

# IIRF Reports

International Institute for Religious Freedom  
Internationales Institut für Religionsfreiheit  
Institut International pour la Liberté Religieuse



World Evangelical Alliance

## Universal Periodic Review Republic of India

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World Evangelical Alliance

**Universal Periodic Review  
Republic of India**

13<sup>th</sup> session of the UPR Working Group

World Evangelical Alliance (WEA), an NGO with special consultative status since 1997. WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide. WEA was founded in 1846 in London. [www.worldevangelicals.org](http://www.worldevangelicals.org)  
Evangelical Fellowship of India (EFI). EFI was founded in 1951 as a national alliance of evangelical Christians in India. It is a member of WEA. [www.efionline.org](http://www.efionline.org)

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## Anti-Conversion Laws In India

### Overview

1. While the Constitution of India provides for full religious freedom under Articles 25 and 26, **six Indian states have enacted “Freedom of Religion” Acts which regulate religious conversions.** These laws claim to merely purge the use of force, fraud and inducement from religious persuasion in the interest of public order. But these “anti-conversion” laws clearly violate some key components of religious freedom and are used as a pretext for serious human rights violations against religious minorities.
2. **These laws<sup>1</sup>, enacted in the states of Orissa, Madhya Pradesh, Arunachal Pradesh Chhattisgarh, Gujarat and Himachal Pradesh, give the district administration wide and sweeping powers to inquire into religious conversions but provide no provisions for protection against discriminatory action on the part of the authorities. And they require a person converting to another religion to give details of the conversion to the local district magistrate, either prior to the conversion ceremony or subsequent to it. The law in Gujarat makes prior permission from the local authorities mandatory before any conversion ceremony is performed.**
3. **Besides vague and wide definitions of terms such as “force,” “fraud” and “inducement” or “allurement,” they potentially include even legitimate pursuits or actions of propagating one’s faith. Inclusion of the terms such as “divine displeasure” in the definition of force restricts those propagating their religion to inform others about parts of their religious convictions.**
4. These laws are premised on a long time propaganda by right-wing Hindu groups against minority Christians and Muslims – that poor and illiterate Hindus are being converted with the use of duress, deception or coercion, which threatens public order – and not on a scientific study on religious conversions.
5. **Moreover, the laws in Arunachal Pradesh and Himachal Pradesh seek to prohibit conversions out of “original religion” or “indigenous faiths,” showing that their real intent is to prevent or regulate conversions to faiths such as Christianity and Islam.**

<sup>1</sup>Orissa Freedom of Religion Act 1967, Madhya Pradesh *Dharma Swatantraya* Act 1968, Chhattisgarh *Dharma Swatantraya Adhiniyam* 1968, Arunachal Pradesh Freedom of Religion Act 1978, Gujarat Freedom of Religion Act 2003 and Himachal Pradesh Freedom of Religion Act 2006. See annexes.

6. The state governments that have enacted these laws claim they do not defy religious freedom based on a 1977 ruling by the Supreme Court of India [in the *Reverend Stanislaus vs. State of Madhya Pradesh*<sup>2</sup> case] which upheld the Madhya Pradesh Freedom of Religion Act stating that the right to propagate did not include the right to convert another person.
7. The Supreme Court however in the said case, considered only the following arguments, i.e. whether an individual has a right to convert any person or merely to propagate the religion of one’s choice and if the state legislatures are competent to enact such legislations in order to protect public order.
8. Furthermore, the Acts have come under harsh criticism also from national and international agencies, including the UN Special Rapporteur on freedom of religion or belief and the National Commission for Minorities, as right-wing Hindu groups have misused these laws to harass mainly the minority Christian community.

### The “Freedom of Religion” Acts: A Violation of Freedom of Religion

9. The vague and overtly broad definitions in the Acts already constitute in itself a violation of freedom of religion.<sup>3</sup> In March 2007, the National Commission for Minorities noted with concern “the terminology used in the [Himachal Pradesh Freedom of Religion] Act and the methodology prescribed for implementing it” and the “attempt of the Act, and reportedly by similar pieces of legislation contem-

<sup>2</sup>AIR 1977 SC 908.

<sup>3</sup>See also the report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, Addendum, MISSION TO INDIA (A/HRC/10/8/Add.3): “While these laws appear to protect religious adherents only from attempts to induce conversion by improper means, they have been criticized on the ground that the failure to clearly define what makes a conversion improper bestows on the authorities unfettered discretion to accept or reject the legitimacy of religious conversions. All of these laws include in the definition of use of force any ‘threat of divine displeasure or social excommunication. Moreover, the terms inducement or allurement are defined to include the offer of any gift or gratification, either in cash or in kind, as well as the grant of any benefit, either pecuniary or otherwise. These broad and vague terms might be interpreted to cover the expression of many religious beliefs. In addition, some provisions are discriminatory in giving preferential treatment to re-conversions, for example by stipulating that returning to the forefathers’ original religion or to one’s own original religion shall not be construed as conversion.” (§48).

plated in some other States, to interfere with the basic right of freedom of religion that is the birth right of every Indian.”<sup>4</sup>

### Conversion

10. The definition of conversion in these Acts overlooks the fact that conversion is primarily a thought process which may span several days, weeks or even years. And the definition in the Gujarat Act in particular suggests that conversion requires an external agency almost without the will of the prospective convert.<sup>5</sup> **This understanding of conversion considers the convert as a potentially irresponsible person that needs to be protected from its own choices. The person is infantilized and its freedom to make its own choice is denied.**

### Force

11. **The definition of the term “force” as “threat of divine displeasure” unjustifiably impinges on possible interactions between potential converts and those seeking to propagate their faith. And without being well informed, a potential convert cannot meaningfully exercise his or her freedom to change religion.**
12. Proponents of these laws often quote the Orissa High Court ruling in *Yulitha Hyde v. State of Orissa*<sup>6</sup>, which held, “Threat of divine displeasure numbs the mental faculty; more so of an undeveloped mind (sic) and the actions of such a person thereafter, are not free and according to conscience.” The courts in India have also reasoned that threatening anyone with divine displeasure puts great pressure on the threatened person and deprives them of the capacity of exercising their rational judgment. Repeatedly the courts have held that a suggestion of divine displeasure deprives a person of their abilities to make a choice.

### Fraud

13. The definition of the word “fraudulent” as “misrepresentation or any other fraudulent contrivance” can also be problematic, if the judicial power has to decide what “misrepresentation” or a “fraudulent contrivance” is, with regard to spiritual mat-

ters. This opens the possibility for a judge to evaluate which religious convictions are acceptable and can be expressed publicly, and which cannot.

### Inducement/Allurement

14. A problem in defining the term “inducement” or “allurement” as “offer of any temptation in the form of any gift or gratification either in cash or kind or grant of any material benefit either monetary or otherwise” was noted by the Orissa High Court in *Yulitha Hyde v. State of Orissa*. The court held that the vague nature and wide scope of the term would impinge on various legitimate methods of sharing one’s faith. While the Supreme Court subsequently overruled the Orissa High court’s decision in *Rev. Stanislaus vs. Madhya Pradesh*<sup>7</sup>, the court chose not to comment on definitions provided under the Acts.

