The Karnataka Protection of Right to Freedom of Religion Bill, 2021

A Bill to provide for protection of right to freedom of religion and prohibition of unlawful conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means.

Whereas it is expedient to provide for protection of right to freedom of religion and prohibition of unlawful conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means and for the matters connected therewith or incidental thereto.

Be it enacted by the Karnataka Legislature in the Seventy Second year of Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Protection of Right to Freedom of Religion Act, 2021.

(2) It shall come into force at once.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) "Allurement" means and includes offer of any temptation in form of ,-

(i) any gift, gratification, easy money or material benefit either in cash or kind;
(ii) employment, free education in school or college run by any religious body; or
(iii) promise to marry; or
(iv) better lifestyle, divine displeasure or otherwise; or
(v) portraying practice, rituals and ceremonies or any integral part of a religion in a detrimental way vis-à-vis another religion ; or
(vi) glorifying one religion against another religion.

(b) "Coercion" means compelling an individual to act against his will by the use of psychological pressure or physical force causing bodily injury or threat thereof;

(c) "Conversion" means renouncing one's own religion and adopting another religion;

(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;

(e) "Fraudulent" means and includes impersonation of any kind by false name, surname, religious symbol or otherwise;

(f) "Form" means a form appended to this Act;

(g)"Institutions" means and includes all legal entities, educational institutions, orphanages, old age homes, hospitals, religious missionaries, Non Governmental Organizations, and such other organizations;

(h)"Mass Conversion" means where two or more persons are converted;

(i)"Minor" means a person under eighteen years of age;

(j) "Original Religion" means religion of a person before conversion;

(k)"Religion" means any organized system of worship pattern, 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;

(l)"Religion Convertor" means a person of any religion who performs any act of conversion from one religion to another religion and by whatever name he is called such as Father, Priest, Purohit, Pandit, Moulvi or Mulla etc.,

(m)"Undue Influence" means the un conscientious 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.

(2) Other words and expressions used but not defined in this Act shall have the same meaning as assigned to them in the Karnataka General Clauses Act,1899 (Karnataka Act 03 of 1899).

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

Provided that if any person reconverts to his immediate previous religion the same shall not be deemed to be a conversion under this Act.

4. Person competent to lodge first information report.- Any aggrieved person, his parents, brother, sister or any other person who is related to him by blood, marriage or adoption or in any form related or colleague may lodge a First information report of such conversion which contravenes the provisions of section 3.

5. Punishment for contravention of provisions of section 3.- (1) Whoever contravenes the provisions of section 3 shall, without prejudice to any civil liability, be punished with imprisonment of either description for a term of three years but which may extend to five years and shall also be liable to fine of rupees twenty five thousand:

Provided that whoever contravenes the provisions of section 3 in respect of a minor or a person of unsound mind or a woman or a person belonging to the Scheduled Caste or Scheduled Tribe shall be punished with imprisonment of either description for a term of three years but which may extend to ten years and shall also be liable to fine of rupees fifty thousand.

Provided further that whoever contravenes the provisions of section 3 in respect of mass conversion shall be punished with imprisonment of either description for a term of three years but which may extend to ten years and shall also be liable to fine of rupees one lakh.

(2) The Court shall also grant appropriate compensation payable by the accused to the victim of said conversion which may extend to maximum of rupees five lakh and shall be in addition to fine.

(3) Whoever having been previously convicted of an offence under this Act is again convicted of an offence punishable under this Act, he shall be punished with imprisonment of either description for a term of not less than five years and shall also be liable to a fine of rupees two lakhs.

6. Marriage done for sole purpose of Unlawful conversion or vice-versa to be declared null and void.- Any marriage which was done for sole purpose of unlawful conversion or vice-versa by the man of one religion with the woman of another religion, either by converting himself before or after marriage or by converting the woman before or after marriage, shall be declared as null and void by the Family Court or where the Family Court is not established, the Court having jurisdiction to try such case on a petition presented by either party thereto against the other party of the marriage:

Provided that all the provisions of section 8 and 9 shall apply for such marriages to be solemnized.

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

8. Declaration before conversion of religion and pre-report about conversion.- (1) One who desires to convert his religion, shall give a declaration in Form-I at least thirty days in advance to the District Magistrate or the Additional District Magistrate specially authorized by the District Magistrate in this regard of his residing district or place of birth within the state.

(2) The religious converter who performs conversion ceremony for converting any person of one religion to another religion, shall give thirty days advance notice in Form-II of such intended conversion, to the District Magistrate or the Additional District Magistrate specially authorized by the District Magistrate of the district from where the proposed converter hails.

