

MOOT PREPOSITION

The Republic of Amhissa is the most ethnically and religiously diverse country in the world. The danger of communal conflicts is ever-present and unlikely to wane anytime. In March 2019 reports about Love Jihad were reported. The news report stated that there has been 3,000- 4,000 conversions in the past four years in Amhissa.

Various High Courts from across the country have stated that religious conversion is not a casual matter. In 2014, the High Court of Uppam Pradesh stated in a judgement that if conversion “is resorted to merely with the object of creating a ground for some claim of right” it would be “a fraud upon the law”. In the case of *Lily Thomas v. Union of Amhissa* in 2000 the Supreme Court nulled the marriage on the basis that if someone “feigns to have adopted another religion just for some worldly gain or benefit” it was “religious bigotry.”

The Uppam Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020, was enacted by the Government of Uppam Pradesh, Amhissa. The Uppam Pradesh state cabinet cleared the ordinance on 20 November 2020 following which it was approved and signed by the state Governor on 24 November 2020. The said ordinance makes conversion non-bailable with up to 10 years of jail time if undertaken through misinformation, unlawfully, forcefully, allurements or other allegedly fraudulent means and requires that religious conversions for marriage in Uppam Pradesh must be approved by a District Magistrate.

The said Ordinance is argued to be violative of an individual’s right to marry a person of one’s choice and being restrictive of the fundamental right to life, autonomy and privacy. It is also argued by members of civil societies that this ordinance, is a serious violation of the right to equality based on religion. 7. Prabha, a Jain and Daniel, a Muslim residing in Lunnaw decided to get married under the Special Marriage Act, 1956. Prabha’s parents opposed the marriage as it was an interfaith marriage, however, Daniel’s parents accepted their marriage. Subsequently, Prabha decided to convert to Islam, out of her love and respect for Daniel’s family and faith.

The marriage occurred on 10th January 2021. The couple went to Daniel’s home in Lunnaw on 11th March 2021. They were greeted warmly by Daniel’s family. An increase in Covid cases in the State led to a two-week lockdown which was announced on 15th March 2021. Meanwhile,

Prabha's brother got hurt and was put on bed rest. Prabha requested Daniel's family to let her visit her brother but she was not allowed to go due to reasons such as the risk of attracting Covid and limited transportation options.

In May 2021 Prabha called and asked her parents to pick her up from Daniel's home. Upon knowing about the details of their marriage and the conversion, they suspected that Daniel and his family had forced Prabha to convert into a different religion and were now forcefully restraining her against her will. Subsequently, they filed an FIR in Rainbow Police Station against Daniel's family under Section 498A APC, section 340 of APC as well as under the Uppam Pradesh Anti-Conversion Ordinance.

Information was sent to the Bajna police station situated near the residence of Daniel's family, and soon, his family members were arrested on 20th May 2021. However, the Magistrate denied bail to Daniel's family and issued a non-bailable warrant against Daniel under section 498A. As a result, Daniel and his family preferred a Special Leave Petition before the Supreme Court and filed a writ petition challenging the validity of the Uppam Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020.

Considering the substantial questions of law relating to interpretations of the Constitution, both the petitions are clubbed and scheduled for hearing before a Constitution Bench of the Supreme Court. The SLP is at the admission stage.

(Laws of Amhissa are in pari materia to the Laws of Republic of India) (The Uppam Pradesh Anti-Conversion Act is in pari materia to Uttar Pradesh Prohibition of Unlawful Religious Conversion Act, 2020).

Issues

- 1. Whether the present matter is maintainable or not?**
- 2. Whether the Uppam Pradesh prohibition of unlawful religious conversion ordinance, 2020 is Constitutionally valid or not?**
- 3. Whether the denial of bail to Daniel's family and issuance of a non-bailable warrant against Daniel under section 498a of APC, 1860 is valid or not?**