

SUPREME COURT TO STUDY ANTI-CONVERSION LAWS

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The court fixed a hearing in four weeks.

The petition filed by advocates Vishal Thakre and A.S. Yadav and researcher Pranvesh, who were represented by advocates Sanjeev Malhotra and Pradeep Kumar Yadav, said the laws were against public policy and society at large.

“These laws will create fear in society and become a potent tool in the hands of bad elements to falsely implicate anyone. A grave injustice will be done by the ordinances... They will create a chaotic situation,” it said. A series of Supreme Court verdicts underline that the choice of a life partner, whether by marriage or outside it, was part of an individual’s “personhood and identity”.

The court had said in its Hadiya case judgment, “Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. Neither the State nor the law can dictate a choice of partners or limit the free ability of every person to decide on these matters.”

In the K.S. Puttaswamy case, or ‘privacy,’ judgment, a Constitution Bench said the autonomy of the individual was the ability to make decisions in vital matters of concern to life. Any interference by the State in an adult’s right to love and marry had a “chilling effect” on freedom.

Intimacies of marriage lie within a core zone of privacy, which is inviolable, the court has said. “The absolute right of an individual to choose a life partner is not in the least affected by matters of faith”.

Jamiat-Ulama-i-Hind has sought to be made a party in the case, saying the Uttar Pradesh law violates the fundamental rights of the Muslim youth, who are being targeted and demonised.

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