(3) The District Magistrate, after receiving the information under sub-section (1) and (2) shall notify proposed religious conversion on the notice board of the office of the District Magistrate and in the office of the Tehsildar and shall simultaneously get an inquiry conducted through officials of Revenue or Social Welfare Department with regard to genuine intention, purpose and cause of the proposed conversion.

(4) If the District Magistrate comes to a conclusion based on the said inquiry of the commission of an offence under this Act, he shall cause the concerned police authorities to initiate criminal action for contravention of the provisions of section 3.

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

(6) Whoever contravenes the provisions sub-section (1) shall be punished with imprisonment of either description for a term which shall not be less than one year but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(7) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment of either description for a term which shall not be less than one year, but may extend to five years and shall also be liable to fine which shall not be less than rupees twenty five thousand.

9. Declaration post conversion of Religion.-(1) The converted person shall send a declaration in the Form-III within thirty days of the date of conversion, to the District Magistrate of the District or the Additional District Magistrate specially authorized by the District Magistrate in this regard in which he is residing prior to the date of conversion.

(2) The District Magistrate shall notify religious conversion on the notice board of the office of the District Magistrate and in the office of the Tehsildar till the date of confirmation.

(3) The said declaration shall contain the requisite details, i.e; the particulars of the convert such as date of birth, permanent address, the present place of residence,Father's/husband's name, the religion to which the convert originally belonged and the religion to which he has converted, the date and place of conversion and nature of process gone through for conversion along with a copy of the identity card or the Aadhar card.

(4) The converted individual shall appear before the District Magistrate within twenty one days from the date of sending/filing the declaration to establish his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the factum of declaration and confirmation in a register maintained for this purpose. If any objections are received, he shall record it i.e; the name and particulars of objectors and the nature of objection and shall get an inquiry conducted through officials of Revenue or Social Welfare Department with regard to genuine intention, purpose and cause of the conversion.

(6) If the District Magistrate based on the said inquiry comes to a conclusion of the commission of an offence under this Act, he shall cause the concerned police authorities to initiate criminal action for contravention of the provisions of section 3.

(7) The contravention of the provisions of sub-sections (1) to (4) shall have the effect of rendering the said conversion illegal and void.

(8) If no objections are received for such conversion, the District Magistrate shall issue an official notification and shall simultaneously intimate the concerned authority about such conversion.

Explanation: For the purpose of this sub-section "Concerned authority" means his employer, officials of the revenue department, social welfare department, backward classes welfare department, minority welfare department and other concerned department, urban and rural local bodies, Principals or Head Masters of the Educational Institutions, etc.

(9) On receipt of such intimation the concerned authority shall cause to be entered in the relevant official records about conversion as well as reclassify the person converted for his entitlement to enjoy social status or to receive economic benefits from the Government that he was getting prior to conversion.

10. Punishment for Violation of provisions by an institution.-(1)If any institution violates the provisions of this Act, the person or persons in charge of the affairs of the institution, shall be liable to punishment as provided under section 5.

(2) The State Government shall not provide any financial aid or grant to such institution or organization violating the provisions of this Act.

11. Parties to Offence.- If offence is committed under this Act, each of the following shall be deemed to have taken part in committing the offence and shall be guilty of the offence and shall be charged as if he has actually committed the said offence, that is to say,-

(i) every person who actually does the act which constitutes the offence; and

(ii) every person who aids or abets another in committing 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, allurement or by any fraudulent means or by marriage, lies on the person who has caused the conversion and where such conversion has been facilitated by any person on such person.

13. *Power to amend the Forms.* The State Government may by notification in the official Gazette, add, alter or omit any of the entries specified in the Forms.

14. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or by order, make such provisions, which are not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that, no notification or order under this section 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 sub- section (1), shall, as soon as may be after it is made, be laid before the State Legislature.

15. Power to make rules.- (1) The State Government may make rules by notification, to carry 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 each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

FORM-I

(see sub-section(1) of section 8)

(Form of declaration)

Intimation regarding intended conversion from one religion to another.

To,

The District Magistrate
District.....
Karnataka.

Sir,

I.....S/o/d/o.....r/o..... intend to perform necessary ceremony for conversion from ..... religion to ..... religion, do hereby, give intimation of intended conversion as required by sub-section (1) of section 8:

1. Name of the person to be converted .....
2. Name of the:
   (a) Father of the person to be converted .....
   (b) Mother of the person to be converted .....
3. Address of the person to be converted .....

   House No ..... Ward No .....

   Mohalla ..... Village ..... Taluka .....

   District .....

4. Age ..... (DOB)
5. Sex .....
6. Occupation and monthly income .....
7. Whether married or unmarried .....
8. Name or persons, if any, dependent upon the person to be converted .....
9. If any minor, name and full address of the guardian if any .....
10. Whether belong to Scheduled Castes or Scheduled Tribes and if so, particulars of such caste..... ....
11. Name of the place where the conversion ceremony is intended to take place with full details.
    House No ..... Ward No .....
    Mohalla ..... Village .....
    District .....

