

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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**CIVIL MISC. (STAY) APPLICATION NO. \_\_\_\_\_ OF 2020**  
(Under Chapter XXII Rule 1, High Court Rules, 1952)

On behalf of Petitioner  
IN

**WRIT PETITION (PIL) NO. \_\_\_\_\_ OF 2020**  
(Under Article 226 of the Constitution of India)

**DISTRICT: PRAYAGRAJ**

**Saurabh Kumar**, S/o. Pawan Kumar, R/o. H.No. 5/9, Clive  
Road, Civil Lines, Prayagraj.

.....Petitioner

*Versus*

1. **State of Uttar Pradesh** through the Secretary, Home Department, Government of U.P., Lucknow.
2. **Department of Justice (Nyaya Vibhag)**, through its Secretary, Government of U.P., Secretariat – Lucknow.

.....Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges  
of the aforesaid Court.

The humble application of the above-named petitioner **Most Respectfully** showeth as under: -

1. That the full facts and circumstances of the case have been stated in the paragraphs of the Writ Petition and its Annexures and Affidavit, which are the part of this application; and it is in the interest of justice that this Hon'ble Court may kindly be pleased to allow the present application of the Applicant/Petitioner; otherwise, the Applicant/Petitioner shall suffer irreparable loss and injury.
2. That in the facts and circumstances of the case, it is expedient and necessary that this Hon'ble Court may stay the effect and operation of the impugned Ordinance promulgated by the Hon'ble Governor of Uttar Pradesh on 27.11.2020, namely, "**Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**"; AND/OR may further Pass an *ad interim mandamus* directing the respondents not to take any

coercive action in pursuance of the impugned ordinance dated 27.11.2020, in cases of conversion by marriage or for the purpose thereof, as aforesaid; AND/OR to pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances in the case.

**PRAYER**

It is therefore most respectfully prayed that during the pendency of this Writ Petition, this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned Ordinance promulgated by the Hon'ble Governor of Uttar Pradesh on 27.11.2020, namely, "**Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**"; AND/OR may further be pleased to pass an *ad interim mandamus* directing the respondents not to take any coercive action in pursuance of the impugned ordinance dated 27.11.2020, in cases of conversion by marriage or for the purpose thereof, aforesaid; AND/OR to pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances in the case.

**Date:** 10/12/2020



**DEVESH SAXENA**  
**Advocate**

**SHASHWAT ANAND**  
**Advocate**

**VISHESH RAJVANSHI**  
**Advocate**

**COUNSEL FOR THE PETITIONER**

A/D0757/18	A/S0638/2018	A/V0359/2019
Chamber No. 4, High Court, Allahabad	Chamber No. 4, High Court, Allahabad	Chamber No. 68, High Court, Allahabad
Mob. No. 7785821077	Mob. No. 7355303659	Mob. No. 7607696969

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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CIVIL WRIT PETITION (P.I.L.) NO. \_\_\_\_\_ of 2020

(Under Article 226 of the Constitution of India)

**DISTRICT: PRAYAGRAJ****Saurabh Kumar,**

.....Petitioner

*Versus*

1. **State of Uttar Pradesh** through the Secretary, Home Department, Government of U.P., Lucknow.
2. **Department of Justice (Nyaya Vibhag)**, through its Secretary, Government of U.P., Secretariat – Lucknow.

.....Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of the aforesaid Court.

The humble petition of the above-named petitioner **Most Respectfully** showeth as under: -

1. That this is first Writ Petition being filed in the nature of Public Interest Litigation (P.I.L.) before this Hon'ble Court under Article 226 of the Constitution of India for the public cause/reliefs prayed hereunder the heading 'Prayer'.
2. That the petitioner has not received any Caveat from any of the respondents.
3. That the petitioner has not filed any such petition before this Hon'ble Court or before of this Hon'ble Court at Lucknow.
4. That the petitioner declares that the petitioner has no personal or private interest in the instant matter and there is no authoritative pronouncement of Hon'ble Supreme Court or this Hon'ble Court on the question involved in this matter.
5. That the result of litigation will not lead to any undue gain to the petitioner or to anyone associated with him or any loss to any person, body of person or the state.

