
LEGAL IMPLICATIONS OF CASTE CENSUS 2026 ON RELIGIOUS CONVERSIONS AND MINORITY RIGHTS IN INDIA

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ABSTRACT

Justice remains an elusive promise for many, specifically women and marginalized communities facing gender-based violence (GBV). Deep-seated patriarchal norms, intersectional inequalities and corporate instruments like non-disclosure agreements (NDAs) manoeuvre to silence survivors, burying their truths under layers of stigma, bias and legal barriers. This blog examines how patriarchy normalizes abuse by administering rigid gender roles and victim-blaming, while legal systems perpetuate it through loopholes and inadequate enforcement. Intersectionality amplifies these issues, as overlapping identities like caste, class, race and sexuality reproduce disadvantages, leaving the most vulnerable unheard. Economic and structural hurdles further isolate survivors as poverty and literacy gaps block access to justice. In workplaces, NDAs shield powerful perpetrators, prioritizing reputation over accountability and nurturing a culture of secrecy. Drawing on global and Indian examples, including recent statistics from the National Crime Records Bureau (NCRB) showing over 4,45,000 reported crimes against women in 2022 and National Family Health Survey (NFHS-5) revealing 32% of married women enduring spousal violence, which highlights underreporting due to fear and systemic failures. Tech-facilitated abuse adds new dimensions, with survivors facing online shaming and inadequate response mechanisms. Ultimately, this exploration calls for holistic reforms to dismantle these silencing mechanisms in order to ensure equitable justice and amplifying survivor voices for societal transformation.

Key Words: - Patriarchy, Gender-Based Violence, Intersectionality, Access to Justice, Non-Disclosure Agreements

INTRODUCTION

1. Prologue: The Quiet Reckoning

A quiet reckoning looms over India as decisions about the next Census gather steam amid unresolved questions about constitutional guarantees, rights and protections. Religion, caste and the long shadow of Sanskritisation have returned to centre stage in policy and courtroom battles. Most observers will tell you that the next census will be about the formal enumeration of OBC caste data, while others will point towards the emergence of caste as a religious category in the constitution and the consequent availability of scheduled caste benefits to conversions made from a religion with Hindu Scheduled Castes. Quotes, anecdotes and vignettes illustrate stakes and community memories, while the questions of census-derived entitlements and constitutional status surface. For the first time in over seven decades, the Union government has approved nationwide caste enumeration as part of the next Census, with house-listing to begin in April–September 2026 and population enumeration in 2027, a decision that squarely situates these debates in the here and now.

Income, social, economic, and educational indicators are utilized to directly measure the conditions of well-being of the Scheduled Castes determined at the census but caste has remained a blind spot even in the closely contested arena of general reservations. Conversion holds significance among converts across the board: whether for entries in the next census, the constitutionality of caste-based enumeration, or clear information on the conditions of erstwhile Scheduled Castes in the context of the broader discussion on caste. Not everyone is singing from the same hymn-sheet on the topic however. Various interested parties belonging to diverse walks of life express equally enthusiastic perspectives on the topic, while opposing views based on other forms of caste participation, reservations, or access to opportunity.

2. Chapter One: The Census as a Mirror

A census provides a mirror, and mirrors can be disturbing. *Formally speaking, the primary goal of a census is the collection of accurate and reliable data; in India, decadal census figures directly feed into constitutional schemes such as reservations in Panchayati Raj institutions under the 73rd Amendment, which depend on up-to-date population and social composition data.* Yet as the experiences of various communities illustrate, the systematic gathering of caste- and religion-related information also reflects, confirms and communicates entrenched patterns of self-understanding and classification. This, in turn, constrains the capacities of the individual and the State and constitutes a broader commentary on the nature of both.

To better comprehend how caste- and religion-related data might inform census decisions and community responses, it is useful to elucidate self-description and external categorisation. As communities have noted, self-reflexive accounts often reveal connections to familial and occupational modes of comprehension that link caste and conversion. These histories, tightly interwoven for many, evoke specific scriptures and narratives deriving from revered figures across regions and denominations that have found concrete expression in social norms, practical rituals and legal codes. Such dynamics point to the limitations of blanket definitions; data architectures or models imposed from above can obscure more varied, textured and nuanced realities.

