

## **1. Centre seeks time from SC in Places of Worship Act case**

**Prelims Syllabus:** Policies

**Mains Syllabus:** GS-II Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

### **Why in News?**

- The government has recently in the Supreme Court sought more time to clarify its stand on the validity of the Places of Worship Act, saying “detailed consultations” are needed at a “particular level”.

### **What's the issue?**

- In March 2021, the top court had issued a formal notice to Union Ministries of Home, Law and Culture on a petition filed against the various provisions of the Places of Worship (Special Provisions) Act of 1991.
- The 1991 Act mandates that the identity of a religious place of worship as it had existed in August 15, 1947 should not be changed.

### **What does the places of worship act, 1991 say?**

- The Act states that a place of worship's religious nature must remain the same as it was on August 15, 1947.
- It says no person shall convert any place of worship of any religious denomination into one of a different denomination or section.
- It declares that all litigation, appeals, or other proceedings ongoing before any court or authority on August 15, 1947, involving converting the status of a place of worship, will cease as soon as the law takes effect. There will be no more legal action taken.

### **The following are exempt from these provisions:**

- Ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
- A suit that has been finally settled or disposed of; and any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.
- The Act also does not apply to the place of worship commonly referred to as Ram Janmabhoomi-Babri Masjid in Ayodhya. This law will have an overriding effect over any other law in force.

### **Criticisms surrounding the law:**

- The law has been challenged on the ground that it bars judicial review, which is a basic feature of the Constitution, imposes an “arbitrary irrational retrospective cut-off date”, and abridges the right to religion of Hindus, Jains, Buddhists and Sikhs.

## **2. SC says forced conversions may affect national security, freedom of religion**

**Prelims Syllabus: Policies**

**Mains Syllabus: GS-II Government policies and interventions for development in various sectors and issues arising out of their design and implementation.**

### **Why in News?**

- The Supreme Court has recently said religious conversions by means of force, allurement or fraud may “ultimately affect the security of the nation and freedom of religion and conscience of citizens”, while directing the Centre to “step in” and clarify what it intends to do to curb compulsory or deceitful religious conversions.

### **About the News:**

- The court was hearing a petition, which said a special law should be enacted against forced conversions or the act should be incorporated as an offence in the Indian Penal Code.
- The petition has alleged “mass conversions” of socially and economically underprivileged people, particularly those belonging to the Scheduled Castes and the Scheduled Tribes.

### **What did the SC has said?**

- There may be freedom of religion, but there may not be freedom of religion by forced conversion. Everybody has the right to choose their religion, but not by forced conversion or by giving temptation.
- The court ordered the Centre to file an affidavit on or before November 22, detailing what actions it proposed to take to curb forced conversions, and scheduling the case for hearing on November 28. It said such conversions were reported more in poor and tribal areas.

### **Rationale behind the enactment of anti-conversion laws in India:**

- Threats of forceful conversion.
- Problem of Inducement or allurement.
- Religious conversion is not a Fundamental Right.

### What do critics say?

- Such laws have come under sharp criticism from several legal scholars who had contended that the concept of 'love jihad' did not have any constitutional or legal basis.
- They have pointed to Article 21 of the constitution which guarantees individuals the right to marry a person of one's choice.
- Also, under Article 25, freedom of conscience, the practice and conversion of religion of one's choice including not following any religion, are also guaranteed.

### Supreme Court on Marriage and Conversion:

- The Apex Court of India in its several judgments has held that the state and the courts have no jurisdiction over an adult's absolute right to choose a life partner.
- The Supreme Court of India, in both the Lily Thomas and Sarla Mudgal cases, has confirmed that religious conversions carried out without a bona fide belief and for the sole purpose of deriving some legal benefit do not hold water.
- **Salamat Ansari-Priyanka Kharwar case of Allahabad High Court 2020:** The right to choose a partner or live with a person of choice was part of a citizen's fundamental right to life and liberty (Article 21).

### Need of the hour:

- **There is a need for uniformity:** Article 18 of the Universal Declaration on Human Rights mentions everyone has the right to freedom of religion including changing their faith. Since it is a state subject, the Centre can frame a model law like Model law on contract farming etc.
- States while enacting anti-conversion laws should not put any vague or ambiguous provisions for the person who wanted to convert of his own will.
- The anti-conversion laws also need to include a provision to mention the valid steps for conversion by minority community institutions.
- People also need to be educated about the provisions and ways of Forceful conversions, Inducement or allurement, etc.

### **3. Kerala Government seeks Centre's help to tackle fund crunch**

**Prelims Syllabus:** Governance

**Mains Syllabus:** GS-II Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.

#### **Why in News?**

- Kerala has approached the Centre seeking urgent measures, including expansion of its borrowing limit, a special assistance of Rs. 3,224.61 crore for capital investment, and payment of arrears for tackling resource constraints faced by it.

#### **Background:**

- **He Reserve Bank of India in a report titled 'State Finances: A Risk Analysis'** said states' fiscal positions deteriorated sharply in 2020 with a sharp decline in revenue, an increase in spending and a sharp rise in debt to GSDP ratios.
- Based on the debt to GSDP ratio in 2020-21, the RBI found the debt burden in 10 states including Kerala quite high.
- Kerala's debt during the financial year 2021-22 was estimated to be at 37 per cent and is expected to be 2 per cent during the current financial year, data showed.

#### **Kerala's stand:**

- Finance minister of Kerala said, there were no "lapses in finance management."
- **Centre had taken powers of the states to collect taxes:** As part of GST, the central government has taken all powers to collect taxes from state governments and also decreased the states' share. The state lost a minimum of ₹ 12,000 crores.

#### **Basics about borrowing of states:**

#### **Constitutional provisions:**

- Article 293 in The Constitution deals with the Borrowing by States.
- **It says:** The executive power of a State extends to borrowing within the territory of India upon the security of the Consolidated Fund of the State within such limits, and to the giving of guarantees within such limits, if any, as may be so fixed.

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**Why states need Centre's permission while borrowing?**

- Article 293(3) of the Constitution requires states to obtain the Centre's consent in order to borrow in case the state is indebted to the Centre over a previous loan.
- In practice, the Centre has been exercising this power in accordance with the recommendations of the Finance Commission.
- Every single state is currently indebted to the Centre and thus, all of them require the Centre's consent in order to borrow.

**Need for such restrictions:**

- One possible purpose behind conferring this power upon the Centre was to protect its interests in the capacity of a creditor.
- A broader purpose of ensuring macroeconomic stability is also discernible, since state indebtedness negatively affects the fiscal health of the nation as a whole.

