



The Himachal Pradesh Freedom of Religion Act, 2019

Act 13 of 2019

Keyword(s):

Coercion, Conversion, Fraudulent, Force, Minor, Religion, Undue Influence, Inducement, Religious Priest

Amendment appended: 21 of 2022

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15. नियम बनाने की शक्ति.—(1) राज्य सरकार इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए राजपत्र (ई—गजट), हिमाचल प्रदेश में अधिसूचना द्वारा नियम बना सकेगी।

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

16. निरसन और व्यावृत्तियां.—(1) हिमाचल प्रदेश धर्म की स्वतन्त्रता अधिनियम, 2006 का एतद्द्वारा निरसन किया जाता है।

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

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH FREEDOM OF RELIGION ACT, 2019

ARRANGEMENT OF SECTIONS

Sections:

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

THE HIMACHAL PRADESH FREEDOM OF RELIGION ACT, 2019

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

AN

ACT

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

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

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

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

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

- (a) “coercion” means compelling an individual to act against his will by use of psychological pressure or physical force causing bodily injury or threat thereof;
- (b) “conversion” means renouncing one religion and adopting another;
- (c) “fraudulent” means to do a thing with intent to defraud;
- (d) “force” includes a show of force or a threat of injury of any kind to the person converted or sought to be converted or to any other person or property including a threat of divine displeasure or social ex-communication;
- (e) “Government or State Government” means the Government of Himachal Pradesh;
- (f) “inducement” means and includes offer of any temptation in the form of any gift or gratification or material benefit, either in cash or kind or employment, free education in reputed school run by any religious body, easy money, better lifestyle, divine pleasure or otherwise;
- (g) “minor” means a person under eighteen years of age;
- (h) “prescribed” means prescribed by rules made under this Act;
- (i) “religion” means any organized system of faith, belief, worship or lifestyle, as prevailing in India or any part of it, and defined under any law or custom for the time being in force;
- (j) “religious priest” means priest of any religion who performs purification Sanskar or conversion ceremony of any religion and by whatever name he is called such as pujari, pandit, mulla, maulvi, father etc.; and
- (k) “undue influence” means the unconscientious use by one person of his power or influence over another in order to persuade the other to act in accordance with the will of the person exercising such influence.

3. Prohibition of conversion from one religion to another by mis-representation, force, fraud, undue influence, coercion, inducement or marriage.—No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use of misrepresentation, force, undue influence, coercion, inducement or by any fraudulent means or by marriage; nor shall any person abet or conspire such conversion:

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

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

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

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

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

- (i) the marriage was solemnized; or
- (ii) the respondent, at the time of the presentation of the petition, resides; or
- (iii) the parties to the marriage last resided together; or
- (iv) in case the wife is the petitioner, where she is residing on the date of presentation of the petition.

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

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

(2) The religious priest, who performs purification Sanskar or conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice of such Sanskar or conversion ceremony, on the proforma as may be prescribed, to the District Magistrate or any other officer appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.

(3) The District Magistrate, after receiving the information under sub-section (1) and (2), shall conduct an inquiry through police or such agency as he deems fit, with regard to intention, purpose and cause of proposed conversion.

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

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

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

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

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

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

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

- (i) every person who actually does the act which constitutes the offence;
- (ii) every person who does or omits to do any act enabling or aiding another person to commit the offence;
- (iii) every person who aids or abets another person in commission of the offence; and
- (iv) every person who counsels or causes any other person to commit the offence.

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

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

13. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence committed under this Act shall be cognizable and non-bailable.

14. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Rajpatra (e-Gazette), Himachal Pradesh, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the purpose of removing such difficulty:

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

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

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

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

16. Repeal and savings.—(1) The Himachal Pradesh Freedom of Religion Act, 2006 is hereby repealed.

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

विधि विभाग

अधिसूचना

शिमला—2, 26 अक्टूबर, 2019

संख्या: एल0एल0आर0—डी0(6)—12/2019—लेज.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 22-10-2019 को अनुमोदित हिमाचल प्रदेश प्रशासनिक अधिकरण (विनिश्चित मामलों और लम्बित आवेदनों का अन्तरण) विधेयक, 2019 (2019 का विधेयक संख्यांक 12) को वर्ष 2019 के अधिनियम संख्यांक 12 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,

यशवंत सिंह चोगल,
प्रधान सचिव (विधि)।

विधेयक, 2022 (2022 का विधेयक संख्यांक 15) को दिनांक 12-10-2022 को अनुमोदित कर दिया है तथा अनुच्छेद 348 के खण्ड (3) के अधीन, विधेयक के अंग्रेजी पाठ को राजपत्र, हिमाचल प्रदेश में प्रकाशित करने के लिए प्राधिकृत कर दिया है। अतः उपरोक्त विधेयक को वर्ष 2022 के अधिनियम संख्यांक 21 के रूप में अंग्रेजी प्राधिकृत पाठ सहित राजपत्र (ई-गजट) हिमाचल प्रदेश में प्रकाशित किया जाता है।

आदेश द्वारा,

राजीव भारद्वाज,
प्रधान सचिव (विधि)।

हिमाचल प्रदेश धर्म की स्वतन्त्रता (संशोधन) अधिनियम, 2022

धाराओं का क्रम

धारा:

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

2022 का अधिनियम संख्यांक 21

हिमाचल प्रदेश धर्म की स्वतन्त्रता (संशोधन) अधिनियम, 2022

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

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

भारत गणराज्य के तिहत्तरवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

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

2. **धारा 2 का संशोधन.**—हिमाचल प्रदेश धर्म की स्वतन्त्रता अधिनियम, 2019 (जिसे इसमें इसके पश्चात् "मूल अधिनियम" कहा गया है) की धारा 2 के खण्ड (च) के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:-

“(चक) “सामूहिक धर्म परिवर्तन” से, ऐसा धर्म परिवर्तन अभिप्रेत है जहां एक ही समय पर दो या दो से अधिक व्यक्तियों ने धर्म परिवर्तन किया है;”।

3. **धारा 4 का संशोधन.**—मूल अधिनियम की धारा 4 में,—

(क) परन्तुक में “सात वर्ष” शब्दों के स्थान पर “दस वर्ष” शब्द रखे जाएंगे; और

(ख) विद्यमान परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किए जाएंगे, अर्थात् :-

“परन्तु यह और कि जो कोई भी उसके द्वारा माने जाने वाले धर्म से अन्यथा किसी अन्य धर्म के व्यक्ति से विवाह करना चाहता है और अपने धर्म को ऐसी रीति में छिपाता है कि अन्य व्यक्ति, जिससे वह विवाह करना चाहता है, विश्वास करता है कि उसका धर्म वास्तव में वही है जोकि उसका है तो वह ऐसी अवधि के लिए जो तीन वर्ष से कम नहीं होगी किन्तु जो दस वर्ष तक बढ़ाई जा सकेगी, से दण्डनीय होगा और वह जुर्माने से, जो पचास हजार रुपए से कम नहीं होगा, किन्तु जो एक लाख रुपए तक हो सकेगा, संदत्त करने का भी दायी होगा:

परन्तु यह और भी कि जो कोई सामूहिक धर्म परिवर्तन की बाबत धारा 3 के उपबन्धों का उल्लंघन करता है, ऐसी अवधि के लिए कारावास से, जो पांच वर्ष से कम नहीं होगी किन्तु जो दस वर्ष तक की हो सकेगी, दण्डनीय होगा और जुर्माने से, जो एक लाख रुपए से कम नहीं होगा, किन्तु जो एक लाख पचास हजार रुपए तक हो सकेगा, संदत्त करने का भी दायी होगा:

परन्तु यह और भी कि यदि इस धारा में वर्णित कोई द्वितीय या पश्चात्वर्ती अपराध किया जाता है तो वह ऐसी अवधि के लिए कारावास से, जो सात वर्ष से कम नहीं होगी किन्तु जो दस वर्ष तक की हो सकेगी, से दण्डनीय होगा और जुर्माने से, जो एक लाख पचास हजार रुपए से कम नहीं होगा, किन्तु जो दो लाख रुपए तक हो सकेगा, संदत्त करने का भी दायी होगा।”।

4. धारा 7 का संशोधन.—मूल अधिनियम की धारा 7 में,—

(क) उपधारा (1) में “कपटपूर्ण साधनों के बिना अपना धर्म परिवर्तन कर रहा है” शब्दों के पश्चात् “और इस प्रभाव की उद्घोषणा करेगा कि वह धर्म परिवर्तन के पश्चात् अपने मूल धर्म या जाति की कोई प्रसुविधा नहीं लेगा” शब्द अंतःस्थापित किए जाएंगे।

(ख) उपधारा (5) के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

“5क. जो कोई उपधारा (1) के अधीन मिथ्या उद्घोषणा करता है, या जो धर्म परिवर्तन के पश्चात् अपने मूल धर्म या जाति की प्रसुविधा लेना जारी रखता है, ऐसी अवधि के लिए कारावास जो दो वर्ष से कम की नहीं होगी और जो पांच वर्ष तक की हो सकेगी से दण्डनीय होगा और जुर्माने, जो पचास हजार रुपए से कम का नहीं होगा और जो एक लाख रुपए तक हो सकेगा, संदत्त करने का दायी होगा।”।

5. धारा 8क. का अन्तःस्थापन.—मूल अधिनियम की धारा 8 के पश्चात् निम्नलिखित धारा अन्तःस्थापित की जाएगी, अर्थात्:—

“8क. धर्म परिवर्तन के विरुद्ध की गई शिकायत के सम्बन्ध में जांच या अन्वेषण.—पुलिस उपनिरीक्षक की पंक्ति से नीचे का कोई भी पुलिस अधिकारी इस निमित्त प्राप्त हुई शिकायतों की जांच या अन्वेषण नहीं करेगा।”।

6. धारा 13 का संशोधन.—मूल अधिनियम की धारा 13 में “अजमानतीय” शब्द के पश्चात् “और सत्र न्यायालय द्वारा विचारणीय” शब्द अन्तःस्थापित किए जाएंगे।

AUTHORITATIVE ENGLISH TEXT

**THE HIMACHAL PRADESH FREEDOM OF RELIGION (AMENDMENT)
ACT, 2022**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.

2. Amendment of Section 2.
3. Amendment of Section 4.
4. Amendment of Section 7.
5. Insertion of Section 8A.
6. Amendment of Section 13.

Act No. 21 of 2022

**THE HIMACHAL PRADESH FREEDOM OF RELIGION (AMENDMENT)
ACT, 2022**

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

AN

ACT

to amend the Himachal Pradesh Freedom of Religion Act, 2019 (Act No. 13 of 2019).

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

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

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

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

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

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

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

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

Provided further that whosoever contravenes the provisions of Section 3 in respect of mass conversion shall be punished with imprisonment for a term, which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine which shall not be less than Rupees one lakh, but which may extend to Rupees one lakh fifty thousand:

Provided also that in case of a second or subsequent offence mentioned in this section, is committed, the term of imprisonment shall not be less than seven years, but may extend to ten years and shall also be liable to fine which shall not be less than Rupees one lakh fifty thousand which may extend to Rupees two lakh.” .

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

- (a) In sub-section (1), after the words “fraudulent means”, the words “and to the effect that he shall not take any benefit of his parent religion or caste after conversion” shall be inserted; and
- (b) after sub-section (5), the following shall be inserted, namely:—

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

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

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

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

HIGHER EDUCATION DEPARTMENT

NOTIFICATION

Shimla-2, the 10th October, 2022

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

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

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

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

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