The Himachal Pradesh Freedom of Religion Act, 2019

Act 13 of 2019

Keyword(s):
Coercion, Conversion, Fraudulent, Force, Minor, Religion, Undue Influence, Inducement, Religious Priest

Amendment appended: 21 of 2022
15. नियम बनाने की शक्ति—(1) राज्य सरकार इस अधिनियम के प्रमोजनों को कार्यान्वित करने के लिए राजप्रदेश (ई-गजट), हिमालय प्रदेश में अधिसूचना द्वारा नियम बना सकेगी।

(2) इस अधिनियम के अधीन बनाया गया प्रत्येक नियम बनाए जाने के पश्चात यथाशक्तिविशिष्ट विधान सभा के समक्ष, जब वह सत्र में हो, कुल दस दिन की अवधि के लिए रखा जाएगा, जो एक सत्र में या दो या दो से अधिक आनंदकृतिक सत्रों में पूरी हो सकेगी और यदि उस सत्र के, जिसमें वह इस प्रकार रखा गया हो या उपरोक्त आनंदकृति सत्रों के अवसान से पूर्व विधान सभा नियम में कोई परिवर्तन करती है या विनिश्चय करती है कि नियम नहीं बनाया जाना चाहिए तो तत्पश्चात, यथाशक्ति, ऐसा नियम ऐसे परिवर्तित रूप में प्रभावी होगा या उसका कोई प्रभाव नहीं होगा। तथापि, ऐसे किसी परिवर्तन या बातिलीकरण से उस नियम के अधीन फहले की गई किसी बात की विविधानयता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

16. निरसन और व्यवहारिक—(1) हिमालय प्रदेश धर्म की स्वतन्त्रता अधिनियम, 2006 का एलक्सारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी, इस प्रकार निरसित अधिनियम के अधीन की गई कोई कार्रवाई या बात इस अधिनियम के तत्त्वान्िर उपबन्धों के अधीन की गई समझी जाएगी।

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH FREEDOM OF RELIGION ACT, 2019

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Definitions.
3. Prohibition of conversion from one religion to another by misrepresentation, force, fraud, undue influence, coercion, inducement or marriage.
4. Punishment for contravention of provisions of section 3.
5. Marriages done for sole purpose of conversion to be declared null and void.
6. Court to which petition shall be presented.
7. Declaration before conversion of religion and pre-report about purification Sanskar.
8. Prosecution to be launched with the prior sanction.
9. Punishment for violation of provisions of the Act by an institution or organization.
10. Prohibition on accepting donation or contribution.
11. Parties to offence.
13. Offences to be cognizable and non-bailable.
14. Power to remove difficulties.
15. Power to make rules.
16. Repeal and savings.
THE HIMACHAL PRADESH FREEDOM OF RELIGION ACT, 2019

(AS ASSENTED TO BY THE GOVERNOR ON 29TH OCTOBER, 2019)

AN

ACT

to re-enact the law to provide freedom of religion by prohibition of conversion from one religion to another by misrepresentation, force, undue influence, coercion, inducement or by any fraudulent means or by marriage and for matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventieth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Freedom of Religion Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “coercion” means compelling an individual to act against his will by use of psychological pressure or physical force causing bodily injury or threat thereof;

(b) “conversion” means renouncing one religion and adopting another;

(c) “fraudulent” means to do a thing with intent to defraud;

(d) “force” includes a show of force or a threat of injury of any kind to the person converted or sought to be converted or to any other person or property including a threat of divine displeasure or social ex-communication;

(e) “Government or State Government” means the Government of Himachal Pradesh;

(f) “inducement” means and includes offer of any temptation in the form of any gift or gratification or material benefit, either in cash or kind or employment, free education in reputed school run by any religious body, easy money, better lifestyle, divine pleasure or otherwise;

(g) “minor” means a person under eighteen years of age;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “religion” means any organized system of faith, belief, worship or lifestyle, as prevailing in India or any part of it, and defined under any law or custom for the time being in force;

(j) “religious priest” means priest of any religion who performs purification Sanskar or conversion ceremony of any religion and by whatever name he is called such as pujari, pandit, mulla, maulvi, father etc.; and

(k) “undue influence” means the unconscientious use by one person of his power or influence over another in order to persuade the other to act in accordance with the will of the person exercising such influence.
3. Prohibition of conversion from one religion to another by mis-representation, force, fraud, undue influence, coercion, inducement or marriage.—No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use of misrepresentation, force, undue influence, coercion, inducement or by any fraudulent means or by marriage; nor shall any person abet or conspire such conversion:

Provided that, if any person re-converts to his parent religion, it shall not be deemed to be a conversion under this Act.

