of spiritual equality, devotional practices, and opposition to ritual hierarchy attracted marginalized sections. For lower castes who were forced to practice untouchability and ritual exclusion in the Hindu social order, Islam represented a religious identity that was not so formally bound to the hierarchy of caste stratification (Gogoi, Year). Although Islamic societies in India also established their own hierarchies (ashraf-ajlaf, for example), the theological rejection of ritual pollution based on caste hierarchy provided a symbolic opportunity for social mobility.

Richard Eaton (1993) shows that many conversions took place in frontier areas, which were newly incorporated into agrarian systems, and where the adoption of Islam provided an easy entry into new political and economic networks.

However, the politics of Islamic conversion in modern India are still a matter of debate. The nationalist historiography of modern India often portrays the spread of Islam as forceful, while historians have pointed out the complexity of the experience of conversion.

Christian Missionary Expansion and Colonial Modernity

The presence of Christianity in India dates back to before European colonization, with Syrian Christians in Kerala having apostolic roots. But extensive missionary work began with the advent of Portuguese and later British colonial rule. Missionaries set up schools, hospitals, presses, and social reform programs, especially in areas where the colonial administrative presence was extending (Kanungo, 2004)

Missionary work was inextricably linked with colonial administration, although not always under its direct control. Christian missions also targeted the marginalized sections of society, including Dalits and tribal communities, and provided them with literacy, health facilities, and economic networks. For many converts, Christianity became a tool for social mobility and escape from caste-based humiliation (Gogoi, Year)

Education was an important part of missionary activities. The schools established by the missionaries brought with them Western models of education, English medium education, and career opportunities. In regions like Kerala and Northeast India, conversion brought about a drastic change in the patterns of education and social mobility. It has been argued that the schools established by the missionaries inadvertently gave birth to new middle classes among the hitherto marginalized sections of society (Oddie, 2006).

However, the extension of missionary activities was also a matter of controversy. The idea of conversion was perceived by many Indian nationalists as cultural imperialism and an assault on Indian culture. During the latter part of 19th and 20th centuries, the issue of conversion became a politically contentious matter, leading to reformist and revivalist movements within Hindu society.

The colonial government was ambivalent between allowing the activity of missionaries and regulating them to avoid any disruption. The charge of “inducement” or “allurement” in return for conversion, implying worldly benefits, emerged during this period and continues to affect contemporary anti-conversion legislation. The notion that conversion might ensue as a result of improper influence rather than religious fervor has a long history, as enshrined in subsequent state legislation.

Indigenous Reform Movements and Internal Religious Transformation

The process of conversion in India has not been merely one of external religious influence, rather there have been several historical moments when internal religious transformations took place such as Bhakti and Sufi movements. The Bhakti movement ranged from 12th to 17th century emphasised on “devotional equality and personal access to the divine, sometimes to the point of disregarding strict caste divisions” (Omvedt, 2003). While the Bhakti movement itself may not have entailed formal conversion out of Hinduism, it transformed religious experience in ways that transcended sectarian lines.

In the 19th century, reform movements like Brahmo Samaj (founded by Raja Ram Mohan Roy) and Arya Samaj (founded by Swami Dayanand Saraswati) aimed to cleanse and modernize Hindu practices. These movements reacted to colonial criticism and missionary competition. While they did not promote conversion out of Hinduism, they enabled reconversion, or “*shuddhi*,” and internal reform to stem the tide of out-migration.

Such reform movements show that the religious identity in India has always been fluid and negotiated. Conversion, therefore, needs to be understood not only as a crossing of religious boundaries but also as a reinterpretation of tradition from within.

Ambedkarite Buddhism and Conversion as Social Revolution

The most revolutionary event in the history of conversion in modern India took place on 14 October 1956, when Dr. B.R. Ambedkar and his followers converted to Buddhism at Deekshabhoomi in Nagpur. Unlike other conversion events in Indian history, which were led by missionaries, the Ambedkarite conversion was political and liberational. Ambedkar held that the caste system was integral to the Hindu religious system and that it could not be removed by reforming it. Conversion to Buddhism, especially the Navayana (new vehicle) interpretation, was a repudiation of the caste system and a declaration of equality and rational morality (Ambedkar, 1957).

Ambedkar’s conversion shows several important aspects of religious conversion:

- **Collective Action:** The conversion happened en masse, and the importance of unity was stressed.
- **Political Assertion:** The conversion was an assertion against Brahmanical hegemony.
- **Moral Reconstruction:** Buddhism was shown to be compatible with constitutional ideals of equality and fraternity.

