

IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY CIVIL JURISDICTION
WRIT PETITION (CIVIL) NO. 63 OF 2022
ASHWINI KUMAR UPADHYAY V. UNION OF INDIA

WRITTEN SUBMISSIONS ON BEHALF OF THE PETITIONER

1. The petitioner submits that Chapter-XV of the Indian Penal Code 1860 deals with the *Offences Relating to Religion* but there is a vacuum. Injuring or defiling a place of worship, deliberate and malicious act to outrage religious feeling, trespassing on a burial place or hurting religious sentiment etc. are considered as offences relating to religion. However, religious conversion by intimidation, threats, luring through gifts, monetary benefits and by inducement; which are more serious *offences relating to religion* are not covered under Chapter-XV of the IPC. Therefore, many States have become a safe place for foreign funded individuals, NGOs and missionaries to indulge in religious conversion and they have established their offices not only in the border and tribal areas but also in the National Capital Delhi (Okhla, Jamia Nagar, Batla House, Kali Bari Marg etc). In this regard, the petitioner submitted a detailed Representation to the Home Ministry and Law Ministry on 31.08.2022. [**Annexure P-1 of the Application for Direction dated 23.11.2022**]

2. Before submitting the Representation dated 31.8.2022 to Home and Law Ministry, petitioner considered ground realities and discussed about the wrongful conversion with legal experts and social activists. Petitioner studied Constituent Assembly Debates, Anti-Conversion Laws, judgments of the Supreme Court and High Courts, which is not given herein for the sake of brevity, but a list thereof is given below.

- United Declaration on Human Rights 1948 (UDHR)
- International Covenant on Civil and Political Rights 1966 (ICCPR)
- Constituent Assembly Debate dated 6th December 1948
- Articles 14, 15, 21, 25, 26, 27, 28, 29 of the Constitution
- Entry 97 of the Union List of the Seventh Schedule
- Entry 1 of the State List of Seventh Schedule
- Entry 1, 2, 5, 12, 23, 26, 28 of the Concurrent List of Seventh Schedule
- Law Commission Report No-235
- Indian Penal Code 1860
- The Special Marriage Act 1954
- The Hindu Marriage Act 1955
- Code of Criminal Procedure 1973
- Indian Conversion Regulation & Registration Bill 1954
- Backward Communities (Religious Protection) Bill 1960

- Freedom of Religion Bill 1979
- The Orissa Freedom of Religious Act 1967
- Madhya Pradesh Dharma Swatantraya Adhiniyam 1968
- Chhattisgarh Freedom of Religion Act 1968
- Arunachal Pradesh Freedom of Religion Act 1978
- Tamil Nādu Prohibition of Conversion Act 2002, repealed in 2006
- Gujrat Freedom of Religion Act 2003
- Himachal Pradesh Freedom of Religion Act 2006
- Rajasthan Dharma Swantraya Adhiniyam 2008
- Jharkhand Freedom of Religion Act 2017
- Uttarakhand Freedom of Religion Act 2018
- Uttar Pradesh Unlawful Religious Conversion Act 2021
- Perumal Nadar v. Ponnu Swami 1970 (1) SCC 605
- Rev. Stanislaus v. State of Madhya Pradesh 1977 (1) SCC 677
- S. Anbalagan v. B. Devarajan 1984 (2) SCC 112
- Sarala Mudgal v. Union of India 1995 (3) SCC 635
- Lily Thomas v. Union of India 2000 (6) SCC 224
- Girish Kumar Sharma v. State of Uttarakhand HABC No 20/2017
- Sufiyan Sultana v. State of UP 2021 SCC Online 19
- Ram Gopal Tripathi v. Dr Sarabjit Herbert 2003 SCC Online All 550

3. Petitioner submits that Article 14 ensures equality before law and equal protection of laws throughout the country. However, religious conversion by intimidation, threats and deceptively luring through gifts and monetary benefits is an offence in Ghaziabad-Noida but not in adjoining East Delhi. Similarly, religious conversion is an offence in Gurugram-Faridabad but not in adjoining West and South Delhi. This is not only contrary to Articles 14, 25, 26 but is also conflicting with the principles of secularism and rule of law, which are part of the basic structure of the Constitution. Therefore, it is the duty of the Centre to take appropriate steps to prohibit it nationwide.
4. Petitioner submits that women and children are the main target of foreign funded missionaries and conversion groups but the Centre and the States have not taken appropriate steps to control religious conversion in the spirit of Article 15(3). The situation is alarming as many individuals and organizations are carrying mass conversion of socially and economically underprivileged and SCs-STs either by use of force or by allurements thus exploiting their poverty.
5. Petitioner submits that wrongful religious conversion directly offends the right to life, liberty and dignity guaranteed under Article 21. But, due to a legal vacuum, unethical predatory conversion strategies are

