



Current Affairs for UPSC IAS Exam – 7 January 2021

Contents

1. SC to study anti-conversion laws of U.P. & Uttarakhand
 2. Kochi-Koottanad-Bengaluru-Mangaluru Pipeline (KKBMPL)
 3. Science Technology and Innovation Policy (STIP)
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SC TO STUDY ANTI-CONVERSION LAWS OF U.P. & UTTARAKHAND

Context:

The Supreme Court agreed to examine the constitutional validity of a spate of laws enacted by States such as Uttar Pradesh and Uttarakhand that criminalise religious conversion via marriage and mandate prior official clearance before marrying into another faith.

Relevance:

GS-II: Polity and Governance (Fundamental Rights, Judicial Review, Government Interventions and Policies)

Dimensions of the Article:



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1. What is the Uttar Pradesh's Unlawful Religious Conversion Prohibition Ordinance, 2020?
 2. What is Religious Conversion?
 3. What is "Love jihad"?
 4. Why do the state governments want to enact the law to curb it?
 5. Freedom of Religion in our Constitution
 6. Right to Life and Personal Liberty
 7. Views of the Supreme Court on Marriage and Conversion
 8. Important Cases Regarding Marriage and Conversion of Religion
 9. Hadiya Case 2016
 10. Stanislaus Case, 1977
 11. Other Important Legislation regarding Marriage – HMA and SMA
 12. Conclusions and Way Forwards

What is the Uttar Pradesh's Unlawful Religious Conversion Prohibition Ordinance, 2020?

- UP Unlawful Religious Conversion Prohibition Ordinance, 2020 makes religious conversion for marriage a non-bailable offence and the onus will be on the defendant to prove that conversion was not for marriage.
- In case of conversion done by a woman for the sole purpose of marriage, the marriage would be declared null and void.
- The ordinance also lays down strict action, including cancellation of registration of social organisations conducting mass conversions.

What is Religious Conversion?

- Religious conversion has always been a very sensitive social issue not only because of the reasons that it has psychological concerns of religious faith but also because it has wider socio-legal and socio-political implications.
- Religious conversion means adopting a new religion, a religion that is different from his previous religion or religion by his birth.

There are various reasons for which people convert to different religion:

1. Conversion by free will or free choice



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2. Conversion due to change of beliefs
 3. Conversion for convenience
 4. Conversion due to marriage
 5. Conversion by force

Reasons for Religious Conversions

Religious Conversion is a multifaceted and multi-dimensional phenomenon. Indian society is a pluralist and heterogeneous society with the multiplicity of races, religions, cultures, castes and languages etc. Religious Conversion has always been a problematic issue in India.

The reasons for religious conversions in India can be—

1. Rigid Hindu caste system
2. Polygamy prevailing in Islam
3. To get rid of matrimonial ties.
4. To get reservation benefits.

What is “Love jihad”?

- The term “love jihad” was first mentioned in around 2007 in Kerala and neighbouring Karnataka state, but it became part of the public discourse in 2009.
- Love Jihad is an unsubstantiated campaign defined as an activity under which Muslim men target women belonging to non-Muslim communities for conversion to Islam by feigning love.

Why do the state governments want to enact the law to curb it?

- The state governments have argued that it is the duty of the state to protect the dignity of women from the men, by concealing their identities and operating secretly.
- The UP government referred to a recent order of the Allahabad High Court which said religious conversion for the sake of marriage is unacceptable.



- The Allahabad court in its order in the **Salamat Ansari-Priyanka Kharwar case (Allahabad HC) 2020**, observed that conversion “just for the purpose of marriage”, and where the religious belief of the party involved is not a factor, is unacceptable.
- The Allahabad High Court also ruled that the freedom to live with a person of one’s choice is intrinsic to the fundamental right to life and personal liberty under **Article 21**. Hence, the order recognised that our society rested on the foundations of individual dignity, that a person’s freedom is not conditional on the caste, creed or religion that her partner might claim to profess, and that every person had an equal dominion over their own senses of conscience.