6. That by the way of present PIL the petitioner is seeking a writ, order or direction of appropriate nature declaring the provisions of the Ordinance promulgated by the Hon'ble Governor of Uttar Pradesh on 27.11.2020, namely, "**Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**" as *ultra vires* the Constitution of India.
7. That petitioner is a public-spirited citizen of India and a social activist, along with, being a duly enrolled advocate bearing registration no. UP8539/2017 and AOR No. A/S1050/2018.
8. That brief facts giving rise to the present Public Interest Litigation are enumerated hereinbelow.
9. That on **31.10.2020**, Hon'ble Chief Minister of Uttar Pradesh, Shri Yogi Adityanath declared in his campaign during the Malhani Bypoll in District Jaunpur that his government would bring an "effective law" against "love jihad", a slur politically used by the Hindu right-wing to target inter-faith relationships and marriages involving a Muslim man.
10. That further the Hon'ble Chief Minister also issued a "warning" to those who "played with the honour" of "sisters and daughters" by concealing their identities and operating secretly, and further issued a threat that if they did not mend their ways, then their "Ram Naam Satya Yatra" (funeral processions) would be taken out. A true photocopy of the news report published in The Hindu newspaper on 31.10.2020 is being annexed herewith and marked as **ANNEXURE NO. 1** to this petition.
11. That the Hon'ble Chief Minister had also referred to the ruling of this Hon'ble Court in **Priyanshi @ Km. Shamren and others v. State of U.P. and Another [Writ C No. 14288 of 2020]**, wherein a single Judge bench of Hon'ble Court had dismissed a writ petition seeking police protection filed by a married couple after observing that the girl was a Muslim by birth and she had converted her religion to Hinduism, just a month before the marriage was solemnized.
12. That notably, the Court in the aforesaid judgment referred to another single Judge bench judgment in **Noor Jahan Begum @ Anjali Mishra & Anr. v. State of U.P. & Ors. [Writ C No.**

**57068 of 2014**], in which it was observed that conversion just for the purpose of marriage is unacceptable.

- 13.** That however, a Division Bench of this Hon'ble Court on 11.11.2020 delivered a judgment in **Salamat Ansari & 3 ors. v. State of U.P. and ors. [Cri. Misc. Writ Petition No. 11367 of 2020]** wherein it held that the judgments in **Noor Jahan** (Supra) and **Priyanshi** (Supra) are not laying down good law. The Hon'ble Court observed that,

*"None of these judgments dealt with the issue of life and liberty of two matured individuals in choosing a partner or their right to freedom of choice as to with whom they would like to live."*

- 14.** That in this important ruling, the Allahabad High Court specifically observed that,

*"Right to live with a person of his/her choice irrespective of religion professed by them, is intrinsic to right to life and personal liberty."*

That importantly, the Bench of Hon'ble Justice Pankaj Naqvi and Hon'ble Justice Vivek Agarwal, remarked,

*"We fail to understand that if the law permits two persons even of the same sex to live together peacefully then neither any individual nor a family nor even the state can have an objection to the relationship of two major individuals who out of their own free will are living together."*

A true copy of the judgment dated 11.11.2020 passed in **Salamat Ansari & 3 ors. v. State of U.P. and ors. [Cri. Misc. Writ Petition No. 11367 of 2020]** is being annexed herewith and marked as **ANNEXURE NO. 2** to this petition.

- 15.** That however, on **24.11.2020**, following the statements of the Chief Minister Yogi Adityanath about the yet to be verified conspiracy theories regarding 'love jihad', the Uttar Pradesh Cabinet gave its nod to the draft ordinance; and further on **27.11.2020**, the Governor of Uttar Pradesh, promulgated the **Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 (Uttar Pradesh Vidhi Viruddh Dharm Samparivartan Pratishedh Adhyadesh, 2020)**

(hereinafter referred as 'Ordinance'). A true copy of the Ordinance dated 27.11.2020 is being annexed herewith and marked as **ANNEXURE NO. 3** to this petition.

**16.** The Preamble to the Ordinance reads as follows –

*"To provide for prohibition of unlawful conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurements or by any fraudulent means **or by marriage** and for the matters connected therewith or incidental thereto."*

**17.** That it is humbly submitted that the aforesaid Ordinance is both morally and constitutionally repugnant.

**18.** That the aforesaid Ordinance requires every religious conversion to be scrutinized and certified by the state. The very concept of forcing an individual to explain and justify a decision, which is closely personal to him/her, before an officer of the State is contrary to Constitutionalism. The Constitution imposes limitations on State power and burdens the State to explain and justify the decisions taken by it affecting the rights and lives of citizens. The Ordinance inverts this equation.

**19.** That **Section 3** of the Ordinance prohibits one person from converting the religion of another person by marriage. In other words, religious conversion **by marriage** is made unlawful. Violation of this provision is punishable with imprisonment for a term which is not less than one year but which may extend up to 5 years and a fine of minimum rupees fifteen thousand. If the person converted happens to be a woman, the punishment is double the normal term and fine.

