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शुक्रवार, डिसेंबर १४, २०१२/अग्रहायण २३, शके १९३४

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### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 14th December, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

#### L. A. BILL No. XXVII OF 2012.

##### *A BILL*

*to provide for prohibition of conversion from one religion to another by the use of force or allurement or by fraudulent means and for matters incidental thereto.*

WHEREAS it is expedient to provide for prohibition of conversion from one religion to another by the use of force or allurement or by fraudulent means and for matters incidental thereto; It is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title,  
extent and  
commence-  
ment

1. (1) This Act may be called the Maharashtra Freedom of Religion Act, 2012.

(2) It shall extend to the whole of the State of Maharashtra.

(3) It shall come into force at once.

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

Definitions

(a) "allurement" means offer of any temptation in the form of—

(i) any gift or gratification either in each of kind,

(ii) grant of any material benefit, either monetary or otherwise,

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

(c) "force" shall include a show of force or a threat or injury of any kind including threat of divine displeasure or social ex-communication,

(d) "fraud" shall include misrepresentation or any other fraudulent contrivance;

(e) "minor" means a person under eighteen years of age.

3. No person shall convert or attempt to convert either directly or otherwise, any person from one religious faith to another by the use of force or by allurement or by any fraudulent means nor shall any person abet any such conversion.

Prohibition of forcible conversion.

4. Any person contravening the provisions contained in section 3 shall without prejudice to any civil liability be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both :

Punishment for contraventions of the provisions of section 3.

Provided that, in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes the punishment shall be imprisonment to the extent of two years and fine upto ten thousand rupees.

5. (1) Whoever converts any person from one religious faith to another either by performing himself the ceremony for such conversion as a religious priest or by taking part directly or indirectly in such ceremony shall, within such period after the ceremony as may be prescribed send an intimation to the District Magistrate of the district in which the ceremony has taken place of the facts of such conversion in the prescribed form.

Intimation of conversion to be given to District Magistrate.

(2) If any person fails without sufficient reasons to comply with the provisions contained in sub-section (1) he shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence to  
be  
cognizable.

**6.** An offence under this Act shall be cognizable and shall be investigated by an Officer not below the rank of an Inspector of Police.

Prosecution  
to be made  
with the  
sanction of  
District  
Magistrate.

**7.** No prosecution for an offence under this Act shall be initiated except by, or with the previous sanction of the District Magistrate or such other authority, not below the rank of Divisional Officer, as may be authorised by him in that behalf.

Power to  
make rules.

**8.** (1) The State Government may, subject to the conditions of previous publication in the *Official Gazette*, make rules for carrying into effect the provision of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall, from the date of publication of a notification in the *Official Gazette*, of such decision have effect only in such modified form or be of no effect as the case may be, so however, that any such modifications or annulment shall be without prejudice to the validity of anything done or omitted to be done under the rule.

महाराष्ट्र शासन राजपत्र, भाग पाच-अ,  
गुरुवार-बुधवार, एप्रिल ३-९, २०१४/चैत्र १३-१९, शके १९३६

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STATEMENT OF OBJECTS AND REASONS.

Conversion in its very essence involves an act of undermining one's faith. The process becomes all the more objectionable when it is brought about by taking recourse to methods like allurement, force, fraud and exploitation of one's poverty. Conversion or attempt to conversion in the above manner, besides creating various mal-adjustments in social life also gives rise to problems of law and order and also indirectly impinge on the freedom of religion. It is therefore, expedient to provide for measures for checking such activities.

The Bill seeks to achieve the above objectives.

Hence this Bill.

**Vidhan Bhavan :**

Mumbai,  
Dated the 30th July, 2012.

SUDHIR MUNGANTIWAR,  
Member-in-charge.

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महाराष्ट्र शासन राजपत्र, भाग पाच-अ,  
गुरुवार-बुधवार, एप्रिल ३-९, २०१४/चैत्र १३-१९, शके १९३६

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative powers :—

*Clause 5.— (a)* Sub-clause (1) of this clause empowers the State Government to prescribe the period, after the ceremony of conversion, within which an intimation about the conversion ceremony shall be communicated to the District Magistrate.

*(b)* It also empowers the State Government to prescribe the form in which the facts of such conversion are to be communicated.

The above proposal for delegation of legislative power is of a normal character.

**Vidhan Bhavan :**

Nagpur,

Dated the 14th December, 2012.

Dr. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.