Unlike Islam or Christianity, Buddhism was later added to the Constitution (Scheduled Castes) Order for SC status, and thus Dalits who converted to Buddhism continued to enjoy the benefits of reservations. According to scholars such as Omvedt (2003), Ambedkarite Buddhism is one of the most central social justice movements in modern South Asia. The conversion was transformed from being a form of submission to a form of resistance, and religion was transformed from being a source of oppression to a source of democratic change.

Synthesis: Conversion as Mobility, Resistance, and Regulation

Through these historical processes, certain trends become apparent:

- Conversion is often linked with structural inequality.
- Religious minorities employ conversion as a means of redefining their position.
- The state regulates in response to conversion.
- Reformist movements emerge in response to missionary expansion.
- The law increasingly regulates religious identity.

As has been observed in contemporary legal scholarship, the contemporary regulation of anti-conversion and caste definitions is the institutionalization of these historical conflicts. The process of converting the social process of conversion into a legal category is a major transition in the constitutional history of India. Religious conversion in India, therefore, cannot be simply understood as a matter of theological persuasion. It is inextricably linked with the caste system, colonial modernity, social reform, and constitutional politics.

Modes of Religious Conversion in India

Religious conversion in India takes place through various social and structural channels, and not merely through a theological one. Religious conversion can be voluntary, coerced, mobility-driven, political, or cultural in nature. Voluntary conversion is a mode of religious conversion that takes place through personal conviction and spiritual experiences. However, voluntary conversions are also influenced by social realities such as the caste system and economic marginalization. In the Indian context, where religion defines social membership, belief is not merely a disembodied idea.

Forced conversion occurs by force, fraud, or allurement. The contemporary anti-conversion legislation makes these activities a crime. In the case of *Rev. Stanislaus vs. State of Madhya Pradesh (1977)*, the Supreme Court of India held that the propagation of religion is a guaranteed right under Article 25, but conversion by force or allurement is not a guaranteed right. The problem lies in the determination of what constitutes “allurement” or “undue influence,” which are not clear terms.

Conversion for social mobility has always been significant for the marginalized groups. Christianity, Islam, and later Buddhism offered an alternate symbol against discrimination on the basis of caste (Gogoi, Year). Political conversion, particularly in the form of Ambedkarite Buddhism, made religious conversion a mass manifestation of protest against caste domination (Ambedkar, 1957). Cultural conversion also involves the adoption of new social practices, rituals, and symbols of identity, which may require administrative recognition in official documents. These types of conversion make it clear that the idea of conversion in India is not straightforward and is associated with identity, dignity, and power rather than being a purely private affair.

Constitutional Framework

The constitutional framework that regulates religious conversion in India is established by Articles 25-28 of the Indian Constitution. Article 25 provides for the freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality, and health (Constitution of India, 1950). Article 26 provides for denominational autonomy, while Articles 27 and 28 regulate state intervention in religious affairs.

The scope of these provisions has been defined by judicial decisions. In *Rev. Stanislaus v. State of Madhya Pradesh (1977)*, the Supreme Court declared that the right to propagate religion does not include the right to convert through improper means (*Rev. Stanislaus, 1977*). This decision has become the cornerstone of assessing the constitutionality of anti-conversion laws.

Moreover, Articles 14 and 21 bring in equality and the right to personal liberty. The judicial recognition of privacy as a constitutional right in *Justice K.S. Puttaswamy v. Union of India (2017)* has raised the question of whether mandatory prior notification in anti-conversion laws violates decisional liberty.

Anti-Conversion Laws

India lacks a national anti-conversion law; rather, several state governments have adopted “Freedom of Religion” acts. Odisha, Madhya Pradesh, Gujarat, Himachal Pradesh, Jharkhand, Uttarakhand, and Karnataka have adopted legislation that makes the act of conversion by force, fraud, misrepresentation, undue influence, or allurement illegal. The Karnataka Protection of Right to Freedom of Religion Act, 2022 is a recent example of legislative trends.

The Act makes it compulsory for individuals who desire to convert to give prior notice to the government and recommends harsher punishment if the converted person is a minor, a woman, or a Scheduled Caste/Scheduled Tribe. However, certain provisions are also placed before to ensure that allurement should not take place or it should not alter the conversion in good faith.

