

Court No. - 73

WWW.LIVELAW.IN

Case :- WRIT - C No. - 11800 of 2021

Petitioner :- Smt. Asma And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Jai Prakash Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Siddharth,J.

As per Resolution dated 07.04.2021 of the Committee of this Court for the purpose of taking preventive and remedial measures and for combating the impending threat of Covid-19, this case is being heard by way of virtual mode.

Heard learned counsel for the petitioners and learned Standing counsel for the respondent nos. 1, 2 & 3 through video conferencing.

The petitioner no.1 is the Muslim by religion and petitioner no.2 is Hindu, both claim that they have married as per Hindu Marriage rites. There is no evidence of conversion of petitioner no.1 to Hindu religion. Without conversion to Hindu religion the marriage of the petitioners cannot be said to be in accordance with law.

They have applied for online registration of their marriage but in view of the Section 8 and 9 of the **Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance 2020 (Uttar Pradesh Vidhi Viruddh Dharm Samparivartan Pratishedh Adhyadesh 2020)**, the conversion of the petitioner no.2 is not to be in accordance with law, therefore no relief can be granted to the petitioners. There is no compliance of the aforesaid Sections and the conversion of the petitioner no. 2 from Islamic religion to Hindu religion is in contravention to the aforesaid ordinance which has now been made a Bill. The Section 8 & 9 of the aforesaid ordinance are as follows:

"8 (1) One who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-1 at least sixty days in advance to the District Magistrate or the Additional District Magistrate specially authorized by District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement.

(2) The religious convertor, who performs conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice in the form prescribed in Schedule-II of such conversion, to the District Magistrate or any other officer not below the rank of Additional District Magistrate appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.

(3) The District Magistrate, after receiving the information under sub-sections (1) and (2), shall get an enquiry conducted through police with regard to real intention, purpose

and cause of the proposed religious conversion.

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(4) Contravention of sub-section (1) and/or sub-section (2) shall have the effect of rendering the proposed conversion, illegal and void.

(5) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months, but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(6) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment for a term which shall not be less than one year, but may extend to five years and shall also be liable to fine which shall not be less than rupees twenty five thousand.

9. (1) The converted person shall send a declaration in the form prescribed in Schedule-III within sixty days of the date of conversion, to the District Magistrate of the District in which converted person resides ordinarily.

(2) The District Magistrate shall exhibit a copy of the declaration on the notice board of the office till the date of confirmation.

(3) The said declaration shall contain the requisite details, i.e. the particulars of the convert such as date of birth, permanent address, and the present place of residence, father's/husband's name, the religion to which the convert originally belonged and the religion to which he has converted, the date and place of conversion and nature of process gone through for conversion.

(4) The converted individual shall appear before the District Magistrate within 21 days from the date of sending/filing the declaration to establish her/his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the factum of declaration and confirmation in a register maintained for this purpose. If any objections are notified, he may simply record them, i.e., the name and particulars of objectors and the nature of objection.

(6) Certified copies of declaration, confirmation and the extracts from the register shall be furnished to the parties, who gave the declaration to his/her authorized legal representative on his/her request.

(7) The contravention of sub-sections (1) to (4) shall have the effect of rendering the said conversion illegal and void."

In view of the above, no relief can be granted to the petitioners.

This writ petition is devoid of merits and is accordingly dismissed.

Order Date :- 25.6.2021

Rahul.

Court No. - 73

WWW.LIVELAW.IN

Case :- WRIT - C No. - 10459 of 2021

Petitioner :- Smt. Hunaina And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Manish Kumar Singh, Pavan Kishore

Counsel for Respondent :- C.S.C.

Hon'ble Siddharth, J.

As per Resolution dated 07.04.2021 of the Committee of this Court for the purpose of taking preventive and remedial measures and for combating the impending threat of Covid-19, this case is being heard by way of virtual mode.

Heard learned counsel for the petitioners and learned Chief Standing counsel for the respondent nos. 1, 2 & 3 through video conferencing.

The petitioner No. 1 & 2 belong to different religions. It has been stated in the writ petition that Petitioner No. 1 is Muslim and Petitioner No. 2, Vivek Saini who is Hindu has adopted religion of Islam on 05.03.2021. A certificate of acceptance of religion of Islam by Petitioner No. 2, signed by Kazi dated 05.03.2021 has been brought on record in support of the aforesaid statement by way of Annexure No. 3. Thereafter, the petitioners have entered into Nikah.

In view of the Section 8 & 9 of the ***Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance 2020 (Uttar Pradesh Vidhi Viruddh Dharm Samparivartan Pratishedh Adhyadesh 2020)***, the marriage of the petitioner no. 2 with petitioner no. 1 is illegal. The certificate of Kazi is of no consequence in view of the above ordinance. There is no compliance of the aforesaid Sections and the conversion of the petitioner no. 2 from Hindu religion to Islamic religion is in contravention to the aforesaid ordinance which has now been made a Bill. The Section 8 & 9 of the aforesaid ordinance are as follows:

"8 (1) One who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-1 at least sixty days in advance to the District Magistrate or the Additional District Magistrate specially authorized by District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement.

(2) The religious convertor, who performs conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice in the form prescribed in Schedule-II of such conversion, to the District Magistrate or any other officer not below the rank of Additional District Magistrate appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.

