



Religious Dynamics and Conversion Trends in SAARC Nations: A Comparative Analysis

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ABSTRACT

This research explores the legal and socio-political structures surrounding religious conversion in the member countries of the South Asian Association for Regional Cooperation (SAARC). This region, marked by a rich tapestry of religious diversity that includes Hinduism, Islam, Buddhism, and Christianity, grapples with complex legal and ethical dilemmas regarding liberties and the right to convert. By assessing constitutional guarantees and legal protections in nations such as India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives, the study offers a comparative viewpoint on how each country navigates the tension between individual rights and social harmony. Legal documents represent just one aspect of the situation; the paper also takes into account the social and political discourse often significantly influence public attitudes and state reactions to conversion practices. In numerous instances, people who opt to embrace a new faith face considerable social discrimination or even legal consequences. Through an examination of case law and recorded incidents, the research underscores pivotal controversies and judicial reactions that highlight wider conflicts between majority and minority religious groups. These conflicts are often connected to issues surrounding national identity, communal unity, and political power dynamics. The comparative approach of the analysis reveals a range of religious freedom within the region—from relatively tolerant contexts to those characterised by strict legal restrictions or informal discrimination. In doing so, the study illuminates the broader ramifications for human rights and the protection of minorities in these nations. In conclusion, the article presents a series of recommendations aimed at enhancing legal protections and fostering a more inclusive interpretation of religious freedom. These suggestions include legislative changes, improved judicial accountability, and public awareness initiatives to challenge intolerance and encourage respect among varied religious communities.

Keywords: Religious Conversion, SAARC Countries, Freedom of Religion, Constitutional Law, Human Rights, Minority Rights, Religious Diversity, Secularism, Interfaith Relations

INTRODUCTION

The South Asian Association for Regional Cooperation (SAARC) consists of eight member states: India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives, constitute a region characterized by geological proximity and interconnected historical backgrounds. However, this closeness masks a significant level of diversity regarding religion, language, and culture. The region is a cradle for some of the world's principal religions, such as Hinduism, Islam, Buddhism, and Christianity, which often share complex and fragile relationships both within and between national borders. This religious plurality plays a crucial role not just in shaping the cultural landscape of these societies, but also in influencing their legal and institutional structures.

In this varied context, the topic of religious freedom, especially the right to change one's faith, is a highly sensitive and often debated issue. International human rights documents, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), affirm the freedom of thought, conscience, and religion. These rights encompass the freedom to adopt, modify, or abandon one's religion or beliefs. Most countries in SAARC are signatories to these agreements and have, to different extents, incorporated these values into their constitutional texts and legal frameworks.

Nonetheless, there often exists a stark contrast between legal obligations and their real-world application. In numerous countries, political pressures, majoritarian attitudes, and social conservatism weaken the enforcement of these rights. Anti-conversion laws, often rationalized as a means of preventing coercion or trickery, are at times employed to restrict legitimate expressions of religious transformation. In other instances, while there are no explicit legal restrictions, informal societal sanctions or hostility towards converts persist—especially in environments where religious affiliation is closely linked to national or ethnic identity.

In this context, the current article undertakes a comparative legal examination of the approaches taken by SAARC nations regarding religious conversion. It investigates constitutional provisions, legislative actions, and judicial interpretations, as well as the real-life experiences of individuals who opt to switch their religion. Particular emphasis is placed on how these legal and social reactions affirm religious minorities, gender relations, and interfaith dynamics. By analysing the interplay of law, politics, and religion, the study aims to reveal prominent patterns, contradictions, and obstacles in safeguarding religious freedom throughout the SAARC region. In doing so, it aspires to contribute to the broader discussions on constitutionalism, pluralism, and human rights in one of the most religiously diverse parts of the world.

CONCEPT OF RELIGIOUS FREEDOM IN SAARC COUNTRIES

Religious freedom is a core principle in any democratic society, allowing individuals to practice, change, or abandon their religious beliefs without intimidation or fear of consequences. In the SAARC region, the understanding and enforcement of this freedom vary greatly from one country to another, influenced by each nation's distinct historical context, social culture, and political environment.