Freedom of Religion in our Constitution

Right to freedom of faith is not a conferred right but a natural entitlement of every human being. In fact, the law does not assign it but it asserts, protect and insures its entitlement. Indian Society has nourished and nurtured almost all the established religion of the world like Hinduism, Islam, Christianity, Buddhism, Jainism, Sikhism etc. from its time immemorial.

- Article 25: All persons are equally entitled to “freedom of conscience and the right freely to profess, practise and propagate religion.” subject to public order, morality and health, and to the other fundamental rights guaranteed in the Constitution.
- Article 26: gives every religious group a right to establish and maintain institutions for religious and charitable purposes, manage its affairs, properties as per the law. This guarantee is available to only Citizens of India and not to aliens.
- Article 27: This Article mandates that no citizen would be compelled by the state to pay any taxes for promotion or maintenance of particular religion or religious denomination.
- Article 28: This Article mandates that No religious instruction would be imparted in the state-funded educational institutions.

Right to Life and Personal Liberty

- Article 21 of Indian Constitution provides for “Protection of Life and Personal Liberty” and reads as “No person shall be deprived of his life or personal liberty except according to the procedure established by law.”
- The objective of the fundamental right under Article 21 is to prevent encroachment upon personal liberty and deprivation of life except according to the procedure established by law.
- It clearly means that this fundamental right has been provided against the state only.
- If an act of private individual amounts to encroachment upon the personal liberty or



deprivation of life of another person, such violation would not fall under the parameters set for Article 21.

- In such a case, the remedy for the aggrieved person would be either under Article 226 of the constitution or under general law.

Views of the Supreme Court on Marriage and Conversion

- According to the Supreme Court – the choice of a life partner, whether by marriage or outside it, is part of an individual's "personhood and identity".
- 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.
- The absolute right of an individual to choose a life partner is not in the least affected by matters of faith.

Important Cases Regarding Marriage and Conversion of Religion

1. **Lata Singh Case 1994** – The apex court held that India is going through a "crucial transformational period" and the "Constitution will remain strong only if we accept the plurality and diversity of our culture". Relatives disgruntled by the inter-religious marriage of a loved one could opt to "cut off social relations" rather than resort to violence or harassment.
2. **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.
3. **Soni Gerry case, 2018** – The SC warned judges from playing "super-guardians", succumbing to "any kind of sentiment of the mother or the egotism of the father".
4. **Salamat Ansari-Priyanka Kharwar case (Allahabad HC) 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). It also held that earlier court rulings upholding the idea of religious conversion for marriage as unacceptable are not good in law.

Hadiya Case 2016

The Supreme Court in the case of Hadiya, a 26-year-old Homeopathy student gave the following observations:



- **Right of Choice of Religion:** Freedom of faith is essential to an individual's autonomy. Choosing a faith is the substratum of individuality without which the right of choice becomes a shadow.
- **Liberty:** Matters of belief and faith, including whether to believe, are at the core of constitutional liberty and the Constitution exists for believers as well as for agnostics.
- **Identity:** Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. Society has no role to play in determining our choice of partners.
- **Constitutional Protection:** Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere.

The Supreme Court held that Right to choose religion and marry is an intrinsic part of meaningful existence. Neither the State nor "patriarchal supremacy" can interfere in a person's decision.

Stanislaus Case, 1977

- In the case of Stanislaus vs State of Madhya Pradesh (1977), the Supreme Court made a clear distinction between the right to propagate one's religion or faith and the right to convert.
- The SC upheld the constitutional validity of the laws enacted by Madhya Pradesh and Odisha legislatures prohibiting conversion by force, fraud or allurement.
- A distinction was made between the right to propagate and the right to convert. The former was allowed while the latter was seen as not a part of the fundamental rights.

