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ASIA/INDIA - "The anti-conversion law violates the Constitution": landmark ruling for Christians

New Delhi (Agenzia Fides) - The anti-conversion law passed in the state of Hhimachal Pradesh (in northern India) is, in some parts, "unconstitutional". In fact, "a person not only has the right to freedom of conscience, the right to profess one's faith, the right to change faith, but also has the right to keep secret one's beliefs." That of the High Court of Himachal Pradesh is a landmark ruling, passed by the judges Deepak Gupta and Rajiv Sharma. The appeal had been filed in 2011 by a group of Christian organizations that had challenged the "Law on Religion", issued in 2006 and entered into force in 2007 (see Fides 25/02/2011).
The Court held that "Section 4 of the measure and Articles 3 and 5 of the document violate constitutional provisions." These rules declared unlawful the free conversion from one religion to another, allowing the former only after a long process, investigation and authorization of a magistrate, and imposing, if not, fines and penalties.
In a statement sent to Fides, the "Global Council of Indian Christians" (GCIC), welcomed the judgment and thanked the lawyers of different religions who are engaged in the appeal, arguing that the law violates fundamental rights of believers. The Council, recalling that "all conversions, which took place for free will, are legal, urge the central and state governments for the protection of all believers who exercise this right."
Fr. Dominic D'Abrio, spokesman for the Episcopal Conference of India, told Fides: "It is a very positive step, Christians will benefit greatly. The ruling could set a precedent and have a domino effect, encouraging other appeals against anti-conversion laws of the same kind in force in other states of the Indian Federation."
The first state to pass a law which bans conversions was in Orissa in 1967, followed by Madhya Pradesh in 1968 and Arunachal Pradesh in 1978. The government of the Hindu nationalist party "Bharatiya Janata Party" (BJP) introduced it in Gujarat in 2003 and in Chhattisgarh in 2006, the year after it also came into force in Himachal Pradesh. According to Christians, these laws, limiting the fundamental right to religious freedom, are tools in the hands of Hindu extremist groups, who accuse Christians of "proselytism and forced conversions." They are used to target religious minorities, poisoning the social fabric and spreading hatred within the Indian society. (PA)
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