

Himachal Pradesh Freedom of Religion Act, 2006

HIMACHAL PRADESH

India

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Act 5 of 2007

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Himachal Pradesh Freedom of Religion Act, 2006(Act No. 5 of 2007)Last Updated 13th March, 2020(Received the assent of Governor on 18th February, 2007 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 19th February, 2007, pp. 11283-11292).An Act to provide prohibition of conversion from one religion to another religion by the use or force or inducement or by fraudulent means and for matters connected therewith or incidental thereto.BE it enacted by the Legislative Assembly of the State of Himachal Pradesh in the Fifty-seventh year of the republic of India, as follows:-

1. Short title.

- This Act may be called the Himachal Pradesh Freedom of Religion Act, 2006.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)"conversion" means renouncing one religion and adopting another;(b)"force" shall include show of force or threat of injury or threat of divine displeasure or social ex-communication;(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 any kind or grant of any kind benefit either pecuniary or otherwise; and(e)"minor" means a person under eighteen year of age.

3. Prohibition of forcible conversion.

- No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other 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. Notice of intention.

(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 subsection (1), shall be punishable with fine which may extend to one thousand rupees.

5. Punishment for the contravention of the provision of the section 3.

- Any person contravening the provisions contained in section 3 shall, without the prejudice to any civil liability, be punishable with imprisonment of either description which may extend to two years or fine which may extend to twenty 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 Schedule Castes or Schedule Tribes, the punishment of imprisonment may extend to three years and fine may extend to fifty thousand rupees.

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 made without the sanction of the District Magistrate or such other authority, not below the rank of a Sub-Divisional Officer, as may be authorized by him in that behalf.

8. Power to make Rules.

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions 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 ten days, which may be comprised in one session or in two or more successive sessions, and if, before expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rules 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.