

# HARYANA VIDHAN SABHA

Bill No. 1— HLA OF 2022

## THE HARYANA PREVENTION OF UNLAWFUL CONVERSION OF RELIGION BILL, 2022

A

### BILL

*to provide for prevention of unlawful conversion from one religion to another by misrepresentation, use of force, threat, undue influence, coercion, allurements or by any fraudulent means or by marriage or for marriage and for matters connected therewith and incidental thereto.*

Be it enacted by the Legislature of the State of Haryana in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Prevention of Unlawful Conversion of Religion Act, 2022. Short title and commencement.
- (2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint. Definitions.
2. (1) In this Act, unless the context otherwise requires,—
  - (a) “allurement” means and includes an act of offering any temptation in the form of any gift or gratification or material benefits either in cash or kind or employment, education in school run by any religious body, better life style, divine pleasure or promise thereof;
  - (b) “coercion” means committing or threatening to commit any act punishable under the Indian Penal Code, 1860 (Central Act 45 of 1860) or any other law for the time being in force or unlawful detaining, threatening to detain, any property to the prejudice of any person, whatever, with the intention of causing any person to convert to another religion;
  - (c) “conversion” means renouncing one religion and adopting another religion but does not include return of any person to the religion professed or being professed by, any one or both, the parents or grandparents of a person;
  - (d) “digital mode” means and includes,—
    - (I) social media networking site that allow individuals to,—
      - (i) construct a public or semi-public profile within a bounded system;
      - (ii) articulate a list of other users with whom they share a connection; and

- (iii) view and traverse their list of connections and those made by others within the system;
- (II) social media applications aiming on building online communities of people who share interests and activities or who are interested in exploring the interests and activities of others and provide a variety of ways for users to interact such as e-mail and instant messaging;
- (e) "force" means causing or threatening to cause another person any injury to his person or property or to the person or property of anyone in whom that person is interested with the intent that such person shall do the thing which is the object of the offender to cause him to do;
- (f) "fraudulent" includes misrepresentation of any kind or inducing any person to do or omit to do anything which he shall not do or omit if he was not so misrepresented or induced;
- (g) "Government" means the Government of the State of Haryana in the administrative department;
- (h) "minor" shall have the same meaning as assigned to it in clause (f) of section 2 of the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007);
- (i) "prescribed" means prescribed by the rules made under this Act;
- (j) "religion" means any organized system of faith, belief, worship or lifestyle as prevailing in India or any part thereof and defined under any law or custom for the time being in force;
- (k) "religious priest" means and includes a person professing any religion and who performs rituals including purification sanskar or conversion ceremony of any religion and by whatever name is called such as Pujari, Pandit, Qazi, Mulla, Maulvi, Father, Pastor or Nun;
- (l) "special officer" means an officer not below the rank of Inspector, as the Government may, by order, appoint for the specified area, for the purposes of this Act;
- (m) "undue influence" includes inducement by a person, who is in a position to dominate the will of another on account of his fiduciary relation or real or apparent authority over the other to obtain an unfair advantage by using his such position.

(2) Words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Indian Penal Code, 1860 (Central Act 45 of 1860) or the Information Technology Act, 2000 (Central Act 21 of 2000), shall have the meanings respectively assigned to them in that Act.

3. No person shall—

- (a) convert or attempt to convert, either directly or otherwise, any other person from one religion to another—
- (i) by misrepresentation, use of force, threat, undue influence, coercion, allurement or by fraudulent means including use of digital mode; or
- (ii) by marriage or for marriage:

Provided that nothing contained in clause (ii) shall apply to willful conversion duly certified by the District Magistrate as per the provisions of section 9 of this Act;

- (b) abet or conspire such conversion through any means including digital mode;
- (c) conceal his religion with intention to marry.

4. No Court shall take cognizance of an offence punishable under this Act except upon a police report or upon a complaint made by the person aggrieved by the offence or by his parents or siblings or by an officer authorized by the Government or with the leave of the Court by any other person who is related by blood, marriage, adoption, guardianship or custodianship, as the case may be.