### Arbitrary, Wide Powers

15. **The Acts give district authorities wide and sweeping powers to inquire into both the reasons behind a religious conversion and the procedure adopted for the same. This is a gross violation of the right to freedom of association, the right to privacy and the freedom of conscience.**
16. **The Acts cast an onerous burden on the part of the converted person and the persons seeking to propagate their faith without providing the required checks and balances to ensure protection against misuse of authority. For example, Section 4 of the Himachal Pradesh Act makes it obligatory for a person to give a 30-day prior notice to the District Magistrate about his or her intention to convert. As per the Rules, the District Magistrate “shall get the matter enquired into by such agency as he may deem fit”. No time limit is prescribed for the conduct of such an enquiry nor have its modalities been defined. The procedure is oppressive as it will deter a person from changing his or her religion due to unnecessary revelation of an individual’s personal choice and belief to the public at large along with the stigma of having a police inquiry in matters relating to one’s belief and conscience.** <sup>8</sup>

<sup>4</sup>The full press release is available at the National Commission for Minorities website at <http://ncm.nic.in/The-Himachal-Pradesh-Freedom-of-Religion-Act.html> (last accessed on November 11, 2011).

<sup>5</sup>Sec. 2 (b) of the Gujarat Freedom of Religion Act, 2003.

<sup>6</sup>AIR1973 Ori 116.

<sup>7</sup>1977 (1) Supreme Court Cases 677.

<sup>8</sup>Arcot Krishnaswami, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in STUDY OF DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES (1960), mentions that a similar law calling for the regulation and registration of converts was sought to be introduced in the Indian Parliament in

### Requirement of Notice/Prior Permission

17. **The Acts require the person converting to give details of his or her conversion to the district magistrate, either prior to the conversion ceremony or subsequent to it. The Gujarat law states that the person seeking to be converted must take prior permission from the concerned district magistrate before any conversion ceremony is performed. The Acts therefore greatly impinge on the freedom of conscience of a prospective convert and also on their right to privacy. The person is rendered incapable of taking the final decision with regards to his or her faith and instead requires the seal of approval of the local district authority.** In accordance with articles 18.2 and 17 of the ICCPR, no one should be compelled to reveal his thoughts or adherence to a religion or belief.<sup>9</sup>

1955. The parliament rejected the bill. The then Prime Minister, Jawaharlal Nehru, said: "I fear this bill... will not help very much in suppressing the evil methods [of gaining converts], but might very well be the cause of great harassment to a large number of people. Also, we have to take into consideration that, however carefully you define these matters, you cannot find really proper phraseology for them. Some members of this House may remember that this very question, in its various aspects, was considered in the Constituent Assembly, [and] before the Constituent Assembly formally met, by various sub-committees... Ultimately, Sardar Patel got up and said, 'Let there be no heat about this matter — because there was heat — it is obvious that three committees have considered this matter and have not arrived at any conclusion which is generally accepted. After that, they came to the conclusion that it is better not to have any such thing because they could not find a really adequate formula which could not be abused later on.' "The major evils of coercion and deception can be dealt with under the general law. It may be difficult to obtain proof but so is it difficult to obtain proof in the case of many other offences, but to suggest that there should be a licensing system for propagating a faith is not proper. It would lead in its wake to the police having too large a power of interference."

<sup>9</sup>Human Rights Committee, General Comment 22, Article 18 (1993), §3. See also the report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, Addendum, MISSION TO INDIA (A/HRC/10/8/Add.3): "(...) the requirement of advance notice or prior permission seems to be unduly onerous for the individual who intends to convert. Any state inquiry into the substantive beliefs and motivation for conversion is highly problematic since it may lead to interference with the internal and private realm of the individual's belief (*forum internum*). This approach is aggravated if such a Freedom of Religion Act awards specific protection to the state government and its officers against prosecution or legal proceedings with regard to 'anything done in good faith or intended to be done under the Act or any rule made thereunder.' Moreover, it seems unclear who may bring an action for, or lodge an appeal against, decisions with regard to the permissibility of a religious conversion. (...) [A]ny concern raised with regard to certain conversions or how they might be accomplished should primarily be raised by the alleged victim." (§49).

### Exemption of Reconversion

18. Some of the Acts blatantly violate the right to equality as provided under Article 14 of the Indian Constitution. For example, **under the Himachal Pradesh Act, Section 4 proviso states that "no notice will be required if a person reverts back to his original religion."** This is an unreasonable classification and the legislature has failed to distinguish why a special provision is required for non-notification in the event of reconversion to "original religion." A similar provision exists in the Arunachal Pradesh freedom of religion.

### Effect of the Legislation on Human Rights

19. Apart from violating rights of the general populace in the six states, the anti-conversion laws further victimize the religious minorities, including the Christian community which has faced numerous violent attacks each year since 1998. These attacks appear to be more pronounced in states that have adopted 'Freedom of Religion' Acts.

20. **Human rights organisations including faith based organisations record frequent attacks against the minority Christian community by right-wing Hindu groups, on the allegation of "forcible conversions". However, in spite of the existence of these acts in some states for over 45 years, there have been very few convictions, though cases are registered under the Acts almost every month.<sup>10</sup> In the year 2010, there were approximately 18 arrests reported under**

<sup>10</sup>See also the report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, Addendum, MISSION TO INDIA (A/HRC/10/8/Add.3 , 26 January 2009): "Even in the Indian states which have adopted laws on religious conversion there seem to be only few – if any – convictions for conversion by the use of force, inducement or fraudulent means. In Orissa, for example, not a single infringement over the past ten years of the Orissa Freedom of Religion Act 1967 could be cited or adduced by district officials and senior officials in the State Secretariat. However, such laws or even draft legislation have had adverse consequences for religious minorities and have reportedly fostered mob violence against them. There is a risk that 'Freedom of Religion Acts may become a tool in the hands of those who wish to use religion for vested interests or to persecute individuals on the ground of their religion or belief. While persecution, violence or discrimination based on religion or belief need to be sanctioned by law, the Special Rapporteur would like to caution against excessive or vague legislation on religious issues which could create tensions and problems instead of solving them." (§50).

state level “anti-conversion” laws and other restrictive laws in Chhattisgarh and Madhya Pradesh alone.

