

(1)

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Original Jurisdiction

W.P. No. / 2021 (GM-RES) (PIL)

Between:

People's Union for Civil Liberties

... Petitioner

And:

State of Karnataka & Ors.

... Respondents

LIST OF DATES

DATES	EVENTS
11-09-2015	Late Sri. Ningaraju K, husband of Petitioner No. 2 and father of Petitioner No. 1, who was employed as the Head Master in IOE High School, Kuvempu Nagar, Mysore and died in harness
07-07-2021	The impugned letter No. AsamNi:Kri.A/CR-02/2021-22 (Annexure-A) issued by the Respondent No. 2
09-07-2021	The impugned letter No. DOA/Raaji/ASa-2/Kri.A/Maahiti/CR- :2021-22 (Annexure-B) issued by the Respondent No. 2
03-08-2021	The Petitioner organisation made a representation to the Respondent No. 2 requesting them to provide information relating to the impugned letters explaining the rationale / purpose of collecting such data, source of the authorisation for collecting data, and privacy concerns with regard to the collated information, etc. (Annexure-C)

SYNOPSIS

The Petitioner is an organisation advocating for the protection of civil liberties across India, and is committed to defending and promoting civil liberties. The organisation's aim and objectives include working towards securing the rule of law and defending the civil liberties of minorities and weaker sections of society.

The Petitioner has filed this writ petition in public interest, challenging the impugned letters / communications issued by Respondent No. 2 as being devoid of reason, amounting to discrimination, and being violative of the right to privacy of a large section of the population in the state guaranteed in the Constitution of India. The impugned letters seek information relating to churches in the state of Karnataka, such as the Churches' location by noting down the Name of the District, Taluk and Vidhan Sabha constituency, Name of the Institute and Address, Khata Number, Survey Number, and finally the details of the Pastor / Father of the Church. The impugned letter dated 07-07-2021 does not explain the purpose of collecting information about churches.

Neither does it explain why such information relating to only churches is being collected, to the exclusion of other communities or even other minorities. Such an exercise is not rooted in any law authorising the Respondents to collate information of such nature. Further, the impugned letter does not specify or mention the details of the concerned authority responsible for information collection, collating and processing, overseeing the use of such information, and protecting the data put together by the Respondents.

The vagueness of the impugned letter has escalated the level of anxiety amongst the Christian community as they are being targeted and subjected to threats, abuse and harassment by fundamentalist forces. It is the apprehension of the

22/11/20
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community, which is being brought to fore by the Petitioner organisation, that some fundamentalist forces, and persons with vested interests, can misuse the data of such nature to violate the personal autonomy and privacy of Christians in Karnataka.

Bangalore

Date:

Advocate for the Petitioner
(Ashwini Obulesh)

(4)

AT BENGALURU

Petitioner

pondents

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Original Jurisdiction

W.P. No. / 2021 (GM-RES) (PIL)

Between:

People's Union for Civil Liberties (Karnataka)

Represented by its State President,

No. 15, 1st Cross, Post Office Road,

Sampangirama Nagar,

Bangalore-560027

... Petitioner

And:

1. State of Karnataka

Represented by the Chief Secretary,

Vidhana Soudha,

Bengaluru - 560 001

2. State of Karnataka,

Represented by the Director,

Directorate of Minorities,

20th and 21st Floors, V.V. Tower,

Dr. B.R. Ambedkar Veedhi,

Bengaluru - 560 001

3. State of Karnataka,

Represented by the District Officer,

Directorate of Minorities,

Ramaganagara - 562 159

... Respondents

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MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

The Petitioner herein respectfully submits as follows:

1. The address of the Petitioner organisation for the purpose of service of summons, notice, etc., from this Hon'ble Court is as stated in the cause title. They may also be served through their advocates Ashwini Obulesh and Robin Christopher, having offices at Dhvani Legal Trust, No. 21, 'Arunodaya', Dinnur I Cross, R.T.Nagar, Bangalore - 560032. The addresses of the Respondents for the same purpose are as stated in the cause title.
2. The Petitioner is an organisation advocating for the protection of civil liberties across India, and is committed to defending and promoting civil liberties. The organisation's aim and objectives include working towards securing the rule of law and defending the civil liberties of minorities and weaker sections of society. The Petitioner organisation is being represented by its State President, Sri. Y.J. Rajendra., duly authorised by the Petitioner organisation.
3. The Petitioner has filed this writ petition in public interest, challenging the letter dated 07-07-2021 issued by Respondent No. 2 as being devoid of reason, amounting to discrimination, and being violative of the right to privacy of a large section of the population in the state guaranteed in the Constitution of India. According to the letter/communication No. AsamNi:Kri.A/CR-02/2021-22 dated 07-07-2021, the impugned communication No. DOA/Raaji/ASa-2/Kri.A/Maahiti/CR- :2021-22 dated

