

Nq. 357/XXXVI(3)/2022/62(1)/2022
Dated Dehradun, December 22, 2022

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**The Uttarakhand Freedom of Religion (Amendment) Act, 2022 (Act No. 13 of 2022)**'.

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 21 December, 2022.

The Uttarakhand Freedom of Religion (Amendment) Act, 2022
(Uttarakhand Act No. 13 of 2022)

An

Act

further to amend the Uttarakhand Freedom of Religion Act, 2018 (Act no. 28 of 2018).

Be it enacted by the Uttarakhand State Legislature in the seventy-third Year of the Republic of India as follows:-

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| Short title, and commencement | 1. | (1) This Act may be called the Uttarakhand Freedom of Religion (Amendment) Act, 2022.
(2) It shall be come into force at once. |
| Amendment in Act | 2. | In the Uttarakhand Freedom of Religion Act, 2018 (Act no. 28 of 2018) (Hereinafter referred as principal Act) for the words and figures " the Uttarakhand Freedom of Religion Act, 2018" wherever they occur the words and figures "the Uttarakhand Freedom of Religion and prohibition of unlawful conversion of Religion Act,2018" shall be substituted. |
| Amendment of Section 2 | 3. | In the section 2 of the Uttarakhand Freedom of Religion Act, 2018 (Act no. 28 of 2018) (Hereinafter referred as principal Act) , after clause (h) a new clause (hh) and (hhh) shall be inserted as follows, namely:
(hh) "Mass Conversion" means where religion of two or more persons is converted;
(hhh) "Unlawful Conversion" means any conversion not in accordance with law of the land. |

- Amendment of Section 3** 4. Section 3 of the Principal Act, shall be substituted as follows, namely:
- “3.(1) 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. No person shall abet, convince or conspire such conversion.
- Explanation:-** For the purposes of this sub-section conversion by solemnization of marriage or relationship in the nature of marriage on account of factors enumerated in this sub-section shall be deemed included.
- (2) If any person re-converts to his immediate previous religion, the same shall not be deemed to be a conversion under this Act.
- Explanation:-** For the purpose of this sub-section immediate previous religion means the religion in which the person had faith, belief or was practiced by the person voluntarily and freely.”
- Amendment of Section 4** 5. In the Principal Act section 4 along with marginal heading, shall be substituted as follows, namely:
- “Person competent to lodge First Information Report**
4. Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First information Report of such conversion which contravenes the provisions of section 3.
- Amendment of Section 5** 6. Section 5 of the Principal Act, shall be substituted as follows, namely:
- “5(1) 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 two years but which may extend to seven years and shall also be liable to fine which shall not be less than rupees twenty five 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 shall not be less than two years but which may extend to ten years and shall also be liable to fine which shall be not less than rupees twenty five thousand:
- Provided further that whoever contravenes the provisions of section 3 in the respect of mass conversion 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.

(2) The Court shall also grant appropriate compensation payable by the accused to victim of said conversion which may extend maximum to 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, shall be liable for every such subsequent offence to punishment not exceeding double the punishment provided therefore under this Act.

Amendment of Section 6

7. Section 6 of the Principal Act, shall be substituted as follows, namely:

“6. Any marriage 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/herself before or after marriage, or by converting the woman before or after marriage, shall be declared void by the family Court or where 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 marriage to be solemnized.”

Amendment of Section 8

8. In section 8 of the Principal Act, Sub-Section (5) and (6), shall be substituted as follows, namely:

“(5) whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(6) whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment 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.

Amendment of Section 9

9. In the Principal Act section 9 along with marginal heading, shall be substituted as follows, namely:

“Declaration post conversion of religion

9.(1) The converted person shall send a declaration in the form prescribed within sixty days of the date of conversion, to the District Magistrate of the District in which converted person resides ordinarily.

(2) The District Magistrate shall exhibit a copy of declaration on the notice board of the office 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, and 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.

(4) The converted individual shall appear before the District Magistrate within 21 days from the date of sending/filing the declaration to establish her/his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the facum of declaration and confirmation in a register maintained for this purpose. If any objections are notified, he may simply record them, i.e., the name and particulars of objectors and nature of objection.

(6) Certified copies of declaration, confirmation and the extracts from the register shall be furnished to the parties, who gave the declaration to his/her authorized legal representative on his/her request.

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

Amendment of Section 14

10. In the principal Act, section 14 along with marginal heading shall be substituted as follows, namely:

"Offences to be non-bailable and cognizable

14. "Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all the offences under this Act shall be cognizable and non-bailable and triable by the Court of Session."

Saving

11. Notwithstanding such amendment anything done or any action taken under the principal Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

HIRA SINGH BONAL,
Principal Secretary.

Statement of objects and reasons

In the State of Uttarakhand, under articles 25, 26, 27 and 28 of the Constitution of India, under right to freedom of religion, to equally strengthen the importance of every religion, the amendment in Uttarakhand freedom of religion Act, 2018 (Uttarakhand Act no. 28, year 2018) is necessary to remove the certain difficulties in the Act.

- 2- The proposed amendment Bill fulfills the aforesaid objectives.

**Satpal Maharaj
Minister.**