4. Punishment for contravention of provisions of section 3.—Whoever contravenes the provisions of section 3 shall, without prejudice to any civil liability, be punished with imprisonment for a term, which shall not be less than one year but which may extend to five years and shall also be liable to pay fine:

Provided that whoever contravenes the provisions of section 3 in respect of a minor, a woman or a person belonging to the Scheduled Caste or Scheduled Tribe shall be punished with imprisonment for a term which shall not be less than two years but which may extend to seven years and shall also be liable to pay fine:

5. Marriages done for sole purpose of conversion to be declared null and void.—Any marriage which was done for the sole purpose of conversion by a person of one religion with a person of another religion either by converting himself before or after marriage or by converting the other person before or after marriage may be declared null and void by the Family Court on a petition presented by either party thereto.

6. Court to which petition shall be presented.—Every petition under section 5 shall be presented to the Family Court or where Family Court is not established, the Court within the local limits of whose ordinary original civil jurisdiction,—

(i) the marriage was solemnized; or

(ii) the respondent, at the time of the presentation of the petition, resides; or

(iii) the parties to the marriage last resided together; or

(iv) in case the wife is the petitioner, where she is residing on the date of presentation of the petition.

7. Declaration before conversion of religion and pre-report about purification Sanskar.—(1) One who desires to be converted to other religion, shall give a declaration at least one month in advance, on the proforma as may be prescribed, to the District Magistrate or the Executive Magistrate specially authorized by the District Magistrate, of his intention, to convert his religion on his own volition or free consent and without any force, coercion, undue influence, inducement or fraudulent means:

Provided that no notice shall be required if a person re-converts to his parent religion.

(2) The religious priest, who performs purification Sanskar or conversion ceremony for converting any person of one religion to another religion, shall give one month’s advance notice of such Sanskar or conversion ceremony, on the proforma as may be prescribed, to the District Magistrate or any other officer appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.
(3) The District Magistrate, after receiving the information under sub-section (1) and (2), shall conduct an inquiry through police or such agency as he deems fit, with regard to intention, purpose and cause of proposed conversion.

(4) Contravention of sub-section (1) or sub-section (2) shall have the effect of rendering the said conversion, illegal and void.

(5) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than three months, but may extend to one year and shall also be liable to pay fine.

(6) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment for a term which shall not be less than six months, but may extend to two years and shall also be liable to pay fine.

8. Prosecution to be launched with the prior sanction.—No prosecution for an offence under section 7 shall be instituted by any person except by or with the previous sanction of the District Magistrate or such other authority not below the rank of a Sub-Divisional Magistrate, as may be authorized by the District Magistrate in this behalf.

9. Punishment for violation of provisions of the Act by an institution or organization.—If any institution or organization violates the provisions of this Act, the person or persons in charge of the affairs of the organization or institution, as the case may be, shall be subject to the punishment as provided under section 4 and the registration of such organization or institution under any law for the time being in force may be cancelled after giving a reasonable opportunity of being heard.

10. Prohibition on accepting donation or contribution.—Notwithstanding anything contained in any other law for the time being in force, no person or organization violating the provisions of this Act shall be allowed to accept any donation or contribution of any kind from within or outside the country.

11. Parties to offence.—When an offence is committed under this Act, —

(i) every person who actually does the act which constitutes the offence;

(ii) every person who does or omits to do any act enabling or aiding another person to commit the offence;

(iii) every person who aids or abets another person in commission of the offence; and

(iv) every person who counsels or causes any other person to commit the offence.

shall be deemed to have taken part in the commission of such offence and be guilty thereof and shall be charged as if he had himself committed the offence.

