
ANTI-CONVERSION LAWS AND THE RIGHT TO MARRY BY CHOICE: INDIVIDUAL AUTONOMY, RELIGIOUS FREEDOM AND STATE REGULATION

Avanish Kumar, Research Scholar, Faculty of Law,
University of Lucknow, Lucknow, Uttar Pradesh, India

ABSTRACT

The right to choose a life partner constitutes an important dimension of individual autonomy, dignity, privacy and personal liberty under the Indian constitutional framework. The issue assumes particular significance in the context of interfaith marriages, especially where one of the parties voluntarily changes religion before or after marriage. Several Indian States have enacted anti-conversion laws to prohibit religious conversion through force, fraud, coercion, undue influence, misrepresentation, inducement or allurement. While preventing involuntary and fraudulent conversion represents a legitimate State objective, the application of such laws to consensual interfaith relationships raises important constitutional concerns. This article critically examines the relationship between the right to marry by choice and anti-conversion laws through the constitutional principles embodied in Articles 14, 15, 19, 21 and 25 of the Constitution of India. It analyses the jurisprudence relating to privacy, decisional autonomy, freedom of conscience and marital choice, alongside the statutory framework governing religious conversion and interfaith marriage. The article further examines the potential impact of procedural requirements, criminalisation and State scrutiny on the autonomy of consenting adults. It argues that anti-conversion laws should target coercive and fraudulent conversion without creating disproportionate restrictions on voluntary religious choice or matrimonial autonomy. The article advocates a rights-based approach founded upon dignity, privacy, proportionality and constitutional morality.

Keywords: Right to Marry by Choice; Anti-Conversion Laws; Individual Autonomy; Religious Freedom; Interfaith Marriage.

I. Introduction

Marriage in India is not merely a social institution but also an important sphere of individual autonomy, dignity, privacy and personal liberty. Historically, matrimonial choices have been significantly influenced by caste, religion, family and community norms. Endogamy, in particular, has played an important role in preserving social boundaries. B.R. Ambedkar identified endogamy as a fundamental mechanism in the maintenance of caste divisions.¹ The constitutional framework, however, has progressively strengthened the individual's ability to make personal choices independently of familial and community control.

The right to choose a life partner has received significant recognition through Indian constitutional jurisprudence. In *Lata Singh v. State of U.P.*,² the Supreme Court affirmed the liberty of an adult to marry a person of his or her choice and rejected interference based on caste considerations.³ In *Shafin Jahan v. Asokan K.M.*, the Court further recognised that the choice of a partner is an essential aspect of individual autonomy and personal liberty.⁴ Such jurisprudence establishes that intimate decisions concerning marriage cannot ordinarily be determined by family, community or State authorities merely on the basis of prevailing social morality.

The constitutional question becomes more complex in the context of interfaith marriages, particularly where one party changes religion before or after marriage. Such circumstances bring together two constitutionally significant freedoms: the individual's autonomy under Article 21 and the freedom of conscience and religion protected under Article 25.⁵ The Special Marriage Act, 1954 provides a secular legal framework through which persons belonging to different religions may marry without changing their faith. Nevertheless, some interfaith relationships involve voluntary religious conversion, thereby creating an additional area of legal scrutiny.

The issue has acquired greater significance with the enactment of **anti-conversion laws** by several Indian States. These laws generally seek to prohibit conversion through force, fraud, coercion, undue influence, misrepresentation, inducement or allurement. In *Rev. Stainislaus v.*

¹ B.R. Ambedkar, *Annihilation of Caste*, Navayana Publishing, New Delhi, 2014, pp. 23–29.

² *Lata Singh v. State of U.P.*, (2006) 5 SCC 475; AIR 2006 SC 2522.

³ *Id.*

⁴ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368; AIR 2018 SC 1933.

⁵ INDIA CONST. arts. 21, 25.

State of Madhya Pradesh, the Supreme Court recognised the State's authority to regulate conversion involving force, fraud and inducement.⁶ However, difficulties arise when such regulation extends to consensual conversion associated with interfaith marriage.