21. Targeted attacks against Christians began with a massive spate of violence in Gujarat’s Dangs district and the burning alive of Australian missionary Graham Staines and his two minor sons in Orissa state in 1999. The attacks on religious minorities constantly increased thereafter.
22. Over the period of 2006 – 2011 (June), faith based human rights group has recorded over 750 incidents of violence and hostility against the Christian community. These reports did not include the violence recorded in Orissa’s Kandhamal district in 2007 and 2008. In Orissa in these two years, more than 6,000 homes were burned, 50,000 people were displaced, thousands were injured, and about 100 men and women were burned alive or hacked to death, according to faith-based groups in India. The southern state of Karnataka recorded the most number of incidents of violence against the Christian community after Orissa. The People Union for Civil Liberties recorded approximately 1000 attacks in that state in a space of 500 days.<sup>11</sup>
23. A two-member team of the National Commission for Minorities in India comprising Harcharan Singh Josh and Lama Chosphele Zotpa, after their visit to the states of Madhya Pradesh and Chhattisgarh between June 13 and 18, 2007 noted that Hindu extremists frequently invoke the anti-conversion law in Madhya Pradesh as a means of inciting mobs against Christians or having them arrested without evidence. The report stated that:

*“Obviously, the life of Christians has become miserable at the hands of miscreants (sic) in connivance with the police,” they noted in their report. “There are allegations that when atrocities were committed on Christians by the miscreants (sic), police remained mere spectators and in certain cases they did not even register FIRs [First Information Reports].”*

<sup>11</sup>STATE TERRORISM – TYRRANY (A REPORT ON THE ATTACKS ON MINORITIES AND THEIR PLACES OF WORSHIP IN KARNATAKA) – 2011 (Full report can be accessed at [http://www.pucl.org/Topics/Religion-communalism/2011/saldanha\\_report.pdf](http://www.pucl.org/Topics/Religion-communalism/2011/saldanha_report.pdf)).

## Recommendations to The Government of India

- Although maintenance of public order is a state responsibility, the central or federal government should issue an advisory to the state governments to repeal the anti-conversion laws;
- The Ministry of Home Affairs should provide training on human rights and religious freedom standards and practices to the state and central police and judiciary;
- The government should ensure an active Commission for Human Rights and Commission for Minorities is operational in every state, and that members of each commission are appointed by transparent and non-partisan procedures;
- The Law Commission of India should be assigned to conduct a research on the premise, impact and misuse of the Acts in each state.

## Annexes

### Annexe 1: The Orissa Freedom of Religion Act, 1967

An Act to provide for prohibition of conversion from one religion to another by the use of force or inducement or by fraudulent means and for matters incidental thereto

Be it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the republic of India as follows:

#### 1. Short title, extent and commencement

- (1) this Act may be called the Orissa Freedom of Religion Act, 1967.
- (2) It shall extend to the whole of the State of Orissa.
- (3) It shall come into force at once.

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

- (a) “conversion” means renouncing one religion and adopting another;
- (b) “force” shall include a show of force or a threat for injury of any kind including threat of divine displeasure or social excommunication;
- (c) “fraud” shall include misrepresentation or any other fraudulent contrivance;
- (d) “inducement” shall include the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise;

(e) “minor” means a person under eighteen years’ of age.

**3. Prohibition of forcible conversion** – 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 inducement or by any fraudulent means nor shall any person abet any such conversion.

**4. Punishment for contravention of the provisions of Section 3** – Any person contravening the provisions contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both;

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 up to ten thousand rupees.

**5. Offence to be cognizable** – An offence under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.

**6. Prosecution to be made with the sanction of District Magistrate** – No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Sub-divisional Officer, as may be authorised by him in that behalf.

**7. Power to make rules** – The State Government may make rules for the purpose of carrying out the provisions of this Act.

## Annexe 2: Orissa Freedom of Religion Rules, 1989

In exercise of the powers conferred by Section 7 of the Orissa Freedom of Religion Act, 1967

(Orissa Act 2 of 1968), the State Government of Orissa, do hereby make the following rules, namely:

### 1. Short title

- (1) These rules may be called the Orissa Freedom of Religion Rules, 1989.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### 2. Definitions

- (1) In these rules, unless the context otherwise requires:
  - (a) “Act” means Orissa Freedom of Religion Act, 1967 (Orissa Act 2 of 1968);

- (b) “Organisation” means a body of persons authorised by religious institutions who expound spiritual thoughts of different religions inside and outside the country;

- (c) “Form” means form appended to these rules;

- (d) “Government” means Government of Orissa;

- (e) “Religious institutions” mean different religious authorities, who expound religious thoughts in the country and abroad;

- (f) “State” means State of Orissa.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as is respectively assigned in the Act.

### 3. List of religious institutions and organisations

- (i) Each District Magistrate shall maintain a list of religious institutions or organisations propagating religious faith in his district and that of persons directly or indirectly engaged for propagation of religious faith in the district.

- (ii) The District Magistrate, if he thinks fit, may call for a list of persons with the religious faith, receiving benefits either in case or in kind from the religious organisations or institutions or from any person connected therewith.

**4. Declaration before conversion-** Any person intending to convert his religion, shall give a declaration before a Magistrate, 1st Class, having jurisdiction prior to such conversion that he intends to convert his religion on his own will.

### 5. Intimation of ceremony

- (1) The concerned religious priest shall intimate the date, time and place of the ceremony in which conversion shall be made along with the names and addresses of the persons to be converted to the concerned District Magistrate before fifteen days of the said ceremony.

- (2) The intimation shall be in Form ,A’ and shall be delivered either personally by the priest, to the concerned District Magistrate or be sent to him by registered post with acknowledgment due.

- (3) On receiving the intimation under sub-rule (2), the District Magistrate shall inform the concerned Superintendent of Police in detail who shall pass on the information to the concerned Police Station and the Officer-in-charge of the Police Station shall ascertain objection, if any, to the proposed conversion by local inquiry and intimate the same to the District Magistrate.

**6. The District Magistrate to issue acknowledgment receipt** – The District Magistrate on receiving the intimation from the priest shall sign thereon stating the date on which and the hour at which the intimation has been delivered to him or received by him and shall forthwith acknowledge the receipt thereof in Form ,B‘.

**7. Register of conversion-** The District Magistrate shall, maintain a register of conversion in Form ,C‘ and shall enter herein particulars of the intimation received by him.

**8. Penalty** – Any person who contravenes the provisions of rule 5 or 6 shall be liable to a fine of rupees one thousand.

**9. Submission of report to Government** – The District Magistrate shall by the 10th of each month send to the State Government a report of intimations received by him during the preceding month in Form ,D‘.

## FORM A

Intimation regarding conversion from one religious faith to another.

To,  
The District Magistrate,  
District \_\_\_\_\_

Sir,  
I, as a religious priest intend to perform the necessary ceremony for conversion of Shri \_\_\_\_\_ S/o \_\_\_\_\_ R/O \_\_\_\_\_ from \_\_\_\_\_ religious faith to \_\_\_\_\_ religious faith, do hereby, give intimation of the conversion as required by sub-rule (1) of Rule 5 of the Orissa Freedom of Religion Rules, 1989 as follows:-

1. Name of the person to be converted \_\_\_\_\_
2. Name of the Father of the person to be converted \_\_\_\_\_
3. Address of the person to be converted in full:  
\_\_\_\_\_  
House No. \_\_\_\_ Ward No. \_\_\_\_  
Mohalla \_\_\_\_\_ Village \_\_\_\_\_  
Tahsil \_\_\_\_\_ District \_\_\_\_\_  
4. Age \_\_\_\_\_ 5 Sex \_\_\_\_\_
6. Occupation and monthly income of the person to be converted \_\_\_\_\_

7. Whether married or unmarried \_\_\_\_\_
8. Name of persons, if any, dependent upon the person to be converted \_\_\_\_\_
9. If a minor, name and full address of guardian, if any \_\_\_\_\_
10. Whether belongs to Scheduled Caste or Scheduled Tribe and if so, Particulars of such Caste or Tribe \_\_\_\_\_
11. Name of the place where the conversion ceremony would take place with full details  
House No. \_\_\_\_ Ward No. \_\_\_\_  
Mohalla \_\_\_\_\_ Village \_\_\_\_\_  
Tahsil \_\_\_\_\_ District \_\_\_\_\_
12. Proposed date of conversion \_\_\_\_\_
13. Name of person who will perform the conversion ceremony and his/her address \_\_\_\_
14. Name of at least two persons other than priest/ the persons giving intimation to remain present at the time of conversion ceremony

Signature of the religious priest/the person taking part in the conversion ceremony

## VERIFICATION

I, the undersigned do hereby declare that the facts and particulars stated above are true to the best of my knowledge and belief.