In similar fashion, external institutional configurations echo self-understanding. Data emanating from public authorities can facilitate overlapping but independent or even competing systems of authorisation and verification that sediment as formal rules and institutional arrangements. Patterns established locally by government agents in turn find resonance in communal deliberations about identity, culminating in self-classification schemes designed to satisfy the eligibility criteria. These interactions exert powerful influences, and the exploration of how authority, authorisation and eligibility intertwine at both community and State levels may yield productive insights regarding proposed methods for cohort identification. Given such complexities, the urgency of clarifying mechanisms emerges with increased salience.

3. Chapter Two: Caste, Religion, and the State

A slim booklet entitled “Caste, Religion and Nation”—a curious title for a parliamentary report—contains a section on census issues. As part of its resolution on a private members’ bill, it recommends a census of Other Backward Classes (OBCs), “along with a complete assessment of the social, educational and economic backwardness of Christians and Muslims”. The record shows the level of interest in collecting caste data; it goes on to note that “the Government of India has not yet taken a decision on the collection of data on caste in the Census 2021”. In the Rajya Sabha, the Minister for Information and Broadcasting saw fit to record that OBC census proposals are “being considered by the Government of India”.

How caste data ought to be collected is inseparable from how religion intersects with caste. Under the Constitution and the Constitution (Scheduled Castes) Orders, “Scheduled Castes” are notified communities that have historically suffered extreme social and educational deprivation, and, as a matter of current law, this status is restricted to persons professing Hinduism, Sikhism or Buddhism, with some regional variations. By contrast, religion is not a criterion for determining “Other Backward Classes” (OBCs), which are identified on the basis of social and educational backwardness, but in practice caste and community continue to shape OBC lists. Supreme Court decisions have repeatedly held that conversion does not automatically erase caste identity in social life, yet statutory benefits for Scheduled Castes still turn on religion, creating a fraught zone where caste, faith and benefits collide. (Mosse, 2020).

4. Chapter Three: Legal Foundations and Debates

Legal foundations have several intertwining dimensions in the policy landscape surrounding the proposed collection of caste data. India has a complex and overlapping jurisprudential heritage, and its several laws, court rulings, and contested interpretations all drive the direction that new policy takes. Sections 4.1 and 4.2 capture the contours of existing legal provision and the key policy debates across legal arenas that remain ongoing.

Three core statutes and two constitutional amendments determine the rules governing the registration of individuals in census rounds. Their provisions, along with subsequent regulatory guidelines by the Office of the Registrar General and Census Commissioner, India, shape eligibility for the current initiative and set out foundational parameters, including legal definitions of caste (Mosse, 2020).

Debates around collecting caste data have intensified since prior discussions on a national survey ended in 2011. The Census Act of 1948 and the Census Rules of 1990 require confidentiality and restrict disaggregation to broad aggregated categories. Long-standing contentions over privacy and non-discrimination offences resurface amid calls for fresh legislative or administrative directives.

5. Chapter Four: Implications for Religious Conversions

As preparations for Census 2027 intensify, with house-listing scheduled in 2026, its profound implications for religious conversions have ignited considerable interest. Many anticipate that, for the first time, the census will record the caste of those who convert from Hinduism—an act that could confer additional privileges on individuals influenced by social and religious motives. Would this new legal entitlement provide fresh impetus for conversion? Would a converted individual be identified as belonging to both the original and the new religion, thereby receiving the benefits without incurring the stigma frequently associated with conversion? Would a safeguarding or certificate of conversion be legally recognized? Would it alter the way converted persons are categorized when granting benefits? Furthermore, does the frequency of mentions in discussions—if recorded—alter the evidential significance? Would, for example, terms such as ‘home coming,’ indicating a return to the original religion, be interpreted similarly? Would the term ‘changed religion,’ suggesting dislike for an earlier faith, be permissible? These possibilities cannot be analysed in isolation from India’s proliferating anti-conversion or “Freedom of Religion” laws. Several states have criminalised so-called “fraudulent” or “induced” conversions, often by invoking narratives of “love jihad” and demographic threat, and the Supreme Court is currently seized of petitions challenging provisions in these statutes as violative of Articles 14, 21 and 25. If the 2027 Census generates caste-wise religious patterns at scale, state authorities may be tempted to read any change in caste-linked religious affiliation as evidence of “suspicious” conversions, thereby weaponising what should have been neutral demographic statistics. The legal risk is that caste census outputs could be selectively cited in

prosecutions, bail hearings or policy justifications, even though census data are supposed to be confidential and used only in aggregate(Jagota and Chanana., 2018).