The central concern of this article is whether anti-conversion laws, while pursuing the legitimate objective of preventing coercive conversion, may disproportionately interfere with the autonomy of competent adults to choose their religion and life partner. The article therefore examines the constitutional relationship between individual autonomy, religious freedom and State regulation, with particular emphasis on privacy, dignity, proportionality and constitutional morality. It argues that protection against coercive conversion must not become a means of controlling voluntary religious and matrimonial choices.

II. Constitutional Foundations of Individual Autonomy and Religious Freedom

The constitutional debate surrounding anti-conversion laws and the right to marry by choice is fundamentally rooted in the relationship between individual autonomy, personal liberty and freedom of conscience. The Constitution does not expressly enumerate a standalone fundamental right to marry; however, the Supreme Court has developed protection for intimate and personal decisions through Article 21 and related constitutional guarantees.⁷

Individual Autonomy under Article 21

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The interpretation of this provision has expanded considerably beyond mere protection against physical deprivation. In *Maneka Gandhi v. Union of India*, the Supreme Court established that the procedure affecting personal liberty must satisfy standards of fairness and reasonableness.⁸ This development provided the foundation for recognising substantive aspects of personal autonomy.

The recognition of privacy in *K.S. Puttaswamy (Retd.) v. Union of India* further strengthened this constitutional framework. The Supreme Court held that privacy protects the individual against unwarranted State intrusion and includes decisional autonomy concerning matters

⁶ *Rev. Stanislaus v. State of Madhya Pradesh*, (1977) 1 SCC 677; AIR 1977 SC 908.

⁷ M.P. Jain, *Indian Constitutional Law*, 8th edn., LexisNexis, Gurugram, 2018, pp. 1115–1145.

⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; AIR 1978 SC 597.

central to personal life.⁹ Decisions relating to intimate relationships, identity and personal choices therefore receive heightened constitutional protection.

Choice of Spouse and Constitutional Liberty

The freedom to choose a spouse represents an important application of decisional autonomy. In *Shafin Jahan v. Asokan K.M.*, the Supreme Court emphasised that the choice of a partner belongs to the individual and cannot ordinarily be substituted by the preferences of parents, community or State authorities. Similarly, *Shakti Vahini v. Union of India* recognised the constitutional significance of an individual's choice in marriage and rejected community-based interference justified in the name of honour.

The significance of these decisions lies in the principle that social disapproval cannot by itself constitute a sufficient justification for restricting an adult's personal choice. Constitutional protection consequently extends to choices that may depart from prevailing social expectations.

Freedom of Conscience under Article 25

Article 25 guarantees freedom of conscience and the right freely to profess, practise and propagate religion, subject to specified constitutional limitations. The inclusion of “freedom of conscience” is particularly significant because it places individual belief at the centre of religious liberty.

In *Rev. Stainislaus v. State of Madhya Pradesh*, the Supreme Court upheld legislative measures directed against conversion through force, fraud and inducement. The decision establishes that religious freedom does not protect coercive interference with another person's conscience. At the same time, regulation directed against coercion must be distinguished from restrictions upon a person's genuinely voluntary exercise of religious choice.

Interrelationship between Articles 21 and 25

Articles 21 and 25 operate in interconnected fields where marriage and religion intersect. An adult's decision to marry a person belonging to another faith may involve both marital autonomy and freedom of conscience. State intervention affecting either decision must

⁹ *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; AIR 2017 SC 4161.

therefore satisfy constitutional requirements applicable to fundamental rights.

The relevant question is not whether religious conversion can ever be regulated, but whether the particular restriction is lawful, necessary and proportionate to the legitimate objective pursued. Anti-conversion legislation must consequently be examined not only from the perspective of religious regulation but also from the perspective of the individual's constitutional autonomy.

III. Anti-Conversion Laws and State Regulation in India

The regulation of religious conversion in India is primarily undertaken through State legislation, as there is no comprehensive central anti-conversion statute applicable uniformly throughout the country. These enactments are generally described as Freedom of Religion Acts or anti-conversion laws. Their stated objective is to protect individuals from conversion through force, fraud, coercion, undue influence, misrepresentation, inducement or allurement, while preserving the individual's freedom of conscience.¹⁰

Evolution and Legislative Rationale

State regulation of religious conversion developed initially in response to concerns regarding involuntary or induced conversion. Odisha enacted the Orissa Freedom of Religion Act, 1967, followed by similar legislation in Madhya Pradesh and other States.¹¹ Over time, the regulatory framework expanded, with several States introducing provisions dealing specifically with conversion connected with marriage.

