



UP Ordinance on Unlawful Conversions

Why in News

The Uttar Pradesh (UP) government has recently **passed an ordinance to deal with unlawful religious conversions**, which are in opposition of various judgements of the [Supreme Court](#) (SC).

Key Points

▪ UP Unlawful Religious Conversion Prohibition Ordinance, 2020:

- It makes religious conversion for marriage a **non-bailable offence** and the onus will be on the defendant to **prove that conversion was not for marriage**.
- The notice period to the **District Magistrate** for the religious conversion is **two months**.
- In case of conversion done by a woman for the **sole purpose of marriage**, the **marriage would be declared null and void**.
- Violation of the provisions of the law would invite a jail term of not less than one **year extendable to five years with a fine of Rs. 15,000**.
- If a **minor woman** or a **woman** from the **Scheduled Caste** (SC) or **Scheduled Tribe** (ST) converts, the jail term would be a **minimum of three years** and could be extended to **10 years with a fine of Rs. 25,000**.
- The ordinance also lays down strict action, including **cancellation of registration of social organisations** conducting **mass conversions**, which would invite a jail term of not less than three years and up to **10 years** and a fine of **Rs. 50,000**.

▪ Supreme Court on Marriage and Conversion:

- 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**.

▪ Related Previous Judgements:

◦ [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.

◦ [K.S. Puttuswamy or 'privacy' Judgment 2017:](#)

- **Autonomy of the individual** was the ability to make decisions in vital matters of concern to life.

◦ [Lata Singh Case 1994:](#)

- The apex court held that India is going through a **“crucial transformational period”** and the **“Constitution will remain strong only if we accept the plurality and diversity of our culture”**.
- Relatives disgruntled by the **inter-religious marriage** of a loved one could opt to **“cut off social relations”** rather than resort to **violence or harassment**.
- **Soni Gerry case, 2018:**
 - The SC warned judges from playing **“super-guardians”**, succumbing to **“any kind of sentiment of the mother or the egotism of the father”**.
- **Salamat Ansari-Priyanka Kharwar case of Allahabad High Court 2020:**
 - The right to choose a partner or live with a person of choice was part of a citizen’s **fundamental right to life and liberty** (Article 21).
 - It also held that earlier court rulings upholding the idea of **religious conversion for marriage as unacceptable** are not good in law.

Way Forward

- Thus, the government implementing such laws needs 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**.

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