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INDIA | Bill Introduced to Restrict Religious Conversion

The Himachal Pradesh Legislative Assembly, on Aug. 30, passed a new bill criminalizing conversion in Himachal Pradesh, India. The bill is an attempt to replicate and extend a law restricting religious conversion, which was introduced in 2006 and later struck down by the High Court of the state.

The new bill extends the reach of the law in criminalizing conversion in the state, adding conversion by “coercion” to the terms of the 2006 law, which criminalized conversion by “fraud,” “force” and “inducement.” The meaning of inducement in the new bill has been amended to signify the “offer of any temptation in the form of any gift or gratification or material benefit, either in cash or kind or employment, free education in reputed school run by any religious body, easy money, better lifestyle, divine pleasure or otherwise.” These terms are loosely worded and lack clear definitions, which leaves them open to misuse.

Under Section 3 of the new bill, there is no crime if a person re-converts to his parent's religion, a term which was not used in the 2006 Act.

The bill specifies a punishment of up to five years in prison, compared to two years under the 2006 law. In the case of marriage to a person belonging to a Scheduled Caste or Tribe, the prison term could be up to seven years, compared to three years under the 2006 law.

The proposed law also includes a new clause under Section 5 which nullifies “any marriage which was done for the sole purpose of conversion by a person of one religion with a person of another religion either by converting himself before or after marriage or by converting the other person before or after marriage.”

Anti-conversion laws are currently enforced in seven states in India. Although they are known as Freedom of Religion Acts, these laws have failed to protect the freedom of a person’s right to practice, profess and propagate his or her religion or belief, as articulated in Article 25 of the Indian Constitution.

John Dayal, an Indian civil rights activist and writer, said, “The Himachal government’s tightening of its law is surprising, as it was when the law was first enacted in 2006.

Himachal Pradesh is situated in the lower Himalayas with small communities living removed from each other. It defies reason to say anyone can be converted by force, fraud or allurements. The concept of any state being called land holy to anyone's God is politically problematic. By extension, religious minorities find themselves isolated and targeted."

CSW's Chief Executive Mervyn Thomas said, "This Bill is a clear expression of the state's intention to restrict the right to freedom of religion or belief. As a multi-ethnic nation made up of diverse religious groups, India must respect the right to freedom of thought, conscience and religion for all people. Citizens must be free from state propagated narratives about the individual's right to choose. We urge the state legislators to reconsider this heavy-handed move which dishonors India's foundational Constitution."