5. Any marriage solemnized in contravention of clause (c) of section 3 shall be null and void.

6. Every petition for declaring a marriage null and void under section 5 shall be presented by any party aggrieved by the marriage before the Family Court or where a Family Court is not established, the Court having jurisdiction within the local limits wherein,—

- (a) the marriage was solemnized; or
- (b) the respondent, at the time of the presentation of the petition, resides; or
- (c) either parties to the marriage last resided together.

7. Any child born in the marriage solemnized in contravention of section 3 shall be deemed to be legitimate and the succession of property to such child shall be governed according to the law governing inheritance of,—

- (i) in case of property of father/father's ancestors, the father; and
- (ii) in case of property of mother/mother's ancestors, the mother.

8. The court in the proceeding under section 6 of this Act may grant maintenance and expenses of the proceedings on an application filed by any party and to a minor child born in the marriage so declared null and void, in such manner, as may be prescribed.

Conversion of religion.

Cognizance of offence.

Marriage by concealment.

Jurisdiction of Court.

Right to inheritance.

Right to maintenance.

Declaration  
before conversion  
of religion.

9. (1) Any person who intends to convert shall submit a declaration to that effect, prior to such conversion, to the District Magistrate stating his intention to convert out of his own free will and without any force, coercion, undue influence or allurement in such form, as may be prescribed.

(2) Any religious priest and/or any person who intends to organize conversion shall give prior notice to the District Magistrate of the district where such conversion is proposed to be organized in such form, as may be prescribed.

(3) The District Magistrate on receiving the information under sub-section (1) or (2), shall give acknowledgement of such prior notice or declaration and affix the copy of such notice or declaration at the conspicuous place or on the notice board of his office, in such manner, as may be prescribed.

(4) Any person may, before the expiry of thirty days from the date of notice affixed on the notice board under sub-section (3), file written objections to such intended conversion on the ground that it shall contravene the provisions of section 3.

(5) If any objection is received by the District Magistrate under sub-section (4) within stipulated time then he shall verify and conduct inquiry in such manner, as may be prescribed.

(6) If the District Magistrate comes to the conclusion that the intended conversion is in contravention of section 3 then he shall decline the intended conversion by passing a reasoned order.

(7) The District Magistrate shall, after being satisfied as per the provisions of this Act that the conversion is willful and without any misrepresentation, use of force, threat, undue influence, coercion, allurement or by any fraudulent means or by marriage or for marriage, issue a certificate to that effect in such manner, as may be prescribed.

(8) The District Magistrate shall pass order under sub-section (6) or shall issue certificate under sub-section (7) within three months of expiry of notice period as provided under sub-section (4):

Provided that the District Magistrate, for the reasons to be recorded in writing, may pass an order or issue certificate within such period, as he may deem fit, but not later than six months after the expiry of notice period.

(9) Any conversion in violation of sub-sections (1) and (2) shall be deemed to be unlawful and ineffective.

Appeal.

10. Any person aggrieved by the order passed by the District Magistrate under section 9 may file an appeal within a period of thirty days from the receipt of certified copy of the order or issuance of certificate, as the case may be, before the concerned Divisional Commissioner, in such manner, as may be prescribed:

Provided that the Divisional Commissioner may further extend the period for thirty days for filing an appeal on showing reasonable cause for the delay by the aggrieved person.

11. Any conversion in contravention of the provisions of this Act shall be null and void.

Conversion to be  
null and void.

12. (1) Whoever contravenes the provisions of clause (a) or (b) of section 3 or both, shall be punished with imprisonment for a term which shall not be less than one year which may extend to five years and shall also be liable to fine which shall not be less than one lac rupees.

Punishment for  
contravention of  
provisions of Act.

(2) Whoever contravenes the provisions of clause (c) of section 3 shall be punished with imprisonment for a term, which shall not be less than three years which may extend to ten years and shall also be liable to fine which shall not be less than three lac rupees.

(3) Whoever 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 which may extend to ten years and shall also be liable to fine which shall not be less than three lac rupees.

(4) Whoever 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 which may extend to ten years and shall also be liable to fine which shall not be less than four lac rupees:

*Explanation.*—Mass conversion for the purposes of this sub-section means a conversion wherein more than two persons are converted at the same time.