The legislative rationale generally rests upon two competing considerations. First, the State seeks to protect individuals, particularly those considered vulnerable to coercion or exploitation. Secondly, religious liberty requires respect for an individual's voluntary determination of faith. The constitutional legitimacy of regulation therefore depends substantially upon whether the law targets coercive conduct or unnecessarily interferes with voluntary religious choice.

¹⁰ M.P. Jain, *Indian Constitutional Law*, 8th edn., LexisNexis, Gurugram, 2018, pp. 1210–1225.

¹¹ H.M. Seervai, *Constitutional Law of India*, 4th edn., Universal Law Publishing Co., Delhi, 1991, Vol. II, pp. 1304–1312.

Grounds of Prohibited Conversion

Contemporary State laws commonly identify force, fraud, coercion, undue influence, misrepresentation, inducement and allurement as prohibited means of conversion.¹² These provisions are intended to distinguish genuine religious choice from conversion obtained through unlawful pressure or deception.

The distinction is constitutionally important. A law directed against coercion protects rather than undermines freedom of conscience because meaningful religious liberty requires the ability to make religious decisions freely. Conversely, excessive regulation of voluntary conversion may interfere with the very autonomy that Article 25 seeks to protect.

Regulation of Conversion Associated with Marriage

A significant development has been the inclusion of provisions concerning conversion associated with marriage. The **Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021**, for example, regulates unlawful conversion and contains provisions concerning conversion undertaken for marriage-related purposes.¹³ The legislation also establishes procedural requirements involving declarations and scrutiny by public authorities.

Similar marriage-related provisions have emerged in other State enactments. The **Madhya Pradesh Freedom of Religion Act, 2021** and the **Uttarakhand Freedom of Religion Act, 2018**, among others, provide mechanisms for regulating conversion and impose penalties for specified unlawful conversions.¹⁴

These provisions raise an important constitutional question because the association between conversion and marriage does not necessarily establish that the conversion was involuntary. A person may voluntarily change religion because of genuine belief, conscience or personal conviction while simultaneously deciding to marry someone belonging to that faith. The mere temporal or factual connection between conversion and marriage therefore cannot, without further evidence, conclusively establish coercion or fraud.

¹² D.D. Basu, *Shorter Constitution of India*, 16th edn., LexisNexis, Gurugram, 2022, pp. 1104–1110.

¹³ The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, §§ 3, 6, 8, 9, 12, Uttar Pradesh Act No. 3 of 2021.

¹⁴ The Madhya Pradesh Freedom of Religion Act, 2021; The Uttarakhand Freedom of Religion Act, 2018.

Procedural Regulation and Individual Privacy

The procedural dimension of anti-conversion laws presents an additional concern. Requirements involving prior declarations, official verification, inquiry or notification may expose deeply personal decisions to governmental and third-party scrutiny. Such procedures may have consequences for privacy and decisional autonomy, particularly where the individuals concerned are consenting adults.¹⁵

The constitutional assessment must therefore distinguish between verification of unlawful conduct and surveillance of private choices. A regulatory mechanism that is narrowly directed towards detecting coercion may serve a legitimate purpose. However, a procedure that unnecessarily publicises or scrutinises voluntary religious decisions may require stronger constitutional justification.

Need for a Balanced Regulatory Approach

Anti-conversion legislation should consequently be assessed according to its actual effect on individual freedom. The State possesses a legitimate interest in preventing fraudulent and coercive conversion, but that interest does not automatically justify unrestricted intervention in consensual interfaith relationships.¹⁶ The central constitutional requirement is to maintain a clear distinction between protection from involuntary conversion and regulation of voluntary religious and matrimonial choices.

IV. Right to Marry by Choice and Interfaith Marriage

The constitutional recognition of the right to choose a life partner has significantly transformed the legal understanding of marriage in India. Although marriage is regulated by statutory and personal laws, the decision concerning the choice of a spouse is fundamentally connected with individual autonomy.¹⁷ The constitutional protection of this choice becomes particularly significant in interfaith marriages, where personal decisions may conflict with familial, religious and community expectations.