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09-07-2021 seeks information relating to churches in the state of Karnataka. The survey intends to collect data related to the Churches' location by noting down the Name of the District, Taluk and Vidhan Sabha constituency, Name of the Institute and Address, Khata Number, Survey Number, and finally the details of the Pastor / Father of the Church. Copies of the said letter dated 07-07-2021 and letter/communication dated 09-07-2021 have been produced herein and marked as **Annexure-A** and **Annexure-B** respectively.

The impugned letter dated 07-07-2021 does not explain the purpose of collecting information about churches. Neither does it explain why such information relating to only churches is being collected, to the exclusion of other communities or even other minorities. The impugned letter does not mention the objective of gathering information and what purpose/rationale is behind collecting data of such nature under those specific heads. Such an exercise is not rooted in any law authorising the Respondents to collate information of such nature. Further, the impugned letter does not specify or mention the details of the concerned authority responsible for information collection, collating and processing, overseeing the use of such information, and protecting the data put together by the Respondents. The vagueness of the impugned letter has escalated the level of anxiety amongst the Christian community as they are being targeted and subjected to threats, abuse and harassment by fundamentalist forces.

5. In this context, the Petitioner organisation had made a representation to the Respondent No. 2 on 03-08-2021 requesting them to provide information relating to the letter dated 07-07-2021 explaining the rationale/purpose of collecting such data, source of the authorisation for collecting data, and privacy concerns with regard to the collated information, etc. A copy of the

said representation dated 03-08-2021 has been produced herein and marked as **Annexure-C**. However, the Respondents have not responded to the said representation. Instead, they have ignored the same, thus compelling the Petitioner organisation to approach this Hon'ble Court by filing this writ petition on behalf of Christian minorities.

6. The Petitioner organisation is committed to the constitutional ideal of secularism, and as a measure of its commitment to safeguard the rights of minorities. In this context, the Petitioner organisation has worked closely to promote secularism, communal harmony and further seeking to protect the constitutional interests of the religious minorities within and outside the state. Unfortunately, there have been several instances of misuse of information relating to churches by politicising and explicitly targeting Christians in the name of conversion. It is the apprehension of the community, which is being brought to fore by the Petitioner organisation, that some fundamentalist forces, and persons with vested interests, can misuse the data of such nature to violate the personal autonomy and privacy of Christians in Karnataka. As the Petitioner has no other alternative and efficacious remedy, it has approached this Hon'ble Court under Article 226 of the Constitution of India on the following, amongst other grounds.
7. There is no legal proceeding pending on the same cause of action. The Petitioner has not filed any other writ petition seeking similar reliefs.

GROUND

8. The impugned letter dated 07-07-2021 issued by Respondent No. 2 seeking to collect information about churches in the state of Karnataka is illegal, discriminatory, void, arbitrary, inoperative, unconstitutional, and are liable

to be quashed as being violative of the right to equality and privacy under Articles 14 and 21 of the Constitution of India, 1950.

9. The impugned letter dated 07-07-2021, and the subsequent impugned communication, do not have any legislative backing and are not authorised by any legislation, order, bye-law, rule, regulation or notification. The letters have no legal sanction and therefore are liable to be quashed as unconstitutional.

10. It is submitted that, as per the impugned letters, the Welfare Committee, in its meeting held on 07-07-2021, decided to carry out an exercise of such nature for the purposes of data collection. It is pertinent to note that the Karnataka Minorities Commission Act, 1994 contains no provisions that empower the Commission, let alone any other State apparatus or instrumentality, to collect or maintain data about churches in Karnataka in the manner that has been attempted by the Respondents through the impugned letters.

