

## **Laws to Curb ‘Love Jihad’**

### **Why in news?**

Uttar Pradesh and Haryana have proposed to enact a law to curb ‘love jihad’.

### **What is the proposal?**

- This proposal is a vicious mix of patriarchy and communalism.
- The idea was propounded by Uttar Pradesh Chief Minister.
- It legitimises a term that constitutes an obvious insult against inter-faith marriages and relationships in which one of the parties is a Muslim man.
- The reason for bringing in such a law is that the Hindu women are under the threat from Muslim youth seeking to win over girls for religious conversion in the name of marriage.

### **What are the flaws in the concept?**

- There is no legal sanction to political terms such as ‘love jihad’.
- There can be no legislation based on an extra-legal concept.
- In any case, legislative intervention in marriages involving consenting adults will be clearly unconstitutional.

### **What are the governing laws?**

- The domain of matrimony is occupied by separate laws governing weddings that take place under religious traditions, and the Special Marriage Act that enables a secular marriage.
- Under the Special Marriage Act, secular marriage includes inter-faith marriages.

### **What is the reason behind such a proposal?**

- Uttar Pradesh and Haryana Chief Ministers spoke about marriages as if they were not a matter of personal choice.
- Investigation into marriages that purportedly raised such a suspicion also failed to find any substance in the allegations.
- The immediate context for these leaders to curb inter-faith marriages is a recent Allahabad High Court judgment.

### **What is the judgment?**

- The Allahabad High Court's judgment frowned upon religious conversion solely for the purpose of marriage.
- It declined to intervene on a writ petition seeking police protection for a couple, noting that the bride had converted from Islam to Hinduism solely for the purpose of marriage.
- It had found such an expedient conversion unacceptable, citing a similar 2014 verdict.
- The 2014 verdict questioned the bonafides of conversions without change of heart or any conviction in the tenets of the new religion.

### **What does the court's ruling mean?**

- Although the court strayed from the issue at hand, its objective was to underscore that conversion should not become a device.
- It is useful as a principle that inter-faith couples retain their religious beliefs separately and opt for marriage under the Special Marriage Act.
- But, this principle cannot be used to derogate from personal choice.
- Also, it should not be used to interfere in the individual freedom to forge matrimonial alliances.

**Source: The Hindu**