commonly used in Delhi to convert socially and economically backward citizens. One method is material enticement by which economic, educational, medical or social assistance is offered on the condition that the person converts; another is the denigration of the person's religion to make a new religion appear superior. A third unethical, predatory method is the promotion of 'bigotry' i.e., knowingly and intentionally promoting religious hatred & violence. Predatory proselytization tears apart the fabric of the communities where it occurs and has led to social disorder and unrest.

- 6.** Petitioner submits that the right to religion guaranteed under **Article 25** is not an absolute right but subject to public order, health and morality. Therefore, religious conversion by using miracles, superstition and black magic is not protected under Article 25. However, due to the outdated ineffective provisions of the IPC in this regard, foreign funded Individuals and NGOs are converting EWS-BPL category citizens to other religions by intimidating, threatening, deceptively luring through gifts and monetary benefits.
- 7.** Petitioner submits that Article 25 gives the right to profess, practice and propagate religion, but not the right to conversion. Article 25 is a protective as well as an enabling provision. On one hand, it secures

right to custom (रीति) and on the other hand, it enables the State to prohibit ill-custom (कुरीति). On one hand, it secures right to tradition (प्रथा) and on the other hand, it permits the State to control ill tradition (कुप्रथा). On one hand it secures right to religion (धर्म) and on the other hand, it empowers the State to control conversion (धर्मांतरण).

- 8.** Petitioner submits that Article 26 gives freedom to manage religious affairs to every religious denomination but it is not an absolute right and subject to public order, health and morality. However, due to Centre and State's enactment, many mosques and churches have become epicentre of black magic, superstition and religious bigotry and the ultimate purpose is to convert economically weaker sections including scheduled castes and scheduled tribes. Likewise, many maulvis and pastors are converting poor people by intimidating, threatening, deceptively luring through gifts and monetary benefits.
- 9.** Article 29 secures the right to culture, custom and tradition of citizen but due to the absence of adequate legal safeguards, this basic right is being seriously violated. Despite massive demands for Central Law, Executive has not taken appropriate steps to amend IPC. Therefore, this Hon'ble Court may intervene and frame suitable guidelines.

10.Article 37 states that the Directive Principles are nevertheless fundamental in the governance of the country and it is the duty of the State to implement them in letter and spirit. However, the State has failed to perform their duty. Article 46 directs the State to protect the SC-ST community from all forms of social injustice and exploitation. Undoubtedly, religious conversion by intimidating, threatening, deceptively luring through gifts and monetary benefits and by using black magic and superstition is an injustice and exploitation.

11.The Centre and States have to: abide by the Constitution and respect its ideals. They must uphold and protect the unity and integrity of India; promote harmony and spirit of brotherhood; renounce practices derogatory to dignity of women; value and preserve rich heritage of composite culture; develop scientific temper, humanism and spirit of inquiry and reform; and strive towards excellence in all individual and collective activities. However, the Centre and States are not taking appropriate steps in the spirit of **Article 51A**.

12. Article 18 of International Covenant on Civil-Political Rights:

Article 18(2) inter-alia states: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." Article 18(3) states: "Freedom to manifest one's religion

or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedom of others.”

13. The 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief:

Article 1(2) states: *“No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.”* It carries a significant influence as it is entirely devoted to religious freedom.

14. On 17.01.1977 in **Rev. Stanislaus Case [(1977) 6 SCC 677]**, the Supreme Court had held that State can prohibit deceitful religious conversion by use of force or allurement or fraudulent means.

15. On 10.5.1995, in **Sarla Mudgal Case [(1995) 3 SCC 635]** the Court had directed the Centre to ascertain the feasibility of enacting Anti Conversion Law but Centre did nothing. Petitioner submits that due to appeasement politics, Executive has not taken steps to control deceitful religious conversion. Therefore, the Court is the only hope.

