



## Draft Anti-Conversion Bill: Haryana

**For Prelims:** States that have passed anti conversion laws, Constitutional provisions on freedom of religion, Article 21 of the Constitution.

**For Mains:** Haryana Prevention of Unlawful Conversion of Religious Bill, 2022, Anti-conversions laws and associated issues, Related Supreme Court judgements.

### Why in News?

Recently, the Haryana government released the draft of the **Haryana Prevention of Unlawful Conversion of Religious Bill, 2022**.

- The bill aims at prohibiting religious conversions which are affected through misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage or for marriage by making it an offense.
- Other States like **Karnataka, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and Uttarakhand** have also passed laws restricting religious conversion.

### What is the Need for Anti-Conversion Laws?

- **No Right to Proselytize:** The Constitution confers on each individual the fundamental right to profess, practice and propagate his religion.
  - The individual right to freedom of conscience and religion cannot be extended to construe a collective right to proselytize.
  - For the right to religious freedom belongs equally to the person converting and the individual sought to be converted.
- **Fraudulent Marriages:** In the recent past, several instances have come to the notice that whereby people marry persons of other religion by either misrepresentation or concealment of their own religion and after getting married they force such other person to convert to their own religion.
- **SC Observations:** Recently, the Supreme Court also took judicial notice of such instances.
  - According to the court, such incidents not only infringe the freedom of religion of the persons so converted but also militate against the secular fabric of our society.

### What are the Provisions of the Draft Bill?

- The Bill provides for greater punishment for such conversions in respect of minors, women, Scheduled Castes and the Scheduled Tribes.
- It also provides that the burden of proof as to whether a conversion was not affected through misrepresentation, use of force, under threat, undue influence, coercion, allurement or by any fraudulent means or by marriage or for marriage for the purpose of carrying out conversion lies on the accused.
- Every individual converting from one religion to another shall submit to the prescribed authority a

declaration that the conversion affected through was not by any fraudulent means.

- Besides, it provides for declaring marriages null and void, which were solemnized by concealment of religion.

## What is the Status of Anti-Conversion Laws in India?

- **Constitutional Provision:** The Indian Constitution under **Article 25 guarantees the freedom to profess, propagate, and practise religion**, and allows all religious sections to manage their own affairs in matters of religion; subject to public order, morality, and health.
  - However, **no person shall force their religious beliefs** and consequently, no person should be forced to practice any religion against their wishes.
- **Existing Laws:** There has been **no central legislation** restricting or regulating religious conversions.
  - However, since 1954, on multiple occasions, **Private Member Bills** have been introduced in **(but never approved by) the Parliament**, to regulate religious conversions.
  - Further, in 2015, the Union Law Ministry stated that **Parliament does not have the legislative competence** to pass anti-conversion legislation.
  - Over the years, **several states have enacted 'Freedom of Religion' legislation** to restrict religious conversions carried out by force, fraud, or inducements.

## What are the Issues Associated with Anti-Conversion Laws?

- **Uncertain and Vague Terminology:** The uncertain and vague terminology like **misrepresentation, force, fraud, allurement presents a serious avenue for misuse**.
  - These terms leave room for ambiguities or are too broad, extending to subjects far beyond the protection of religious freedom.
- **Antithetical to Minorities:** Another issue is that the present anti-conversion laws focus more on the prohibition of conversion to achieve religious freedom.
  - However, the broad language used by the prohibitive legislation might be used by officials to oppress and **discriminate against minorities**.
- **Antithetical to Secularism:** These laws may pose a threat to the **secular fabric of India** and the **international perception** of our **society's intrinsic values and legal system**.

## What are Supreme Court Judgements on Marriage and Conversion?

- **Hadiya Judgement 2017:**
  - Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity.
  - Neither the State nor the law can dictate a choice of partners or limit the free ability of every person to decide on these matters.
  - The principle that the right to marry a person of one's choice is integral to **Article 21**.
- **K.S. Puttaswamy or 'privacy' Judgment 2017:**
  - Autonomy of the individual was the ability to make decisions in vital matters of concern to life.
- **Other Judgements:**
  - The SC in its various judgments, has held that **faith, the state and the courts have no jurisdiction over an adult's absolute right** to choose a life partner.
  - India is a **"free and democratic country"** and any interference by the State in an adult's right to love and marry has a **"chilling effect"** on freedoms.
  - Intimacies of marriage lie within a **core zone of privacy**, which is inviolable and the choice of a life partner, whether by marriage or outside it, is part of an **individual's "personhood and identity"**.
  - The absolute right of an individual to choose a life partner is **not in the least affected by matters of faith**.

## Way Forward

- The governments implementing such laws need to ensure that these do not curb one's

Fundamental Rights or hamper the national integration instead, these laws need to strike a balance between freedoms and malafide conversions.

**Source: TH**

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