

Title: Introduction of the Prohibition on Religious Conversion Bill, 2001

श्री अनंत गंगाराम गीते (रत्नागिरि) : महोदय, मैं प्रस्ताव करता हूँ कि धर्म-सं परिवर्तन का प्रतिषेध करने का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

MR. CHAIRMAN: Motion moved:

"That leave be granted to introduce a Bill to provide for prohibition on religious conversions. "

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Chairman, Sir, kindly see what the Bill is. It is for leave to introduce a Bill to provide for prohibition on religious conversions. That is against the Constitution which he is wanting to do. It is against the explicit provisions of the Constitution.

MR. CHAIRMAN: You should give a notice.

SHRI PAWAN KUMAR BANSAL : Sir, if there is any force exercised anywhere, the existing law takes care of it.

These are the things which you cannot provide by law. They can go out to the people.

MR. CHAIRMAN : You should give notice before the introduction of the Bill.

SHRI PAWAN KUMAR BANSAL : Sir, this objection can be raised. I pointed out this....(*Interruptions*)

MR. CHAIRMAN: You should give the notice before opposing.

SHRI PAWAN KUMAR BANSAL : Sir, this objection should have been taken....(*Interruptions*)

SHRI HANNAN MOLLAH : It is on Constitutional ground. Article 25 provides the Fundamental Right to propagate a religion....(*Interruptions*)

सभापति महोदय : एक साथ इतने लोग बोलेंगे तो कैसे चलेगा।

â€¦ (व्यवधान)

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SHRI PAWAN KUMAR BANSAL : This could not have been done.â€¦ (*Interruptions*)

SHRI PRAVIN RASHTRAPAL (PATAN): They should have informedâ€¦ (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Is it an indication of the Government's desire to do away with the Constitution here?

श्री रामदास आठवले (पंढरपुर) : सभापति जी, संविधान में सबको स्वतंत्रता का अधिकार है। अगर कोई धर्म परिवर्तन करना चाहता है तो कर सकता है। इस पर किसी तरह की पाबंदी नहीं लगनी चाहिए।

â€¦(व्यवधान)

श्री पवन कुमार बंसल : सभापति जी, कोई जबरदस्ती इसमें नहीं होनी चाहिए और होती है तो उसके लिए पहले से ही कानून है।

सभापति महोदय : आप लोग अपना स्थान ग्रहण करें।

SHRI G.M. BANATWALLA : Sir, I have a point of order.â€¦(*Interruptions*) The Bill is contrary. ...(*Interruptions*)

SHRI RAMDAS ATHAWALE : The Bill is against the Constitution.â€¦(*Interruptions*)

SHRI PRAVIN RASHTRAPAL : This Parliament is under the Constitution of India.

श्री अनंत गंगाराम गीते : अभी यह इंटरडिक्शन स्टेज पर है। जब इस पर चर्चा हो, तब आप लोग अपनी बात रखियेगा।

SHRI PAWAN KUMAR BANSAL : In the past also, on many occasions, objection was taken note of at the time of introduction of the Bill and you had accepted it.

SHRI G.M. BANATWALLA : A point of order does not need any notice....(*Interruptions*) The Bill cannot be moved.

सभापति महोदय : बनातवाला जी, आप बहुत सीनियर मैम्बर हैं।

â€¦(व्यवधान)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Have you read the Bill?

SHRI PAWAN KUMAR BANSAL : No, I must say that....(*Interruptions*)

SHRI PRAVIN RASHTRAPAL : The Bill is against the Constitution.â€¦(*Interruptions*) This Parliament has to work under the Constitution.â€¦(*Interruptions*)

MR. CHAIRMAN: Shri Pawan Kumar Bansal, please take your seat.

...(*Interruptions*)

MR. CHAIRMAN: He has a point of order.

श्री अनंत गंगाराम गीते : सभापति जी, हम संविधान के खिलाफ कुछ नहीं ला रहे हैं।

वेद (व्यवधान)

सभापति महोदय : गीते जी, आप बैठ जाइये।

...(Interruptions)

MR. CHAIRMAN: Please take your seat.