¹⁵ Acts of Violence? Anti-Conversion Laws in India, (Sage Journals, 2024).

¹⁶ Jaya Pandey, *Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021: A Critical Analysis*, (LinkedIn, 2024).

¹⁷ Gujarat Freedom of Religion Act, 2003, notification treating Buddhism as separate religion (2024).

Choice of Life Partner as an Aspect of Personal Liberty

The Supreme Court has consistently recognised the importance of individual choice in matrimonial matters. In *Lata Singh v. State of U.P.*, the Court held that an adult is entitled to marry a person of his or her choice and that family members cannot harass or threaten such a couple merely because the marriage is contrary to their preferences. The judgment established an important constitutional principle that social disapproval cannot override the liberty of competent adults.

In *Shafin Jahan v. Asokan K.M.*, the Court gave greater constitutional depth to this principle by emphasising that choosing a partner is an essential component of individual autonomy. The decision also recognised that matters of faith and marriage involve deeply personal choices which fall within the protected sphere of liberty. Thus, neither family approval nor conformity with community expectations is a constitutional prerequisite for exercising matrimonial choice.

Interfaith Marriage and Individual Autonomy

Interfaith marriage provides a particularly significant context for examining the relationship between autonomy and social control. Such marriages may challenge established notions of religious identity and community boundaries. The constitutional protection of the individual, however, does not depend upon whether the chosen relationship conforms to prevailing social or religious expectations.

The **Special Marriage Act, 1954** provides an important statutory mechanism for interfaith marriage without requiring either party to renounce or change his or her religion. Its significance lies in recognising marriage as a civil relationship that can exist independently of religious conversion. The availability of this mechanism demonstrates that conversion is not legally necessary for the validity of an interfaith marriage.

Nevertheless, some couples may voluntarily choose conversion for personal, religious or familial reasons. In such cases, conversion and marriage should be conceptually distinguished. The decision to marry is one exercise of personal autonomy, while the decision to adopt or profess a particular faith concerns freedom of conscience. The fact that the two decisions occur within the same relationship should not automatically convert a voluntary act into a legally suspect one.

Conversion and the Choice to Marry

The constitutional difficulty arises when anti-conversion laws impose enhanced scrutiny upon conversion associated with marriage. A genuine concern exists where conversion results from force, fraud, coercion or undue influence. However, a different situation arises where an adult voluntarily changes religion as an expression of personal belief.¹⁸

The Supreme Court's jurisprudence on privacy strengthens this distinction. In *K.S. Puttaswamy (Retd.) v. Union of India*, privacy was recognised as encompassing decisional autonomy in matters central to personal life. Consequently, State interference with decisions concerning marriage and religion must possess a legitimate constitutional basis and satisfy the requirements of proportionality.

Constitutional Limits on Social Control

The constitutional protection of marital choice is particularly important where family or community institutions attempt to determine whom an individual may marry. In *Shakti Vahini v. Union of India*, the Supreme Court rejected interference by community institutions in marriages based on individual choice and emphasised the importance of constitutional morality over social notions of honour.

Therefore, interfaith marriage should be viewed not merely as a question of religious compatibility but as a significant test of individual autonomy under the Constitution. Anti-conversion laws must consequently be applied in a manner that protects individuals from coercion without permitting family, community or State authorities to substitute their preferences for the voluntary choices of competent adults.

V. Judicial Approach: Balancing Autonomy, Religion and State Regulation

The constitutional relationship between the right to marry by choice and State regulation of religious conversion has developed through a series of decisions concerning personal liberty, religious freedom, privacy and protection against social interference. The judicial approach reveals that the State may regulate coercive religious conversion, but such regulatory power must be reconciled with the autonomy of competent adults to determine matters of faith and

¹⁸ Mathew John, The Communalisation of Religion in Indian Constitutional Law, in *India's Communal Constitution* 17-45 (Cambridge University Press, 2024).

intimate relationships.

