

ITEM NO.31+44+44.1+46+47+49

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s).428/2020

CITIZENS FOR JUSTICE AND PEACE

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(WITH IA No. 135049/2020 - EX-PARTE STAY, IA No. 26539/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 135052/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 7691/2021 - INTERVENTION APPLICATION, IA No. 26535/2021 - STAY APPLICATION)

Writ Petition(s)(Civil) No(s). 40/2023

(FOR ADMISSION and IA No.8306/2023-EX-PARTE STAY)

WITH

W.P.(Crl.) No. 14/2023 (PIL-W)

(FOR ADMISSION and IA No.10891/2023-STAY APPLICATION)

SLP (C) No(s). 19945-19946/2021 (III)

(FOR ADMISSION and I.R.)

Writ Petition(s)(Civil) No(s). 63/2022 (PIL-W)

Petition(s) for Special Leave to Appeal (C) No(s). 22733/2022

(WITH IA No.193242/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 16-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Chander Uday Singh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Amjid Maqbool, Adv.
Ms. Viddusshi Shandilya, Adv.
Mr. Zubin John, Adv.
Ms. Bidya Mohanty, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Mantika Vohra, Adv.

- 44 Mr. Sanjay Hegde, Sr. Adv.
Mr. Ejaz Maqbool, AOR
Mr. Shahid Nadeem, Adv.
Mr. Saif Zia, Adv.
- 44.1 Mr. Chander Uday Singh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Amjid Maqbool, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Viddusshi Shandilya, Adv.
Mr. Zubin John, Adv.
Ms. Bidya Mohanty, Adv.
Ms. Mantika Vohra, Adv.
- 46 Mr. Tushar Mehta, Solicitor General
Ms. Manisha Lavkumar, Sr. Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Devyani Bhatt, Adv.
Ms. Swati Ghildiyal, AOR
- 47 Mr. Arvind Datar, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Gaurav Bhatia, Sr. Adv.
Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Greeshm Jain, Adv.
Mr. Ashwani Kumar Dubey, AOR
- 49 Mr. Sunny Choudhary, AOR

Mr. Prakash Sharma, Adv.
Mr. Anuj Saxena, Adv.
- For Respondent(s) Mr. R. Venkataramani, AG
Mr. Tushar Mehta, SG
Mr. Jayant K Sud, ASG
Mr. Kanu Agrawal, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. M. R. Shamshad, AOR
Mr. Tahir Hakeem, Adv.
Mr. Niaz A. Farooqui, Adv.
Mr. Arijit Sarkar, Adv.
Ms. Nabeela Jamil, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Adit Jayeshbhai Shah, Adv.
Ms. Priyanka Swami, Adv.

Ms. Vanshaja Shukla, AOR
Mr. Abhishek Chatterjee, Adv.

Mr. Abhinav Mukerji, A.S.G.
Ms. Pratishtha Vij, Adv.
Mrs. Bihu Sharma, Adv.
Mr. Akshay C. Shrivastava, Adv.
Mr. Abhinav Mukerji, AOR

Mr. Sunny Choudhary, AOR

Mr. Syed Mehdi Imam, AOR
Mr. Mohammad Parvez Dabas, Adv.
Mr. Uzmi Jamil Husain, Adv.
Mr. Mansoor Ali Rizvi, Adv.
Mr. Tabrez Ahmad, Adv.

Mr. Adeel Ahmed, AOR

Mr. V.K. Shukla, Sr. Adv.
Mr. Rakesh Mishra, AOR
Mr. Shiv Ram Pandey, Adv.
Mrs. Sandhya Pandey, Adv.
Ms. Mamta Kumari, Adv.

Mr. Aditya Sharma, AOR

Ms. Vrinda Grover, Adv.
Mr. Soutuk Banerjee, Adv.
Ms. Devika Tulsiani, Adv.
Mr. Aakarsh Kamra, AOR
Mr. Bijan Kumar Ghosh, AOR
Mr. Sadashiv, AOR

Ms. Priya Aristotle, AOR

Mr. Dushyant Dave, Sr. Adv.
Mr. Siju Thomas, Adv.
Ms. Lija Merin John, Adv.
Mr. Akshay Malpani, Adv.
Ms. Ayushi Gaur, Adv.
Mr. Robin Christopher, Adv.
Ms. Masoom Rajsingh, Adv.
Mrs. Sonali Suryavanshi, Adv.
Mr. Anas Tanwir, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Dhiraj Abraham Philip, AOR

Mr. V.K. Shukla, Sr. Adv.
Mr. Rakesh Mishra, AOR
Mr. Shiv Ram Pandey, Adv.

