

VERDICTUM.IN

Court No. - 91

Case :- APPLICATION U/S 482 No. - 26913 of 2016

Applicant :- Sonu @ Waris Ali And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandra Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Sri C.P. Singh, learned counsel for the applicants submits that marriage of applicant no.1 was solemnized with daughter of informant/O.P. no.2 and as per medical report, daughter of O.P. no.2 was major at that point of time. He further submits that out of their wedlock one female child has born and they are living happily together. He further submits that applicant no.1 has converted his religion voluntarily.

2. It is alleged that the applicant no.1 was of different religious faith and in love has converted to the religion of the girl.

3. In India, it is open for anybody to change the religion. An oral or written declaration does not constitute conversion. Credible proof of desire to convert is required, followed by clear overt actions to carry out the desire. The change in the religion has to be legal so that the new religion gets reflected in all the government IDs across the country. For the religion change, an affidavit has to be prepared mandatorily. Thereafter, advertisement should be placed in the newspaper with wide circulation in that area, which ensures that there is no public objection to such change and it is also there to ensure that there is no such fraudulent or illegal conversion. The newspaper advertisement must specify the details like name, age and address. Thereafter, there should be notification in the National Gazette, which is online record published by the Central Government of India. If the gazette application is filed, the department will inspect the application closely and once they are convinced that everything is in order, the religion change application will be published in the e-Gazette.

4. Sri S.D. Pandey, learned A.G.A. prays for and is granted some time to verify the aforesaid averments made by learned counsel for the applicants and also to verify that such conversion was not done to overreach the legal hurdles or under any pressure or greed and also to ascertain the facts whether the conversion is just for the sake of marriage or has actually been carried out.

5. List this matter on 06.05.2024.

Order Date :- 8.4.2024/Manish Himwan