SHRI G.M. BANATWALLA : This is a point of order. The point of order does not require any prior notice. The point of order is that under article 25 of the Constitution of India, people have full freedom of conscience and full freedom of religion. Here if you have prohibitions on the same, then that is contrary to the provisions of the Constitution of India. As such, the Bill cannot come. Now, if you talk about conversion by fraud, then in that case, the Indian Penal Code is sufficient to look after the situation. This Bill is, therefore, totally out of order. You must rule it out and do not give any permission for the motion for leave to introduce the Bill. Therefore, we seek your ruling objecting to it and we want the ruling in order not to allow this motion for leave to introduce the Bill to be moved. This is the point of order on this motion.

SHRI PRAKASH MANI TRIPATHI (DEORIA): Shall I make one submission?

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, you are very right. If a Member wants to oppose at this stage of introduction, he should have to give a notice. But what Shri Banatwalla has said is that if we raise the point of order on the specific provision how the order is being violated, then you have got to listen. I am thankful to you that you have listened.

SHRI PRAKASH MANI TRIPATHI : Please read the Bill. Do not stand up.

SHRI PRIYA RANJAN DASMUNSI : I am not going into the details. I only quote this. I am on the point of order on article 25.

हमने इजाजत ली है और हमने बिल भी पढ़ा है। हमें बोलने दीजिए।

SHRI PRAKASH MANI TRIPATHI : Sir, are you allowing a discussion on the merits of the Bill now? ...(Interruptions)
Then, we will discuss the merits of all the Bills that are being introduced.

MR. CHAIRMAN : This is the introduction stage and there is no discussion on the merits.

...(Interruptions)

SHRI A.C. JOS (TRICHUR): There is a very pertinent point of order raised by Shri G.M. Banatwalla and Shri Priya Ranjan Dasmunsi.

सभापति महोदय: आप इनकी बात सुनिए।

â€¦(व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : The Fundamental Rights, as explained in article 25, are guaranteed by the Constitution. ...(Interruptions) The Right to Freedom of Religion is a right to decide which religion I like to belong and which I like to leave.

सभापति महोदय: आप बिल के आर्टिकल 25 को देख लीजिए।

â€¦(व्यवधान)

श्री प्रियरंजन दासमुंशी : मैंने बिल को पढ़ा है।

The hon. Minister of Parliamentary Affairs is also present here. He is more competent than I am, so far as handling of Bills is concerned. If any Fundamental Right under the Constitution is twisted or violated, the law of the land takes care of it. That is why there is a Writ Bench in the High Court. If the legal provisions that are incorporated in the Constitution are threatened, what is the point of legislation?

श्री अनंत गंगाराम गीते : इसमें क्या गलत है? â€¦(व्यवधान)

SHRI A.C. JOS : Sir, we want a ruling from you.

Shri G.M. Banatwalla and Shri Priya Ranjan Dasmunsi have raised a point of order. It is quite clear under rule 74 that at the time of introduction of a Bill, any Member can object to it. ...(Interruptions) He has now raised a point of order. If you kindly take the Rules of Procedure, you would see that it is very clearly stated that any law that is contrary to the provisions of the articles of the Constitution cannot be enacted.

SHRI ANANT GANGARAM GEETE : It is not there.

MR. CHAIRMAN : Please take your seat.

...(Interruptions)

श्री अनंत गंगाराम गीते : सभापति महोदय, जो अपनी मर्जी से धर्म परिवर्तन करना चाहता है, उसके लिए कोई बाधा नहीं है। (व्यवधान) इसमें क्या बाधा है? (व्यवधान) जो स्वेच्छा से धर्म परिवर्तन करना चाहता है, उसके लिए कोई रुकावट नहीं है। (व्यवधान)

MR. CHAIRMAN: Article 25 says:

"Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

...(Interruptions)

श्री अनंत गंगाराम गीते : इसमें कोई बाधा नहीं है। यह संविधान के खिलाफ नहीं है। जो मर्जी से धर्म परिवर्तन करना चाहते हैं, उनके लिए कोई रुकावट नहीं है। (व्यवधान)

श्री रामदास आठवले : इस बिल का उद्देश्य यह है कि यदि कोई दबाव में धर्म परिवर्तन करता है तो पाबंदी लगानी चाहिए। (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : It is clearly stated, 'subject to public order'. So, why should we have another Bill coming up for this? ...(Interruptions)

SHRI G.M. BANATWALLA : Sir, clause 2 of the Bill has certain restrictions that are unconstitutional.

