APPENDIX - V

RELEVANT LAWS RELATING TO RELIGIOUS CONVERSIONS AND FREEDOM OF RELIGION

I. CONSTITUTION OF INDIA

Art. 25 Freedom of conscience and free profession, practice and propagation of religion

1. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and right freely to profess, practise and propagate religion.

2. Nothing in this article shall affect the operation of any existing law or prevent the State from making any law-

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation 1 - The wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II - In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

(Art. 26 freedom to manage religious affairs:

Subject to public order, morality and health, every religious denomination or any section there of shall have the right-

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.
Art. 27 Freedom as to payment of taxes for promotion of any particular religion

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Art. 28 Freedom as to attendance at religious instruction or religious worship in certain educational institutions

1. No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

2. Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

3. No person attending by educational institution recognised by the state or receiving aid out of state funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

II. ORISSA FREEDOM OF RELIGION ACT, 1967: ORISSA ACT II OF 1968

(9th JANUARY 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 or 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, 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 a 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 Subdivisional 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 the Act.

III. MADHYA PRADESH DHARMA SWATANTRYA ADHINIYAM 1968
M.P. Act XXVII of 1968 (19th century; 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 matter 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 Swatantrya 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 form 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 of injury of any kind including threat of divine displeasure or social ex-communication;

(d) 'fraud' shall include misrepresentation or any other fraudulent contrivance.

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

3. Prohibition of Forcible Conversions

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

Any person contravening the provision contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees, or with both:

Provided that in case the offence is committed in respect of 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 without sufficient cause to comply with the provisions contained in sub-section (1), he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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 Inspector of police.

7. 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 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 provision of this Act.
IV. ARUNACHAL PRADESH FREEDOM OF RELIGION ACT 1978

Andhra Pradesh Act No. XL of 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.

1. Short title and extent

(1) This Act may be called the Arunachal Pradesh Freedom of Religion Act 1978.

(2) It shall extend to the whole of Arunachal Pradesh.

2. Definitions

(a) 'government' means government of Arunachal Pradesh.

(b) 'conversion' means renouncing one religious faith and adopting another religious faith and “convert” shall be construed accordingly.

(c) 'indigenous faith' means such religions, beliefs and practices including rites, rituals, festivals, observances, performances, abstinence, and customs as have been found sanctioned, approved or performed by the indigenous communities of Arunachal Pradesh from the time these communities have been known and includes Buddhism as prevalent among the Monpas, Membas, Sherduppens, Khambas, Khamptis and Singphos, Vaishnavism as practised by Noctes, Akas and Nature worships, including worship of Donytpolo, as prevalent among other indigenous communities of Arunachal Pradesh.

(d) 'force' shall include show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication;

(e) 'fraud' shall include misrepresentation or any other fraudulent contrivance.

(f) '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.

(g) 'prescribed' means prescribed under the rules. (11) 'religious faith' includes any indigenous faith.
3. Prohibition of Forcible Conversion

No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to any other religious 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 provisions of section 3 shall be punishable with imprisonment which can extend to two years and ?" with fine which may extend to Rupees ten thousand.

5. Intimation of Conversion to Deputy Commissioner and punishment

(1) Whoever converts any person from one religious faith to any other religious faith 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 forum as may be prescribed.

(2) If any person falls without sufficient cause to comply with the provision of subsection (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. Offences 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. Sanction for Prosecution

No prosecution for an offence under this 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 authorized by him in this behalf.

8. Power to Make Rules

The government may make rules for the purpose of carrying out the provisions of this Act.