Scheduled Caste Status and Conversion

The Constitution (Scheduled Castes) Order, 1950 states that only persons who follow the Hindu, Sikh, or Buddhist religions are Scheduled Castes (Constitution (Scheduled Castes) Order, 1950). Conversion to the Christian or Muslim religion automatically renders one ineligible for Scheduled Caste status. Judicial decisions also hold the same position. “In the case of Akkala Rami Reddy vs. State of Andhra Pradesh (2025), the High Court held that conversion to the Christian religion made the petitioner ineligible for the SC/ST (Prevention of Atrocities) Act. In the case of C. Selvarani vs. State of Puducherry (2024), the Supreme Court of India held that a Christian petitioner was not eligible for Scheduled Caste reservations. This system creates a paradox. While caste discrimination may continue in society even after conversion, the constitutional safeguard based on SC status is denied. This has been described as a denial of substantive equality and a deterrent to authentic religious freedom” (Omvedt, 2003).

Religious Tolerance and Social Segregation

Empirical evidence clouds the normative debate on tolerance. The Pew Research Center (2021) reported that although Indians generally support religious tolerance, their social behavior tends to be segregated by religion. There is little interreligious marriage, and residential segregation by religion is prevalent. The gap between tolerance and segregation makes the social context of conversion highly sensitive. Conversion can cause disruption in family and community ties. The media and political discourse on conversion have further fueled this mistrust and polarization.

Doctrinal Tensions

The legal directive of conversion is marked by a series of tensions in the doctrine. First, the freedom of morality guaranteed by Article 25 must be well-adjusted against confines of public order. Second, the labelling of religion as a basis for SC status elicits equality rights under Article 14. Third, the compulsion to report may conflict with the right to privacy guaranteed by Article 21 (Puttaswamy, 2017). Fourth, the reverse burden of evidence disrupts the traditional principles of criminal jurisprudence.

Discussion and Conclusion

Thus the phenomenology of conversion in India is neither strictly theological or individual phenomena, rather it has much complex historicity and contemporaneity. Instead, it has to be viewed as a historically complex, socially embedded, and constitutionally mediated process. Whether it is the early Islamic expansion and Christian missionary engagement or the Ambedkarite Buddhist conversion, the

phenomenon of conversion has often functioned as a process of dignity, mobility, and resistance (Gogoi, Year). However, it has also remained a highly contentious process within the political and legal discourse. The constitutional framework is a paradoxical one. While Article 25 provides for the freedom of conscience, this logically includes the freedom to change one's religion. However, the Supreme Court judgment in *Rev. Stanislaus v. State of Madhya Pradesh* (1977) made it clear that propagation does not include conversion by force or inducement. Although this reading aims to ensure the autonomy of the individual against the force of coercion, it has also facilitated the extensive regulation of the state. The proliferation of state-specific anti-conversion legislation, with clauses mandating prior notification and the reversal of the burden of proof, exemplifies the coexistence of constitutional protections and overly intrusive regulatory frameworks. A key contradiction arises in relation to the Constitution (Scheduled Castes) Order, 1950. In that it limits the definition of Scheduled Castes to Hindus, Sikhs, and Buddhists, the legislation effectively discourages conversion to Christianity or Islam. The judicial pronouncement in *Akkala Rami Reddy and C. Selvarani* supports the proposition that conversion leads to the loss of caste-based rights. This is clearly a contradiction in terms, as individuals are free to convert in order to escape the oppression of the caste system but will forfeit the benefits of affirmative action and statutory protections intended to redress that oppression. It has been suggested that such provisions are problematic in terms of substantive equality and the practical realization of religious freedom (Omvedt, 2003).

However, empirical evidence further clouds the picture. According to the Pew Research Center (2021), there is a great degree of religious tolerance as well as social segregation. In such a scenario, conversion can be both legal and socially disruptive. Social unrest, politics of identity, and media discourse all add to the degree of polarization. In this manner, conversion can be both a constitutional right and a socially disruptive practice.

The larger debate has carved out three key areas of conflict in the Indian Constitution:

- The relationship between freedom of morality and public order
- The relationship between religion-based caste systems and equality
- The relationship between privacy and state regulation.

These conflicts originate from the Indian notion of secularism, which is characterised by the directive of religion in the name of social harmony and the principle of equal treatment of all religions.

Therefore, the subject of religious conversion in India is a multifaceted field of contestation where identity, history, and constitutionalism are indistinguishably intertwined. Although the law strives to ascertain that religious conversion is not forced and that public order is not distressed, it can also have the consequence of circumscribing individual freedom and certifying structural marginalization. A more nuanced approach would be requiring a more particular definition of religious conversion, arduous judicial review on the principle of proportionality, and a review of the religion-based exemptions in the classification of the caste system. The assurance of constitutional secularism, therefore, lies not only in modifying religion but also in defending the dignity and equality of those individuals who strive to re-define their religious and identity selves.

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