**20.** That the said offence is made cognizable and non-bailable. **Section 4** enables any person related to the converted person by blood or marriage or adoption to lodge an FIR against the conversion. Further, **Section 6** empowers Courts to declare any marriage as void if it is done for the sole purpose of unlawful conversion or if unlawful conversion is done for the sole purpose of marriage.

21. That it is submitted that these provisions giving State policing powers over a citizen's choice of life-partner or religion militate against the fundamental rights to individual autonomy, privacy, human dignity and personal liberty guaranteed under Article 21 of the Constitution.
22. That moreover, it is humbly submitted the aforesaid provisions, *inter alia*, are antithetical to the law laid down by the afore-mentioned Division Bench judgment dated 11.11.2020 passed by this Hon'ble Court in **Salamat Ansari & 3 ors. v. State of U.P. and ors. [Cri. Misc. Writ Petition No. 11367 of 2020]**, wherein it was held that, "*Right to live with a person of his/her choice irrespective of religion professed by them is intrinsic to right to life and personal liberty. Interference in a personal relationship, would constitute a serious encroachment into the right to freedom of choice of the two individuals..... Neither any individual nor a family nor even the state can have an objection to the relationship of two major individuals who out of their own free will are living together.*"
23. That further it is submitted that, the Ordinance assumes a 'tone-deaf' position to this latest ruling of the High Court, which is in line with the expansive meaning given to 'personal liberty' by the Supreme Court in its decisions in **K. S. Puttaswamy** (privacy case), **Navtej Johar** (decriminalization of Section 377IPC), **Joseph Shine** (decriminalization of adultery), **Shefin Jahan** (Kerala Hadiya case) and **Shakti Vahini** (Khap Panchayat) cases.
24. That in the case of **Shefin Jahan v. Asokan K.N. [(2018) 16 SCC 368]**, the Supreme Court held that the right to change of faith is part of fundamental right of choice. "*The consent of the family or the community or the clan is not necessary once the two adult individuals agree to enter into a wedlock*", observed the top court while issuing directions to curb Khap Panchayat interferences in marriages.
25. That in the case of **Justice K.S. Puttaswamy and Ors. vs. Union of India (UOI) and Ors. [2017 10 SCC 1]** while upholding the right to privacy as a fundamental right, the Hon'ble Supreme Court said :

*"Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy. Privacy protects heterogeneity and recognises the plurality and diversity of our culture."*

- 26.** That it is humbly submitted that the Ordinance leads to an unreasonable intrusion into the domain of a personal autonomy. The provisions mandate an advance notice of a 60 days to the District Magistrate before the intended conversion, which is to be followed by a police enquiry into the circumstances of conversion. The religious priest doing the conversion is also required to give such prior notification. After the conversion, the person has to appear before the District Magistrate for confirmation. The authority will notify the conversion and will invite public objections, before confirming the conversion.
- 27.** That it is humbly submitted that obligation to seek permission for conversion two months in advance is fundamentally arbitrary and a violation of the 'right to privacy'. The state has no role to play in the personal choice of individuals in consummating a union and embracing the religion of the partner. The state can certainly regulate acts of forced conversion but the starting point of such regulation has to be a complaint made by the individual who opts to convert. In most of these cases, it is the parents who complain that their daughter has been fraudulently enticed into a relationship and is a victim of forced conversion. This makes the Ordinance an instrument of harassment in situations where interfaith marriages are voluntary.
- 28.** That it is humbly submitted that these provisions have the potential to give state sanction and administrative support to the societal hostilities which persons intending to have inter-faith marriages face. Numerous petitions filed in High Courts seeking police protection for inter-faith couples denote the level of community threat and social ostracism which they have to face. The provisions of the Ordinance energize the

community groups and reinforce the social asymmetries to further dis-empower an individual.

- 29.** That at this juncture, an observation made by the Supreme Court in the case of **Joseph Shine vs. Union of India [2019 3 SCC 39]** is significant:

*"The right to privacy depends on the exercise of autonomy and agency by individuals. In situations where citizens are disabled from exercising these essential attributes, Courts must step in to ensure that dignity is realised in the fullest sense".*

- 30.** That the right to choose life partner is a facet of right to privacy, as held in the **Puttaswamy** judgment (supra). In that judgment, the top court explained that an invasion of right to privacy by the State must meet a threefold requirement to pass the Constitutional muster:

- *Legality*, which postulates the existence of law.
- *Need*, defined in terms of legitimate social need.
- *Proportionality*, which ensures a rational nexus between the objects and the means adopted to achieve them.

