

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : Mr. Chairman, while opposing this Bill, I want to make it clear that I am also against conversion of minors by giving any allurements or under pressure. But, unfortunately, the Bill moved by Mr. Joshi, though its title says 'a Bill to restrict the conversion of religion of minors, travels beyond its scope and the provisions of this Bill are against the Fundamental Rights guaranteed under the Constitution and therefore, this Bill cannot stand the scrutiny of law. It says :

"No minor shall have the right to change his religion". A minor with the provisions of the Act, is one who is below 21 years of age and even if he wants to change his religion out of his own accord, he is prevented from doing so.

Clause 4 of the Bill says :

"If a minor of his own accord or under any influence or allurements changes his parental religion."

Now this provision is precisely against Art. 25 of the Constitution because Art. 25 says :

"Nothing in this article shall affect the operation of any existing law or prevent the State from making any law....."

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

Therefore, one has the right under Art 25 to 'profess, practise and propagate religion.'

And as such the provisions of this Bill will be violative of Art 25. If it is challenged on the courts of law, it will not stand scrutiny.

Sec. 5 of this Bill again says that even making a suggestion for conversion will be punishable under this Bill. Sir, this Bill have far-reaching consequences. Suppose a person wants to have an inter-caste marriage or inter-community marriage and he suggests to another that he or she may change his or her religion before

they get married, that will come under the mischief of this Bill. This also will violate his personal law and, therefore, is violative of the Constitution.

Then, Sec. 6 is extremely objectionable. It says :

"Any major person who wants to change his religion shall have to obtain the permission of the District Magistrate...."

Now, when an authority has been vested with powers to give permission, it implies that the same authority has the power to refuse permission. Therefore, under Sec. 6 which gives authority to the District Magistrate to grant permission, the District Magistrate may in his sweet will refuse permission. That will be precisely violative of Art. 25 because I have a right to practise my own religion and nobody can put a hamper on it. Therefore, Sec. 6 is violative of the Constitution.

There is another lacuna in Sec 6. Supposing a person changes his religion without taking permission...

MR. CHAIRMAN : The hon. Member may continue next time.

17.55 hrs.

STATEMENT RE IDOL STOLEN FROM HARI RAI TEMPLE, CHAMBA

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : On behalf of my colleague, the Education Minister, I beg to make the following statement :

On 21st June, 1971 the Education Minister made a statement in response to the Calling Attention Notice by Shri Vikram Mahajan

[Shri RajBahadur]

and other M. Ps. and stated that a metal image had been stolen from the Hari Rai Temple in Chamba, Himachal Pradesh, during the night of 6th / 7th May, 1971 and that the investigation regarding the recovery of the idol was proceeding and that the Government had not obtained any proof that the image had left India.

As the Education Minister himself is not here to give you the news of the latest position. I am very happy to state that the Vishnu idol has been recovered in Bombay this morning.

It has been ascertained that is the idol which was stolen from the Hari Rai Temple.

Further investigation by Police is in progress to apprehend the culprits.

17.58 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, June 28, 1971/ Asadha 7. 1893. (Saka)