सभापति महोदय: संसदीय कार्य मंत्री जी अपनी बात कहना चाहते हैं। आप उनकी बात सुनें।

SHRI A.C. JOS : Sir, we want a ruling. Then only can the proceedings go on. ...(Interruptions)

SHRI PRAMOD MAHAJAN: He has to listen to me also. He has listened to Shri G.M. Banatwalla. He should hear everybody. I am the Minister of Parliamentary Affairs. I also have to speak on this.

16.00 hrs.

I also have to speak. ...(Interruptions) So, the whole question is: whether this is violating article 25 or not. He has a right, you have a right and I too have a right. ...(Interruptions)

Sir, naturally, whenever you will debate, you will have to go through the contents of the Bill whether it is violating any provision or not. I would like to draw the attention of the House to clause 3 of the Bill. The sub-clause 3 of the Bill, which the hon. Member is introducing, says that this Act shall not apply to any person who voluntarily converts to another religion or reconverts to his original religion. ...(Interruptions)

SHRI A.C. JOS : That is not the problem. ...(Interruptions)

SHRI PRAMOD MAHAJAN: Let me speak on my problem. Let us discuss it. You can then stand up and raise the question. ...(Interruptions) No new Act has to enforce the Constitution. The Constitution is there. It is supreme. All laws, which are unconstitutional cannot be valid. So, I am not on that point.

The second point is: he himself is reiterating the position that if anybody wants to change the religion voluntarily, it is totally permitted. What this Bill is trying to say is that no person or institution shall encourage or cause to

encourage convert religion by way of inducement in any form and force....(*Interruptions*)मेरी गलती हो सकती है परन्तु मुझे अपनी बात पूरी करने दीजिये। So, he is not talking about the religious freedom. It is already given. But what he is trying to reinforce is that any change of religion, which is done by force, or inducement should be prohibited. Suppose, tomorrow I want to change my religion, the Constitution gives me right and I can change it. But if somebody is trying to give money; somebody is trying to force, then it is opposed.

Sir, there are any number of such Bills which are discussed in the Lok Sabha during the last 50 years. This is not the first Bill, which has been brought here. There are any numbers of Bills which have been discussed. I think, the Member has a right and he should be allowed to introduce his Bill. Let the House take a decision at a proper time as to when it will be discussed.

SHRI PRIYA RANJAN DASMUNSI : Sir, I fully share the concern of the hon. Minister of Parliamentary Affairs. Please read the first line – inducement and force. What is the meaning? It is subject to public order and morality. It is already written there. ...(*Interruptions*) It is already written there, 'subject to public order and morality'. ...(*Interruptions*)

SHRI KHARABELA SWAIN (BALASORE): Please see Rule 72. It is with regard to procedure when introduction of the Bill is opposed. Then, Rule 72(1) says and I quote:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the Member who opposes the motion and the Member who moved the motion, may without further debate, put the question. "

Sir, in the second paragraph it is written:

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon. "

Now, Sir, you will have to decide whether it is outside the legislative competence of the House or not. I think, it is not. We cannot go into the merit of this Bill at this stage. ...(*Interruptions*) Sir, why should you allow all these discussions? The rule is very clear. ...(*Interruptions*)

SHRI A.C. JOS : It is not a question whether it is outside the legislative competence of the House. ...(*Interruptions*) This rule is against the Constitution. ...(*Interruptions*). It cannot be moved.

