

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER:

The Hindu

ದಿನಾಂಕ : DATE: 7/1/20

BJP's plan on 'love jihad' law triggers debate

Advocates question legal tenability of such a law, while police officers raise implementation concerns

K.V. ADITYA BHARADWAJ
BENGALURU

The ruling BJP's push for a law to curb "love jihad" in the State has created a stir, while several legal experts and senior police officers have raised doubts about its legal tenability.

Chief Minister B.S. Yediyurappa, speaking at the party's executive meeting in Mangaluru on Thursday, said a law was necessary to put a stop to "conversions for the sake of marriage". Several of his ministerial colleagues too have batted for such a law.

State intervention

Senior human rights advocate B.T. Venkatesh argued that any intervention by the State in the marriage or religious choice of a consenting adult would violate fundamental rights.

However, Vivek Subba Reddy, president of the BJP legal cell, Karnataka, clarified that the party was not against interfaith marriages, but was only "trying to protect Hindu women who are being forced to convert to Islam under duress". "At least eight States in the country have laws that criminalise religious conversions through inducements, allurements or



At the inauguration of the BJP State executive meeting on Thursday, Chief Minister B.S. Yediyurappa said a law was needed to put a stop to conversions for the sake of marriage.

under duress. Love jihad is a special case of that scenario. The law would only apply in such cases," he argued.

The Allahabad High Court had, in September 2020 and in 2014, held conversions of women from Islam to Hinduism and vice-versa, respectively, not valid as "they had taken place only for the purpose of marriage". Taking a cue from the recent order, Uttar Pradesh Chief Minister Yogi Adityanath announced that his government would enact a law to fight "love jihad".

However, advocate Clifton D' Rozario, Manthan Law, said the rights of the

woman in an interfaith marriage and conversion was clearly laid out by the Supreme Court in 2018. "The BJP is trying to push through legislation that will not stand the test of judicial review," he said. He pointed out that the apex court had set aside a Kerala High Court order annulling the marriage of a homoeopathy student who had converted to Islam and wed. Her father had called it a case of "love jihad".

If a person, of age of majority, says that he or she has converted to any religion in their own free will, no one can sit on value judgment, said Mr. Venkatesh.

However, Mr. Reddy ar-

What is 'love jihad'

It is a term used by Hindu right-wing groups for an alleged conspiracy about Muslim men luring Hindu women into marriage

and converting them to Islam. The Home Ministry, in February, told the Lok Sabha the term was not defined under the extant laws.

The BJP is trying to push through legislation that will not stand the test of judicial review

CLIFTON D' ROZARIO,
advocate, Manthan Law

gued that in many cases, the community would not accept the woman if she did not convert. This amounted to "duress" and the law would seek to address this social issue, he said. Countering this, Maithreyi Krishnan from Manthan Law said such an argument was "patriarchal" and amounted to undermining the woman's autonomy and choices. "How can love be called inducement?" she asked.

Implementation issues

Meanwhile, many senior police officers *The Hindu* spoke to, but who did not wish to be named, said such a law would drag the police into messy civil mat-

ters. "Most interfaith marriages will end up at police stations, as parents may take objection to them. The process will become the punishment," a senior officer said.

Former Director-General and Inspector General of Police S.T. Ramesh said that a law on such a sensitive issue would have tremendous potential for misuse. "With the prevailing standards of evidence prescribed by the Indian Evidence Act, it will be an uphill task to marshal evidence in such cases. It is also not clear what public good such legislation seeks to serve. Society will only get more polarised," he said.