11. The impugned letter dated 07-07-2021 does not explain why such information is collected under these specific sub-headings/categories and what objective it intends to serve or fulfill with such information. The letter does not mention the nexus between the data collected to any public activity or interest and thereby amounts to an unwarranted interference in managing the Church's affairs in Karnataka. The impugned decision of the Commission fails to meet the requirement for the state's interference with fundamental rights. Firstly, there is no mention of any law that is in existence to justify the exercise of collecting information about churches; such a vague exercise definitely does not fall within the zone of reasonableness as mandated under Article 14. Secondly, there is no

mention of the object and need seeking to be fulfilled. Therefore, the impugned letters are in gross violation of Article 14 of the Constitution of India.

12. It is also submitted that the impugned letter dated 07-07-2021 and the pursuant impugned communication dated 09-07-2021 has been issued arbitrarily, with no justification whatsoever, and does not make a legitimate classification when it seeks to target only certain religious minorities. Moreover, the individuals/institutions belonging to certain select communities are obligated to reveal information without any nexus to the object sought to be achieved. Therefore, the impugned communication has been issued in gross violation of the tenets of fairness and non-arbitrariness guaranteed by Article 14 of the Constitution of India.

13. The Petitioner submits that every executive action that operates to any person's prejudice must be sanctioned by law. The executive cannot interfere with the rights and liabilities of any person unless the legality thereof is supportable in any court of law. The impugned communication does not fulfill the criteria mentioned above and, therefore, is liable to be quashed.

14. The Petitioner submits that the impugned letter dated 07-07-2021 does not mention the lawful purpose of collecting such information and the guidelines concerning the use, storage, and accessibility. It also does not explain why such information is not asked of other minority religious communities and the singling out of Churches amounts to discrimination.

15. It is submitted that the impugned communication dated 09-07-2021 seeking information about the churches in Karnataka, more specifically the

Name of the district, Taluk, Constituency in which the Church is located, Details of the Khata and Survey Number and Details of the Pastor / Father of the Church, without offering any explanation as to why such information is needed violates the fundamental rights of Church institutions, under Article 26 of the Constitution of India.

16. The Petitioner submits that the exercise of data collection pertaining to churches as initiated by the Respondents amounts to being intrusive and seriously infringes on the fundamental right to privacy of religious minorities in the state of Karnataka. The right to privacy is an intrinsic part of the right to life and personal liberty under Article 21 of the Constitution of India as has been held by the Hon'ble Apex Court in *K. S Puttuswamy & anr. v. Union of India*, (2017) 10 SCC 1. It is a primordial and intrinsic alienable right and the action of the Respondents in seeking personal information is bound to infringe individuals' right to privacy.

17. It is submitted that secularism is a basic feature of the Constitution of India. The Preamble of our Constitution proclaims India to be a 'sovereign socialist secular democratic republic'. As was held by the Hon'ble Supreme Court of India in the case of *State Of Karnataka And Anr vs Dr. Praveen Bhai Thogadia*, (2004) 4 SCC 684:

"Each person whatever be his religion must get an assurance from the State that he has the protection of law freely to profess, practice and propagate his religion and freedom of conscience. Otherwise, the rule of law will become replaced by individual perceptions of one's own presumptuous good social order..."

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Communal harmony should not be made to suffer and be made dependent upon will of an individual or a group of individuals, whatever be their religion be it of minority or that of the majority. Persons belonging to different religions must feel assured that they can live in peace with persons belonging to other religions...

Unfortunately, of late vested interests fanning religious fundamentalism of all kinds vying with each other are attempting to subject the constitutional machineries of the State to great stress and strain with certain quaint ideas of religious priorities, to promote their own selfish ends, undeterred and unmindful of the disharmony it may ultimately bring about and even undermine national integration achieved with much difficulties and laudable determination of those strong spirited savants of yester years. Religion cannot be mixed with secular activities of the State and fundamentalism of any kind cannot be permitted to masquerade as political philosophies to the detriment of the larger interest of society and basic requirement of a welfare State."

The impugned communications are an affront to the secular fabric of our nation, and are in gross violation of the basic feature of secularism, embedded in ethos of our Constitution.

GROUND IN SUPPORT OF INTERIM PRAYER

18. The Respondent State has issued the impugned communication on 07-07-2021 and the impugned communication dated 09-07-2021. There is an immediate threat and serious concerns relating to the right to privacy of churches, and if the Respondents continue to implement the actions in the impugned communication, it would seriously inflict permanent damage to

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a large number of individuals and communities, which cannot be compensated in terms of money. Therefore, it is just and necessary to protect their interests through an interim order, as prayed for.

