



# Karnataka Protection of Right to Freedom of Religion Bill 2021

**For Prelims:** States that have passed anti conversion laws, constitutional provisions on freedom of religion, Article 21 of the Constitution.

**For Mains:** Karnataka Protection of Right to Freedom of Religion Bill, 2021, anti-conversions laws and associated issues, Related Supreme Court judgements.

## Why in News

Recently, the **Karnataka Protection of Right to Freedom of Religion Bill, 2021** was introduced in the state assembly of Karnataka. The Bill **prohibits conversion from one religion to another** by misrepresentation, force, fraud, allurement or marriage.

- Other States like **Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and Uttarakhand** have also passed laws restricting religious conversion.

## Key Points

- **Main Provision of Bill:**
  - **Penal Provision:** The offense of conversion is **cognisable and non-bailable offense**.
    - It will attract a jail term of three to five years and a fine of Rs 25,000 for people found violating the law and a jail term of three to 10 years, and a fine of Rs. 50,000 for people converting minors, women and persons from the SC and ST communities.
  - **Locus Standi Doesn't Apply:** According to the proposed legislation, complaints of conversions can be filed by family members or relatives or any person in association.
  - **Exemption:** The Bill provides an exemption in the case of a person who **“reconverts to his immediate previous religion”** as “the same shall not be deemed to be a conversion under this Act”.
  - **Provision for Willing Person:** After the law comes into force, any person intending to convert to another religion will have to **inform the district magistrate at least thirty days in advance**.
    - This will be followed by an inquiry to be conducted by the district magistrate through the police to establish the real intent of conversion.
    - Not informing the district magistrate will lead to the conversion being declared null and void.
- **Anti-Conversion Laws in India:**
  - **Constitutional Provision:** The Indian Constitution under **Article 25 guarantees the freedom to profess, propagate, and practise religion**, and allows all religious sections to manage their own affairs in matters of religion; subject to public order, morality, and health.
    - However, **no person shall force their religious beliefs** and consequently, no person should be forced to practice any religion against their wishes.

- **Existing Laws:** There has been **no central legislation** restricting or regulating religious conversions.
  - However, since 1954, on multiple occasions, **Private Member Bills** have been introduced in **(but never approved by) the Parliament**, to regulate religious conversions.
  - Further, in 2015, the Union Law Ministry stated that **Parliament does not have the legislative competence** to pass anti-conversion legislation.
  - Over the years, **several states have enacted 'Freedom of Religion' legislation** to restrict religious conversions carried out by force, fraud, or inducements.
- **Issues Associated with Anti-Conversion Laws:**
  - **Uncertain and Vague Terminology:** The uncertain and vague terminology **like misrepresentation, force, fraud, allurement presents a serious avenue for misuse.**
    - These terms leave room for ambiguities or are too broad, extending to subjects far beyond the protection of religious freedom.
  - **Antithetical to Minorities:** Another issue is that the present anti-conversion laws focus more on the prohibition of conversion to achieve religious freedom.
    - However, the broad language used by the prohibitive legislation might be used by officials to oppress and **discriminate against minorities.**
  - **Antithetical to Secularism:** These laws may pose a threat to the **secular fabric of India** and the **international perception** of our **society's intrinsic values and legal system.**
- **Supreme Court on Marriage and Conversion:**
  - **Hadiya Judgement 2017:**
    - Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity.
    - Neither the State nor the law can dictate a choice of partners or limit the free ability of every person to decide on these matters.
    - The principle that the right to marry a person of one's choice is integral to **Article 21.**
  - **K.S. Puttuswamy or 'privacy' Judgment 2017:**
    - Autonomy of the individual was the ability to make decisions in vital matters of concern to life.
  - **Other Judgements:**
    - The SC in its various judgments, has held that **faith, the state and the courts have no jurisdiction over an adult's absolute right** to choose a life partner.
    - India is a **"free and democratic country"** and any interference by the State in an adult's right to love and marry has a **"chilling effect"** on freedoms.
    - Intimacies of marriage lie within a **core zone of privacy**, which is inviolable and the choice of a life partner, whether by marriage or outside it, is part of an **individual's "personhood and identity"**.
    - The absolute right of an individual to choose a life partner is **not in the least affected by matters of faith.**

## Way Forward

- The governments implementing such laws need to ensure that these do not curb one's Fundamental Rights or hamper the national integration instead, these laws need to strike a balance between freedoms and malafide conversions.

**Source: IE**

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