1. **India:** The Indian Constitution, through Article 25 guarantees the right to freedom of conscience and the ability to profess, practice, and promote religion. Although these provisions broadly safeguard religious expression, the legal landscape regarding religious conversion has become increasingly complex. Various Indian states have introduced what are commonly called "Freedom of Religion Acts", which seek to limit conversions that occur through coercion, deceit, or inducement. Significant instances include the legislation in Odisha and Gujarat. These laws often shift the burden of proof onto the individual or organization facilitating the conversion and demand advance notice or approval from state authorities, raising concerns about a potential chilling effect on voluntary religious conversion.
2. **Pakistan:** The Constitution of Pakistan also recognizes religious freedom, with Article 20 granting every citizen the right to profess, practice, and propagate their faith. However, this constitutional guarantee often clashes with the experiences of religious minorities. Groups such as Christians, Hindus, and Ahmadis frequently face social discrimination and legal barriers. The blasphemy laws have particularly severe implications for religious expression and conversion. While these laws do not explicitly target conversion, they are often misused in ways that deter minority religious practices and create a climate of fear, making the exercise of religious freedom, including conversion, highly perilous. Converting from Islam, especially to another faith, is heavily marginalized and legally complicated.
3. **Sri Lanka:** The constitution of Sri Lanka (Article 9) designates Buddhism as the primary religion while allowing for religious freedom across all faiths. Nevertheless, Sri Lanka has witnessed a rising pattern of legal challenges against conversions, especially when they impact the Buddhist majority. Certain Buddhist monks and nationalists have vocally opposed proselytizing activities, particularly those by Christian missionaries.
4. **Other SAARC Countries:** In nations like Nepal, religious freedom was assured in the 2007 Constitution, which established Nepal as a secular state, revoking its designation as a Hindu kingdom. However, legal restrictions persist, especially concerning conversions. Afghanistan and the Maldives maintain stricter regulations regarding conversion from Islam, with apostasy laws that can result in severe penalties, including the death sentence.

International agreements such as the UDHR and ICCPR offer a framework for safeguarding religious freedom on a global scale, and many SAARC nations are signatories to these treaties. However, the practical situation is frequently shaped by deep-seated cultural and political factors that affect the safeguarding of religious rights.

RELIGIOUS CONVERSION: LEGAL FRAMEWORK AND ISSUES

Laws related to religious conversion remain a highly debated topic in numerous SAARC countries. These regulations are often justified as protective measures against coercion or deceit, yet they are also viewed as means of control that can unduly impact religious minorities and limit individual liberties.

- **India:** In India, various states have implemented Freedom of Religion Acts, often dubbed anti-conversion laws, that aim to oversee religious conversions. Although these laws are officially intended to prevent conversions that occur due to force, deceit, or incentives, they have primarily been enforced in cases involving conversions to Islam or Christianity. States like Madhya Pradesh, Gujarat, and Uttar Pradesh have established legal requirements demanding prior notification to authorities before any religious conversion occurs. In certain instances, individuals and religious leaders engaged in conversions may face legal scrutiny or penalties. Critics contend that these laws violate the constitutional right to freely profess and propagate religion under Article 25 of the Constitution.
- **Pakistan:** In Pakistan, the issue of religious conversion is particularly complex, especially when it entails converting away from Islam. Although the Constitution guarantees religious liberty, in practice, converting from Islam is often regarded as apostasy, a notion that carries significant social condemnation and, in some readings, legal repercussions. The country's blasphemy laws, aimed at protecting Islamic beliefs from insult, further complicate the situation, as any perceived disrespect towards Islam or its doctrines can lead to harsh penalties, including imprisonment or even death.
- **Bangladesh:** Although Bangladesh's constitution guarantees religious freedom, societal obstacles to conversion persist, particularly among the Hindu minority. Forced conversions remain a substantial concern, with numerous instances involving the conversion of women to Islam. Legal protections for religious liberty are often disregarded, especially in rural areas where local authorities may overlook forced conversions.
- **Sri Lanka:** In Sri Lanka, religious conversion often intersects with nationalism, given that Buddhism is closely linked to the identity of the Sinhala-majority community. While the constitution guarantees religious freedom, there have been growing calls for regulations concerning conversion. Buddhist nationalists assert that conversions, especially those conducted by Christian missionaries, threaten the nation's cultural integrity.

- **Nepal:** Following Nepal's declaration as a secular state in 2006, its Constitution ensured religious freedom while simultaneously restricting proselytizing and conversions through inducement or coercion. These laws have ignited debate, as some perceive them as vital for maintaining social harmony, while others argue they infringe upon personal religious rights and freedom of belief.³
- **Afghanistan and Maldives:** In both Afghanistan and Maldives, conversion laws are firmly grounded in Islamic principles. Existing Islam is legally classified as apostasy and can result in severe penalties, including imprisonment or even death. These rigid interpretations leave little room for individual religious freedom or the right to change one's faith.⁴

Within the SAARC region, societal and political dynamics significantly influences how religious conversions are viewed and governed. Beyond the written laws, the attitudes of political leaders, religious institutions, and local community figures heavily impact how conversion is managed in practice. In many instances, religion is intricately woven into public and political life, making the subject of conversion especially delicate.