Other Important Legislation regarding Marriage – HMA and SMA

The Hindu Marriage Act, 1955:

- The Hindu Marriage Act, 1955 deals with marriage registration in case both husband and wife are Hindus, Buddhists, Jains or Sikhs or, where they have converted into any of these religions.
- It is to be noted that Hindu Marriage Act deals with only marriage registration that has already been solemnized.



The Special Marriage Act, 1954:

- The Special Marriage Act, 1954 lay down the procedure for both solemnization and registration of marriage, where either of the husband or wife or both are not Hindus, Buddhists, Jains or Sikhs.
- It is the duty of the judiciary to ensure that the rights of both the husband and wife are protection.
- In case this union between the husband-and-wife breaks, it should be determined that if this break-up was a result of actions of any of the parties or not.

Conclusions and Way Forwards

- A nine-judge Bench ruling of the Supreme Court, in the Puttaswamy case, has recognised that every individual possesses a guaranteed freedom of thought; that at the core of liberty is the rights of persons to decide for themselves how they want to lead their lives. When we fail to acknowledge and respect the most intimate and personal choices that people make — choices of faith and belief, choices of partners — we undermine the most basic principles of dignity.
- Indian society is based on unity in diversity, where different cultural groups follow different types of traditions and practices. Sometimes these diverse practice leads to differences among the society and reflects in form of communalism. However, we should counter it and develop harmony among the people so that we can leave peacefully.
- The right to freedom of religion would be pointless if one were not permitted to change it, of course without any coercion or allurement. All the major international instruments explicitly mention the right to conversion as implicit in the right to freedom of religion.
- The Indian Constitution guarantees the right to freedom of religion but it does not explicitly mention the right to conversion. There may not be a fundamental right to religious conversion (as held in Stanislaus case) but it certainly is a right to convert one's religion if there are no elements of fraud, coercion and allurement.

-Source: The Hindu



(KKBMPL)

Context:

- Indian Prime Minister will dedicate the 450-km long Kochi-Koottanad-Mangaluru natural gas pipeline built and operated by GAIL India Ltd., to the nation.
- Kozhikode in north Kerala recently witnessed violent protests against the laying of a pipeline by the Gas Authority of India Ltd (GAIL).

Relevance:

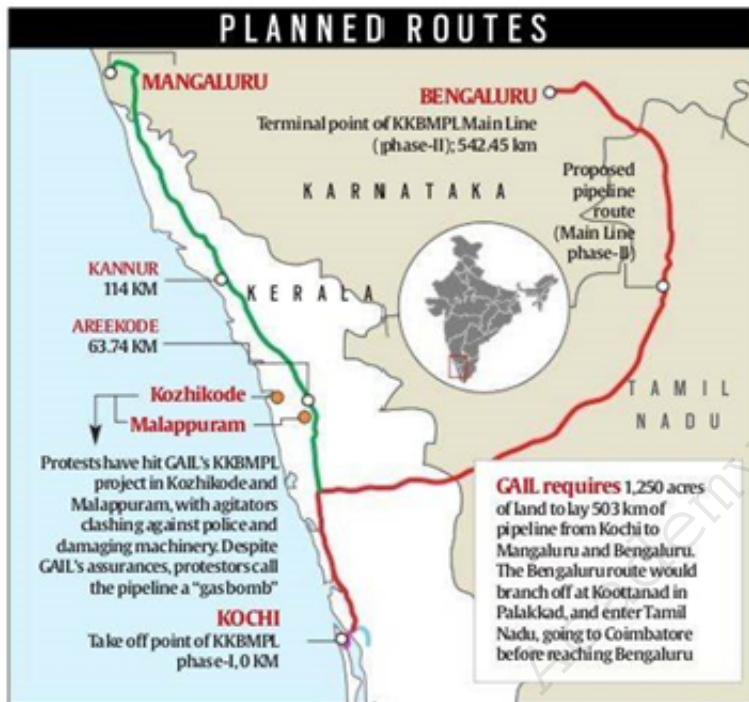
GS-III: Industry and Infrastructure

Dimensions of the Article:

1. Kochi-Koottanad-Mangalore Gas Pipeline
2. Benefits of the Gas Pipeline
3. What are the concerns for Protests to erupt?
4. Other Gas Pipeline Projects in India

Kochi-Koottanad-Mangalore Gas Pipeline

- The Kochi-Koottanad-Mangalore Gas Pipeline is a Liquefied Natural Gas (LNG) pipeline and would provide another 21 lakh Piped Natural Gas (PNG) connections.
- The Kochi-Koottanad-Bengaluru-Mangaluru Pipeline (KKBMPL) project was conceived in 2007.
- The project will carry natural gas from the Liquefied Natural Gas (LNG) Regasification Terminal at Kochi to Mangalore, while passing through Ernakulam, Thrissur, Palakkad, Malappuram, Kozhikode, Kannur and Kasaragod districts.
- It will supply environment-friendly and affordable fuel in the form of Piped Natural Gas (PNG) to households, Compressed Natural Gas (CNG) to the transportation sector and natural gas to commercial and industrial units across the districts along the pipeline.



Benefits of the Gas Pipeline

- Cost-wise, LNG would be cheaper by about 40% to fossil fuels petrol and diesel for automobiles while about 20% cheaper to LPG for domestic consumption.
- It would help shift to a gas-based economy with the target of increasing the share of natural gas in India's energy basket from 6% to 15%.
- It would have international importance, wherein the carbon footprint would get substantially reduced.
- The pipeline grid will help improve clean energy access as well as also aid in the development of city gas projects.
- Consumption of cleaner fuel will help in improving air quality by curbing air pollution.
- It will make the country energy-sufficient and reduce expenditure on the foreign exchange through diversification of energy requirements.

What are the concerns for Protests to erupt?

- The project has been delayed considerably because of resistance to acquisition of land under the Right of Use (RoU) agreement.
- The compensation for farmers and landowners who allow GAIL to lay the pipeline



through their property is a contentious issue.

- The government has however doubled the compensation, and said it will be fixed by pegging the market rate at 10 times the fair price.
- Despite GAIL stressing that the LNG is both safe and essential for the state's development, the agitators have serious safety concerns.
- In the Kerala section – 70% of the land required in Kerala is under Paddy cultivation and – the pipeline in Kerala also requires 75 major horizontal drillings at the beds of water bodies to take the pipeline across rivers.

Other Gas Pipeline Projects in India

1. North East Region (NER) Gas Grid – [Click Here to read more about the Northeast Gas Pipeline Project](#)
2. Jagadishpur –Haldia –Bokaro- Dhamra Pipeline (JHBDPL) project
3. Ennore-Thiruvallur-Bangalore-Nagapattinum– Madurai – Tuticorin Natural gas pipeline (ETBNMTPL)

-Source: *The Hindu*

SCIENCE TECHNOLOGY AND INNOVATION POLICY (STIP)

Context:

The proposed Science Technology and Innovation Policy (STIP) aims to establish a system whereby all researchers in India can access research published in top international journals for no cost.

Relevance:



GS-III: Science and Technology (Measures to improve developments in Science and Technology)

Dimensions of the Article:

1. Background to the Science and Technology Policy (STP)
2. The 4 Science Technology and Innovation Policies of the Past:
3. More about the 5th national STI policy (STIP)

Background to the Science and Technology Policy (STP)

- Since our independence in 1947, India has been successful in building a massive ecosystem of science, technology and innovation (STI).
- An STI ecosystem includes universities, public and private enterprises, and human resources.
- There have been four S&T policies in India in the past
- The fifth S&T policy of India is being formulated at a crucial juncture when India and the world are tackling the COVID-19 pandemic.