Consequently, could a caste grouping benefit both converted and nominally unconverted individuals of the same religion, inducing conversion? Could altered terminologies be adopted to accommodate educational, constitutional, and religious frameworks—educationally, through the awareness of State support via liberalisable grant-in-construction scholarships, yet religiously confined to acknowledgement of an ultimate divine source, a principal factor deterring conversion? Such intricacies of faith address sizable sociological issues and intersect with further commentary. Acceptance of either caste or religion remains untranslated through the vernacular. Considerations of an inter-caste marriage between Hindu and Christian persons highlight the complexity; from Hindu premises alone, formerly designated castes of the converted party can undergo and govern provisional adjustments, classifiable within the law whether caste or faith, subject to personal information marked un-addressed—conversion thus obtains cautious legal, educative, and religious status considered unlikely to yield a new textual structure. The increasingly pronounced attention devoted to matters of faith would not be similarly amenable to a survey of personal religion.

6. Chapter Five: Minority Rights in the Spotlight

Safeguards for minority rights lie at the heart of the pending census. The Constitution of India guarantees religious, cultural, and educational safeguards to religious minorities under Articles 25 to 30. Since 1947, provisions to protect minorities have been enshrined in various international human rights instruments, including the Universal Declaration of Human Rights 1948 (UDHR 1948), the International Covenant on Civil and Political Rights 1966 (ICCPR 1966), and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR 1966).

Minorities occupy a vulnerable and precarious position. The Supreme Court has observed that while the majority is able to flaunt its numerical strength, the minority has to continue its struggle not only to survive but to exist. What constitutes a minority needs to be checked while dealing with the upcoming census because data collected or interpreted without taking into consideration whether the minority rights would remain enshrined could trigger a huge constitutional crisis (Jagota and Chanana., 2018).

This is not a speculative fear: recent litigation over minority educational status, the National Commission for Minorities, and even state attempts to redefine “minority” at the state level reveal how demographic ratios are increasingly being weaponised in legal arguments about who deserves constitutional protection.

7. Chapter Six: Policy Pathways and Judicial Echoes

The constitution of a nation ought to serve as the foundational document that governs its governance and lays down the common aspirations and beliefs of its citizens. One of the key purposes of the Indian Constitution was to present certain broad principles that should act as a guide to the State as well as its citizens to achieve the vision of the Constitution. A national census, according to such a constitution, ought to serve certain socio-economic objectives to promote national interest, but due to divergent opinions on the collection of caste-based census data, has turned out otherwise as enumerated elsewhere (Mosse, 2020).

It is an established fact that caste and religion play a significant role in shaping an individual's identity. The 2011 Census, along with the anticipated upcoming national census (fieldwork commencing in 2026, with population enumeration in 2027), indicates this role in an outward manner. Caste, religion and community also govern the manner in which citizens of a nation perform their duties and obligations towards the State and towards their fellow citizens. State-centric interventions in matters concerning caste, religion, and community result in a similar State action. Such caste-religion-community sociological legislative interventions, followed by a subsequent census, when viewed in conjunction with the socio-political priorities even today, still highlight a degree of apprehension in society regarding the State's intention regarding caste.

8. Chapter Seven: Social Fabric, Data, and Ethics

Several ethical considerations arise from the borderline issues of data and ethics. Caste data collection engages ethics on multiple fronts (Mosse, 2020). First, it operates at the level of principles of inclusion and exclusion as civic goods, where a fair and just policy would embrace rather than ignore the reality of caste as a feature of socio-spatial organization. Second, a fair and just data-fabric policy would abide by ethical standards of distribution, establishing logics of access, rights to view, alteration, and disposal of data that are proportionate to the distribution of socio-material entanglements with the caste issue. Third, principles of proportionality in socioeconomic space attach to fairness and justice as public goods, corroborating that caste designations would become associated rather than dissociated with particular circuits of material, resources, or contact information. Fourth, caste connects deeply with matters of self-identification. To remove caste from a dataset through anonymisation or aggregation at a high administrative level (district and above) would exclude caste from probability evaluations relating to caste. Certain sociocultural contexts might lend comparative discrimination grounds on other markers, including sex, region, species, and language. The absence of caste in the data corpus would weaken understanding of the fabric's relations with caste. Ethical frameworks apply also to the collection of caste-based and other data in the census. Principles of fairness, accountability, openness, and cultural sensitivity provide guidance, as do the guidelines of the SEGA (Social, Economic, and Geospatial), subsystems of the State, and internationally recognised ethical norms. The scope of caste characterisation issues renders it possible to generate bolstered interpretations of such ethical dimensions. Data ethics and ethical issues frame questions of data.