COMPARATIVE ANALYSIS OF RELIGIOUS CONVERSION LAWS IN SAARC COUNTRIES

Religious conversion laws in SAARC countries reflect the significant diversity in their constitutional frameworks, political ideologies, and cultural viewpoints, while most member nations formally acknowledge religious freedom in their constitutions, the interpretation and application of these rights, particularly when individuals wish to convert from a majority to a minority religion, vary greatly. This section provides a comparative analysis of how various legal systems handle conversion, revealing a spectrum ranging from tolerance to control and , in certain instances, outright repression.

LEGAL RESTRICTIONS AND FREEDOM

Countries such as India, Nepal, and Bhutan have implemented legal measures to regulate religious conversion, mainly to address issues concerning coercive or deceptive proselytization. In India, multiple states including Odisha, Madhya Pradesh, Gujarat, Himachal Pradesh, and Uttar Pradesh have enacted Freedom of Religion Acts, often referred to as anti-conversion laws. Many perceive them as tools that can be exploited to intimidate religious minorities or limit sincere, voluntary conversions.

Sri Lanka, despite not having explicit anti-conversion laws, has encountered efforts to introduce such legislation influenced by Buddhist nationalist factions. Rather than relying on statutory constraints, the country often utilizes societal and political pressures to discourage conversions particularly b Christian missionaries.

In Pakistan, laws related to religious conversion are intertwined with blasphemy laws outlined in sections 295-298 of the Pakistan Penal Code. Although the constitution guarantees religious freedom, societal and legal barriers effectively render conversion from Islam nearly impossible. Forced conversions, especially of Hindu and Christian girls, continue to be a significant human rights issue.

Nepal's legal framework specifically addresses religious conversion with Section 158 of the National Penal Code, 2017, which criminalizes any efforts to convert another individual through coercive or inducement. The law also bans proselytizing, reflecting the state's aim to preserve religious harmony while limiting the active promotion of religious change.

Conversely, Afghanistan and the Maldives strictly adhere to Islamic law, where conversion from Islam is regarded as apostasy. Such actions are often met with severe legal consequences, potentially including death or lengthy imprisonment. Consequently, religious conversion in these nations is exceedingly infrequent and viewed as extremely perilous.

Impact of Conversion on Minority Communities

Religious conversion laws profoundly affect minority groups, particularly in nations where religion is integral to national identity. In Pakistan, the conversion of minor Hindu and Christian girls to Islam is a highly contentious human rights concern. These conversions are often coerced and frequently paired with forced marriages. Social pressure and the fear of blasphemy accusations obstruct legal remedies, leaving affected communities exposed and vulnerable.

In India, conversions to Islam or Christianity by Dalits and tribal people have triggered political and legal resistance, often resulting in communal strife. Anti-conversion statutes are commonly employed against Christian missionaries and Muslim propagators, occasionally leading to arrest and legal harassment.

In Sri Lanka, converting from Buddhism to Christianity or Islam is perceived as a threat to national unity. Claims of foreign funding, incentives, and proselytizing by Christian organizations have incited campaigns by Buddhist monks aimed at curbing religious conversions. Although less codified in law, these societal pressures can lead to violence and legal intimidation.

In Afghanistan and the Maldives, conversion from Islam is not only socially intolerable but also legally punishable. Converts are often compelled to escape the country or to practice their faith in secrecy, highlighting the intense repression of religious freedom in these situations.

³ *Rev. Stainislaus v. State of Madhya Pradesh*, (1977) 2 SCC 610.

⁴ *Asia Bibi v. The State*, (2010) SCMR 1056.

A comparative analysis of the laws indicates that while most SAARC nations officially acknowledge religious freedom, the degree of legal and social acceptance of religious conversion varies significantly. In India, Nepal, and Bhutan, regulations seek to control and restrict conversions under the pretext of maintaining public order or preventing exploitation. In Pakistan and Bangladesh, social dynamics, patriarchal customs, and inadequate enforcement mechanism lead to systemic discrimination and breaches of religious rights. Afghanistan and Maldives exemplify the most prohibitive environments, where religious conversion is criminal and can incur severe consequences.

RELIGION, POLITICS, AND SOCIETY IN SAARC COUNTRIES

Religious conversion goes beyond legal and societal norms within SAARC nations. The interaction between religious faith, governmental policies, and societal values profoundly impacts the perception and regulation of religious conversion throughout the region. This section examines how religious identity affects political priorities, social interactions, and international relations.

Religion's Role in Politics

In many SAARC countries, religion is intricately linked to national identity and political authority. In India, the ascent of Hindu nationalism, especially under the B.J.P, has promoted the notion that Indian identity is equivalent to Hindu values. Anti-conversion laws are frequently justified as protections against coerced or deceitful conversions.⁵

As an Islamic state, Pakistan's political and legal systems are heavily influenced by Islamic principles. Islamic political entities and religious groups wield significant power, often resisting reforms designed to enhance safeguards for religious minorities. The use of blasphemy laws and the absence of legal protections for those converting from Islam further inhibit religious freedom. In Pakistan, conversion, particularly from Islam, is often perceived as a betrayal of national identity, reinforcing the nation's dedication to religious uniformity.

