

# Uttarakhand Freedom of Religion Rules, 2018

UTTARAKHAND

India

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### Rule UTTARAKHAND-FREEDOM-OF-RELIGION-RULES-2018 of 2018

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Uttarakhand Freedom of Religion Rules, 2018Published vide Notification No. 99/6/2018, dated 29.8.2018Last Updated 8th July, 2019Notification No. 99/6/2018. - In exercise of the powers conferred by sub-section (1) of Section 16 of the Uttarakhand Freedom of Religion Act, 2018 (Act 28 of 2018), the Governor is pleased to make following rules for the purposes of prohibition of conversion from on religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage and to facilitate the matters incidental thereto;

#### 1. Short title and commencement.

(1)These rules may be called the Uttarakhand Freedom of Religion Rules, 2018.(2)It shall come into force at once.

#### 2. Definition.

(1)In these rules, unless there is anything repugnant in the subject or context -(a)'Act' means the Uttarakhand Freedom of Religion Act, 2018;(b)'Form' means form appended to these rules;(c)'Government' means the Uttarakhand State Government;(d)'State' means State of Uttarakhand;(e)'Section' means the section of the Uttarakhand Freedom of Religion Act, 2018.(2)Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

#### 3. Notice before conversion.

(1)Any person domiciled in the State and intending to convert his religion, shall give a notice to the District Magistrate of the District in which he is permanently resident, prior to such conversion, in Form 'A'.(2)The District Magistrate shall cause all notices received under sub-rule (1) to be entered

in a Register of Notices and Complaints of conversion in Form B, and may within fifteen days from the receipt of said notice, get the matter enquired into by such agency as he may deem fit and record his findings as regards the particulars of notice given: Provided that adequate opportunity shall be given to the person giving notice and any other person likely to be prejudicially affected to associate himself with any such enquiry. (3) On receipt of the application made under sub-rule (1) in Form A, the District Magistrate shall put his signature thereon indicating the date and time of receipt of such application. An acknowledgement for the receipt of the application shall be given in Form 'B'.

#### **4. Inquiries in other cases.**

(1) Where on the basis of any complaint or any information laid before him, the District Magistrate is of the opinion, for reasons to be recorded that - (a) Misrepresentation, force, undue influence, coercion, allurement or any fraudulent means or marriage have been used or likely to be used in any conversion within the local limits of his jurisdiction; or (b) A conversion has taken place without notice in contravention of the provisions of this Act. he may cause an inquiry to be made in the matter and proceed in the manner as provided in Rule 3. (2) Every such complaint so received shall be entered in the Register of Notices and Complaints of conversion in Form 'B'.

#### **5. Registration and Investigation of Case.**

- If after enquiry under Rule 3 or Rule 4, as the case may be, the District Magistrate records a finding that a conversion, through misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage has taken place or is likely to take place or done without the requisite notice, he shall enter the particulars of the case in the Register of Forced Conversion in Form 'C' and refer the case along with all material adduced during the course of the enquiry to the Police Station in which the person is resident or where the conversion is intended or done for registration of a case and its investigation.

#### **6. Sanction for Prosecution.**

- If after investigating the matter, it appears that an offence under Section 8 has been committed, the Investigating Officer shall place all relevant material before the authority empowered under Section 9 to grant prosecution sanction and such sanction shall be granted or refused within a period of seven days, giving reasons in writing.

#### **7. Submission of report to the State Government.**

- The District Magistrate of each district in the State shall on the 10th of each month send to the State Government a report of intimations received by him in this respect during the preceding month in Form 'D'.

## 8. Replacement of Registration of Institution or Organisation.

- The provision of conversion given in Rules 3, 4, 5 and 6 shall be applicable, 'mutatis mutandis', regarding the registration of the Institution or Organisation.

## 9. Prohibition of accepting donation or contribution.

- Subject to the Section 11 of Act, if any person or Institution or Organisation receive any kind of donation or contribution regarding conversion, such donation or contribution may be forfeited by District Magistrate after such inquiry as he may deem fit and giving reasonable opportunity of hearing and such person or institution or organisation shall be liable for the punishment under sub-section (5) and sub-section (6) of Section 8 of the Act.

## 10. Burden of proof.

- Subject to the Section 13 of the Act, if any person, priest, institution or organisation convert/make conversion from misrepresentation, force, undue influence, coercion, allurement or any other fraudulent method or by marriage, the burden of proof shall lie on such person who have made the aforesaid conversion and when any person, priest, institution or organisation has ensured such conversion then the burden of proof shall lie on such person, priest, institution or organisation.

**Explanation.** - For the purpose of Section 3 and Section 6 of the Act wherever the word 'marriage' occurs in the Act, marriage means marriage done as a consequence of conversion from one religion to another religion, which is done with the intention of misrepresentation, force, coercion, allurement or any other fraudulent means.

**Form A** See Rule 3(1) Notice Before Conversion From One Religious Faith To Another To: The District Magistrate, District..... Sir, I..... S/o W/o D/o..... aged..... R/O..... belonging to Scheduled Caste or Scheduled Tribe or General category intend to convert from ..... religious faith to ..... religious faith and do hereby declare that the said conversion is on my own will and without use of any force or inducement. My date of birth is..... and I am not a minor.

Place: Date: Signature of the person intending to convert religion

**Form B** (See Rule 3) Register of Notices and Complaints of Conversion

Date of receipt of notice or complaint	Name and address of the person giving notice or making complaint	Father's name	Name and full address of the person converting	Age	Sex	Occupation and monthly income of the person converted	Whether married or unmarried
1	2	3	4	5	6	7	8
Name of person, if any, dependent upon the person converted	If a minor, name and full address of	Whether belongs to Scheduled Caste or	Whether inquiry conducted or not, and	Date, if referred to Police Station	Date of prosecution sanction, if any	Final Result	

the guardian, scheduled tribe if conducted under Section  
if any and if so, findings of the 5 or Section  
particulars of inquiry in 4(2)  
such Caste or brief (Specify)  
tribe

9 10 11 12 13 14 15

Form C(See Rule 5)Register of Forced Conversion

Date of receipt of notice or complaint	Name and address of the person giving notice or making complaint	Father's name	Name and full address of the person converting	Age	Sex	Occupation and monthly income of the person converted	Whether married or unmarried
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1 2 3 4 5 6 7 8

Name of person, if any, dependent upon the person converted	If a minor, name and full address of the guardian, if any	Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such Caste or Tribe	Findings of the inquiry in brief	Date, if referred to Police Station under Section 5	Date of prosecution sanction, if any or reasons for refusal	Verdict of court with date
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9 10 11 12 13 14 15

Form D(See Rule 7)

No. of cases pending inquiry at the end of previous month	No. of notices/ complaints received during month	Total No. of pending inquiries	No. of inquiries disposed of during month Filed	No. of cases pending at the end of the month Sent for registration of case
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1 2 3 4(a) 4(b) 5