- 31.** That arguably, while the passing of the Ordinance could satisfy the first condition of 'legality', the State action falters when it comes to the tests of 'need' and 'proportionality'.

- 32.** That it is beyond one's understanding as to what were those compelling circumstances which forced the State to bring this law using emergency executive powers when 'love jihad' remains merely a concept with only blurred contours, as it simply crops up from religious stereotypes being devoid of any factual evidence.

- 33.** That going by the public statements of the Chief Minister of Uttar Pradesh, the need for the law was to control the cases of 'love-jihad', a term used to discredit marriages between Muslim men and Hindu women as concerted efforts to cause conversion using the pretext of love. However, there is no factual foundation for the public utterances about 'love-jihad'.

- 34.** That it is pertinent to state here that shortly before the passing of the Ordinance, a Special Investigation Team of Kanpur police had submitted a report ruling out organized conspiracy

behind the cases of inter-faith marriages which were put under scanner. The Kanpur police said they have found no evidence of a foreign conspiracy or an organized effort in the case of Hindu-Muslim romances. Even the National Investigation Agency could not unearth any conspiracy behind inter-faith marriages in the probe launched in the wake of Hadiya case. Recently, the Ministry of Home Affairs told the Parliament that no such case has been reported by any central agency. Further, there seems to be absolutely no data on 'love jihad' available with any government agency or department. A true copy of the news reports published in NDTV website on 23.11.2020 and 04.02.2020 and also news report published in Hindustan Times on 18.10.2018 are being annexed herewith and marked collectively as **ANNEXURE NO. 4** to this petition.

- 35.** That further the Ordinance appears to be facially neutral as it does not specify any particular religious community. But a provision of law cannot be viewed as operating in isolation from its social, political and cultural context. The Ordinance has to be understood in the light of the 'love jihad' remarks of the Chief Minister of Uttar Pradesh, though it does not use the term expressly.
- 36.** That hence it can be safely stated here that the Ordinance merely serves a political purpose and is motivated by communally divisive agendas which is set to impact the societal peace and harmony. The issue is emotive and seeks to divide communities. It is yet another way to polarise our polity and reaping electoral dividends.
- 37.** That further it is humbly submitted here that the effect of such a law will be to bring a shadow of criminality over every inter-faith marriages. The law empowers disgruntled family members to slap criminal cases on couples who got married defying their diktats. Since, as per **Section 12**, the Ordinance reverses the burden of proof by forcing the accused to prove innocence in trial, complaints could be prosecuted at the mere *ipse dixit* of the infuriated family members even without any evidence.

38. That therefore, the law will lead to a grossly disproportionate result by terrorizing inter-faith couples and by deterring such marriages.
39. That arguably the practice of converting religion just for the sake of marriage might at worst be termed as “ethically objectionable”, however, the same cannot be criminalised. The penal provisions of the Ordinance against conversions for marriage militate against the core concepts of criminal jurisprudence.
40. In the case of **Navtej Singh Johar and Ors. vs. Union of India (UOI) and Ors. [2018 10 SCC 1]** where Hon’ble Supreme Court decriminalized homosexuality, it had discussed the jurisprudence of criminal law. The rational bedrock of criminal law was identified as "the harm principle" as propounded by J. S. Mill, which permits punitive action on a citizen only to prevent real and tangible harm to another. The harm principle restricts criminal law from penalising conduct merely on the basis of its perceived immorality or unacceptability when the same is not harmful.
41. In the **Joseph Shine** (Supra) case, while decriminalizing adultery, the Hon’ble Supreme Court observed:
- "The element of public censure, visiting the delinquent with penal consequences, and overriding individual rights, would be justified only when the society is directly impacted by such conduct. In fact, a much stronger justification is required were an offence is punishable with imprisonment.*
- The State must follow the minimalist approach in the criminalization of offences, keeping in view the respect for the autonomy of the individual to make his/her personal choices".*
42. That therefore it is humbly submitted that, the Ordinance defies the underlying principles laid down by the Hon’ble Supreme Court in plethora of landmark cases, and it further fails to justify the need and compelling grounds which led to its formation, and it also fails the test of proportionality.
43. That moreover, there have been a slur of cases cropping up where the police is registering cases under the aide of the

Ordinance dated 27.11.2020 without even checking the veracity of the claims or allegations in a complete mechanical and arbitrary manner, and the same should not be permissible in the eyes of law. To highlight a few such cases, true copy of news reports published in The Hindu newspaper on 29.11.2020 and in Times of India newspaper on 03.12.2020 are being attached herewith and marked as **ANNEXURE NO. 5** to this petition.