16. The Law Commission of India in Report No-235 (Conversion and reconversion to another religion), after considering several judgments of the Supreme Court and of different High Courts observed that for converting into Hinduism no specific ceremony or

documentary evidence is required. After considering all the relevant laws, provisions of the Constitution and the ground reality, there is a need to frame strict laws against conversions by use of force, fraud, allurements, charity or by any other means and such persons must be dealt with strict penal provisions and religious identity and sanctity of the indigenous people of India must be protected and restored.

17. Petitioner submits that **Chapter-XV of the Indian Penal Code** deals with the offences relating to religion. Therefore, religious conversion by the above-mentioned wrongful methods can be prohibited by inserting **Section 296A** and **Section 298A** in Chapter-XV of the IPC. Likewise, **Section 375A**, **Section 409A** and **Section 493A** can be inserted in the IPC to prohibit religious conversion by intimidating, threatening and deceptively luring through gifts and monetary benefits as well as by using black magic and superstition.

18. Petitioner submits that there is massive foreign funding through Money Laundering and FCRA to NGO and Individuals from Gulf and West Countries to convert Indians. Although, Centre has cancelled the FCRA license of few NGOs but neither it amended the FCRA, Money Laundering Act, Benami Property Act and Black Money Act nor it changed the VISA Rules for religious preachers and missionaries.

19. It is submitted that religion is a belief system that integrates teachings, practices and other expressions which relate people to what they perceive to be transcendent. Religion has two facets which divide the world on the one hand and unites the globe in its own ways on the other. The Indian view on religion is way different from what the world perceives it to be. Religion in India spans across social, political, economic issues that permits no coercion.

20. **Swami Vivekanand said;** *“Where is the soul of this nation? That is in religion. No one could destroy it; therefore, Hindu religion is still alive even after facing so many adversaries and atrocities. Our religion is the foundation of our glory, our strength and not only this but also of our national life. Be it good or bad but this is the reality. Even if you don’t have faith in religion as I do, you are bound by this religion and if you leave it, you will be destroyed. This is the soul of our race and you have to strengthen it.”*

21. Fraudulent religious conversions by Missionaries were well known in pre-independence era. **Mahatma Gandhi said;** *“In my opinion religious conversion under the guise of acts of kindness is harmful. The people of the country look at it with displeasure. Religion is a very personal matter. If a doctor makes me better from some disease, why*

should I change my religion in return for it? It is difficult for me to understand why a doctor should expect such a thing from me? Should the doctor service on his own is not a rewarding profession? If I am studying in any Christian educational institution then why Christianity will be imposed on me?" (Young India 23.4.1931).

22. History is evident that forceful and fraudulent conversions are a global phenomenon in human history. In their zeal of converting people to their own religion both Muslims and Christians killed billions of people, raped millions of women and destroyed millions of temples and other worship centres. They have completely destroyed many ancient cultures like Maya, Mesopotamia, Roman, Egypt etc.

23. In the present world there is not even a single secular country in which Muslims are in majority. The division of India took place in 1947 only on the basis of Islamic religion. Both Muslims and Christians always remain involved in increasing the strength and population of their religion in order to change the demography of the country in which they are residing as in the last when they turn in majority can convert that country into an Islamic or Christian country. Composition of demography is not merely a data but it reflects the culture, philosophy and identity of an area and nation.

24. In Shastri Yagnapurushdas v. Muldas Bhundardas Vaishya

Case [(1966) 3 SCR 242], while dealing with the separate identity of Swaminarayan sect from Hindu religion, the 5 Judge Bench of the Hon'ble Supreme Court observed variety in practices and modes of worships in Hindu religion and held that Hindu religion cannot be confined to any specific practice or rituals.

Conversions by Christians and the Niyogi Commission Report:

25. Immediately after getting independence, there was huge hue and cry in the India against efforts of Christian missionaries for converting tribal people in remote areas of North East and Madhya Pradesh into Christianity in the name of charity and, therefore, the Government of Madhya Pradesh appointed Christian Missionaries Activities Enquiry Commission on 14.4.1954 under the chairmanship of Justice Bhavani Shankar Niyogi which is also known as Niyogi Commission. The Niyogi Commission submitted its report in 1956, which is an eye-opening report, which gives in detail the intention and modus operandi of Christian missionaries of converting poor and illiterate people into Christianity. The list of organizations engaged in converting Hindus into Christianity is long and foreign organizations which provide them huge financial assistance are also very long.