SHRI PRIYA RANJAN DASMUNSI : Sir, the Constitution is clear. If somebody induces me, it draws the attention of morality. If somebody creates chaos by writing anything to convert.....(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, I have quoted the rule. I want a ruling from you. You give me the ruling. ...(*Interruptions*) The rule is very clear. It is mentioned here.

SHRI PAWAN KUMAR BANSAL : Mr. Chairman, Sir, the submission is that this Bill contains certain restrictions and stipulates certain things which certainly go against the basic tenets of our Constitution. The hon. Minister read out one sentence. It is fine. But you just look at the other thing. I do not want to go into the merits of it. ...(*Interruptions*) For example, I go to some religious place; I find those people, the environment extremely conducive to my way of thinking. They, at the same time, offer me a stay there. Will it amount to inducing? According to this Bill, this will be inducement and both the persons, incharge of the organisation will also be put behind the bars. ...(*Interruptions*)

SHRI KHARABELA SWAIN : It cannot be that this House does not go into the merits of the case. You cannot say that it is outside the competence of the House. Everything is within the competence of the House.

SHRI PAWAN KUMAR BANSAL : If it is contradictory to the Constitution, then it cannot be taken up. ...(*Interruptions*)

SHRI KHARABELA SWAIN : Everything could be discussed here. That is why we are here. Even if it is a case of amendment of the Constitution, this House has got a right to discuss it. How can you say that we cannot discuss certain things? We can discuss anything. The rule is very clear in this regard. ...(*Interruptions*) Sir, you see the rulings given by former Speakers in so many cases. Hundreds of cases are there.

SHRI A.C. JOS : Sir, you reserve your ruling and then we can introduce it. ...(*Interruptions*)

समापति महोदय : अब हम रुलिंग देते हैं।

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Sir, please allow me.

सभापति महोदय : आपको तर्क देना है तो जल्दी कीजिए, ताकि उसके बाद हम रूलिंग दे सकें।

SHRI ANADI SAHU : Sir, there are certain laws which prohibit religious conversion by threat, inducement or promise or by force. There are certain organisations or atmosphere which is being created by certain institutions which do not come under the existing law. The present Bill has been brought by hon. Member Shri Geete to include those circumstances which lead to those threats, promise or inducement. That is the reason. You can see the Statement of Objects and Reasons. ...(*Interruptions*)

प्रो. रासा सिंह रावत (अजमेर) : सभापति महोदय, मैं आपकी आज्ञा से निवेदन करना चाहता हूँ कि यह बिल जो प्राइवेट मैम्बर्स बिल की उप-समिति बनी हुई है, उसके द्वारा पारित और स्वीकृत होकर पहले ही से सदन की सम्पत्ति बनकर सदन में आया है।

SHRI A.C. JOS : Whether the Committee has examined or not is not a criterion for introduction of the Bill. It is the property of the House. We want a ruling whether this is appropriate to move in this House whether it is in order or not under the Constitution which governs this House and its functions or whether it is redundant to the Constitution and whether it is opposed to the Constitution or not. ...(*Interruptions*) Can you say it is redundant?

SHRI PRAMOD MAHAJAN : I am not saying it. Sir, on the contrary, it supports the Constitution and makes it more and more clear. ...(*Interruptions*)

SHRI A.C. JOS : Sir, it creates only ill-will. There is no necessity for it. ...(*Interruptions*)

सभापति महोदय : यह सदन की सम्पत्ति है, लेकिन इस बात का इससे कोई मतलब नहीं है।

...(*Interruptions*)

MR. CHAIRMAN: Hon. Members, please take your seat. I am giving the ruling.

First of all, a notice to oppose the introduction is not received. I am now giving the ruling.

I have to inform the House that the Chair does not decide whether a Bill is constitutionally within the legislative competence or not. The House also does not take a decision on a specific question of *vires* of a Bill. The Chair also does not decide whether a Bill is *ultra vires* to the Constitution or not. In the circumstances, I put the question before the House.

The question is :

"That leave be granted to introduce a Bill to provide for prohibition on religious conversions."

The motion was adopted.

श्री अनंत गंगाराम गीते : सभापति जी, मैं विधेयक पुरःस्थापित करता हूँ।