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of the Priest: \_\_\_\_\_

## FORM B

Received intimation under Rule 5 of the Orissa Freedom of Religion Rules, 1989 from Sri

\_\_\_\_\_ S/o \_\_\_\_\_ R/o \_\_\_\_\_  
\_\_\_\_\_ with respect to conversion of Shri \_\_\_\_\_  
\_\_\_\_\_ S/o \_\_\_\_\_ R/o \_\_\_\_\_  
\_\_\_\_\_ from religious faith \_\_\_\_\_  
to religions faith \_\_\_\_\_

Date:

District Magistrate \_\_\_\_\_

## FORM C

Register of conversion

1. Name of the person converted \_\_\_\_\_
2. Father's name of the person converted \_\_\_\_\_
3. Address of the person converted in full \_\_\_\_\_

House No. \_\_\_\_\_ Ward No. \_\_\_\_\_  
 Mohalla \_\_\_\_\_ Village \_\_\_\_\_  
 Tahsil \_\_\_\_\_ District \_\_\_\_\_  
 4. Age \_\_\_\_\_ 5. Sex \_\_\_\_\_  
 6. Occupation monthly income of the person converted \_\_\_\_\_  
 7. Whether married or unmarried \_\_\_\_\_  
 8. Name of persons, if any, dependent upon the person converted \_\_\_\_\_  
 9. If a minor, name and full address of guardian, if any \_\_\_\_\_  
 10. Whether belongs to Schedule Caste or Scheduled Tribe and if so, Particulars of such Caste or Tribe.  
 11. Name of the place whether the conversion ceremony has taken place with full details  
 House No. \_\_\_\_\_ Ward No. \_\_\_\_\_  
 Mohalla \_\_\_\_\_ Village \_\_\_\_\_  
 Tahsil \_\_\_\_\_ District \_\_\_\_\_  
 12. Date of conversion \_\_\_\_\_  
 13. Name of person who has performed the conversion ceremony and his address \_\_\_\_\_  
 14. Name of at least two persons other than priest/ the persons giving intimation present at the time of conversion ceremony

## FORM D

Report for the month of \_\_\_\_\_

1. No. of intimations received during the month \_\_\_\_\_
2. Religion-wise intimation \_\_\_\_\_ Break up of the religion from which Religion to which converted. converted.
3. No. of prosecutions, if any, instituted under the Adhiniyam \_\_\_\_\_
4. No. of acquittals and convictions under the Adhiniyam during the month \_\_\_\_\_

District Magistrate \_\_\_\_\_

## Annexe 3: Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968

(Received the assent of the Governor on October 19, 1968. Assent first published in the Madhya Pradesh Gazette, Extraordinary, dated October 21, 1968.)

**An Act 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.**

Be it enacted by the Madhya Pradesh Legislature in the Nineteenth year of the Republic of India as follows:

### 1. Short title, extent and commencement –

- (1) This Act may be called the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968.
- (2) It shall extend to the whole of the State of Madhya Pradesh.
- (3) It shall come into force at once.

**2. Definitions.** – In this Act unless the context otherwise requires:

- (a) “allurement” means offer of any temptation in the for of:
  - (i) any gift or gratification either in cash or kind;
  - (ii) grant of any material benefit, either momentary or otherwise;
- (b) “conversion” means renouncing one religion and adopting another;
- (c) “force” shall include a show of force or a threat for injury of any kind including threat of divine displeasure or social excommunication;
- (d) “fraud” shall include misrepresentation or any other fraudulent contrivance;
- (e) “minor” means a person under eighteen years of age.

**3. Prohibition of forcible conversion –** 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 inducement or by any fraudulent means nor shall any person abet any such conversion.

**4. Punishment for contravention of the provisions of Section 3 –** Any person contravening the provisions contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both; 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 up to ten thousand rupees.

**5. Intimation to be given to District Magistrate with respect to conversion -** (1) Whoever converts any person from one religious faith to another either by performing himself the ceremony necessary 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 fact of such conversion in such form as may be prescribed.

(2) If any person fails with sufficient cause to comply with the provisions contained in sub-section (1), he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

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

**7. Prosecution to be made with the sanction of District Magistrate** – No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Sub-divisional Officer, as may be authorised by him in that behalf.

**8. Power to make rules** – The State Government may make rules for the purpose of carrying out the provisions of this Act.

#### Annexe 4: Madhya Pradesh Dharma Swatantraya Rules 1969

**1. Short title:** These rules may be called the Madhya Pradesh Dharma Swatantraya Rules, 1969.

**2. Definitions:** In these rules, unless the context otherwise requires –

- a. “Adhiniyam” means the Madhya Pradesh Dharma Swatantraya Adhiniyam (Madhya Pradesh Freedom of Religion Act) 1968;
- b. “Form” means a form appended to these rules;
- c. “Intimation” means the intimation with respect to conversion required to be given under sub-section (1) of Section 5 of the Adhiniyam.

**3. Period within which intimation is to be sent:**

1. The intimation shall be sent to the District Magistrate of the district in which ceremony necessary for conversion has taken place within seven days after the date of such ceremony.
2. The intimation shall be in Form A and shall be delivered either personally by the person giving such intimation to the District Magistrate or be sent to him by registered post with acknowledgment.

**4. District Magistrate to issue acknowledgment receipt:** The District Magistrate on receiving the intimation shall sign thereon a certificate stating the

date on which and the hour at which the intimation has been delivered to him or received by him and shall forthwith acknowledge the receipt thereof in Form B.

**5. Register of conversion:** The District Magistrate shall maintain a register of conversion in Form C and shall enter therein particulars of the intimations received by him.

**6. ‘Submission of report to state government:** The District Magistrate shall, by the 10th of each month, send to the state government a report of intimations received by him during the preceding month in Form D.

#### FORM A

[See Rule 3 (2)]

Intimation regarding conversion from one religious faith to another.

To,  
The District Magistrate,  
District \_\_\_\_\_  
Madhya Pradesh.