26. Practices adopted by Christian organizations to convert are

(i) By opening orphanages, (ii) By giving loans, (iii) By Missionaries schools, (iv) By hospitals and other charity works, (v) By arranging International and National seminar in the name of Environment protection for human right protection, (vi) By using social, electronic or print media, (vii) By impersonation and adopting Hindu cultural activities for Bible and Yeshu such as Isa Bhagwat, Isa bhajan etc.

27. Practices adopted by Muslim organizations to convert are

(i) By kidnapping or alluring Hindu girls for marriage with Muslim boys and thereafter converting them into Islam by force or coercion. (ii) By kidnapping orphaned children & sheltering them in madrasas, orphanages etc. and thereafter converting them into Islam. (iii) By keeping poor children on jobs in the shops and factories of wealthy Muslims and later on converting them. (iv) By sending poor people to Arabian countries in guise of higher incomes and converting them there by keeping their passports. (v) By getting involved poor and illiterate persons in illegal and criminal activities by mafias and later on converting them. (vi) By falsely propagating healing practices and removing ghost (vii) By force, terror, fear or coercion in Muslim majority areas. (viii) Soft worship practice in the name of “Sufiism”.

- 28. Conversion in Tribal Areas:** Petitioner respectfully submits that the main emphasis of Christians for conversions is on the poor illiterate tribal people residing in remote or forest areas in North East States, Chhattisgarh, Madhya Pradesh where large scale conversion has been done by Christian Missionaries who provide medical facilities, loans, food etc and convert several tribals and poor people into Christianity. Statistics show an alarming increase in the Christian population in many of these States.
- 29.** Petitioner respectfully submits that in the entire scheme of the Constitution there is only one provision i.e., Article 342, which deals with the powers to include or to exclude any tribe or tribal community from the list of Scheduled Tribes and that power is only with the Parliament, which can do so only by making a law and not otherwise and also not by any notification or presidential order and such laws are passed by Parliament to amend the list of Scheduled Tribes. Therefore, there is an immediate need to pass a specific law by the Parliament for taking away the status of Scheduled Tribes and all benefits given under the Constitution of India to the members of Scheduled Tribes if they convert from Hindu scheduled tribe to Christianity or Muslim or any other foreign religion etc.

30. Pre-Independence Laws: In the pre-independence period, the British naturally did not enact any anti-conversion law. However, such laws were passed by Princely States, such as: **1.** Raigarh State Conversion Act, 1936 **2.** Patna Freedom of Religion Act, 1942 **3.** Surguja (or Sarguja) State Apostasy Act, 1945 **4.** Udaipur State Anti-Conversion Act, 1946 **5.** Some Specific laws against conversion to Christianity were enacted in Bikaner, Jodhpur, Kalahandi and Kota.

31. Efforts in Parliament: To curb the practice of forceful - fraudulent conversions, several private members bills were introduced in Parliament by different members but unfortunately all failed in the absence of majority. The examples of such bills are: **(i)** The Indian Conversion Regulation and Registration Bill, 1954 **(ii)** The Backward Communities (Religious Protection) Bill in 1960 **(iii)** The Freedom of Religion Bill, 1979. **(iv)** The Religious Conversions (Prohibition of Allurement-Use of Coercive 10 Methods) Bill, 2000 - introduced in Rajya Sabha by Mr. S.S. Ahluwalia. **(v)** The Prohibition on Religious Conversions Bill, 2001 - introduced in Lok Sabha by Mr. Anant Gangaram Geete. **(vi)** The Ban on Religious Conversions Bill, 2003-introduced in Lok Sabha by Mr. Chandrakant Khaire **(vii)** The Compulsory Registration of Religious Conversions Bill, 2005 -

introduced in Lok Sabha by Mr. Kashiram Rana **(viii)** The Prohibition on Religious Conversions Bill, 2011 – introduced in Lok Sabha by Bijoya Chakravarty **(ix)** The Religious Conversions (Prohibition) Bill, 2015 – introduced in Lok Sabha by Mr. Bhartruhari Mahtab **(x)** The Prohibition on Forced Religious Conversions Bill, 2015 – introduced in Lok Sabha by Mr. A.T. Nana Patil **(xi)** The Prohibition on Religious Conversions (By Inducement Or Force) Bill, 2015 – introduced in Lok Sabha by Mr. Sadashiv Lokhande.