Mrs. Sandhya Pandey, Adv.
Ms. Mamta Kumari, Adv.

Mr. Ashwani Upadhyay, Adv.
Mr. Ashutosh Dubey, AOR
Mrs. Rajshree Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Ashutosh Shukla, Adv.
Mr. H.B. Dubey, Adv.
Mr. Amit P Shahi, Adv.
Mr. Manish Dhingra, Adv.
Mr. Amit Kumar, Adv.
Mr. Gaurav Yadav, Adv.

Mr. Gaurav Bhatia, Sr. Adv.
Mr. Vikas Tiwari, Adv.
Mr. Ashwini Upadhyay, Adv.
Mr. Ashutosh Kumar Shukla, Adv.
Mr. A.N. Singh, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Shahrukh Alam, Adv.
Ms. Akriti Chaubey, AOR
Mr. Shantanu Singh, Adv.

Ms. Sumita Hazarika, AOR

Ms. Sonia Mathur, Sr. Adv.
Mr. Simarjeet Singh Saluja, Adv.
Mr. Charudatta Vijayrao Mahindrakar, AOR
Mr. Ashok Basoya, Adv.

Mr. Nirmal Kumar Ambastha, AOR

Mr. Vinay Kr Garg, Sr. Adv.
Mr. Atulesh Kumar, AOR
Mr. K S Reki, Adv.
Mr. Parv Garg, Adv.
Mr. Pawan Kulshreshtha, Adv.

Mr. Kaustubh Shukla, AOR
Mr. J. Sai Deepak, Adv.

Mr. Gaichangpou Gangmei, AOR
Mr. Arjun D. Singh, Adv.
Mr. Yashvir Kumar, Adv.

Mr. Raju Ramachandran, Sr. Adv.
Mr. Sanbha Rumnong, Adv.
Mr. Jaiwant Patnakar, Adv.
Mr. M.F. Philip, Adv.
Ms. Purnima Krishna, AOR

Mr. Sarvesh Singh Baghel, AOR

Mr. Samar Vijay Singh, AOR

Mr. Sanjay Parikh, Sr. Adv.

Mr. Abhimanue Shrestha, Adv.

Ms. Astha Sharma, AOR

Mr. Ravinder Singh, Adv.

Mr. Srisatya Mohanty, Adv.

Ms. Raveesha Gupta, Adv.

Ms. Mantika Haryani, Adv.

Mr. Sanjeev Kaushik, Adv.

Mr. Shreyas Awasthi, Adv.

Mr. Himanshu Chakravarty, Adv.

Mr. Devvrat Singh, Adv.

Ms. Muskan Surana, Adv.

Mr. Abhimanyu Tewari, Adv.

Ms. Eliza Bar, Adv.

Mr. Chander Uday Singh, Sr. Adv.

Mr. P.V. Dinesh, Adv.

Ms. Sunita Hazarika, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The list of proceedings before this Court contains three petitions under Article 32 of the Constitution challenging the vires of the enactments in the States of Uttar Pradesh, Himachal Pradesh, Madhya Pradesh, Uttarakhand, Gujarat, Chhattisgarh, Haryana, Jharkhand and Karnataka. Apart from the three petitions, there are two Special Leave Petitions filed respectively by the States of Gujarat and Madhya Pradesh challenging interim orders passed by the High Courts of Gujarat and Madhya Pradesh on 19 August 2021 and 14 November 2022 granting a stay on certain provisions of the State enactments, namely, the Gujarat Freedom of Religion Act 2003 and the Madhya Pradesh Freedom of Religion Act 2021. There is a writ petition under Article 32 of the Constitution titled "In Re: The Issue of Religious Conversion".
- 2 During the course of the hearing, counsel appearing on behalf of the petitioners

in the petitions under Article 32 of the Constitution stated that five writ petitions have been filed before the High Court of Judicature at Allahabad, seven before the High Court of Madhya Pradesh, two before the High Court of Gujarat, two before the High Court of Jharkhand, three before the High Court of Himachal Pradesh, one before the High Court of Karnataka and one before the High Court of Uttarakhand where the State enactments are challenged. For convenience of reference, a tabulated position of the petitions which are pending before this Court is set out below:

“ITEM NO.	PARTICULARS	ISSUES INVOLVED
Item 31	Citizens for Justice and Peace v. State of Uttar Pradesh & Ors. [W.P. (Crl) No. 428/2020]	<p>This Petition Challenges the vires of:</p> <ul style="list-style-type: none"> • Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 • Himachal Pradesh Freedom of Religion Act, 2019 • Madhya Pradesh Freedom of Religion Ordinance, 2020 • Uttarakhand Freedom of Religion Act, 2018 <p>The Petitioner filed I.A. No. 8826 of 2023 on 12.01.2023 seeking permission to amend the writ petition to incorporate a challenge to the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, and the Madhya Pradesh Freedom of Religion Act, 2021, in place of the earlier Ordinances.</p>
Item 44	Jamiat Ulama-I-Hind & Anr. v. State of Uttar Pradesh & Ors. [W.P. (C) No. 40/2023]	<p>This Petition Challenges the vires of:</p> <ul style="list-style-type: none"> • Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 • Himachal Pradesh Freedom of Religion Act, 2019 • The Madhya Pradesh Freedom of Religion Act, 2021 • Uttarakhand Freedom of Religion Act, 2018 • Gujarat Freedom of

		Religion (Amendment) Act, 2021
Item 44.1	Citizens for Justice and Peace v. State of Chhattisgarh & Ors. [W.P. (Crl.) No. 14/2023]	<p>This Petition Challenges the vires of:</p> <ul style="list-style-type: none"> • Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, 1968 • Gujarat Freedom of Religion Act, 2003 • The Haryana Prevention of Unlawful Conversion of Religion Act, 2022 • Jharkhand Freedom of Religion Act, 2017 • Jharkhand Freedom of Religion Rules, 2017 • Karnataka Protection of Freedom of Religion Act, 2022
Item 46	The State of Gujarat v. Jamia Ulama-E-Hind Gujarat & Ors. [SLP (C) No. 19945-19946/2021]	This Special Leave Petition challenges the impugned order dated 19.08.2021 passed by the Hon'ble High Court of Gujarat wherein a stay was granted on Sections 3, 4, 4A to 4C, 5, 6 and 6A of the Gujarat Freedom of Religion Act, 2003.
Item 47	In Re: The Issue of Religious Conversion [W.P. (C) No. 63/2022]	<p>This petition seeks relief against forced religious conversions and states that such conversions violate Article 14, 21 and 25 of the Constitution</p> <p>The Petition also, inter alia, prays for the law commission to prepare a report, as well as a Bill to 'control Religious conversion by intimidation, threatening, deceptively luring through gifts and monetary benefits'.</p>
Item 49	State of Madhya Pradesh & Ors. v. Samuel Daniel [SLP (C) No. 22733/2022]	This Special Leave Petition challenges the impugned order dated 14.11.2022 passed by the Hon'ble High Court of Madhya Pradesh at Jabalpur wherein stay was granted on Section 10 of the Madhya Pradesh Freedom of Religion Act, 2021 and vires of the anti- conversion laws of Madhya Pradesh was in question."

2 During the course of the hearing, a tabulated position containing details of the

petitions which are instituted before diverse High Court has also been placed on the record.

3 Mr Kapil Sibal, senior counsel appearing on behalf of the respondents in SLP(C) 19945-19946 of 2021, states that in view of the pendency of the proceedings before diverse High Courts involving cognate issues, a transfer petition would be filed before this Court for the purpose of clubbing and transferring the petitions for adjudication before this Court.

4 We stand over these proceedings to 30 January 2023.

5 In the event that a transfer petition is filed in the meantime, it shall be listed with the present batch of petitions on the next date of listing.

WP(C) No 63 of 2022

6 Mr P Wilson, senior counsel, seeks two weeks' time to file a counter affidavit.

7 Time, as sought for, is granted.

WP(Crl) No 428 of 2020

8 IA No 8826 of 2023 seeks leave to amend the petition to challenge the Acts which have since replaced the earlier Ordinances.

9 Application for amendment is allowed.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**