Sri Lanka showcases a parallel situation, where Buddhist nationalism significantly influences government policies. Political movements led by Buddhist monks and nationalist factions often oppose Christian and Islamic missionary efforts. Although there are no formal laws against conversion, the political climate remains unwelcoming towards religious conversion.

Following its shift from a Hindu monarchy to a secular republic in 2008, Nepal continues to engage in political discussions shaped by religious conservatism. These discussions frequently revolve around Christian missionary activities, and the recent criminalization of conversion and evangelism highlights the rising influence of Hindu nationalist groups in the political landscape.

Societal Implications

Religious conversion extends beyond legal and political matters; it also brings significant social repercussions. In numerous SAARC countries, changing from a majority to a minority religion can result in social alienation, discrimination, and even violence. Converting may be perceived as an act of betrayal, especially within close-knit religious communities. This stigma impacts various aspects of life, including interfaith marriages, inheritance rights, and social relationship.⁶

In India, conversions to Islam or Christianity frequently provoke communal backlash, with the concept of "love jihad" dominating the public conversation. Dalit conversions to Buddhism, aimed at escaping caste-based discrimination, have also incited political and social turmoil.

In Pakistan, social discrimination against religious minorities is significant. Reports frequently indicate that Hindu and Christian girls are forcibly converted, often in the context of marriage of Muslim males.

Converts in Pakistan endure a vulnerable social situation marked by minimal legal protection and prevalent societal animosity. Those who try to return to their original beliefs frequently encounter threats, legal repercussions, or mob violence.

In Sri Lanka, Christian missionaries are often accused of taking advantage of the underprivileged to promote conversions, leading to heightened community tensions. Religious riots, particularly between Buddhists and Muslims, are often fuelled by fears of demographic shifts resulting from conversions.

International Criticism and Response

The global community has voiced serious concerns regarding the status of religious freedom in SAARC nations. Groups such as Amnesty International, Human rights Watch, and the United Nations Human Rights Council (UHRC)⁷ have condemned anti-conversion legislation, the absence of protection against coerced conversion, and the overall social atmosphere of intolerance.

⁵ Human Rights Council, "Human Rights and Religious Freedom in South Asia" (2020)

⁶ South Asian Association for Regional Cooperation (SAARC), SAARC Charter (1985).

⁷ Universal Declaration of Human Rights, adopted 10 Dec. 1948, General Assembly Res. 217 A (III), art. 18.

The anti-conversion laws at the state level in India have come under substantial international scrutiny for infringing upon the International Covenant on Civil and Political Rights (ICCPR)⁸, of which India is a signatory. Pakistan has faced condemnation for its inability to protect religious minorities from forced conversions and for the misuse of blasphemy laws targeting converts and dissenters. The proposed anti-conversion laws in Sri Lanka and its antagonist societal attitude towards non-Buddhist religions have also attracted international criticism for compromising religious freedom.

Although international pressure has occasionally led to symbolic policy changes or rhetorical commitments to protect religious freedom, real reform has been elusive, mainly due to domestic political resistance and the fear of alienating religious majorities. Despite constitutional guarantees for religious freedom in many SAARC nations, the gap between legal rights and actual practice remains significant. Despite constitutional guarantees for religious freedom in many SAARC nations, the gap between legal rights and the actual practice remains significant.⁹

CONCLUSION

This article has examined the legal, political, and societal aspects of religious conversion in SAARC nations. It underscores the variations in the interpretation and implementation of religious freedom throughout the region, which are frequently by majoritarian religious ideologies, political motives, and socio-cultural standards. In nations such as India and Sri Lanka, attempts are made to reconcile religious freedom with national cohesion and public order, whereas in Pakistan and Afghanistan, stringent limitations are enforced on conversions, especially those that deviate from Islam.

A significant challenge across the region is the occurrence of forced or coerced conversions, which are often utilized in political discourse and lead to legal and social challenges for religious minorities. Judicial reactions differ, but they frequently expose the state's uncertainty between safeguarding individual rights and satisfying dominant religious factions.

To enhance the protections of religious freedom in the region, several measures are essential. Firstly, legal structures must be more closely aligned with international human rights norms, particularly those articulated in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Secondly, public awareness initiatives should be implemented to inform citizens about their rights to freedom of religion and belief. Thirdly, the independence of the judiciary must be bolstered to guarantee that courts can function as unbiased adjudicators in matters concerning religious conversion.

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