44. That therefore, this Ordinance gives a licence to the police authorities to terrorise and harass the inter-faith couples who want to exercise their right to marry according to their choice, in the guise unfounded radical theories of 'love jihad'.
45. That the said ordinance has been passed and is being implemented in much haste and reckless manner without ensuring that the same does not curb one's Fundamental Rights or hamper the national integration instead. This ordinance has completely failed to strike a balance between freedoms and mala fide conversions.
46. That a marriage between two people is totally personal to them. In cases of differences, either of them can opt out of the marriage. In addition, the person victimised is free to allege use of force, coercion, fraud, undue influence or misrepresentation against the other. In the absence of any of these, it is unthinkable that the law mandates a person who voluntarily embraces another religion to seek permission to prove that the decision was not actuated by any of those elements.
47. That it was held by the Hon'ble Supreme Court in the case of **Shefin Jahan** (supra) that, "*..the strength of our Constitution lies in its acceptance of the plurality and diversity of our culture. Intimacies of marriage, including the choices which individuals make on whether or not to marry and on whom to marry, lie outside the control of the state. Courts as upholders of constitutional freedoms must safeguard these freedoms.*"
48. That the law which seeks to preserve the power asymmetries in the existing social hierarchies negates the concept of transformative constitution by pressurizing an individual to surrender the fundamental right to personal liberty before the

State-supported status quo. More dangerously, the law acts as a vehicle for a divisive agenda by fanning communal passions, and every citizen who swears by the Constitution ought to denounce it.

- 49.** That therefore, provisions of the Ordinance dated 27.11.2020 are completely arbitrary, perverse, unreasonable and erroneous in law, besides being violative of principles of Article 14, 19, 21 and 25 of the Constitution of India and thus, the same should be declared ultra-vires the constitution.
- 50.** That therefore, in view of the aforesaid facts and circumstances it is expedient and necessary in the interest of the justice that during the pendency of this writ petition, this Hon'ble Court may stay the effect and operation of the impugned Ordinance promulgated by the Hon'ble Governor of Uttar Pradesh on 27.11.2020, namely, "**Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020**"; AND/OR may further Pass an *ad interim mandamus* directing the respondents not to take any coercive action in pursuance of the impugned ordinance dated 27.11.2020, in cases of conversion by marriage or for the purpose thereof, aforesaid; AND/OR to pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances in the case.
- 51.** That there is no efficacious and speedy remedy is available except to approach this Hon'ble Court for filing the present writ petition under Article 226 of the Constitution of India. The present petition has been filed on the following among other grounds:

#### **GROUND**

- A.** BECAUSE, the Ordinance dated 27.11.2020 is both morally and constitutionally repugnant.
- B.** BECAUSE, aforesaid Ordinance requires every religious conversion to be scrutinized and certified by the state. The very concept of forcing an individual to explain and justify a decision, which is closely personal to him/her, before an officer of the State is contrary to Constitutionalism. The Constitution imposes limitations on State power and burdens

the State to explain and justify the decisions taken by it affecting the rights and lives of citizens. The Ordinance inverts this equation.

- C.** BECAUSE, the provisions of the Ordinance giving State policing powers over a citizen's choice of life-partner or religion militate against the fundamental rights to individual autonomy, privacy, human dignity and personal liberty guaranteed under Article 21 of the Constitution.
- D.** BECAUSE, the provisions, *inter alia*, are contrary to the principles laid down by the afore-mentioned Division Bench judgment dated 11.11.2020 passed by this Hon'ble Court in **Salamat Ansari & 3 ors. v. State of U.P. and ors. [Cri. Misc. Writ Petition No. 11367 of 2020]**.
- E.** BECAUSE, the Ordinance leads to an unreasonable intrusion into the domain of a personal autonomy. The obligation to seek permission for conversion two months in advance is fundamentally arbitrary and a violation of the 'right to privacy'. The state has no role to play in the personal choice of individuals in consummating a union and embracing the religion of the partner. The state can certainly regulate acts of forced conversion but the starting point of such regulation has to be a complaint made by the individual who opts to convert. In most of these cases, it is the parents who complain that their daughter has been fraudulently enticed into a relationship and is a victim of forced conversion. This makes the Ordinance an instrument of harassment in situations where interfaith marriages are voluntary.
- F.** BECAUSE, the provisions contained in the Ordinance have the potential to give state sanction and administrative support to the societal hostilities which persons intending to have inter-faith marriages face. Numerous petitions filed in High Courts seeking police protection for inter-faith couples denote the level of community threat and social ostracism which they have to face. The provisions of the Ordinance energize the community groups and reinforce the social asymmetries to further dis-empower an individual.
- G.** BECAUSE, it is beyond one's understanding as to what were those compelling circumstances which forced the State to