32. Efforts by States: Since penal law against religious conversion is a subject taking its strength under Entry-1 (Public Order) of State List and Entry 1 (Criminal Law), 2 (Criminal Procedure), 5 (Marriage and Divorce, succession etc.), 12 (Evidence, recognition of laws, judicial proceedings), 23 (social security), 26 (medical profession), 28 (Charities) of Concurrent List, States also have power to enact law against religious conversions and few States enacted also, which were challenged in Supreme Court but all of them were upheld. For example: **1.** Orissa Freedom of Religions Act, 1967 **2.** Madhya Pradesh Dharma Swatantrya Adhiniyam 1968 (Constitutional validity of both these Acts were upheld by the Constitution Bench of Supreme Court in the case of Rev. Stanislaus v. State of Madhya Pradesh 1977 (1) SCC

677) **3.** Chhattisgarh Freedom of Religion Act, 1968 **4.** Arunachal Pradesh Freedom of Religion Act, 1978. **5.** Tamil Nadu Prohibition of Forcible Conversion of Religion Act 2002 repealed in 2006 **6.** Gujarat Freedom of Religion Act, 2003 **7.** Himachal Pradesh Freedom of Religion Act, 2006 **8.** Rajasthan Dharma Swatantraya Adhiniyam, 2008 **9.** Jharkhand Freedom of Religion Act, 2017 **10.** Uttarakhand Freedom of Religion Act 2018. **11.** Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020.

33. Directions and Guidelines by Judiciary: Rev. Stainislaus v.

State of Madhya Pradesh 1977 (1) SCC 677 - In this matter the meaning of the words propagate and public order were elaborately considered and the validity of Madhya Pradesh Dharam Swatantrata Adhiniyam and Odisha Freedom of Religion Act were upheld. **Sarla Mudgal V. Union of India 1995 (3) SCC 635** - In this matter a need for Uniform Civil Code and anti-conversion law was emphasised by the Court and it was suggested to the Central Government to form a committee to enact such laws. **Lily Thomas V. Union of India 2000 (6) SCC 224**- In this matter second marriages by converted Muslims were held illegal and the conversions for the sole purpose of marriage were held void and such persons are held guilty of bigamy.

- 34.** In **HABC No.20 of 2017 (Girish Kumar Sharma V. State of Uttarakhand)**, the Uttarakhand High Court advised the State to frame law to regulate religious conversions on the pattern of other States. The directions given by Kerala High Court in a matrimonial case in **Betsy and Sadanand V. Nil (MAT Appeal No.339 of 2009)** were considered and accepted by the Law Commission of India in its report No.235 on the topic “Conversion / reconversion to another religion - mode of proof” submitted in December 2010. In this report the Law Commission of India after considering several judgments of the Supreme Court and High Courts observed that for converting into Hinduism no specific ceremony or documentary evidence is required.
- 35.** Before 2020, petitioner observed Delhi like situation in Uttar Pradesh and Police was reluctant to file FIR but after Anti-Conversion Law, UP Police is registering religious conversion cases and therefore there is sharp decline in religious conversion.
- 36.** Petitioner submits that Hindus have become minority in many states due to conversion by intimidation threats, gifts and monetary benefits, offering other help like school admission, medical benefits and using superstition and black magic. Religion wise population (%) of different communities are given below.

Religion	Ladd.	Miz.	Laks	Kas	Nag.	Megh	Arun.	Punj.	Man
Hindu	1	2.75	2.77	4	8.74	11.52	29.04	38.49	41.29
Islam	46	1.35	96.58	95	2.44	4.39	1.9	1.93	8.40
Christia n	-	87.1	0.49	-	88.1	74.59	30.26	1.26	41.3
Budhism	50	8.51	0.02	0.20	0.34	0.33	11.76	0.12	0.25
Jainism	-	-	0.02	-	0.13	0.02	0.10	0.06	0.06
Sikhism	1	-	0.01	0.20	0.10	0.10	0.10	57.69	0.05
Judaism	-	-	-	-	-	-	-	-	0.07
Parsis	-	-	-	-	-	-	-	-	-
Others	2	0.23	0.01	0.60	0.24	9.05	27	0.35	0.38

