Twitter Thread by Live Law

Live Law
@LiveLawIndia

#LIVE Delhi High Court Women Lawyers Forum in Association with LiveLaw is conducting a Webinar on the topic 'Attack On Love Marriages And Freedom Of Choice'.

#FreedomOfChoice



Watch the Webinar live at :

YouTube link: https://t.co/l074foe9RA

Facebook link:
https://t.co/d0m3h0Ut1w

Instagram Link: https://t.co/d0m3h0Ut1w

Advocate Kajal Chandra begins the webinar and introduces the panelist Justice AP Shah, Delhi High Court's Former Chief Justice. Advocate Gayatri Virmani introduces Human Rights Activist Jagmati Sangwan.

#FreedomOfChoice

The moderator Adv Chandra questions Justice Shah: Do the freedom of Religious ordinance of laws stand the test of Constitutionality and in your opinion, do they violate the fundamental right of liberty including the freedom to choose? #FreedomOfOpinion

Delhi High Court's Former Chief Justice AP Shah: This topic cannot be discussed without referring to the Indian Constitution that guarantees Justice, Liberty, Equality and Fraternity and protects dignity of individual and Unity and integrity of the Nation. #FreedomOfChoice

Shah states that the ordinance Uttar Pradesh Prohibition of Unlawful Conversion 2020 has been promulgated to combat perceived threat of #lovejihaad, a term used by Hindutva political leadership to describe inter- religion marriages and relationships.

Shah: It violates the freedom of conscience and fundamental right to practice Religion and strikes at the right to Life and Liberty guaranteed under Constitution. It operates on presumption of and even reinforces the notion of exclusion #FreedomOfChoice

Shah: It reinforces the the idea of Communalism as a desirable aid in itself. To worsen matters, it thrives on the notion of fear, as certain people are told that transgression will invite criminal sanction. #FreedomOfChoice

J. Shah: Under this ordinance, every Religious conversion is considered illegal & burden of proof is on accused to prove that conversion is not illegal. There is a presumption of guilt. Since its cognizable and non bailable, police can arrest the accused without a warrantz

J. Shah: Aversion of anti conversion laws in inter-faith marriages was floated in a 1909 book by Mr UN Mukherjee. The Hindu Mahasabha tried to gather support around idea that Muslim men are waging Jihaad in India through love marriages.

J. Shah states that #lovejihaad is a deliberate campaign that claims that Muslim men use love, seduction to convert Hindu and Christian women to Islam. The women are told to keep themselves pure to be proud Mothers of the Nation. #FreedomOfChoice

J. Shah : All the allegations that Muslim men are waging Jihaad through marriages have been proved wrong, and Inter-faith marriages are still a rarity. #FreedomOfChoice #LoveJihaadOrdinance

Justice Shah states that the Legislature and Executive have already failed us on this front, the question is what the Judiciary will do. We need to stop this utter destruction of Freedoms guaranteed by Constitution, and this can only be done by the Judiciary. #FreedomOfChoice

Atleast two High Courts, Gujarat and Allahabad have shown courage in granting relief under such discriminatory laws : J. AP Shah

#FreedomOfChoice #InterFaithMarriage

J. Shah: Unfortunately there seems to be no parity when it comes to exercise of power by the #SupremeCourt. While issues like farm laws, Maratha reservation capture Court's attention, other cases like the CAA, Article 370& #Lovejihaad mysteriously invoke no response.

J. Shah: The #LoveJiaad Ordinance is itself mostly rhetoric, a mechanism for ruling party and politicians to pander to vote banks and create factions in society. We should treat this with appropriate caution. #FreedomOfChoice

AP Shah: #Lovejihaad ordinance reinforces the idea of a patriarchal Hindu state. Patriarchy and manhood feel threatened as women get liberated in modern times. The current BJP-led government has had an infamous history of revivalism, which takes the form of cultural Nationalism.

J. Shah: As Religious nationalism, it endorses a true-nation theory, which envisages the nation under Hindu rule, a Hindu Rashtra in Akhand Bharat, a United India! #FreedomOfChoice

J. Shah concludes by saying that the #LoveJihaad attacks the right of women to take choices, thereby attacking the Freedom of Choice.He states that lawyers should raise their voices against this, this is unacceptable in a society ruled by law & the Constitution #FreedomOfChoice

Advocate Kirti Singh: The entire drama of #LoveJihaad was only done to target inter-faith marriages & particularly Hindu and Muslim interfaith marriages. Both the boys and their families are being targeted as a result. It has created havoc already #FreedomOfChoice

Kirti Singh: The way forward will be to have a bill which deals with whole phenomenon of crimes and killings done in name of religion and tradition, which can only be done if we get rid of these draconian Ordinances passed by UP & MP govt. #LoveJihaadOrdinance #FreedomOfChoice

Singh refers to #SupremeCourt's decision in case of Lata Singh vs State of UP, where it said that persons undergoing inter faith marriages can't be harassed or threatened, even if their parents don't approve of the marriage. #LoveJihaadOrdinance #FreedomOfChoice

Singh: There are honour crimes which are reported on a daily basis but no action is taken, as we have a society where arranged marriages are the norm. For this norm to break we've to take steps to bring a change in the environment. #FreedomOfChoice #InterFaithMarriage

Justice AP Shah states that while He is not opposed to arranged marriages, he believes that it should be an individual's choice. A woman should have a choice while entering into a matrimonial relationship. #LovejihaadOrdinance #FreedomOfChoice #InterFaithMarriage