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ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: The Hindu ದಿನಾಂಕ : DATE: 31/1/2021

U.P. ordinance on conversion not yet received by MHA

Bills passed by States need to be cleared by Centre

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The ordinance on unlawful religious conversions, promulgated by the Uttar Pradesh government last year, has not been sent to the Centre for examination, according to a reply from the Union Home Ministry to a query under the Right to Information Act (RTI).

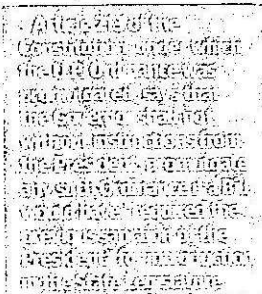
The Ministry of Home Affairs (MHA) examines bills passed by States that are repugnant to Central laws before they get the President's assent to become a law.

Article 213 of the Constitution, under which U.P. Governor Anandiben Patel promulgated the ordinance, says the Governor shall not, without instructions from the President, promulgate any such Ordinance if a Bill would have "required the previous sanction of the President" for introduction in the State Legislature.

Due process

• Home Ministry examines the Bills passed by the States that are repugnant to Central laws before they get the President's assent

• Not all State legislation are sent for the President's assent. Only those repugnant to Central laws, deviating from National or Central policy, or which can be challenged for legal and constitutional validity are sent



A similar legislation passed by the Rajasthan Assembly in 2008 under the then BJP government is still pending with the MHA.

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MHA yet to receive U.P. conversion ordinance

It is yet to receive the President's nod as the MHA found that it deviated from national policy and sought clarification from the State.

The MHA sends State bills for inter-ministerial consultation before they get the President's nod, only in the following circumstances – when it has repugnancy with Central laws, deviates from national or central policy and when it can be challenged for legal and constitutional validity.

The controversial ordinance – the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, – was promulgated in November and so

far more than 90 people, most of them Muslims, have been booked.

The Hindu had filed two RTI enquiries to know the status of the recently promulgated U.P. ordinance and the similar Rajasthan Dharm Swatantraya Bill 2008.

To a question on whether the U.P. Governor had sent a copy of the U.P. Ordinance to the MHA and if the Ministry had examined it, the MHA replied, "It is informed that Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 has not been received in our office, hence no information can be provided."