PRAYER

WHEREFORE, the Petitioner most respectfully prays that this Hon'ble Court be pleased to:

- (i) issue a writ, order or direction in the nature of *certiorari* declaring that the impugned communication No. AsamNi:Kri.A/CR-02/2021-22 dated 07-07-2021 (at Annexure-A) and impugned communication No. DOA/Raaji/ASa-2/Kri.A/Maahiti/CR- :2021-22 dated 09-07-2021 (at Annexure-B) as illegal, void, arbitrary, inoperative, unconstitutional, and in violation of the fundamental rights of the persons resident in the state of Karnataka under Articles 14 and 21 of the Constitution of India, 1950;
- (ii) issue a writ, order or direction in the nature of *mandamus* directing the Respondents to formulate fair and equitable mechanisms and systems to protect the interests of minorities; and
- (iii) pass such other orders as this Hon'ble Court deems fit to in the facts and circumstances of the case, including an order as to costs, in the interest of justice and equity.

INTERIM PRAYER

The Petitioner most respectfully prays that pending disposal of the above writ petition, this Hon'ble Court be pleased to:

(i) stay the operation of the impugned letters No. AsamNi:Kri.A/CR-02/2021-22 dated 07-07-2021 (at Annexure-A) and No. DOA/Raaji/ASa-2/Kri.A/Maahiti/CR- :2021-22 dated 09-07-2021 (at Annexure-B) and direct the Respondents not to take any coercive action pursuant to or under these impugned communications; and

(ii) direct the Respondents to protect and safeguard all the information/data already collected pursuant to the impugned communication in accordance with the guidelines issued by the Hon'ble Supreme Court in the *Puttaswamy* case and as per principles enshrined in the Personal Data Protection Bill, 2019, till the corresponding Act comes into effect;

in the interest of justice and equity.

Bengaluru

Date: 5-10-2021

Advocate for the Petitioner

Address for service:

Dhwani Legal Trust,
No. 21, Arunodaya,
Dinnur I Cross,
R.T. Nagar, Bangalore - 560032
+919844520024

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Original Jurisdiction

W.P. No. / 2021 (GM-RES) (PIL)

Between:

People's Union for Civil Liberties

... Petitioner

And:

State of Karnataka & Ors.

... Respondents

AFFIDAVIT

I, Sri Y.J.Rajendra, S/o. Y R Jayashekariash, aged about 67 years, State President of the Petitioner organisation with office at No. 15, 1st Cross, Post Office Road, Sampangirama Nagar, Bangalore-560027, at Bangalore, do hereby solemnly affirm and state on oath as follows:

1. I am the State President of the Petitioner organisation in the above case. I am aware of the facts of the case and hence am deposing hereto.
2. The statements made in Paragraphs 1 – 18 of the writ petition are true and correct to the best of my knowledge, belief and information.
3. Annexures A, B and C are true copies of the original documents.

Identified by me

Advocate

Bangalore

Date:

ANNEXURE -A

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ನಿರ್ದೇಶಕರ ಕಛೇರಿ
ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ
ನಿರ್ದೇಶನಾಲಯ



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ದೂರವಾಣಿ: 080- 22864212.

ಫ್ಯಾಕ್ಸ್: 080-22863618.

Email: directorgokdom@gmail.com

Web: www.gokdom.kar.nic.in

20ನೇ ಮಹಡಿ, ವಿ.ವಿ.ಗೋಪುರ,

ಡಾ|| ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, ಬೆಂಗಳೂರು 560001.

ಸಂಖ್ಯೆ:ಅಸಂನಿ:ಕ್ರಿ.ಅ /ಸಿಆರ್-02/2021-22

ದಿನಾಂಕ: 07 -07-2021

ಗೆ,

"ತುರ್ತು"

ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳು,

ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ ಇಲಾಖೆ,

----- ಜಿಲ್ಲೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ರಾಜ್ಯದಲ್ಲಿರುವ ಬೆರ್ಬೆಗಳ ಮಾಹಿತಿ ಸಲ್ಲಿಸುವ ಬಗ್ಗೆ.

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ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದಿನಾಂಕ:07.07.2021 ರಂದು ಕಲ್ಯಾಣ ಸಮಿತಿ ಸಭೆಯಲ್ಲಿ
ಕೋರಿರುವಂತೆ, ರಾಜ್ಯದಲ್ಲಿ ಇರುವ ಬೆರ್ಬೆಗಳ ಮಾಹಿತಿಯನ್ನು ಈ ಪತ್ರಕ್ಕೆ ಲಗತ್ತಿಸಿರುವ ಅನುಬಂಧದಲ್ಲಿ
ಬರ್ತು ಮಾಹಿತಿ ಕೂಡಲೇ ಮೂರು ದಿನಗಳಲ್ಲಿ ಸಲ್ಲಿಸಲು ತಿಳಿಸಿದೆ.