The 4 Science Technology and Innovation Policies of the Past:

1. **Scientific Policy Resolution (SPR 1958):** Our first major science policy can be traced back to the year 1958. The policy document was drafted by the government of the then Prime Minister of India, Jawaharlal Nehru. SPR1958 laid the foundation of scientific enterprise and scientific temper in India.
2. **Technology Policy Statement (TPS 1983):** Prime Minister, Indira Gandhi had announced the Technology Policy Statement (TPS) at the Science Congress in January 1983. It focused on the need to attain technological competence and self-reliance. Several of the statements of TPS were implemented.
3. **Science, Technology Policy (STP 2003):** With rapid advancement in information and communication technologies and the democratisation of the internet, exchange of knowledge and information was occurring at a previously unseen rate. Subsequently, a Science and Technology Policy (STP) was announced in 2003, seeking to bring science and technology (S&T) together. It basically called for integrating programmes of socio-economic sectors with the national R&D system and the creation of a national innovation system.



4. **Science, Technology and Innovation Policy (STIP 2013):** The decade of 2010 to 2020 was declared as a decade of innovation, and as the name suggests, a critical new element in this policy document was the term “innovation”. Promoting a science and technology-led innovation ecosystem in the country and broadly linking science, technology and innovation to socio-economic priorities were some of the key aspects of STIP 2013. This policy also resulted in India’s increased participation in global mega-science initiatives such as the Laser Interferometer Gravitational-Wave Observatory (LIGO), the Large Hadron Collider (LHC—?CERN).

TECHNOLOGY POLICY STATEMENT 1983

MOTIVATION	SALIENT FEATURES	IMPACT
<p>Technology seen to influence lives and bolster societal expectations.</p> <p>Focus on meeting people’s aspirations through technological development.</p>	<p>Maximize utilization of local (human and material) resources.</p> <p>Strengthen technological self-reliance in new sectors: information, electronics, and biotechnology</p>	<p>Establishment of Technology Development Fund (TDF)</p> <p>Establishment of Technology, Information Forecasting and Assessment Council (TIFAC)</p>

SCIENCE & TECHNOLOGY POLICY 2003

MOTIVATION	SALIENT FEATURES	IMPACT
<p>Recognition that S & T enterprise is intertwined and inextricable.</p> <p>Unprecedented impact of growth in information technology and democratization of internet on socioeconomic growth and development.</p>	<p>Call to invest heavily into R & D.</p> <p>Goal to increase investments in R & D to 2% GDP.</p> <p>Modernize S & T infrastructure in academic institutions.</p> <p>Incentivize return of scientists and engineers trained abroad to contribute to the Indian R & D ecosystem.</p>	<p>Significant rise in R&D investment (0.7% GDP at the end of 10 yr period).</p> <p>Rise in India’s publication ranking.</p> <p>Steady increase in institutional and human capacity [IISERs - 2006 onwards, New IITs - 2008 onwards].</p>



SCIENCE, TECHNOLOGY AND INNOVATION POLICY 2013



More about the 5th national STI policy (STIP)

- Unlike previous STI policies which were largely top-driven in formulation, the 5th national STI policy (STIP) follows core principles of being decentralised, evidence-informed, bottom-up, experts-driven, and inclusive.
- It aims to be dynamic, with a robust policy governance mechanism that includes periodic review, evaluation, feedback, adaptation and, most importantly, a timely exit strategy for policy instruments.
- This framework will be largely community-driven, and supported with necessary institutional mechanisms and operational modalities.

The STIP will be guided by the vision

1. To place India among the top three scientific superpowers in the decade to come;
2. To attract, nurture, strengthen, and retain critical human capital through a people-centric STI ecosystem.
3. To double the number of full-time equivalent (FTE) researchers, gross domestic expenditure on R&D (GERD) and private-sector contribution to GERD every five years
4. To build individual and institutional excellence in STI with the aim of reaching the highest levels of global recognition and awards in the coming decade.

-Source: *The Hindu, Indian Express*