Protection of Marital Choice

The judicial recognition of marital autonomy can be traced to *Lata Singh v. State of U.P.*, where the Supreme Court protected the right of an adult woman to marry a person of her choice, despite opposition from her family. The Court treated interference by relatives and community members as incompatible with the liberty of an adult to determine her matrimonial relationship. The significance of *Lata Singh* extends beyond inter-caste marriage because it established the broader principle that social disapproval cannot deprive competent adults of their freedom to choose a partner.

This principle was substantially developed in *Shafin Jahan v. Asokan K.M.* The Supreme Court held that the choice of a partner is an integral component of individual autonomy and that matters concerning marriage and faith belong to the intimate sphere of personal liberty. The Court specifically rejected the proposition that the State or courts could determine whether an individual's choice of partner was appropriate merely because the choice was inconsistent with familial or social expectations. The judgment therefore provides a crucial constitutional foundation for examining State intervention in interfaith relationships.

Privacy and Decisional Autonomy

The nine-Judge Bench decision in *K.S. Puttaswamy (Retd.) v. Union of India* strengthened this jurisprudence by recognising privacy as a constitutionally protected right. Privacy was understood not merely as protection against physical intrusion but also as protection of decisional autonomy. The judgment recognised that individuals possess a protected sphere within which they make choices concerning matters central to personality and identity.

This principle is directly relevant to conversion and marriage. Where a competent adult voluntarily decides to change religion and marry a person belonging to another faith, the decision involves questions of identity, conscience and intimate association. Consequently, State interference must be justified by a constitutionally legitimate objective and must not extend further than necessary to achieve that objective.

Protection against Community and Familial Interference

In *Shakti Vahini v. Union of India*, the Supreme Court addressed interference by community

institutions in marriages based upon individual choice. The Court rejected the use of social notions of honour to justify interference with the autonomy of consenting adults. It emphasised the importance of constitutional morality and recognised the State's obligation to protect individuals from violence, intimidation and harassment arising from their matrimonial choices.

The significance of *Shakti Vahini* in the present context lies in its rejection of collective authority over individual choice. Where an interfaith relationship is opposed because of religious or community considerations, the constitutional responsibility of the State is to protect the individuals concerned rather than to enforce prevailing social preferences.

Freedom of Conscience and Regulation of Conversion

The judicial approach to religious conversion must also be considered through *Rev. Stainislaus v. State of Madhya Pradesh*. The Supreme Court upheld State legislation regulating conversion through force, fraud and inducement and recognised that one person's religious freedom cannot be exercised by coercively interfering with another person's conscience. The decision therefore supports State intervention where conversion is involuntary or obtained through unlawful means.

However, *Stainislaus* should not be interpreted as authorising unrestricted State control over voluntary religious choice. The constitutional distinction between coercion and consent remains critical. Regulation aimed at preventing force, fraud or undue influence serves the protection of religious freedom; regulation that assumes every conversion associated with marriage to be inherently suspect raises a different constitutional question.

Marriage and Conversion as Distinct Decisions

The distinction between marriage and conversion becomes particularly important when examining anti-conversion legislation. An interfaith couple may marry without conversion under the Special Marriage Act, 1954, or one party may voluntarily adopt the religion of the other. These are legally distinguishable situations. The mere fact that conversion occurs in proximity to marriage does not necessarily establish that the conversion was caused by force, fraud or coercion.

The Allahabad High Court's decision in *Smt. Nikita @ Najrana v. State of U.P.* illustrates the practical consequences of marriage-related conversion regulation. The Court held that parties

to an interfaith marriage involving conversion were required to comply with Sections 8 and 9 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021.¹⁹ The decision demonstrates how procedural requirements under anti-conversion legislation can directly affect the ability of interfaith couples to obtain legal protection for their relationship.

The judicial position has also generated significant constitutional debate because procedural requirements may extend State scrutiny into the personal sphere of consenting adults. In 2025, the Supreme Court, while considering the Uttar Pradesh legislation, expressed concern regarding the onerous nature of the pre- and post-conversion declaration procedure and the publication of personal details of persons converting to another faith.²⁰ The Court observed that such provisions may require deeper constitutional examination.