DEMOGRAPHY OF INDIA

- 200 BC ----- 14 Crore – Maurya Era
- 100 BC ----- 15 Crore
- 0000 ----- 16 Crore – Christ Started
- 100 AD ----- 18 Crore
- 200 AD ----- 20 Crore
- 300 AD ----- 22 Crore
- 400 AD ----- 25 Crore
- 500 AD ----- 28 Crore
- 600 AD ----- 33 Crore
- 700 AD ----- 40 Crore
- 800 AD ----- 39 Crore
- 900 AD ----- 38 Crore
- 1000 AD ----- 36 Crore - Mahmud Ghazni
- 1100 AD ----- 33 Crore
- 1200 AD ----- 28 Crore - Muhammad Ghori
- 1300 AD ----- 23 Crore
- 1400 AD ----- 18 Crore
- 1500 AD ----- 13 Crore – Babur Era
- 1600 AD ----- 14 Crore
- 1700 AD ----- 14 Crore
- 1800 AD ----- 20 Crore

Source: https://en.wikipedia.org/wiki/Demography_of_India

DIRECTION TO THE LAW COMMISSION TO PREPARE REPORT

37. **Gujarat Urja Vikas Nigam Ltd v Essar Power [(2016) 9 SCC 103]** the Court held: **Para 41.** *We are, thus, of the view that in the first instance the Law Commission may look into the matter with the involvement of all the stakeholders. Para 43. The questions which may be examined by the Law Commission are: 43.1. Whether any changes in the statutory framework constituting various tribunals with regard to persons appointed, manner of appointment, duration of appointment, etc. is necessary in the light of the judgment of this Court in Madras Bar Association [(2014)10SCC 1] or on any other consideration from the point of view of strengthening the rule of law? 43.2. Whether it is permissible and advisable to provide appeals routinely to this Court only on a question of law or substantial question of law which is not of national or public importance without affecting the constitutional role assigned to the Supreme Court having regard to the desirability of decision being rendered within reasonable time? 43.3. Whether direct statutory appeals to the Supreme Court bypassing the High Courts from the orders of the Tribunal affects access to justice to litigants in remote areas of the country? 43.4. Whether it is desirable to exclude jurisdiction of all*

*courts in the absence of an equally effective alternative mechanism for access to justice at grass root level as has been done in provisions of the Tdsat Act (Sections 14 and 15).43.5. Any other incidental or connected issue which may be appropriate. **Para 44.** We request the Law Commission to give its report as far as possible within one year. Thereafter matters may be examined by authorities concerned.*

38. BCCI v. Bihar Cricket Association [(2016) 8 SCC 535] Para

93. *“We are not called upon in these proceedings to issue directions insofar as the above aspect is concerned. All that we need say is that since BCCI discharges public functions and since those functions are in the nature of a monopoly in hands of BCCI with tacit State and Centre approvals, the public at large has right to know/demand information as to the activities and functions of BCCI especially when it deals with funds collected in relation to those activities as a trustee of wherein the beneficiary happens to be the people of this country. As a possible first step in the direction of bringing BCCI under the RTI, we expect the Law Commission to examine the issue, make a suitable recommendation. Beyond that we do not consider it necessary to say anything at this stage. **Para 94.** So also the recommendation made by the Committee that betting should be legalised by law, involves the*

enactment of a law which is a matter that may be examined by the Law Commission and the Government for such action as it may consider necessary in the facts and circumstances of the case”.

39. Babloo Chauhan v Govt of Delhi [(2017)SCC

DEL12045]Para 11 *“Third issue concerns the possible legal remedies for victims of wrongful incarceration and malicious prosecution. The report of Prof. Bajpai refers to the practice in the United States of America and the United Kingdom. He points out that there are 32 states in the USA including the District of Columbia (DC) which have enacted laws that provide monetary and non-monetary compensation to people wrongfully incarcerated. There are specific schemes in the UK and New Zealand in this regard.17. The Court, accordingly, requests Law Commission of India to undertake a comprehensive examination of the issue highlighted in paras 11 to 16 of this order and make its recommendation thereon to the Government of India.”*

40. AP Pollution Control Board [(2001)2 SCC 62] Para 73.

“Inasmuch as most of the statutes dealing with environment are by Parliament, we would think that the Law Commission could kindly consider the question of review of the environmental laws and the need for constitution of Environmental Courts with experts in

environmental law, in addition to judicial members, in the light of experience in other countries. Point 5 is decided accordingly”.