(5) Whoever contravenes the provisions of section 9 shall be punished with imprisonment for a term which shall not be less than three years which may extend to five years and shall also be liable to fine which shall not be less than two lac rupees:

Provided that in case of a second or subsequent offence mentioned in this section, the term of imprisonment shall not be less than ten years and also with fine which shall not be less than five lac rupees.

13. (1) Where any institution or organization violates any provisions of this Act, the person in-charge of the affairs of such institution or organization, as the case may be, indulged in such violation shall be liable for punishment as provided under section 12, as the case may be.

Punishment for  
violation of  
provisions of Act  
by an institution  
or organization.

(2) Where any institution or organization is found guilty under sub-section (1), the registration of such institution or organization, as the case may be, shall be cancelled by the competent authority in such manner, as may be prescribed.

*Explanation.*—“competent authority” for the purposes of this section shall be the authority who registered such institution or organization.

- Order to pay compensation. 14. The Court may order to pay compensation as per the provisions of section 357 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).
- Burden of proof. 15. The burden of proof shall lie on the accused in case of violation of any of the provision of this Act.
- Offence to be cognizable, non-bailable and triable by Court of Session. 16. (1) Every offence committed under this Act shall be cognizable, non-bailable and triable by the Court of Session.  
(2) While trying an offence under this Act, the Court of Session may also try an offence arising out of same incident, other than the offence under this Act, with which the accused may be charged under any other law for the said incident.
- Investigation. 17. No police officer other than the special officer shall investigate any offence under this Act.
- Power to remove difficulty. 18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for 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 Legislature.
- Power to make rules. 19. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.  
(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

## STATEMENT OF OBJECTS AND REASONS

1. Right to freedom of religion is guaranteed under Articles 25, 26, 27 and 28 of the Constitution of India, which provides for enable every citizen of India for religious freedom. The objective of this right is to adopt matter of faith as per his will. According to the Constitution, the State has no religion and all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice.
2. The Constitution confers on each individual the fundamental right to profess, practice and propagate his religion. However, the individual right to freedom of conscience and religion cannot be extended to construe a collective right to proselytize; for the right to religious freedom belongs equally to the person converting and the individual sought to be converted.
3. Still, there have been umpteen cases of religious conversions, both mass and individual. Obviously, such incidents have been hotly debated, more so in a multi-religious society, such as ours. The presence of pseudo-social organizations with a hidden agenda to convert the vulnerable sections of other religions. There have been instances when gullible people have been converted by offering allurements or under undue influence. Some have been forced to convert to other religions.
4. In recent past several instances came in notice that with an agenda to increase strength of their own religion by getting people from other religions converted to their own religion, people do marry girls of other religion by misrepresentation of their own religion and after getting married to such girls, they are forced to convert to their own religion. Several instances came in notice that people convert themselves to the other religion only for the purpose of marriage with the girl of that religion and after marriage they got that girl converted into their original religion.
5. Such incidents not only infringe the freedom of religion of the persons so converted but also militate against the socio-religious fabric of our society.
6. The bill, therefore, seeks to:-
  - (i) Prohibit religious conversions which are effected through misrepresentation, force, undue influence, coercion, allurements or by any fraudulent means or by marriage or for marriage by making it an offence;
  - (ii) Provide greater punishment for such conversion in respect of the Minor, Women, Scheduled Castes or the Scheduled Tribes;
  - (iii) Provide that the burden of proof as to whether a conversion was not effected through misrepresentation, allurements, use of force, the threat of force, undue influence, coercion or by marriage or any other fraudulent means done for the purpose of carrying out conversion lies on the accused

- (iv) Declare marriages null and void, which were done solely for the purpose of conversion from one religion to another religion, on the written complaint.

To achieve the above objectives and reasons hence, the bill is being presented.

ANIL VIJ,  
Home Minister, Haryana.

Chandigarh :  
The 26th February, 2022.

R.K. NANDAL,  
Secretary.

*N.B.*— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 26th February, 2022, under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Haryana Prevention of Unlawful Conversion of Religion Bill, 2022 provides the State Government may, by notification in the official gazette make rules for carrying out the purpose of this Act and every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session. Hence, the memorandum regarding delegated legislation as required under Rule, 126 of the Rule of the Procedure and Conduct of Business in the Haryana Legislative Assembly.