9. Chapter Eight: Case Studies in the Field

People at the margins of Indian society often remain invisible to state institutions, yet the looming census offers a fleeting opportunity for these communities to capture attention and recognition. Between 2019 and 2021, the Jammu & Kashmir government published multiple civil registration and census notifications, issuing guidelines directing demographic surveys to confirm domicile identity 1901 or later. By 2023, the Civil Registration Act of 1969 governed such undertakings.

A series of consultations on an upcoming national census round were conducted in the mid-2020s, prompting States like Assam to push for a separate “religious census”. Assam has already signalled how census and religion can be fused in political discourse. Around consultations on a proposed national census round, state officials publicly voiced concerns over a perceived “demographic imbalance” and warned that, if current trends continued, Hindu legislators could one day become a minority in the State Assembly, implicitly singling out Muslim population growth. Such rhetoric shows how demands for a separate “religious census” can convert a neutral statistical exercise into an instrument of majoritarian anxiety. (Headley, 2018).

10. Chapter Nine: International Reflections and Lessons

Caste and religion in India complicate governance, creating a citizenship dilemma where minorities must adhere to territorial democracy. This changes the notion of 'minority,' converting protections into government control instead of community rights. Supreme Court cases highlight concerns about equality and freedom, such as the Andhra Government Order for social surveys. Indian democracy, rooted in Article 19's freedoms, promotes 'one person one vote' while managing diversity and curtailing majoritarianism.

Governance criteria for communities are ambiguous under the Ministry's Congregationalist Diversity framework. Protections exist for three groups: Schedule Caste (SC) and Schedule Tribe (ST). Data on SC-ST communities is limited, with census efforts for backward communities stalling. Recognizing 'SC-ST-OBC' enables specialized data collection. Recent initiatives have expanded caste metrics for socio-economic assessment, while Article 30 safeguards minority-run educational institutions, acknowledging Muslims, Christians, and Sikhs, but not Parsis and Jains. (Mosse, 2020)(Jagota and Chanana., 2018)

11. Chapter Ten: The Road Ahead for India

Constitutional safeguards are envisaged to protect minority communities, minorities are identified as the communities or denominations which are distinct from the majority by reason of religion, language and culture. The intention was to safeguard these minorities from the whims and fancies of the majority, hence the Article 30 provides that a minority community shall have the right to establish and administer educational institutions of their choice. *The Hon'ble Supreme*

Court, interpreting Section 2(c) of the National Commission for Minority Educational Institutions Act, 2004 together with the National Commission for Minorities Act, 1992, has recognised Muslims, Christians, Sikhs, Buddhists, Parsis (Zoroastrians) and, since a 2014 notification, Jains as minority communities at the national level. In a context where both caste and religion are being re-mapped through the 2027 Census, any shift in population shares or caste-linked religious patterns risks being read into these debates about who counts as a “minority”, with profound consequences for Articles 29 and 30 jurisprudence. (Jagota and Chanana., 2018).

12. Conclusion

Legal meanings and ramifications of the Caste Census mainly revolve around — have an impact on — the condition of were minorities and laws governing conversions. Two key propositions form the axis of the subsequent discussion: Any census data on caste may directly or indirectly affect the present and future status of initiated religious minorities; and that such data could revive the discourse and insinuations regarding forced conversion in some form — perhaps like the present anti-conversion laws or even as a revival of the original idea of a personal law for other religious communities.

The impulses driving conversions (religion-based decision to convert from one religion to another) have their roots in the socio-psychological sphere of these communities and their actors. The Caste Census is a State-supported enterprise of data collection that amplifies the memory of the past. It remains to be seen whether this impulse grows stronger, weaker, or remains the same for any specific community or a group of communities that have undergone, desire to undergo, or wish to be seen as having undergone such conversions. Any change in the impulse of the communities in relation to conversion, particularly to historical conversion, gets reflected in the dynamics of conversion — it becomes the new reality of that section of communities, the society, and the polity.

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