41. Mahipal Singh Rana v. State of U.P. [(2016) 8 SCC 335]

Para 58 *“In view of the above, we request the Law Commission to go into all relevant aspects relating to regulation of the legal profession in consultation with all concerned at an early date. We hope that the Government of India will consider taking further appropriate steps in the light of the report of the Law Commission within six months thereafter. The Central Government may file an appropriate affidavit in this regard within one month after expiry of one year”.*

42. Naresh Kumar Matta [2013 SCC ONLINE DEL2388] Para

12 *“Delay of five years in computing the cost of a flat is totally incomprehensible. This Court is of the opinion that the Law Commission should consider preparation of an enactment to recover damages/compensation from officers who take unduly long time in taking decisions or do not take a decision”.*

43. Pravasi Bhalai Sangathan [(2014) 11 SCC 477] Para

2 *“However, in view of the fact that the Law Commission has undertaken the study as to whether the Election Commission should be conferred the power to derecognise a political party disqualifying*

it or its members, if a party or its members commit the offences referred to hereinabove, we request the Law Commission to also examine the issues raised herein thoroughly and also to consider, if it deems proper, defining the expression “hate speech” and make recommendations to Parliament to strengthen Election Commission to curb the menace of “hate speeches” irrespective of whenever made.

44. Petitioner examined the Law Commission of India Report No. 200 to 277 and found that out of these 78 reports, Law Commission of India prepared only 15 reports on the request of the Centre government. The remaining 63 reports were prepared by the Law Commission of India either Suo motu or on the direction of the Supreme Court and High Courts.

45. Petitioner submits that the Wrongful religious conversion brazenly offends Articles 14, 15, 21, 25 and 29 of the Constitution and there is a complete vacuum. Therefore, the Court may direct the Law Commission of India to suggest suitable legislation.

Report	Subject	Year	Genesis
200	Trial By Media: Free Speech and Fair Trial	2006	Suo Motu
201	Emergency Medical Care to Victims of Accidents	2006	Suo Motu
202	Proposal To Amend Section 304-B Of IPC	2007	Allahabad High Court
203	Section 438 Of the Code of Criminal Procedure, 1973	2007	Centre

204	To Amend the Hindu Succession Act, 1956	2008	Suo Motu
205	Amend The Prohibition of Child Marriage Act, 2006	2008	Supreme Court
206	Enactment of New Coroners Act	2008	Delhi High Court
207	Amend Section 15 of the Hindu Succession Act, 1956	2008	Suo Motu
208	Amendment to Section 6 of the Hindu Succession Act	2008	Suo Motu
209	Omission of Section 213 From Indian Succession Act	2008	Suo Motu
210	Decriminalization of Attempt to Suicide	2008	Suo Motu
211	Laws On Registration of Marriage and Divorce	2008	Suo Motu
212	Laws Of Civil Marriages in India	2008	Suo Motu
213	Fast Track Courts for Dishonoured Cheque Cases	2008	Suo Motu
214	Reconsideration of Judges Cases I, II And III	2008	Suo Motu
215	L. Chandra Kumar Be Revisited by Larger Bench of Supreme Court	2008	Suo Motu
216	Introduction of Hindi in The Supreme Court	2008	Centre
217	Irretrievable Breakdown of Marriage - Another Ground for Divorce	2009	Suo Motu
218	Need To Accede to Hague Convention on International Child Abduction	2009	Suo Motu
219	Need For Family Law Legislations for Non-Resident Indians	2009	Suo Motu
220	Need To Fix Maximum Chargeable Court-Fees in Subordinate Civil Courts	2009	Suo Motu
221	Need For Speedy Justice	2009	Suo Motu
222	Need For Justice-Dispensation Through ADR	2009	Suo Motu
223	Need For Ameliorating the Lot of The Have-Nots	2009	Suo Motu
224	Amendment Of Section 2 Of Divorce Act 1869	2009	Centre Government
225	Amendment Of Sections 7, 7a and 7b Of Industrial Disputes Act 1947	2009	Punjab High Court
226	Inclusion of Acid Attacks as Specific Offences in IPC	2009	Suo Motu
227	Preventing Bigamy Via Conversion to Islam	2009	Suo Motu
228	Legislation To Regulate Assisted Reproductive Technology Clinics	2009	Suo Motu