bring this law using emergency executive powers when 'love jihad' remains merely a concept with only blurred contours, as it simply crops up from religious stereotypes being devoid of any factual evidence.

- H.** BECAUSE, the Ordinance merely serves a political purpose and is motivated by communally divisive agendas which is set to impact the societal peace and harmony. The issue is emotive and seeks to divide communities. It is yet another way to polarise our polity and reaping electoral dividends.
- I.** BECAUSE, the effect of such a law will be to bring a shadow of criminality over every inter-faith marriages. The law empowers disgruntled family members to slap criminal cases on couples who got married defying their diktats. Since, as per **Section 12**, the Ordinance reverses the burden of proof by forcing the accused to prove innocence in trial, complaints could be prosecuted at the mere *ipse dixit* of the infuriated family members even without any evidence.
- J.** BECAUSE, law will lead to a grossly disproportionate result by terrorizing inter-faith couples and by deterring such marriages.
- K.** BECAUSE, arguably the practice of converting religion just for the sake of marriage might at worst be termed as “ethically objectionable”, however, the same cannot be criminalised. The penal provisions of the Ordinance against conversions for marriage militate against the core concepts of criminal jurisprudence.
- L.** BECAUSE, the Ordinance defies the underlying principles laid down by the Hon’ble Supreme Court in plethora of landmark cases, and it further fails to justify the need and compelling grounds which led to its formation, and it also fails the test of proportionality.
- M.** BECAUSE, there have been a slur of cases cropping up where the police is registering cases under the aide of the Ordinance dated 27.11.2020 without even checking the veracity of the claims or allegations in a complete mechanical and arbitrary manner, and the same should not be permissible in the eyes of law.

- N.** BECAUSE, this Ordinance gives a licence to the police authorities to terrorise and harass the inter-faith couples who want to exercise their right to marry according to their choice, in the guise unfounded radical theories of 'love jihad'.
- O.** BECAUSE, the said ordinance has been passed and is being implemented in much haste and reckless manner without ensuring that the same does not curb one's Fundamental Rights or hamper the national integration instead. This ordinance has completely failed to to strike a balance between freedoms and mala fide conversions.
- P.** BECAUSE, a marriage between two people is totally personal to them. In cases of differences, either of them can opt out of the marriage. In addition, the person victimised is free to allege use of force, coercion, fraud, undue influence or misrepresentation against the other. In the absence of any of these, it is unthinkable that the law mandates a person who voluntarily embraces another religion to seek permission to prove that the decision was not actuated by any of those elements.
- Q.** BECAUSE, the law which seeks to preserve the power asymmetries in the existing social hierarchies negates the concept of transformative constitution by pressurizing an individual to surrender the fundamental right to personal liberty before the State-supported status quo. More dangerously, the law acts as a vehicle for a divisive agenda by fanning communal passions, and every citizen who swears by the Constitution ought to denounce it.

#### **PRAYER**

In the light of facts and circumstances mentioned above, it is humbly prayed that this Hon'ble Court may graciously be pleased to:

1. To pass any writ, order or direction of appropriate nature declaring the provisions of the Ordinance promulgated by the Hon'ble Governor of Uttar Pradesh on 27.11.2020, namely, **“Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020”** as *ultra vires* the Constitution of India;
2. To pass any such other and further reliefs as this Hon'ble Court may deem fit and proper in the peculiar circumstances of this case to meet the ends of justice.

**Date:** 10/12/2020

**DEVESH SAXENA**

**Advocate**

**SHASHWAT ANAND**

**Advocate**

**VISHESH RAJVANSHI**

**Advocate**

**COUNSEL FOR THE PETITIONER**

A/D0757/18

A/S0638/2018

A/V0359/2019

Chamber No. 4, High  
Court, Allahabad

Chamber No. 4, High  
Court, Allahabad

Chamber No. 68, High  
Court, Allahabad

Mob. No. 7785821077

Mob. No. 7355303659

Mob. No. 7607696969