

## **2. States must file counter-affidavits in anti-conversion law cases in three weeks, says SC**

**Prelims Syllabus:** Policies

**Mains Syllabus:** GS-II Government policies and interventions for development in various sectors and issues arising out of their design and implementation.



### **Why in News?**

- The Supreme Court recently gave States three more weeks to file counter-affidavits to petitions challenging their anti-religious conversion laws.

### **About the News:**

- The court was hearing a petition, which said a special law should be enacted against forced conversions or the act should be incorporated as an offence in the Indian Penal Code.
- The petition has alleged “mass conversions” of socially and economically underprivileged people, particularly those belonging to the Scheduled Castes and the Scheduled Tribes.

### **Rationale behind the enactment of anti-conversion laws in India:**

- Threats of forceful conversion.
- Problem of Inducement or allurement.
- Religious conversion is not a Fundamental Right.

### What do critics say?

- Such laws have come under sharp criticism from several legal scholars who had contended that the concept of 'love jihad' did not have any constitutional or legal basis.
- They have pointed to Article 21 of the constitution which guarantees individuals the right to marry a person of one's choice.
- Also, under Article 25, freedom of conscience, the practice and conversion of religion of one's choice including not following any religion, are also guaranteed.

### Supreme Court on Marriage and Conversion:

- The Apex Court of India in its several judgments has held that the state and the courts have no jurisdiction over an adult's absolute right to choose a life partner.
- The Supreme Court of India, in both the Lily Thomas and Sarla Mudgal cases, has confirmed that religious conversions carried out without a bona fide belief and for the sole purpose of deriving some legal benefit do not hold water.
- **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).

### Need of the hour:

- **There is a need for uniformity:** Article 18 of the Universal Declaration on Human Rights mentions everyone has the right to freedom of religion including changing their faith. Since it is a state subject, the Centre can frame a model law like Model law on contract farming etc.
- States while enacting anti-conversion laws should not put any vague or ambiguous provisions for the person who wanted to convert of his own will.
- The anti-conversion laws also need to include a provision to mention the valid steps for conversion by minority community institutions.
- People also need to be educated about the provisions and ways of Forceful conversions, Inducement or allurement, etc.