12. Burden of proof.—The burden of proof as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, inducement or by any fraudulent means or by marriage lies on the person so converted and, where such conversion has been facilitated by any person, on such other person.

13. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence committed under this Act shall be cognizable and non-bailable.
14. **Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Rajpatra (e-Gazette), Himachal Pradesh, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly.

15. **Power to make rules.**—(1) The State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.


(2) Notwithstanding such repeal, any action taken or anything done under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

विधि विवाह

अविस्तुम्ना

शिमला—2, 26 अक्टूबर, 2019

संख्या: एल0एल0आर—डी10(५)–12/2019–लेज.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुसरण 200 के अधीन प्रदेश प्रशिक्षक अधिकार (विशेष जनरल और लक्ष्य आवेदनों का अन्तर्गत) के अधीन 2019 का विशेष विवेक 22–10–2019 का अनुसरण हिमाचल प्रदेश प्रशिक्षक अधिकार (विशेष जनरल और लक्ष्य आवेदनों का अन्तर्गत) का अधीन 2019 का विवेक 22–10–2019 का अनुसरण हिमाचल प्रदेश इ—राज्यपाल में प्रकाशित करते हैं।

आदेश हारा,

यशवंत सिंह चोगल,
प्रधान सचिव (विधि)।
राजपत्र, हिमाचल प्रदेश, 13 अक्टूबर, 2022/21 आशिवन, 1944

विधेयक, 2022 (2022 का विधेयक संख्या 15) को दिनांक 12–10–2022 को अनुमोदित कर दिया है तथा अनुक्रम 348 के खण्ड (३) के अधीन, विधेयक के अंग्रेजी पाठ को राजपत्र, हिमाचल प्रदेश में प्रकाशित करने के लिए प्राधिकृत कर दिया है। अतः, उपरोक्त विधेयक के वर्ष 2022 के अधिनियम संख्या 21 के रूप में अंग्रेज़ी प्राधिकृत पाठ सहित राजपत्र (ई–जगत) हिमाचल प्रदेश में प्रकाशित किया जाता है।

आदेश हााँस,

राजीव भारद्वाज,
प्रधान सचिव (विधि)।

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हिमाचल प्रदेश धर्म की स्वतन्त्रता (संशोधन) अधिनियम, 2022

धाराओं का क्रम

1. संक्षिप्त नाम।
2. धारा 2 का संशोधन।
3. धारा 4 का संशोधन।
4. धारा 7 का संशोधन।
5. धारा 8क. का अन्त:स्थापन।
6. धारा 13 का संशोधन।

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2022 का अधिनियम संख्या 21

हिमाचल प्रदेश धर्म की स्वतन्त्रता (संशोधन) अधिनियम, 2022

(माननीय राज्यपाल महोदय द्वारा तारीख 12 अक्टूबर, 2022 को यथा अनुमोदित)

हिमाचल प्रदेश धर्म की स्वतन्त्रता अधिनियम, 2019 (2019 का अधिनियम संख्या 13) का संशोधन करने के लिए अधिनियम।

भारत गणराज्य के तहतवर्ष वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित होने के लिए निर्देशन दी गई है।

1. संक्षिप्त नाम——इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश धर्म की स्वतन्त्रता (संशोधन) अधिनियम, 2022 है।

2. धारा 2 का संशोधन——हिमाचल प्रदेश धर्म की स्वतन्त्रता अधिनियम, 2019 (जिसे इसमें इसके पश्चात् नूतन अधिनियम कहा गया है) की धारा 2 के खण्ड (च) के पश्चात निम्नलिखित अन्त:स्थापित किया जाएगा, अथवा——

“(बक) “सामूहिक धर्म परिवर्तन” से, ऐसा धर्म परिवर्तन अभिन्न है जहाँ एक ही समय पर से दो भी अन्य व्यक्तियों ने धर्म परिवर्तन किया है।”।