Sir,  
I having performed the necessary ceremony for conversion as a religious priest/having taken part in the conversion ceremony of Shri \_\_\_\_\_ s/o \_\_\_\_\_ r/o \_\_\_\_\_ from \_\_\_\_\_ religious faith to \_\_\_\_\_ religious faith, do hereby, give intimation of the conversion as required by sub-section (1) of section 5 of the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968 (No. 27 of 1968) as follows:

1. Name of the person converted \_\_\_\_\_
2. Name of the father of the person converted \_\_\_\_\_
3. Address of the person converted in: House No. \_\_\_\_ Ward No. \_\_\_\_ Mohalla \_\_\_\_\_ Village \_\_\_\_\_ Tah \_\_\_\_\_ Distt \_\_\_\_\_
4. Age \_\_\_\_\_
- 5 Sex \_\_\_\_\_
6. Occupation and monthly income of the person converted \_\_\_\_\_
7. Whether married or unmarried \_\_\_\_\_

8. Name of persons, if any, dependent upon the person converted \_\_\_\_\_

9. If a minor, name and full address of guardian, if any \_\_\_\_\_

10. Whether belongs to Schedule Caste or Scheduled Tribe and if so, particulars of such

Caste or Tribe \_\_\_\_\_

11. Name of the place where the conversion ceremony has taken place with full details:

House No. \_\_\_\_ Ward No. \_\_\_\_ Mohalla \_\_\_\_ Village \_\_\_\_ Tah \_\_\_\_ Distt \_\_\_\_\_

12. Date of Conversion \_\_\_\_\_

13. Name of person who has performed the conversion ceremony and his address: \_\_\_\_\_

14. Name of at least two persons other than priest/ the person giving intimation present at the conversion ceremony \_\_\_\_\_

Signature of the religious priest/the person taking part in the conversion ceremony.

## VERIFICATION

I, the undersigned do hereby declare that what is stated above is true to the best of my knowledge and belief.

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## FORM B

(See Rule 4)

Received intimation under Section 5 of the Madhya Pradesh Dharma Swatantrya Adhiniyam,

1968 (27 of 1968) on \_\_\_\_\_ 19 , from Shri \_\_\_\_\_ s/o \_\_\_\_\_ r/o \_\_\_\_\_

\_\_\_\_\_ with respect to conversion of Shri \_\_\_\_\_ s/o \_\_\_\_\_ r/o \_\_\_\_\_

\_\_\_\_\_ from \_\_\_\_\_ religious faith to \_\_\_\_\_ religions faith.

Date:

District Magistrate \_\_\_\_\_

## FORM C

(See Rule 5)

Register of conversion

1. Name of the person converted \_\_\_\_\_

2. Father's name of the person converted \_\_\_\_\_

3. Address of the person converted in full House No. \_\_\_\_\_ Ward No. \_\_\_\_\_

\_\_\_\_\_ Mohalla \_\_\_\_\_ Village \_\_\_\_\_ Tah \_\_\_\_\_ Distt \_\_\_\_\_

4. Age \_\_\_\_\_

5 Sex \_\_\_\_\_

6. Occupation monthly income of the person converted \_\_\_\_\_

7. Whether married or unmarried \_\_\_\_\_

8. Name of persons, if any, dependent upon the person converted \_\_\_\_\_

9. If a minor, name and full address of guardian, if any \_\_\_\_\_

10. Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such

Caste or Tribe. \_\_\_\_\_

**\*\* Note: part of form C and all of form D are unavailable at the current time.**

## Annexe 5: The Arunachal Pradesh Freedom of Religion Act, 1978

(Received the assent of the President of India on 25th October, 1978)

**An Act to provide for prohibition of conversion from one religious faith to any other religious faith by use of force or inducement or by fraudulent means and for matters connected therewith.**

Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Twenty Ninth Year of the Republic of India as follows:

1. This act may be called the Arunachal Pradesh Freedom of Religion Act, 1978. It extends to the whole of the Union Territory of Arunachal Pradesh.

It shall come into force at once.

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

(a) "Government" means the Government of the Union Territory of Arunachal Pradesh.

(b) „Conversion“ means renouncing an indigenous faith and adopting another faith or religion.

- (c) Indigenous“ means such religions, beliefs and practices including rites, rituals, festivals, observances, performances, abstinence, customs as have been found sanctioned, approved, performed by the indigenous communities of Arunachal Pradesh from the time these communities have been known and includes Buddhism as prevalent among Monpas, Menbas, Sherdukpens, Khambas, Khamtis and Singaphoos, Vaishnavism preached by Noctes and Akas, and Nature worship including worship of Dogi-polo, prevalent among other indigenous communities of Arunachal Pradesh.
- (d) “Force” shall include a show of force or a threat for injury of any kind including threat of divine displeasure or social excommunication;
- (e) “Fraud” shall include misrepresentation or any other fraudulent contrivance;
- (f) „Inducement“ shall include the offer of any gift, or gratification, either cash or in kind and also include grant of any benefit, either pecuniary or otherwise.
- 3. Prohibition of forcible conversion-** No person shall convert or attempt to convert, either directly or otherwise, any person from indigenous faith by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.
- 4. Punishment for contravention of the provisions of Section 3-** Any person contravening the provisions contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment to the extent of two years and fine up to ten thousand rupees.
- (i) Whoever converts any person from his indigenous faith to any other faith or religion either by performing himself the ceremony necessary 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 Deputy Commissioner of the district to which the person converted belongs, of the fact of such conversion in such form as may be prescribed.
- (ii) If any person fails with sufficient cause to comply with the provisions contained in sub-section (1), he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

- 5.** An offence under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.
- 6.** No prosecution for an offence under the Act shall be instituted except by or with the previous sanction of the Deputy Commissioner or such other authority, not below the rank of an Extra Assistant Commissioner as may be authorised by him in his behalf.
- 7.** The Government may make rules for the purpose of carrying out the provisions of the Act.

## Annexe 6: The Gujarat Freedom of Religion Act, 2003

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

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:

### 1. Short title and commencement

- (1) This Act may be called the Gujarat Freedom of Religion Act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

### 2. Definitions

In this Act, unless the context otherwise requires:

- (a) “Allurement” means offer of any temptation in the form of:
- (i) any gift or gratification, either in cash or kind;
  - (ii) grant of any material benefit, either monetary or otherwise;
- (b) “Convert” means to make one person to renounce one religion and adopt another religion;
- (c) “Force” includes a show of force or a threat of injury of any kind including a threat of divine displeasure or social excommunication;
- (d) “Fraudulent means” includes misrepresentation or any other fraudulent contrivance;
- (e) “Minor” means a person under eighteen years of age.

**3. Prohibition of forcible conversion –** No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by allurement or by any fraudulent means nor shall any person abet such conversion.

**4. Punishment for contravention of provisions of Section 3** – Whoever contravenes the provision of Section 3 shall, without prejudice to any civil liability, be punished with imprisonment for a term, which may extend to three years and also be liable to a fine, which may extend to rupees fifty thousand:

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 may extend to four years and also be liable to a fine which may extend to rupees one lakh.

**5. Prior permission to be taken from District Magistrate with respect to conversion**

- (1) Whoever converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or takes part directly or indirectly in such ceremony shall take prior permission for such proposed conversion from the District Magistrate concerned by applying in such form as may be prescribed by rules.
- (2) The person who is converted shall send an intimation to the District Magistrate of the District concerned in which the ceremony has taken place of the fact of such conversion within such period and in such form as shall be prescribed by rules.
- (3) Whoever fails, without sufficient cause, to comply with the provisions of subsections (1) and (2) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both.

**6. Prosecution to be made with the sanction of District Magistrate** – No prosecution for an offence under this Act shall be instituted 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 authorised by him in that behalf.