229	Division of Supreme Court into A Constitution Bench and Cassation Benches	2009	Suo Motu
230	Reforms In the Judiciary – Some Suggestions	2009	Suo Motu
231	Amendments In Indian Stamp Act 1899 And Court-Fees Act 1870	2009	Suo Motu
232	Retirement Age of Chairpersons and Members of Tribunals	2009	Suo Motu
233	Amendment Of Code of Criminal Procedure Enabling Restoration of Complaints	2009	Suo Motu
234	Legal Reforms to Combat Road Accidents	2009	Suo Motu
235	Conversion/Reconversion to Another Religion - Mode of Proof	2009	Kerela High Court
236	Court-Fees in Supreme Court	2010	Centre
237	Compounding Of (IPC) Offences	2011	Supreme Court
238	Amendment Of Section 89 Of CPC	2011	Supreme Court
239	Expeditious Investigation and Trial	2012	Supreme Court
240	Costs In Civil Litigation	2012	Supreme Court
241	Passive Euthanasia	2012	Supreme Court
242	Prevention Of Interference with The Freedom of Matrimonial Alliances	2012	Centre Government
243	Section 498a IPC	2012	Centre Government
244	Electoral Disqualification	2014	Supreme Court
245	Arrears And Backlog-Judicial Manpower	2014	Supreme Court
246	Amendments To Arbitration and Conciliation Act 1996	2014	Centre
247	Sections 41 To 48 Of the Indian Succession Act, 1925	2014	Suo Motu
248	“Obsolete Laws: Warranting Immediate Repeal”	2014	Suo Motu
249	“Obsolete Laws: Warranting Immediate Repeal”	2014	Suo Motu
250	“Obsolete Laws: Warranting Immediate Repeal”	2014	Suo Motu
251	“Obsolete Laws: Warranting Immediate Repeal”	2014	Suo Motu
252	Right Of Hindu Wife to Maintenance	2015	Punjab High Court

253	Commercial Appellate Division of High Courts	2015	Centre
254	The Prevention of Corruption (Amendment) Bill, 2013	2015	Centre
255	Electoral Reforms	2015	Suo Motu
256	Law For Leprosy Affected Person	2015	Suo Motu
257	Reforms In Guardianship and Custody Laws in India	2015	Suo Motu
258	Prevention Of Bribery of Foreign Officials	2015	Centre
259	Early Childhood Development	2015	Suo Motu
260	Analysis Of Bilateral Investment Treaty	2015	Suo Motu
261	Pet Shops and Aquarium Fish Breeding	2015	Suo Motu
262	The Death Penalty	2015	Supreme Court
263	Protection Of Children	2016	Punjab High Court
264	Provisions For Food Adulteration	2017	Supreme Court
265	Maintenance Money for Power	2017	Punjab High Court
266	Regulation Of Legal Profession	2017	Supreme Court
267	Hate Speech	2017	Supreme Court
268	Amendments To Criminal Procedure Code, 1973	2017	Centre
269	Transportation/House-Keeping of Egg-Laying Hens/Broiler Chickens	2017	Centre
270	Compulsory Registration of Marriages	2017	Centre
271	Human DNA Profiling	2017	Centre
272	Statutory Framework of Tribunals	2017	Supreme Court
273	Un Convention Against Torture	2017	Supreme Court
274	Review Of the Contempt of Courts Act,	2018	Centre
275	Legal Framework of BCCI	2018	Supreme Court
276	Gambling And Sports Betting	2018	Supreme Court
277	Wrongful Prosecution	2018	Delhi High Court

PRAYERS

Keeping in view the above stated facts and circumstances, the Hon'ble

Court may be pleased to direct the Government of India to:

- a) review FCRA Rules for foreign funded NGOs and individuals;
- b) take stringent steps to control funding through Hawala and FCRA;
- c) review Audit Guidelines for foreign funded NGOs and individuals;
- d) review VISA Rules for religious preachers & foreigner missionaries;
- e) call upon the Law Commission of India to suggest suitable Legislation and Guidelines to check unlawful fraudulent religious conversion;
- f) take steps to confiscate benami properties & disproportionate assets of person & institutions involved in fraudulent religious conversion;
- g) direct and declare that Section 31 Cr.PC shall not apply to the provisions relating to unlawful fraudulent religious conversion and, Sentence shall be Consecutive, not concurrent;
- h) consider the petitioner's representation dated 31.08.2022 suggesting necessary amendment in the Indian Penal Code 1860 and Criminal Procedure Code 1973 (**Annexure P-1 of Application for Direction**);
- i) pass such other directions as the Hon'ble Court deems fit and proper.

New Delhi

08.12.2022

Filed by;
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