

PUCL PEOPLE'S UNION FOR CIVIL LIBERTIES

UTTAR PRADESH UNIT

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Press release

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Amendments in the Uttar Pradesh Anti-Conversion Law 2021 makes it even more unconstitutional

**The amendment of 2024 along with the law needs to be repealed
- PUCL Uttar Pradesh**

When the Uttar Pradesh's Religious Conversion (Prohibition) Act, 2021 was passed in the state assembly it was heavily critiqued by human rights organisations, women's organisations and constitutional lawyers from all over the country but after the amendment of 29th July, which grants it powers to be more arbitrary, cruel and attacks civil rights of all making it even more unconstitutional. Uttar Pradesh PUCL demands for the revocation of the amendment as well as the original act as well.

Women's organisations and different civil rights groups from 8 states have challenged the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 along with similar laws present in different states of the country awaiting the hearing at the Supreme Court. These laws have been opposed as it goes against the right to equality, religious freedom and right to life enshrined in articles 14, 21 and 25 of the Indian Constitution. This law attacks minorities and adults, specifically women, to choose the life they want to in this patriarchal society. When this law

was enacted, it was feared that it would be used to systematically target minorities using powers of the state and it was later found to be true. Such harassment was happening when the law stated that only close family members could file an FIR regarding such a case but now after the amendment that was passed on 29th July, 2024 anyone can file an FIR where they suspect anything of that sort. Such an amendment infringes upon several freedoms that were gained because of years long struggles, it further empowers the state to insert itself into the private lives of individuals and directly goes against the settled jurisprudence.

It is important to note that before this amendment came into existence, the police was already illegally acting upon complaints made by third parties leading to incarceration and torture of accused but such cases were getting demolished in the courts. After this law came into existence in 2021, it has been reported that in many cases the complainants were right wing groups like Bajrang Dal, RSS, VHP, etc. who were not even remotely related to the said parties. Complaints were being made against such groups but instead of focusing on it, the state government made their illegal interventions legal. Additionally, as per the newly enacted BNS anyone can file an FIR from anywhere all over the country. This directly indicates that it would lead to more harassment of Muslims, Christians and other minorities and it seems that's the aim of the government as well.

It is to be noted that this amendment recognises religious conversions of women, minors, disabled people and scheduled Tribes as a serious offence and prescribes imprisonment of 20 years and have purposely made it difficult for the accused to get bail. This has amended section 4, 5 & 7 of the 2021 act and adds two subsections to the 7th section stating that during the bail hearing of an accused, no bail could be granted without giving an opportunity to the government advocate to oppose it. The supposed crimes under this law have been made cognizable and non-bailable and at minimum a sessions court can hear this case.

Apart from this, this amendment has increased the quantum of incarceration as well as fine.

Before if a person was found to be guilty of converting someone illegally then the quantum of the punishment was minimum 1 year in jail to maximum 5 years and a Rs 15,000 fine but now it has been increased to

minimum 5 years in jail to maximum 10 years and a fine of Rs 50,000. The same has been increased for such crimes against women, minors, Dalits or tribal communities from 10 years maximum to 14 years and the fine has been increased from Rs 25,000 to Rs 1,00,000 as well.

The sections covering mass conversions have been made even more stringent where the minimum punishment used to be 3 years pushing up to a maximum of 10 years but now the minimum punishment has been made 7 years and could be stretched up to 14 years. The fine has been doubled to Rs 1,00,000.

The amendment to section 5 now states that if a person collects money from foreign sources or illegal institutions in order to illegally convert people then the fine would be Rs 10,00,000 and will be sentenced for a minimum period of 14 years doubling it from the earlier stated punishment. Apart from this if an individual attacks another, uses force against them or threatens their life or entices them with a promise of marriage or bribes them or conspires against them or smuggles them with an intent to convert them then they would be sentenced to a minimum of 20 years of imprisonment and could be increased upto a life imprisonment. The amended bill also states that the courts should fix an appropriate compensation to the 'victim' from the convict which could be upto Rs 5,00,000 and will have to be paid separately from the fine.

The intention behind introducing the bill to add such an amendment to the law is clearly exposed, it reflects even more malice against minority religions. This law has been enacted to target them specifically as they had already been on the radar of this government.

Only a religious state can consider religious conversion such a heinous crime that it warrants a punishment equivalent to murder. This is a bad sign for democracy in itself.

Since the law's enactment in 2021, it has been observed that interfaith couples, where the man belongs to a minority community, have been harassed under this law. Not only the man, but his entire family has been jailed in several instances, as per the law. This law is against the right of adults to choose their partner or cohabit, it goes against a woman's right to choose their partner, and now this amendment openly declares to ruin the lives of such couples. Any person can file a case against such a

marriage, claiming it was done under pressure or temptation for religious conversion and 'demographic change' (as per the amendment bill's words). Consequently, the man will be jailed, and the woman will be separated from her chosen life and partner.

While in the notable case of Hadiya vs Ashokan, the Supreme Court stated in its verdict, 'Adults have the right to marry and convert to another religion as per their choice. No one should interfere with an individual's freedom to marry and convert.' However, this law and especially its proposed amendment defy the Supreme Court's ruling.

Adityanath, while discussing the draft amendment bill, said that it was necessary to bring the amendment due to the alleged 'organized and systematic' involvement of 'foreign and anti-national elements and organizations' in demographic changes caused by illegal religious conversions.

Their statement makes it clear that the intention behind introducing the amendment bill is not to prevent religious conversion, but to further promote majoritarian chaos, making the state more religious, and broaden and 'legalize' oppression of minorities.

The Supreme Court has only deemed anti-conversion laws constitutional as long as they do not interfere with an individual's right to religious freedom. However, these amendments will significantly increase such state interference.

PUCL Uttar Pradesh opposes this amendment bill even more than the original law and demands the immediate withdrawal of the entire law.

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