3. धारा 4 का संशोधन——नूतन अधिनियम की धारा 4 में——

(क) परम्पराओं में “सात वर्ष” शब्दों के स्थान पर “दस वर्ष” शब्द रखे जाएंगे; और
THE HIMACHAL PRADESH FREEDOM OF RELIGION (AMENDMENT) ACT, 2022
ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
THE HIMACHAL PRADESH FREEDOM OF RELIGION (AMENDMENT) ACT, 2022

(AS ASSENTED TO BY THE GOVERNOR ON 12th OCTOBER, 2022)

AN ACT

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-third Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Himachal Pradesh Freedom of Religion (Amendment) Act, 2022.

2. Amendment of Section 2.—In Section 2 of the Himachal Pradesh Freedom of Religion Act, 2019 (hereinafter referred to as the “principal Act”), after clause (f), the following shall be inserted, namely:

“(fa) “mass conversion” means a conversion wherein two or more than two persons are converted at the same time;”.

3. Amendment of Section 4.—In Section 4 of the principal Act,—

(a) in the proviso, for the words “seven years”, the words “ten years” shall be substituted; and

(b) after the existing proviso, the following proviso(s) shall be inserted, namely:

“Provided further that whosoever intends to marry a person of any religion other than the religion professed by him and conceals his religion in such a manner that the other person whom he intends to marry, believes that his religion is truly the one professed by him shall be punished with imprisonment for a term, which shall not be less than three years, but which may extend to ten years, and shall also be liable to fine which shall not be less than Rupees fifty thousand, but which may extend to Rupees one lakh:

Provided further that whosoever contravenes the provisions of Section 3 in respect of mass conversion shall be punished with imprisonment for a term, which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine which shall not be less than Rupees one lakh, but which may extend to Rupees one lakh fifty thousand:
Provided also that in case of a second or subsequent offence mentioned in this section, is committed, the term of imprisonment shall not be less than seven years, but may extend to ten years and shall also be liable to fine which shall not be less than Rupees one lakh fifty thousand which may extend to Rupees two lakh.”.

4. **Amendment of Section 7.**—In Section 7 of the principle Act,—

(a) In sub-section (1), after the words “fraudulent means”, the words “and to the effect that he shall not take any benefit of his parent religion or caste after conversion” shall be inserted; and

(b) after sub-section (5), the following shall be inserted, namely:—

“(5A) Whoever makes a false declaration under sub-section (1), or who continues to take benefit of his parent religion or caste even after conversion, shall be punished with imprisonment for a term which shall not be less than two years but which may extend to five years, and shall also be liable to fine which shall not be less than Rupees fifty thousand and may extend to Rupees one lakh.”.

5. **Insertion of Section 8A.**—After Section 8 of the principal Act, the following section shall be inserted, namely:—

"8A. Inquiry or investigation in respect of complaint against conversion of religion.—No police officer below the rank of Sub-Inspector shall inquire or investigate into the complaints received in this behalf.”.

6. **Amendment of Section 13.**—In Section 13 of the principal Act, after the words “non-bailable”, the words “and triable by the Court of Sessions” shall be inserted.

HIGHER EDUCATION DEPARTMENT

NOTIFICATION

*Shimla-2, the 10th October, 2022*

No. EDN-A-Kha (3) -6/2022.—In exercise of the powers conferred by section 42 of Sardar Patel University, Mandi, Himachal Pradesh (Establishment and Regulation) Act, 2022 (Act No. 3 of 2022), the Governor, Himachal Pradesh is pleased to make the following First Statutes of the Sardar Patel University, Mandi, Himachal Pradesh, namely:—

The First Statutes of Sardar Patel University Mandi, Himachal Pradesh.

1. **Short Title and Commencement.**—(1) These Statutes may be called the First Statute of Sardar Patel University, Mandi, Himachal Pradesh.

(2) They shall come into force from the date of their publication in the Rajpatra (e-Gazette), Himachal Pradesh.

2. **Dean of Faculties.**—There shall be a Dean of each Faculty who shall be appointed by the Vice-Chancellor. The Dean shall be appointed in rotation, by seniority amongst all the