

Karnataka should not pursue regressive legislation in the name of curbing conversion.

It is unfortunate that Karnataka has joined the band of States that want to enact regressive laws aimed at policing the private lives and beliefs of citizens in the name of preventing unlawful conversions. After getting the approval of the Assembly, the Karnataka Protection of Right to Freedom of Religion Bill, 2021 has not been tabled in the Legislative Council, presumably in anticipation of the ruling party's strength in the Upper House turning favourable later.

While several States have laws that criminalise conversion on the basis of force, fraud or inducement/allurement, the trend has been to include 'marriage' as an illegal means of conversion. Karnataka has now made 'a promise of marriage' a means of unlawful conversion.

It is needless to say that the idea of presuming that a conversion has or is about to take place alongside an inter-faith marriage is patently unconstitutional as it interferes with the right to privacy, marital freedom and freedom of belief. What makes the Karnataka anti-conversion law quite sinister is that its introduction in the legislature is running in parallel with a series of targeted attacks on churches, Christian prayers and Christmas celebrations.

Belligerent right-wing groups are out in the field with what appears to be an agenda to create an impression that religious conversion is rampant and that urgent legislative action is necessary to stop the trend. Anti-conversion laws have been upheld by the courts in the past on the ground that conversion by allurement, force or fraud poses a threat to public order and should be curbed. However, the only threat to public order seems to arise from rampaging groups out to create social discord.

It is true that the Supreme Court has held that the right to propagate religion does not include a right to convert, and that the state can frame laws to prevent conversion through fraud, force or inducement. However, in a pushback against using this legal position to enact laws to preclude inter-

faith marriages and render the parties vulnerable to prosecution, the Gujarat High Court has stayed provisions of a State law that made conversion 'by marriage' an offence, pointing out that it placed in jeopardy all marriages of those between two different faiths.

Regarding the prior notice requirement in the Karnataka Bill for individuals intending to convert, it must be noted that the Himachal Pradesh High Court struck down a similar provision in 2012, holding that asking someone to disclose plans to change one's faith violates the right to keep one's religious beliefs private and secret.

Anti-conversion laws should target only forcible or fraudulent conversion and not be open to grave misuse; there is no place for provisions that allow family members and associates to complain to the police to interdict lawful marriages. Such laws will plunge society into regressive medievalism.

Expected Question (Prelims Exams)

Q. Which state has recently passed the anti-conversion law in the assembly?

- (a) Maharashtra
- (b) Gujarat
- (c) Haryana
- (d) Karnataka

Expected Question (Mains Exams)

Q. Recently the Karnataka Legislative Assembly has passed the Right to Freedom of Religion Bill, 2021. How are such bills against the fundamental rights and modernity? Discuss.

(250 Words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.