12. Date for Conversion .....
13. Religious priest:
    (i) Name, Qualification and experience.....
    (ii) Address .....

VERIFICATION

I, ... do hereby declare that the information stated above is true to the best of my knowledge and belief and nothing has been concealed.

Signature.....
Date .....
Place .....

FORM-II

(see sub section(2) of section 8)
(Form of Notice)

Notice by the religious convertor regarding intended conversion from one religion to another.

To,
The District Magistrate
District.....
Karnataka.

Sir,

I.....S/o/d/o.....r/o..... do hereby, give notice as required b sub-section (2) of section 8 for intended conversion from ..... religion to ..... religion and particulars of aforesaid intended conversion are as below.

1. Name of the person to be converted .....
2. Name of the:
   (a) Father of the person to be converted .....
   (b) Mother of the person to be converted .....
3. Address of the person to be converted .....

   House No ..... Ward No .....

   Mohalla ..... Village ..... Taluka .....

   District .....

4. Age ..... (DOB)
5. Sex .....
6. Occupation and monthly income .....
7. Whether married or unmarried .....
8. Name or persons, if any, dependent upon the person to be converted .....
9. If any minor, name and full address of the guardian if any .....
10. Whether belong to Scheduled Castes or Scheduled Tribes and if so, particulars of such caste..... ....
11. Name of the place where the conversion ceremony is intended to take place with full details.

House No ..... Ward No .....
Mohalla ..... Village .....
District .....

12. Date for Conversion .....
13. Religious priest:
    (iii) Name, Qualification and experience.....
    (iv) Address .....

VERIFICATION

I, ... do hereby declare that the information stated above is true to the best of my knowledge and belief and nothing has been concealed.

Signature.....
Date .....
Place .....

FORM-III

(see sub-section (1) of section 9)

(Form of declaration)

Intimation regarding conversion from one religion to another)

To,

The District Magistrate
District.....
Karnataka.

Sir,

I ..... S/o/ d/o/.....r/o .....having performed the necessary ceremony for conversion from ..... religion to ..... religion, do hereby, give intimation of the conversion as required by section 9 as under:

1. Full Name of person converted:
   (1) Before conversion.....
   (2) After conversion (if the name is changed).....
2. Name of the:
   (a) Father of the person converted .....
   (b) Mother of the person converted.....
3. Address of the person converted

   House No.....ward No.....Mohalla.....

   Village..... Taluka.....District.....

4. Age.....(DOB)
5. Sex.....
6. Occupation and monthly income.....
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 the guardian, if any.....
10. Whether belongs to scheduled Caste or Scheduled Tribe and if so, particulars of such Caste.....
11. Name of the place where the conversion ceremony has taken place with full details
    House No..... Ward No..... Mohalla.....
    Village ..... District.....
12. Date of conversion.....
13. Religious priest:
    (i) Name, qualification and experience.....
    (ii) Address.....
14. Names, address and other particulars (relationship with the person converted, if any) of at least two persons other than religious priest who had taken part in the conversion ceremony

(1).....
(2).....

VERIFICATION

I .....do hereby declare that the information stated above is true to the best of my knowledge and belief nothing has been concealed.

Signature.....
Witness: (1).....
Witness: (2).....

Date.....
Place.....

STATEMENT OF OBJECTS AND REASONS

Right to freedom of Religion is guaranteed under Article 25 of the Constitution of India, subject to public order, morality and health and to the other provisions of part III of the constitution of India. By virtue of these guaranteed fundamental rights all persons are free to profess, practice and propagate any religion of their choice.

Further, in Rev. Stanislaus V/s State of Madhya Pradesh and Orissa (1977) 1 SCC 677 the Hon'ble Supreme Court has held that "right to propagate" under Article 25 does not include the right to convert another person.

In recent years the state has noticed many instants of conversion by means of 'allurement','coercion','force', fraudulent means" and also 'mass' conversion. These instances caused disturbance of 'public order' in the State. At present no legislation is in existence in the State to prevent such instances which cause disturbance to public order and to punish such persons indulged in such acts.

The Law Commission of Karnataka after studying the various laws on the subject and considering the situation in the State in its Thirtieth report has made recommendation to the Government to enact a suitable law on the subject:

Hence this Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure .

ARAGA JNANENDRA

Minister for Home

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause-14	Sub-clause (1) empowers the State Government to make rules to carry out the purposes of the Act.

The proposed delegation of legislative power is normal in character.

ARAGA JNANENDRA

Minister for Home