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

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