**7. Offence to be cognizable** – An offence under this Act will be cognizable and shall not be investigated by an officer below the rank of a Police Inspector;

**8. Power to make rules**

- (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Act.
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legisla-

ture or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**Annexe 7: Gujarat Freedom of Religion Rules, 2008**

No.GG-14/08/SB.II/COM/1003/MOS-2-Part I: – In exercise of the powers conferred by sub-section (1) of section 8 of the Gujarat Freedom of Religion Act, 2003 (Guj. 22 of 2003), the Government of Gujarat hereby makes the following rules, namely:

**1. Short title and commencement.** –

- (1) These rules may be called the Gujarat Freedom of Religion Rules, 2008.
- (2) They shall come into force on the 1<sup>st</sup> April, 2008.

**2. Definitions.** – In these rules, unless the context otherwise requires,–

- (a) “Act” means the Gujarat Freedom of Religion Act, 2003;
- (b) “Form” means form appended to these rules;
- (c) “Government” means the Government of Gujarat.

**3. Application for prior permission of the District Magistrate, –**

- (1) Whoever converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or by organizing such ceremony or taking part directly or indirectly in such ceremony, shall obtain prior permission of the District Magistrate having jurisdiction, by making separate application in Form A for each person for such conversion, either in person or by registered post with acknowledgement due.
- (2) On receipt of the application made under sub-rule (1) in Form A, the District Magistrate shall put his signature thereon indicating the date and time of receipt of such application. An acknowledge for the receipt of the application shall be given in Form B.

**4. Prior permission of the District Magistrate. –**

- (3) On receipt of an application made under sub-rule (1) of rule 3, the District Magistrate shall, after making such inquiry as he thinks necessary, either

grant the permission or refuse to grant permission, within a period of one month from the date of the receipt of the application.

- (4) Where, the District Magistrate refuses to grant the permission under sub-rule (1), he shall record the reasons therefore. Such refusal shall be communicated to the applicant within a period of one month from the date of receipt of the application.
- (5) Where the permission under sub-rule (2) is refused and duly communicated to the applicant or otherwise, whoever contravenes the provisions of the Act and/or sub-rule (1) of rule 3 shall be liable for prosecution for an offence punishable under the Provisions of the Act.
- (6) The District Magistrate may authorize such officer not below the rank of a Police Inspector to investigate and inquire into the offence punishable under the Act and may authorize an officer not below the rank of Sub-Divisional Magistrate to prosecute the offender.

**4. Intimation of conversion to another religion to the District Magistrate. –**

- (1) The person who is converted or, as the case may be, the guardian or the parent of such person shall send an intimation of such conversion in Form C to the District Magistrate having jurisdiction within ten days from the date of such conversion ceremony, either in person or by registered post with acknowledgement due.
- (2) On receipt of the intimation under sub-rule (1) from the person who is converted to another religion in Form C, the District Magistrate shall put his signature thereon indicating the date and time of the receipt of such intimation. An acknowledgement for the receipt of such intimation shall be given in Form D.
- (3) Whoever fails without sufficient cause to comply with or contravenes the provisions of the Act and/or rule 5, shall be liable for prosecution for an offence punishable under the provisions of the Act. The District Magistrate may authorise an officer not below the rank of a Sub-Divisional Magistrate to prosecute the offender.

**5. Maintenance of a register. –** The District Magistrate shall maintain a register of conversion of Religion in Form E and shall enter therein the particulars of the intimations received by him.

**6. Submission of report to the State Government. –** The District Magistrate shall send a quarterly report to the Government in Form F with reference

to the particulars of applications, intimations, grant / refusal of permission and containing such other particulars as are mentioned therein.

**FORM A**

(See sub-rule (1) of rule 3)

**APPLICATION FOR PRIOR PERMISSION FOR CONVERSION TO ANOTHER RELIGION**

To:

The District Magistrate,  
.....District.

Sir,

I propose to perform the ceremony for conversion, as a religious priest / propose to take part in the conversion ceremony, of Shri / Smt/ Miss ..... S /o./W/o/ D/o ..... resident of ..... from ..... religion to ..... religion and do hereby request to grant prior permission for the conversion as required under rule 4 of the Gujarat Freedom of Religion Rules, 2008. I furnish the following particulars for the said purpose:

1. Name and full address of the person to be converted.
2. Name and full address of the parents of the person to be converted.
3. Age.
4. In case of minor, name and full address of the guardian.
5. Sex.
6. Whether belongs to S.C or S.T.
7. Whether married or unmarried.
8. If married, full name/names of the spouse/spouses and his/her/their address/addresses.
9. Occupation and monthly income of the person to be converted.
10. For how long the person to be converted has been subscribing to the religion which he/she proposes to renounce?
11. Reasons for conversion.
12. Name and address of the place where the conversion ceremony shall take place.
13. Date and time of conversion.

14. Name and address of the religious priest who shall perform the conversion ceremony.
15. Full details/information of the name/names and residential address/addresses of the person / persons who will take part in the conversion ceremony.

Date :

Signature of the religious priest /

Place:

person who shall take part

In Conversion Ceremony.

## FORM B

(See sub-rule (2) of rule 3)

### ACKNOWLEDGEMENT

Received an application for prior permission made under sub-rule (1) of rule 3 of the Gujarat Freedom of Religion Rules, 2008 from Shri / Smt. / Miss ..... S/o / W/o / D/o of Shri ..... resident of ..... for conversion of Shri / Smt. / Miss ..... S/o / W/o / D/o ..... Shri ..... resident of ..... from ..... religion to ..... religion.

Date:.....

District Magistrate

Place:.....

.....District

Seal of

The Office

## FORM C

(See sub-rule (1) of rule 5)

### INTIMATION REGARDING CONVERSION FROM ONE RELIGION TO ANOTHER

To,

The District Magistrate,

.....District

Sir,

I, the undersigned, having been converted from.....religion to.....religion, do hereby give intimation of the conversion as required under sub-rule (1) of rule 5 of the Gujarat Freedom of Religion Rules, 2008, as follows:

1. Name and address of the person converted.
2. Name and address of the parents of the person converted.
3. Age.
4. Sex.
5. In case of minor, name and full address of guardian.
6. Whether the person belongs to S.C. or S.T.
7. Whether married or unmarried.
8. If married, full name / names of the spouse / spouses and her / their address / addresses.
9. Occupation and monthly income of the person converted.
10. For how long the person converted has been subscribing the religion which he / she has renounced?
11. Reasons conversion.
12. Name and address of the place where the conversion ceremony has taken place.
13. Date and time of conversion.
14. Name and address of the religious priest who has performed the conversion ceremony.
15. Name / Names and address / addresses of the person / persons who has / have taken part in the conversion ceremony.

Date :

Place:

Signature of the person converted

or parent / guardian in case of minor

## FORM D

(See sub-rule (2) of rule 5)

### ACKNOWLEDGEMENT

Received intimation given under sub-rule (1) of rule 5 of the Gujarat Freedom of Religion Rules, 2008 from Shri / Smt. / Miss .....  
S/o / W/o / D/o ..... resident of .....  
..... with respect to his / her conversion from ..... religion to ..... religion.