(ಕರಡು ನಿರ್ದೇಶಕರಿಂದ ಅನುಮೋದಿಸಲಾಗಿದೆ.)

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ನಿರ್ದೇಶಕರ ಪರವಾಗಿ
ಅಲ್ಪಸಂಖ್ಯಾತರ ನಿರ್ದೇಶನಾಲಯ
ಬೆಂಗಳೂರು

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ANNEXURE

ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ರಾಮನಗರ

ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ ಇಲಾಖೆ, ರಾಮನಗರ ಜಿಲ್ಲೆ

ಮೇ ಮಹಡಿ, ಶ್ರೀ ರಾಮ ಕಾಂಪ್ಲೆಕ್ಸ್, ವಿನಾಯಕನಗರ, ಬಿ.ಎಂ. ರಸ್ತೆ, ರಾಮನಗರ-562 159

Email: domramanagara@gmail.com

ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 080-27271104

ಸಿ.ಎಂ.ಎ/ರಾಜೀ/ಅಸ-2/ಕ್ರಿಸಿಅ/ಮಾಹಿತಿ /ಸಿಆರ್- 2021-22

ದಿನಾಂಕ:09/07/2021

ತಾಲ್ಲೂಕು ವಿಸ್ತರಣಾಧಿಕಾರಿಗಳು,
ರಾಮನಗರ ತಾಲ್ಲೂಕು ಉಪ ವಿಭಾಗ
ರಾಮನಗರ- ರವರಿಗೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ರಾಮನಗರ ಜಿಲ್ಲೆಯಲ್ಲಿ ಇರುವ ಚರ್ಚೆಗಳ ಮಾಹಿತಿಯನ್ನು ಸಲ್ಲಿಸುವ
ಕುರಿತು.

ಉಲ್ಲೇಖ: ಮಾನ್ಯ ನಿರ್ದೇಶಕರು ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ ನಿರ್ದೇಶಾಲಯದ ಪತ್ರದ
ಸಂಖ್ಯೆ: ಅಸಂನಿಕ್ರಿಸಿಅ/ಸಿಆರ್-02/2021-22 ದಿನಾಂಕ:07-07-2021.

ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ರಾಜ್ಯದಲ್ಲಿ ಇರುವ ಚರ್ಚೆಗಳ ಮಾಹಿತಿಯನ್ನು
ನಿಗದಿತ ಅನುಬಂಧದಲ್ಲಿ ಭರ್ತಿ ಮಾಡಿ ಕೂಡಲೇ ಮೂರು ದಿನಗಳಲ್ಲಿ ಸಲ್ಲಿಸಲು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಅದರಂತೆ, ರಾಮನಗರ ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಇರುವ ಚರ್ಚೆಗಳ ಮಾಹಿತಿಯನ್ನು ಜಿಲ್ಲಾ
ಜಾಗೂ ತಾಲ್ಲೂಕು ಮಾಹಿತಿ ಕೇಂದ್ರದ ಸಿಬ್ಬಂದಿಗಳ ಮೂಲಕ ಪಡೆದು ನಿಗದಿತ ಅನುಬಂಧದಲ್ಲಿ ಭರ್ತಿ
ಮಾಡಿ ಕೂಡಲೇ ಸಲ್ಲಿಸಲು ತಿಳಿಸಿದೆ. (ಉಲ್ಲೇಖಿತ ಪತ್ರದ ಪ್ರತಿ ಜಾಗೂ ಅನುಬಂಧದ ಪ್ರತಿಯನ್ನು
ಲಗತ್ತಿಸಿದೆ)

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳು

ಅಲ್ಪಸಂಖ್ಯಾತರ ಕಲ್ಯಾಣ ಇಲಾಖೆ
ರಾಮನಗರ ಜಿಲ್ಲೆ, ರಾಮನಗರ

ಪ್ರತಿಯನ್ನು:-

1. ದಾಖಲೆ ನಿರ್ವಹಕರು, ಮಾಹಿತಿ ಕೇಂದ್ರ ರಾಮನಗರ, ಚನ್ನವಳ್ಳಿ, ಕನಕಮಠ, ಜಾಗೂ ಮಾಗಡಿ ತಾಲ್ಲೂಕು,
ರವರಿಗೆ, ಮೂಲಾಧಿಕಾರಿಗಳ ಮೂಲಕ
2. ಕಛೇರಿ ಪ್ರತಿ,

