

## **Rajasthan Freedom of Religion Bill, 2008**

Bill 18 of 2008

A Bill to provide for the 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-ninth Year of the Republic of India, as follows:

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

- (1) This Act may be called the Rajasthan Dharma Swatantraya Act, 2008.
- (2) It extends to the whole of the State of the Rajasthan.
- (3) It shall come into force at once.

### **2. Definitions**

- (1) 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; or
    - (ii) grant of any material benefit, either monetary or otherwise;
  - (b) "conversion" means renouncing one's own religion and adopting another;  
(Explanation: Own religion means [the] religion of one's forefathers);
  - (c) "force" includes a show of force or a threat of injury of any kind including threat of divine displeasure or social excommunication;
  - (d) "fraudulent" means and includes misrepresentation or any other fraudulent contrivance;
  - (e) "Minor" means a person under 18 years of age; and
  - (f) "unlawful" means an act which is in contravention of any of the provisions of this Act.
- (2) The words and expressions used but not defined in this Act shall have the meaning as assigned to them in the Rajasthan General Clauses Act, 1954 (Act No. 8 of 1955).

### **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 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.

### **4. Punishment for contravention of provisions of Section 3**

- (1) Whoever contravenes the provisions of section 3 shall, without prejudice to any other civil or criminal liability, be punished with simple imprisonment for a term which shall not be less than one year but which may extend to three years and shall also be liable to fine, which may extend to twenty five thousand rupees:

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to Scheduled Caste or Scheduled Tribe punishment of imprisonment shall not be less than two years and may extend to five years and the fine may extend to rupees fifty thousands.

- (2) Notwithstanding anything contained in any other law for the time being in force registration of body registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) of the Rajasthan Public Trusts Act, 1959 (Act No. 42 of 1959) shall be liable to be cancelled, if it is found

- (a) that the funds of the body have been used, or are being used or are contemplated to be used for conversion; or
- (b) the body is involved in securing conversion.

#### **5. Notice for intention to convert**

(1) A person intending to convert from one religion to another 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.

#### **6. Offence to be cognizable and non-bailable**

Any offence under this Act shall be cognizable and non-bailable and shall not be investigated by an officer below the rank of Deputy Superintendent of Police.

#### **7. Sanction for prosecution**

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 Sub-Divisional Magistrate, as may be authorised by him in that behalf.

#### **8. Power to make rules**

- (1) The State Government may, by notification in the Official Gazette 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 of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules 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 institutions 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 other religion. The inter religion 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.

This Bill seeks to achieve the aforesaid objectives.

Hence the bill.

Gulab Chand Kataria  
Minister Incharge