(3) The District Magistrate, after receiving the information under sub-sections (1) and (2), shall get an enquiry conducted through police with regard to real intention, purpose and cause of the proposed religious conversion.

(4) Contravention of sub-section (1) and/or sub-section (2) shall have the effect of rendering the proposed conversion, illegal and void.

(5) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months, but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(6) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment for a term which shall not be less than one year, but may extend to five years and shall also be liable to fine which shall not be less than rupees twenty five thousand.

9. (1) The converted person shall send a declaration in the form prescribed in Schedule-III within sixty days of the date of conversion, to the District Magistrate of the District in which converted person resides ordinarily.

(2) The District Magistrate shall exhibit a copy of the declaration on the notice board of the office till the date of confirmation.

(3) The said declaration shall contain the requisite details, i.e. the particulars of the convert such as date of birth, permanent address, and the present place of residence, father's/husband's name, the religion to which the convert originally belonged and the religion to which he has converted, the date and place of conversion and nature of process gone through for conversion.

(4) The converted individual shall appear before the District Magistrate within 21 days from the date of sending/filing the declaration to establish her/his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the factum of declaration and confirmation in a register maintained for this purpose. If any objections are notified, he may simply record them, i.e., the name and particulars of objectors and the nature of objection.

(6) Certified copies of declaration, confirmation and the extracts from the register shall be furnished to the parties, who gave the declaration to his/her authorized legal representative on his/her request.

(7) The contravention of sub-sections (1) to (4) shall have the effect of rendering the said conversion illegal and void.

In view of the above, no relief can be granted to the petitioners.

This writ petition fails and is accordingly dismissed.

Order Date :- 25.6.2021

VPS

Court No. - 73

WWW.LIVELAW.IN

Case :- WRIT - C No. - 11798 of 2021

Petitioner :- Smt. Kareena @ Pooja And Another

Respondent :- State Of U.P. And 3 Others

**Counsel for Petitioner :- Sarvesh Chandra Mishra, Vikas
Tripathi**

Counsel for Respondent :- C.S.C.

Hon'ble Siddharth, J.

As per Resolution dated 07.04.2021 of the Committee of this Court for the purpose of taking preventive and remedial measures and for combating the impending threat of Covid-19, this case is being heard by way of virtual mode.

Heard learned counsel for the petitioners and learned Standing counsel for the respondent nos. 1, 2 & 3 through video conferencing.

The petitioner no.1 is the Muslim by religion and petitioner no.2 is Hindu. It has been stated in Paragraph No.5 of the writ petition that the petitioner no.1 has converted to Hindu religion and the certificate by some Sansakar Adhikari of Arya Samaj has been issued in this regard. They have got married on 27.02.2021 and a certificate has been issued by the Sanskar Adhikari.

In view of the Section 8 & 9 of the **Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance 2020 (Uttar Pradesh Vidhi Viruddh Dharm Samparivartan Pratishedh Adhyadesh 2020)**, the conversion of the petitioner no.1, Smt. Kareena @ Pooja, cannot be held to be legal, therefore no relief can be granted to the petitioners. There is no compliance of the aforesaid Sections and the conversion of the petitioner no. 1 from Islamic religion to Hindu religion is in contravention to the aforesaid ordinance which has now been made a Bill. The Section 8 & 9 of the aforesaid ordinance are as follows:

"8 (1) One who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-1 at least sixty days in advance to the District Magistrate or the Additional District Magistrate specially authorized by District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement.

(2) The religious convertor, who performs conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice in the form prescribed in Schedule-II of such conversion, to the District Magistrate or any other officer not below the rank of Additional District Magistrate appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.

(3) The District Magistrate, after receiving the information under sub-sections (1) and (2), shall get an enquiry conducted through police with regard to real intention, purpose and cause of the proposed religious conversion.

(4) Contravention of sub-section (1) and/or sub-section (2) shall have the effect of rendering the proposed conversion, illegal and void.

(5) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months, but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(6) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment for a term which shall not be less than one year, but may extend to five years and shall also be liable to fine which shall not be less than rupees twenty five thousand.

9. (1) The converted person shall send a declaration in the form prescribed in Schedule-III within sixty days of the date of conversion, to the District Magistrate of the District in which converted person resides ordinarily.

(2) The District Magistrate shall exhibit a copy of the declaration on the notice board of the office till the date of confirmation.

(3) The said declaration shall contain the requisite details, i.e. the particulars of the convert such as date of birth, permanent address, and the present place of residence, father's/husband's name, the religion to which the convert originally belonged and the religion to which he has converted, the date and place of conversion and nature of process gone through for conversion.

(4) The converted individual shall appear before the District Magistrate within 21 days from the date of sending/filing the declaration to establish her/his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the factum of declaration and confirmation in a register maintained for this purpose. If any objections are notified, he may simply record them, i.e., the name and particulars of objectors and the nature of objection.

(6) Certified copies of declaration, confirmation and the extracts from the register shall be furnished to the parties, who gave the declaration to his/her authorized legal representative on his/her request.

(7) The contravention of sub-sections (1) to (4) shall have the effect of rendering the said conversion illegal and void."

In view of the above, no relief can be granted to the petitioners.

This writ petition is devoid of merits and is accordingly dismissed.

Order Date :- 25.6.2021

Rahul.