Date:

District Magistrate

Place:

..... District

Seal of

The Office

## FORM E

(See rule 6)

### REGISTER OF CONVERSION TO ANOTHER RELIGION

- 1.Name and address of the person to be converted.
- 2.Name and address of the parents of the person to be converted.
- 3.Age
- 4.In case of minor, name and full address of the guardian.
- 5.Sex.
- 6.Whether belongs to S.C or S.T.
- 7.Whether married or unmarried.
- 8.If married, full name/names of spouse/spouses and her/their address / addresses.
- 9.Occupation and monthly income of the person to be converted.
- 10.For how long the person to be converted has been subscribing the religion which he / she reposes to renounce?
- 11.Reasons for conversion.

12.Name of the place where the conversion ceremony shall take place, or the conversion ceremony has been performed.

13.Date and time of conversion.

14.Name and address of the religious priest who shall perform or has performed the conversion ceremony.

15.Name / names and address / addresses of the person / persons who is / are to take part in the conversion ceremony.

16.Whether the application for grant of permission made under sub-rule (1) of rule 3 is granted or refused.

17.If refused, the reasons, in brief.

18.Whether intimation of conversion to religion as required under Sub-rule (1) of rule 5 has been received.

Date:

District Magistrate

Place:

..... District

Seal of

The Office

## FORM F

(See rule 7)

### QUARTERLY REPORT ENDING..... RELATING TO APPLICATIONS FOR PRIOR PERMISSION FOR CONVERSION TO AN- OTHER RELIGION.

1. Number of applications for prior permission pending at the end of last quarter.
2. Number of applications for prior permission received during the quarter.
3. Number of applications in which prior permission is granted.
4. Number of application in which prior permission is refused and reasons thereof.
5. Number of cases where permission was deemed to have been granted due to lack of disposal of the application within the prescribed time limit of one month from the date of receipt of the applications.

6. Reasons for each case mentioned in Serial No. 5 above, where prior permission could not be granted (Attach separate sheet for each such case)
7. Number of intimations from the converttee received during the quarter.
8. Number of intimations from the converttee received after prescribed time limit.
9. Number of cases which have come to notice where no prior permission has been sought or not intimation of conversion from the converttee has been received.
10. Number of cases in which further action has been initiated.
11. Number of cases in which prosecution is sanctioned and initiated.

Date:

District Magistrate

Place:

\_\_\_\_\_ District

By order and in the name of Governor of Gujarat,

**P.N. PATEL,**

Additional Secretary to Government,  
Home Department.

### **Annexe 8: The Himachal Pradesh Freedom of Religion Act, 2006**

(AS ASSENTED TO BY THE GOVERNOR ON 18<sup>th</sup>  
FEBRUARY, 2007)

#### **AN ACT**

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

BE it enacted by the Legislative Assembly of the State of Himachal Pradesh in the Fifty-seventh Year of the Republic of India, as follows:-

- 1. Short Title** - This Act may be called the Himachal Pradesh Freedom of Religion Act, 2006.
- 2. Definitions.** In this Act, unless the context otherwise requires –  
a “conversion” means renouncing one religion and adopting another ;

- b “force” shall include show of force or threat of injury or threat of divine displeasure or social ex-communication;
- c “fraud” shall include misrepresentation or any other fraudulent contrivance;
- d “inducement” shall include the offer of any gift or gratification, either in cash or in kind or grant of any benefit either pecuniary or otherwise; and
- e “minor” means a person under eighteen years of age.

**3. Prohibition of Forcible Conversion** - No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion:

Provided that any person who has been converted from one religion to another, in contravention of the provisions of this section, shall be deemed not to have been converted.

**1. Notice before conversion** (1) A person intending to convert from one religion to another notice of shall give prior notice of at least thirty days to the District Magistrate of the district concerned of his intention to do so and the District Magistrate shall get the matter enquired into by such agency as he may deem fit:

Provided that no notice shall be required if a person reverts back to his original religion.

(2) Any person who fails to give prior notice, as required under sub-section (1), shall be punishable with fine which may extend to one thousand rupees.

**2. Punishment for contravention of provisions of Section 3** - Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to two years or with fine which may extend to twenty five thousand rupees or with both:

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to Scheduled Castes or Scheduled Tribes, the punishment of imprisonment may extend to three years and fine may extend to fifty thousand rupees.

**3. Offence to be cognizable** - An offence under this Act shall be cognizable and shall not be Offence to be investigated by an officer below the rank of an Inspector of Police.

**4. Prosecution to be made with the sanction of District Magistrate** - No prosecution for an offence

under this Act shall be made without the sanction of the District Magistrate or such other authority, not below the rank of a Sub-Divisional Officer, as may be authorized by him in that behalf.

**5. Power to make rules** - (1) The State Government may, by notification in the Official Gazette, make rules to carry 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 Legislative Assembly, while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rules should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **Annexe 9: Himachal Pradesh Freedom of Religion Rules, 2007**

**No. Home- C (A) 3-3/2007** – In exercise of the powers conferred by section 8 of the Himachal Pradesh Freedom of Religion Act, 2006 (Act No. 5 of 2007), the Governor, Himachal Pradesh is pleased to make the following Rules for carrying out the provisions of the Act, namely:-

### **1. Short title-**

- (1) These rules may be called the Himachal Pradesh Freedom of Religion Rules, 2007.
- (2) They shall come into force on the date of their publication in the official Gazette.

### **2. Definitions**

- (1) In these rules, unless the context otherwise requires:-
  - (a) 'Act' means the Himachal Pradesh Freedom of Religion Act, 2006 (Act No. 5 of 2007);
  - (b) 'Form' means form appended to these rules;
  - (c) 'Government' means the Government of Himachal Pradesh; and
  - (d) 'State' means the State of Himachal Pradesh.

- (2) All other words and expressions used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

### **3. Notice before conversion**

- (1) Any person domiciled in the State, intending to convert his religion, shall give a notice to the District Magistrate of the District in which he is permanently resident, prior to such conversion, in Form- A.
- (2) The District Magistrate shall cause all notices received under sub-rule (1) of rule 3 to be entered in a Register of Notices and Complaints of conversion in Form-B, and may within fifteen days from the receipt of said notice, get the matter enquired into by such agency as he may deem fit and record his findings as regards the particulars of notice given:

Provided that the person giving notice and any other person likely to be prejudicially affected shall be given adequate opportunity to associate himself with any such enquiry.

**4. Inquiries in other cases-** Where on the basis of any complaint or any information laid before him, the District Magistrate is of the opinion, for reasons to be recorded,-

- a that force or inducement have been used or is likely to be used in any conversion within the local limits of his jurisdiction; or
- b that a conversion has taken place without notice in contravention of the provisions of this Act, he may cause an inquiry to be made in the matter and proceed in the manner as provided in Rule 3.

Every such complaint so received shall be entered in the Register of Notices and Complaints of conversion in Form -B.

**5. Registration and Investigation of Case** - If after enquiry under rule 3 or rule 4, as the case may be, the District Magistrate records a finding that a conversion has taken place or is likely to take place through the use of force or inducement or without the requisite notice, he shall enter the particulars of the case in the Register of Forced Conversion in Form-C and refer the case along with all material adduced during the course of the enquiry to the Police Station in which the person is resident or where the conversion is intended or done for registration of a case and its investigation.

