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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Times of India ದಿನಾಂಕ : DATE 2/11/20

## Love Jihad Bogey

*UP ordinance undermines constitutional liberties and may not stand the test of judicial scrutiny*

After Madhya Pradesh government's announcement that it would table a bill to prosecute 'love jihad', Uttar Pradesh has now passed the UP Prohibition of Unlawful Religious Conversion ordinance making forced religious conversions - whose meaning will include conversion for marriage - punishable by tough jail term and fine. The UP ordinance mandates that those willingly wanting to convert for marriage need to inform the district magistrate two months in advance. The law will pose great difficulty for interfaith couples. Not only does it undermine personal liberty and free will, it also incentivises hooligans, who may take advantage of the advance notice to intimidate interfaith couples.

In a contemporaneous judgment, the Allahabad high court has correctly held that the right to choose a partner, irrespective of religion, is intrinsic to right to life and personal liberty protected by Article 21 of the Constitution. Quashing an FIR against a man



accused of forcefully converting and marrying a Hindu woman, the bench observed that to disregard the choice of an adult person would not only be antithetical to freedom of choice but also a threat to the concept of unity in diversity. Given the rash of 'love jihad' laws coming up in states, the Supreme Court must also uphold this tenet of constitutional liberty.

These draconian laws not only contradict BJP's long stated view of ushering in a Uniform Civil Code, they also invert the principle of 'minimum government, maximum governance' enunciated by Prime Minister Narendra Modi by giving the state a veto on personal matters. If these laws are pushed through, New Delhi must prepare for likely unflattering portrayals in international media comparing India to South Africa under apartheid (which also put legal obstacles in the path of interethnic marriages among its citizens). Among other things it would be a blow to Indian diplomacy, which championed the anti-apartheid movement.

At a time when the country is facing multiple challenges from the Covid-19 pandemic and economic recession to the twin security threats posed by China and Pakistan, the people of this nation need to be united. Divisive and polarising 'love jihad' laws undermine such unity and aid our adversaries. Taken together, the BJP central leadership should tell its state governments to reverse course. A better path would be to simplify the provisions of the Special Marriage Act that allows interfaith couples to marry without converting.