People's Union for Civil Liberties – Karnataka

No. 15, 1st Cross, Post Office road, Sampangiram Nagar, Bangalore 560027

Email: pucblblr@gmail.com, rajendrayj@gmail.com

Mobile no: 94490 11530

(Founder: Loknayak Jai Prakash Narayan)

Date: 03-08-2021

To,
The Director,
Directorate of Minorities,
Government of Karnataka
20 & 21st Floor, V.V Tower,
Dr.B.R Ambedkar Veedhi,
Bangalore-560001

Sub: Concerns about the misuse of data proposed to be collected about Churches in Karnataka

Ref – 1: Directorate of Minorities letter dated 07/07/2021 bearing number ASAMNI: Kri.A/CR- 02/2021-22 (Annexure 1)

Ref – 2: Ramanagaram District Officer letter dated 09/07/2021 bearing number No.DOA/RAJI/AS-2/Kri.CR/Mahiti/CR- :2021-21 (Annexure 1)

Ref – 3: Minorities direction (Annexure 1)

People's Union of Civil Liberties (PUCL), Bangalore is an organisation advocating for the protection of civil liberties across the country in the interest of general public and in pursuant to the spirit of the Indian Constitution. With reference to the above cited letters, we wish to bring the following to your kind notice that;

Article 25 of the Indian Constitution guarantees the freedom of conscience and the right to profess, practice and propagate. The Hon'ble Court in *EFI V. State of Himachal Pradesh*, speaking into article 25, recognized that faith is a sensitive issue and is a decision of the conscience. The court further said that the right to faith is protected by the right to privacy and autonomy. Further, Article 26 recognises the freedom of religious minorities to manage their religious affairs that include managing their own affairs.

This memorandum would like draw your kind attention in the light of a letter dated 07/07/2021 issued by the Directorate of Minorities seeking information about the churches in Karnataka and the form attached is seeking the name of the district, taluk and the concerned Vidhana sabha constituency of the place where the church is located, Name of the Institute and address, Khata or survey number and Pastor or Father name. The letter dated 07/07/2021, makes no reference to any existing orders, judgements, orders of

Commission or decision authorising the Directorate of Minorities to collect such information. The letter further fails to provide any details about why such an information is being sought from the Christian minorities. PUCL would like to state that the said letter dated 07/07/2021 is violative of Article 25 and 26 of the Constitution as it is in the form of interference into the religious affairs of the minorities. The copies of Director, Minorities Department and the Ramanagaram District officer attached for your information.

The Director letter does not even mention the objective / intention of collecting the data, therefore the PUCL requests you to provide information on the following;

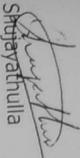
1. Right to Faith is a *sensitive* issue that is protected well within the Right to Privacy and such a survey penetrates and violated the right to privacy and conscience. Why is such a survey being undertaken?
2. Mention the order authorising the Directorate of Minorities to collect such information from only from Christian minorities?
3. What is the purpose of collecting such information?
4. Give a copy of 7.7.2021 Welfare Committee minutes of the meeting including the list of sitting members
5. In what way is the information collected going to be used?
6. Whether any standard guidelines issued by the Directorate to the district level officers about how the survey is to be conducted? Otherwise it may result in an arbitrary exercise.
7. What is the rationale of seeking information on Vidhana sabha constituency wise information in addition to name of the district, taluk-wise place where the church is located?
8. The rationale behind collecting information on the Name of the Church and address, Khata or survey number and Pastor or Father name?
9. How is such sensitive information protected from misuse?
10. Whether this information accessible to public?
11. Further, there is no mention of how such sensitive information will be stored. We want to reiterate that minorities are increasingly being targeted, and such information would make the entire community vulnerable. It is also pertinent to note that such information is not being sought from the other communities for the scheme's purpose, and there is no explanation as to why it is so.

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We request the authorities to respond to this letter addressing our concerns and as early as possible and requested to withhold the process of collecting the data in the light of above concerns also to avoid misuse of data by vested interests.

We look forward to your early response.

Thanking you


Sathyaiah
President
PUCL - Bangalore