

Bill No. XXXVI of 2023

THE INTERFAITH MARRIAGES BY UNLAWFUL CONVERSION
(PROHIBITION) BILL, 2023

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BILL

*to prohibit interfaith marriages by unlawful conversion and for matters connected
therewith or incidental thereto.*

BE it enacted by the Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Interfaith Marriages by Unlawful Conversion (Prohibition) Act, 2023. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. In this Act, unless the context otherwise requires:— Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

10 66 of 1984. (b) "Family Courts" means the family courts as established under the Family Courts Act, 1984;

(c) "interfaith marriage" means marriage between persons professing different religions;

(d) "offence" means the offence of performing an interfaith marriage for the sole purpose of unlawful conversion, as per section 5 of this Act;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "religion" means any organized system of worship pattern, faith, belief, worship or life-style as prevailing in India or any part of it and defined under any law or custom for the time being in force; 5

(g) "spouse" means either the husband or wife in the interfaith marriage; and

(h) "unlawful conversion" means convert or attempt to convert any person from one's own religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means and is not in accordance with the law of the land. 10

Prohibition of interfaith marriages done for the sole purpose of unlawful conversion.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or ritual of any community, religion, tribe or caste, interfaith marriage, which is done for the sole purpose of unlawful conversion of one spouse, either before or after the marriage, is hereby prohibited. 15

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government shall issue necessary directions for carrying out the purposes of this Act, in such manner as may be prescribed.

Interfaith marriage done for the sole purpose of unlawful conversion or vice-versa to be declared void.

4. Any interfaith marriage, which is done for the sole purpose of unlawful conversion of one spouse, either before or after the marriage, shall be declared void by the Family Court having jurisdiction in the area where such interfaith marriage has taken place, or where Family Court is not established, the Court having jurisdiction to try such case on a petition presented by either party thereto against the other party of the marriage, in such manner as may be prescribed. 20

Offence of performing an interfaith marriage for the sole purpose of unlawful conversion.

5. Whoever performs or takes part in an interfaith marriage which is done for the sole purpose of causing unlawful conversion of one spouse, either before or after the marriage, shall be guilty of having committed an offence of performing an interfaith marriage for the sole purpose of unlawful conversion. 25

Penalty.

6. Notwithstanding anything contained in any other law for the time being in force, whoever commits an offence under this Act, shall on conviction by a Court of Law be punishable with rigorous imprisonment, which shall not be less than five years but which may extend to ten years, and shall also be liable to fine which may extend to one lakh rupees. 30

Parties to the offence.

7. When an offence is committed under this Act, each of the following persons shall be deemed to have taken part in committing the offence and to be guilty of the offence,—

(a) every person who actually does the act which constitutes the offence; 35

(b) every person who aids or abets another person in committing the offence;

(c) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; and

(d) any person who counsels, convinces or procures any other person to commit the offence. 40

Offences to be cognizable and non-bailable.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence committed under this Act shall be cognizable and non-bailable and triable by the Court of Sessions. 5 of 1973.

9. (1) The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Marriage is a part of individual life as well a social issue. Interfaith marriage signifies a marital union wherein the partners belong to different faiths and religions. These marriages usually face difficulties in respect of social involvement, social behaviour, adaptation and acceptance by the families of both spouses as well as the society. Sometimes even the children of interfaith marriages face challenges and exclusion in society. Some religions prohibit interfaith marriages, some are silent on the issue, while others allow it with requirements of ceremony and customs.

Interfaith marriages have recently become a topic of controversy due to the disapproval of relationships/alliances between Hindus and Muslims, where in some cases non-Muslims are required to convert to solemnise the marriage. These incidents have attracted condemnation, harassment and legal action by the involved communities. Such interfaith marriages are seen as an inherent indication of a forced conversion of one of the spouses, mostly women. As per Muslim personal law, in order to get married to a non-Muslim, conversion of religion is the only way. Interfaith marriages in India are registered under the Special Marriage Act, 1954.

In recent years, there have been instances of conversion in the name of interfaith marriages and these instances have caused disturbance and public unrest. The institution of marriage should not be exploited for the sake of unlawful conversion.

Thus, there is an urgent need to contemplate a law in order to prohibit interfaith marriages done for the sole purpose of unlawful conversion. There should also be deterrent punishment for the persons who are responsible for such acts.

Hence, this Bill.

ANIL SUKHDEORAO BONDE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

RAJYA SABHA

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to prohibit unlawful conversion for interfaith marriages and for matters connected
therewith or incidental thereto.

(Dr. Anil Sukhdeorao Bonde, M.P.)