Burden of Proof and Interfaith Marriage

Another important issue is the allocation of the burden of proving that a conversion or marriage was voluntary. The Gujarat High Court, in *Varyava Abdul Vahab Mahmood v. State of Gujarat*, examined provisions of the Gujarat Freedom of Religion Act and raised prima facie concerns regarding provisions that could place burdens upon parties to interfaith marriages. The Court observed that the operation of such provisions could interfere with the choice of individuals entering into interfaith marriages and potentially implicate Article 21.²¹

This development demonstrates the constitutional importance of ensuring that statutory safeguards against coercive conversion do not create an automatic presumption of illegality against interfaith couples. The State must establish a legally sustainable connection between the restriction imposed and the unlawful conduct sought to be prevented.

Proportionality as the Constitutional Standard

The emerging judicial approach may therefore be assessed through the principle of proportionality. A restriction upon marital or religious autonomy should pursue a legitimate objective, maintain a rational connection with that objective, be necessary in the circumstances and avoid imposing an excessive burden upon fundamental rights.²²

¹⁹ *Smt. Nikita @ Najrana v. State of U.P.*, 2024 SCC OnLine All 263.

²⁰ *Rajendra Bihari Lal v. State of Uttar Pradesh*, 2025 SCC OnLine SC 2265, decided on 17 October 2025.

²¹ *Varyava Abdul Vahab Mahmood v. State of Gujarat*, Gujarat High Court, decided on 1 October 2025.

²² M.P. Jain, *Indian Constitutional Law*, 8th edn., LexisNexis, Gurugram, 2018, pp. 1325–1345.

The appropriate constitutional balance does not require choosing between religious freedom and marital autonomy. Rather, both interests can operate together. The State may investigate allegations of genuine force, fraud or coercion, but the existence of an interfaith relationship or voluntary conversion should not, by itself, justify intrusive State intervention.

The judicial trajectory therefore supports a rights-sensitive distinction between protection and control. The State's role is legitimate when it protects individuals from involuntary conversion and violence; it becomes constitutionally questionable when regulatory mechanisms enable family, community or administrative authorities to substitute their judgment for the voluntary decisions of competent adults.

VI. Socio-Legal and Constitutional Concerns

The constitutional validity of anti-conversion laws cannot be examined solely through statutory language. Their actual operation must also be understood within the social environment in which interfaith marriages take place. In India, marriage continues to be closely associated with family, caste, religion and community identity. Consequently, legal regulation of conversion may interact with existing forms of social control and may have consequences extending beyond the prevention of coercive conversion.

Family and Community Control

Marriage traditionally functions as an important mechanism for maintaining social and religious boundaries. Interfaith marriages may therefore encounter resistance from families and community institutions. André Béteille's analysis of Indian social structure demonstrates the continuing significance of hierarchy and community-based relationships in shaping individual behaviour.²³ Where an interfaith relationship is opposed by family members, State scrutiny under anti-conversion legislation may unintentionally strengthen existing pressures against the relationship.

The constitutional position, however, requires individual choice to remain distinct from collective preferences. In *Shakti Vahini v. Union of India*, the Supreme Court rejected community-based interference with marriages and emphasised that constitutional morality

²³ André Béteille, *Society and Politics in India: Essays in a Comparative Perspective*, Oxford University Press, New Delhi, 1991, pp. 1–20.

must prevail over social notions of honour.

Patriarchy and Gendered Control

The issue also has a significant gender dimension. Women's matrimonial choices have historically been subjected to considerable familial and community control. Flavia Agnes has demonstrated how marriage and family law frequently operate within broader structures of gender inequality.²⁴ Where a woman voluntarily enters an interfaith relationship or changes religion, excessive State scrutiny may create an additional layer of control over an already contested personal decision.

Accordingly, protective legislation must not assume that adult women are incapable of exercising independent choices. Protection from coercion is necessary, but protection should not become paternalistic restriction of agency.

Religious Identity and Social Anxiety

Interfaith marriages may be perceived as challenges to religious identity and community continuity. Such perceptions can influence the manner in which allegations of unlawful conversion are raised. The law must therefore distinguish between an objectively established instance of force, fraud or coercion and mere suspicion based upon the religious identities of the parties.

