Maharashtra Freedom of Religion Bill, 2026

Mains: *GS II –Polity and Governance*

Why in News?

The Maharashtra Freedom of Religion Bill, 2026, recently passed by both Houses of the State Legislature, has sparked widespread debate across political, legal, and civil society circles.

What is the maharashtra freedom of religion bill, 2026?

- **The Bill** – It is designed to "provide for protection of the right to freedom of religion and prohibition of unlawful conversion from one religion to another."
- **Aim** – It aims to curb religious conversions carried out through:
  - Force
  - Fraud or misrepresentation
  - Allurement or inducement
  - Undue influence or coercion
- At its core, the legislation distinguishes between voluntary conversions and those deemed "unlawful."
- However, it introduces procedural requirements that apply even to voluntary conversions, thereby bringing private religious choices under state scrutiny.
- **60-Day Notice Requirement –** One of the most debated provisions of the Bill is the mandatory 60-day prior notice requirement.
- Any individual intending to convert must submit a declaration to the District Magistrate at least 60 days in advance.
- The religious priest or person facilitating the conversion must also give prior notice.
- After conversion, a post-conversion declaration must be submitted.
- Authorities may conduct an inquiry to verify the intention and circumstances of the conversion.
- **Filing a Complaint** – The Bill significantly broadens the scope of who can initiate legal action.
- **Eligible complainants –** These include:
  - The converted individual
  - Parents or siblings
  - Relatives by blood, marriage, or adoption
- **Key implication –** Even if an adult converts voluntarily, family members or relatives can file a complaint, triggering police action.
- The law mandates that police must register such complaints, making the process state-driven rather than purely individual.

What Are the penalties prescribed?

- **General penalties:**
  - Imprisonment up to 7 years
  - Fine up to ₹1 lakh
- **Aggravated cases (if the person converted is):**
  - A minor
  - A woman
  - A person of unsound mind
  - A member of Scheduled Castes or Scheduled Tribes
- **Punishment:**
  - Up to 7 years imprisonment
  - Fine up to ₹5 lakh
- **For mass conversions –** Similar enhanced penalties apply.
- **Repeat offenders:**
  - Imprisonment up to 10 years
  - Fine up to ₹7 lakh
- **For institutions:**
  - Cancellation of registration
  - Withdrawal of government aid
  - Office-bearers may face imprisonment up to 7 years and fines
- **Nature of offences:**
  - Cognisable (police can arrest without warrant)
  - Non-bailable (bail is not a right)

When can a marriage be declared null and void?

- The Bill directly addresses interfaith marriages linked to conversion.
- **Conditions for nullification –** If a marriage is found to have been conducted solely for the purpose of unlawful conversion, it can be declared null and void by a court.
- **Additional provisions –** Children born from such marriages will:
  - Be considered as belonging to the mother's original religion
  - Retain inheritance rights from both parents
- The mother is generally granted custody, unless decided otherwise by a court
- Maintenance provisions are ensured
- **Key concern –** This provision raises fears that interfaith marriages may be subjected to legal scrutiny, even when consensual.
- **States with such legislation include –** Several Indian states have enacted similar "anti-conversion" laws.
- Odisha, Arunachal Pradesh, Gujarat, Chhattisgarh, Jharkhand, Uttarakhand, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, Haryana, Karnataka, Rajasthan.
- These laws vary in scope and strictness but share a common objective: preventing forced or fraudulent conversions.

What concerns have been raised?

- **Violation of Fundamental Rights –** Critics argue that the Bill may violate:
  - Article 25 (freedom of religion)

    - Right to privacy (as recognized by the Supreme Court)
    - Personal liberty under Article 21.
- **Issues with 60-Day Notice Requirement –** Critics argue that:
    - It violates the right to privacy, as individuals must disclose personal religious decisions.
    - It may expose individuals to social pressure or harassment.
    - It creates a chilling effect on interfaith relationships and voluntary conversions.
- **Lack of Empirical Evidence –** Civil society groups question whether there is sufficient data to justify such a stringent law.
- **Impact on Interfaith Marriages**
    - The law may indirectly target interfaith relationships.
    - Families may use legal provisions to oppose consensual unions.
- **Scope for Misuse**
    - Broad definitions of "allurement" and "undue influence".
    - Possibility of false or motivated complaints.
- **Administrative Challenges –** Officials have highlighted practical concerns:
    - No clear mechanism to "certify" religions or conversions.
    - Increased burden on district administration.
    - Overlap between civil courts and administrative authorities.
- **State Surveillance –** The requirement of prior notice and official inquiry is seen as:
    - Excessive state intrusion into private decisions
    - A shift of personal matters into the domain of governance

How has the state government justified the law?

- **Freedom of Religion is Not Absolute –** The government argues that:
    - The Constitution permits reasonable restrictions
    - Protection against coercion is a legitimate state objective
- **Rising Cases of Forced Conversions –** Authorities claim:
    - There has been an increase in cases involving fraudulent or forced conversions
    - Existing laws are insufficient to address such issues
- **Maintenance of Public Order –** The government maintains that:
    - Unregulated conversions can lead to social tensions
    - The law is necessary to preserve public order and harmony
- **Committee Recommendation –** A special committee studied the issue and reportedly recommended such legislation, though its report has not been made public.

What lies ahead?

- The Maharashtra Freedom of Religion Bill, 2026, sits at the intersection of individual liberty, religious freedom, and state authority.
- While it's stated aim is to prevent coercion and protect vulnerable groups, its procedural requirements and broad provisions have raised significant constitutional and ethical concerns.

Reference

[The Hindu| Maharashtra Anti conversion Bill]

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