**6. Sanction for Prosecution** - If after investigating the matter, it appears that an offence under subsection (2) of section 4 or under section 5 has been

committed, the Investigating Officer shall place all relevant material before the authority empowered under section 7 to grant prosecution sanction and such sanction shall be granted or refused within a period of 7 days, giving reasons in writing.

- 7. Submission of report to the Government** - The District Magistrate of the each district in the State shall on the 10<sup>th</sup> of each month send to the State Government a report of intimations received by him in this respect during the preceding month in Forms D & E, as the case may be.

By order,  
Principal Secretary

## **FORM – A**

(see Rule 3 (1))

### **NOTICE BEFORE CONVERSION FROM ONE RELIGIOUS FAITH TO ANOTHER**

TO  
The District Magistrate,  
District \_\_\_\_\_

Sir,  
I, \_\_\_\_\_ S/o \_\_\_\_\_ W/o \_\_\_\_\_  
D/o \_\_\_\_\_ aged \_\_\_\_\_ R/o \_\_\_\_\_  
\_\_\_\_\_ belonging to Scheduled Caste or Scheduled Tribe or General category intend to convert from \_\_\_\_\_ religious faith to \_\_\_\_\_ religious faith and do hereby declare that the said conversion is on my own will and without use of any of any force or inducement. My date of birth is \_\_\_\_\_ and I am not a minor.

Place:  
Date:  
Signature of the person  
intending to convert religion

## FORM – B

(For cases under Sections 4 (2) and (5)

{see rule 3 (2) }

### REGISTER OF NOTICES AND COMPLAINTS OF CONVERSION

Date of receipt of notice or complaint	Name and address of the person giving notice or making complaint	Father's name	Name and full address of the person converting	Age	Sex	Occupation and monthly income of the person converted	Whether married or un-married
1	2	3	4	5	6	7	8

Name of persons, if any, dependent upon the person converted	If a minor, name and full address of the guardian, if any	Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such Caste or Tribe.	Whether inquiry conducted or not, and if conducted, findings of the inquiry in brief.	Date, if referred to Police Station under section 5 or Section 4 (2) (Specify).	Date of prosecution sanction, if any	Final Result
9	10	11	12	13	14	15

## FORM –C

(For cases under section 5)

(see rule 5)

### REGISTER OF FORCED CONVERSION

Date of receipt of notice or complaint	Name and address of the person giving notice or making complaint	Father's name	Name and full address of the person converting	Age	Sex	Occupation and monthly income of the person converted	Whether married or un-married
1	2	3	4	5	6	7	8

Name of persons, if any, dependent upon the person converted	If a minor, name and full address of the guardian, if any	Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such Caste or Tribe	Findings of the inquiry in brief	Date, if referred to police Station under section 5	Date of prosecution sanction, if any or reasons for refusal	Verdict of court with date
9	10	11	12	13	14	15

## FORM – D

(Cases under section 5)

(see rule 7)

No. of cases pending inquiry at the end of previous month	No. of notices/ complaints received during month.	Total no. of pending inquiries	No. of inquiries disposed off during month		No. of cases pending at the end of the month.
			Filed	Sent for registration of case	
1	2	3	4(a)	4 (b)	5

## FORM – E

{Cases under section 4 (2)}

(see rule 7)

No. of cases pending inquiry at the end of previous month	No. of complaints received during month	Total No. of pending inquiries	No. of inquiries disposed off during month		No. of cases pending at the end of the month.
			Filed	Sent for registration of case	
1	2	3	4 (a)	4 (b)	5

## Annexe 10: Rajasthan Swatantrya Act, 2006

### Official English Text Of

### Rajasthan Bill Number 12 of 2006

A Bill 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:

Be it enacted by the Rajasthan State Legislature in the Fifty-seventh year of the Republic of India as follows:

#### 1. Short Title, extent and commencement:

- (1) This Act may be called the Rajasthan Swatantrya Act, 2006
- (2) It extends to the whole State of Rajasthan
- (3) It shall come into force at once.

**2. Definitions** – In this Act, unless this otherwise requires,

- (a) “unlawful” means which is in contravention of the provisions of this Act
- (b) “allurement” means offer of any temptation in the form of -

(i) any gift or ratification, either in cash or kind;

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

(c) “conversion” means renouncing one’s own religion and adopting another

Explanation: Own religion means religion of one’s forefathers;

(d) “force” includes show of force or threat of injury of any kind including threat of divine displeasure or social excommunication;

(e) “fraudulent” means and includes misrepresentation or any other fraudulent contrivance.

**3. Prohibition of conversion** – No person shall convert or attempt to convert either directly or otherwise any person from one religion to another by use of force or by allurement or by any fraudulent means nor shall any person abet such conversion.

**4. Punishment for contravention of provisions of section 3** – Whoever contravenes the provisions of section 3 shall, without prejudice to any other criminal liability, be punished with simple 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 a fine, which may extend to fifty thousand rupees.

**5. Offence to be cognisable and non-bailable** – Any offence under this Act shall be cognisable and non-bailable and shall not be investigated by an office below the rank of Deputy Superintendent of Police.

**6. Power to make rules** – (1) The State government may make rules for the purpose of carrying out the provisions of this Act.

(2) All rules made under this act shall be laid, as soon as may be, after they are so made, before the House of the State legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such 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 thereunder.

## **STATEMENT OF OBJECTS AND REASONS**

It has been observed by the State Government that some religious and other institutions, bodies and individuals are found to be involved in unlawful conversion from one religion to another by allurement or by fraudulent means or forcibly which at times has caused annoyance in the community belonging to the other religion. The inter-religious fabric is weakened by such illegal activities and causes law and order problem for the law enforcing machinery of the State.

In order to curb such illegal activities and to maintain harmony amongst persons of various religions, it has been considered expedient to enact a special law for the purpose

The Bill seeks to achieve the aforesaid objective

Hence the Bill

Gulabdchand Katariya  
Minister in Charge

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### IIRF Reports (in English language):

Vol. 1, No. 1, January 2012: Th. Schirrmacher, The Situation of Christians and Muslims according to the Pew Forum's "Global Restrictions on Religion"

Vol. 1, No. 2, February 2012: Tehmina Arora, India's Defiance of Religious Freedom: A Briefing on 'Anti-Conversion' Laws

Vol. 1, No. 3, March 2012: World Evangelical Alliance, Universal Periodic Review Republic of India: 13th session of the UPR Working Group

### IIRF Bulletin (in German language):

1. Jahrgang, Nr. 1, Januar 2012: Th. Schirrmacher, Hitlers Ablehnung von Humanität und Menschenrechten

1. Jahrgang, Nr. 2, Januar 2012: Th. Schirrmacher, Verfolgung und Diskriminierung von Christen im 21. Jahrhundert

# International Institute for Religious Freedom

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of the World Evangelical Alliance

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  - establishment of university positions
  - expert consultation for government agencies, courts and parliaments
  - statistical data on the violation of religious freedom and persecution of Christians



*... worldwide network  
of experts*