Chilling Effect and Privacy

Procedural requirements under anti-conversion legislation may expose private decisions concerning religion and marriage to administrative or public scrutiny. Such exposure can discourage individuals from exercising constitutionally protected choices even where no unlawful conduct exists. The Supreme Court's recognition of decisional privacy in *K.S. Puttaswamy (Retd.) v. Union of India* is consequently significant.

The central socio-legal concern is therefore whether the law protects individuals from coercion while simultaneously preserving their autonomy. Anti-conversion regulation should not become an indirect means through which family, community or State authorities exercise

²⁴ Flavia Agnes, *Family Law: Volume I*, Oxford University Press, New Delhi, 2011, pp. 1–25.

control over consensual adult relationships.

VII. Suggestions and Way Forward

A constitutionally balanced approach to anti-conversion legislation requires the State to protect individuals from coercive religious conversion while ensuring that such protection does not undermine the autonomy of competent adults. The following measures may strengthen the compatibility between anti-conversion regulation and the right to marry by choice:

Clear Distinction between Voluntary and Coercive Conversion

- Legislation should clearly distinguish voluntary conversion from conversion caused by force, fraud, coercion, undue influence or misrepresentation.
- Mere conversion in connection with an interfaith marriage should not, by itself, create a presumption of unlawful conduct.
- The focus of investigation should remain on the means through which conversion was obtained, rather than the religious identity of the parties.

Protection of Privacy

- Procedures requiring disclosure of personal details should be narrowly tailored to the prevention of unlawful conversion.
- Unnecessary publication or disclosure of information relating to an individual's religion, intended marriage or relationship should be avoided.
- Administrative procedures should respect the constitutional right to decisional privacy recognised in *K.S. Puttaswamy (Retd.) v. Union of India*.

Safeguards for Competent Adults

- Where both parties are adults and voluntarily express their decisions, their autonomy should receive primary consideration.
- Police and administrative authorities should not interfere merely because families or community members object to an interfaith relationship.

- Complaints alleging coercion should be independently verified rather than presumed from the existence of an interfaith relationship.

Proportionality in State Regulation

- Restrictions under anti-conversion laws should satisfy the requirements of legality, legitimate purpose, necessity and proportionality.
- Criminal penalties and procedural burdens should correspond to the seriousness of the unlawful conduct.
- Courts should closely scrutinise provisions that impose excessive burdens upon consensual religious or matrimonial choices.

Protection from Violence and Harassment

- State authorities should prioritise the protection of interfaith couples from threats, intimidation and violence.
- Family or community opposition should not be permitted to become a justification for restricting the constitutional choices of adults.
- Training of police and administrative officials should emphasise constitutional morality, individual autonomy and the protection of vulnerable persons.

Rights-Based Legislative Review

- Existing anti-conversion laws should periodically be reviewed to identify provisions that unnecessarily interfere with privacy, conscience and marital autonomy.
- The objective should be to ensure that protection against coercion does not become regulation of consensual adult choice.

VIII. Conclusion

The relationship between the right to marry by choice and anti-conversion laws raises important constitutional questions concerning personal autonomy, freedom of conscience, religious freedom and State regulation. The Constitution does not prevent the State from protecting

individuals against religious conversion obtained through force, fraud, coercion or undue influence. Such regulation may legitimately protect freedom of conscience and individual dignity. However, this objective cannot justify excessive State interference in voluntary religious or matrimonial choices.

The right to choose a life partner, though not expressly recognised as a separate fundamental right, derives constitutional protection from personal liberty, privacy, dignity and decisional autonomy under Article 21.¹ Article 25 similarly protects freedom of conscience and religion, subject to constitutionally permissible restrictions. These rights must therefore be harmonised rather than treated as competing absolutes.

Anti-conversion laws become constitutionally problematic when an interfaith relationship or voluntary change of religion is itself treated as evidence of unlawful conversion. Excessive disclosure requirements, investigations or third-party involvement may also violate the privacy of consenting adults.

The constitutional balance requires a clear distinction between coercion and consent, and protection and control. State intervention is justified where unlawful conversion is genuinely established, but not where adults voluntarily marry or change their faith. A constitutionally valid framework must therefore respect privacy, dignity, equality, proportionality and constitutional morality, while protecting individuals from coercion without controlling their fundamental life choices.