

2. Freedom of Religion and Right to Privacy Interlinked – Polity

The Supreme Court of India has recently held that the freedom of religion under Article 25 and the right to privacy under Article 21 are deeply interlinked

Supreme Court Ruling on Religious Conversion and Privacy

Background and Context

The judgment emerged from a batch of petitions challenging provisions of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act and similar laws in other states. These laws require individuals intending to convert to another religion to notify the district administration or seek prior approval, failing which the conversion may be deemed unlawful. Petitioners argued that such provisions violate fundamental rights, particularly the freedom of religion (Article 25), freedom of expression (Article 19), and the right to privacy (Article 21). The Supreme Court examined whether state regulation of religious conversion can intrude upon the autonomy of personal belief and conscience.

Key Observations of the Supreme Court

1. Privacy as a Condition Precedent for Religious Freedom – The Court held that privacy is intrinsic to the exercise of freedom of religion, as faith originates from an individual's inner conscience and belief system. It observed that "faith, like thought, is born within the mind and conscience – its protection is a constitutional imperative under Article 21." Thus, the right to privacy becomes a "condition precedent" to the right to profess and practice religion under Article 25(1).

2. Limitation on State Surveillance – The Court stated that mandatory disclosures or prior approval for religious conversion empower the state to scrutinize personal belief systems, which violates individual autonomy. State intrusion into matters of conscience undermines the freedom to change faith voluntarily, which is an essential part of religious liberty. The judgment warned against transforming the state into a "moral overseer of conscience", thereby compromising secularism.

3. Protection from Coercion vs. Freedom of Choice – The Court recognized the legitimate state interest in preventing coercive or fraudulent conversions, but emphasized that such regulation cannot override genuine personal faith decisions. It drew a constitutional distinction between "coerced conversion" (which can be restricted) and "voluntary conversion" (which must remain free from interference).

4. Emphasis on Autonomy and Dignity – The ruling reaffirmed that autonomy, dignity, and freedom of conscience are core aspects of personal liberty under Article 21. Religious faith, marriage, and identity are personal domains of choice, and any law compelling state approval before exercising such rights strikes at the heart of individual liberty.

Constitutional Provisions Involved

Article 25(1) – Freedom of Religion – Guarantees every person the right to freely profess, practice, and propagate religion. The Court reiterated that the freedom of conscience is the foundation of Article 25, and the state cannot intrude into this internal domain unless public order, morality, or health are directly affected.

Article 25(2)(b) – State Regulation – Empowers the state to regulate or restrict religious conversion in the interest of public order, morality, or health. However, the Court clarified that this clause does not authorise the state to regulate personal belief or voluntary conversions, only coercive or fraudulent ones.

Article 21 – Right to Life and Personal Liberty – The Court cited the landmark Justice K.S. Puttaswamy v. Union of India (2017) judgment, which recognised privacy as a fundamental right under Article 21. It held that freedom of conscience and faith are part of the privacy of thought and belief, which must remain beyond state control.

Article 19(1)(a) – Freedom of Speech and Expression – Protects the individual's right to express or withhold one's religious identity. The Court noted that forcing citizens to disclose their religious conversion or belief violates expressive autonomy, a key facet of Article 19.

Significance of the Judgment

1. Redefining Religious Liberty – The ruling expands the scope of religious liberty by recognising that faith and privacy are inseparable constitutional values. It establishes that freedom of religion is not merely

external (worship and practice) but also internal (belief and conscience).

2. Strengthening Personal Autonomy – The judgment reinforces that individual autonomy must prevail over state control in matters of faith and conscience. It protects citizens from surveillance-based regulation, thereby strengthening personal dignity and spiritual independence.

3. Continuity with Liberal Jurisprudence – The Court's reasoning aligns with previous progressive judgments such as –

1. **Shafin Jahan v. Asokan K.M. (2018)** – Upheld a woman's right to choose her faith and spouse (Hadiya case), affirming autonomy in matters of religion and marriage.
2. **Puttaswamy v. Union of India (2017)** – Recognised the right to privacy as part of personal liberty.
3. **Navtej Singh Johar v. Union of India (2018)** – Expanded the concept of dignity and choice under Article 21.

4. Promoting Tolerance and Secularism – The ruling underlines that belief is a deeply personal matter, immune to state scrutiny or approval. By protecting voluntary conversions, it promotes religious tolerance, pluralism, and secular governance – fundamental principles of the Indian Constitution.

5. Policy and Legislative Implications – The verdict urges states to reconsider or amend existing anti-conversion laws that criminalize voluntary conversions or mandate prior disclosure. It may lead to reform in the interpretation of "public order" to prevent its misuse for curbing personal liberties.

Conclusion

The Supreme Court's judgment marks a landmark reaffirmation of India's liberal constitutional ethos. It redefines the contours of religious freedom by linking it inseparably with the right to privacy and autonomy. The ruling strengthens the idea that faith, conscience, and choice are integral to human dignity and that the state must remain neutral and non-intrusive in the realm of personal belief. In essence, the Court held that "the Constitution protects belief not because it is uniform, but because it is individual."

Source – <https://timesofindia.indiatimes.com/india/freedom-of-religion-right-to-privacy-interlinked-sc/articleshow/124798188.cms>

