

## MADHYA PRADESH FREEDOM OF RELIGION ACT, 2021

www.govtpressmp.nic.in 179] 27 2021—+a 6, 1943 R-fiT 27 2021 26 qN, 2021 t, 357 358 R. R. q. t. 22. 27 2021 Alt9.1. a-ra qfi•ar. 9-•IIT. t13T. 3FãVOT. 27 2021 ( 3N•ru1XT)" R. (R) 34fÅfa-zP1, t. 358 (1) (u) (El) (q) ' ' 31fÄ-ü7 t, 358 (2) 27 2021 t, å-å Fit, Tit•a, aq--q-ep aft-n--€T t, R) ( VRO yq) kR•-R: \*111. ufiar. a-ft tr, €1, \*TIT. qti tr üAT, Hä dull. 27 2021 3TfiBi t. qGi t, ÄGi, (q) 3ifi-q U. ( R) 3-12.141 ( R ) a-q-ia:a ft-a, t. AFT, ytrgq, t, qGi t, ?TIT. 3iR 358 (3) tPIT. EiNUTT. 358 (4) 3.TfirB•zrq qu-g. 27 2021 (q) æidfÅ7 R R. '-TIX, yü, 3-RR, @TIT. R 4. ( R) 3iaf& 'At, \*111, æifrdl, RA. ( ) GRT, ( R ) ( R ) 3iR -q-rå t. (R) air, ( t, 3-TP-ÄT -q•q-åf (R) Ro Ro R RORR) 7triEii WiFi Sections • 1. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13. 14. 15. 16. 17 18. 27 2021 27 2021 348 (3) 2021 5 2021) MADHYA PRADESH ACT No. 5 OF 2021 THE MADHYA PREDESH FREEDOM OF RELIGION ACT, 2021 TABLE OF CONTENTS Short title extent and commencement. Definitions. Prohibition of unlawful conversion from one religion to other religion. Complaint against conversion of religion. Punishment for contravention of provisions of Section 3. Marriages performed with the intent to convert a person shall be null and void. Jurisdiction of the Court. Inheritance Right. Right to Maintenance. Declaration before conversion of religion. Punishment for violation of provisions of Act by an institution or organization. Burden of proof. Offence to be cognizable. non-bailable and triable by Court of Session. Investigation. 358 (5) Power Power Repeal Repeal to remove difficulties. to make rules. and saving of Madhya Pradesh Act No. 27 of 1968. and saving of Madhya Pradesh Ordinance No. I of 2021. 358 (6) Short title, and extent commencement. Definitions. 27 2021 MADHYA PRADESH ACT No. 5 OF 2021 THE MADHYA PRADESH FREEDOM OF RELIGION ACT, 2021 [Received the assent of the Governor on the 26th March, 2021; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" , dated the 27th March, 2021.] An Act to provide freedom of religion by prohibiting conversion from one religion to another by misrepresentation, allurement, use of threat or force, undue influence, coercion, marriage or any fraudulent means and for the matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the seventy-second years of the Republic of India, as follows . 1. (1) This Act may be called the Madhya Pradesh Freedom of Religion Act, 2021 (2) It shall extend to the whole of the State of Madhya Pradesh (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, 2. (1) In this Act, unless the context otherwise requires,— (a) (b) (c) "allurement" means and includes an act of offering of any temptation in the form of any gift or gratification or material benefit, either in cash or kind or employment, education in school run by any religious body, better lifestyle, divine pleasure or the promise of it thereof or otherwise; • "coercion-" means compelling an individual to act against his will by any means whatsoever including psychological pressure or physical force causing bodily injury or threat thereof; 'conversion' • means renouncing one religion and adopting another but the return of any person already converted to the fold of his parental religion shall not be deemed conversion: Explanation.—the parental religion of the person converted shall mean the religion to (d) (e) (D) (g) (h) which his father belonged at the time of birth of such person. "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 his parents. siblings. or any other person related by marriage, adoption. guardianship or custodianship or their property including a threat of divine displeasure or social ex-communication; includes misrepresentation of any kind or any other fraudulent "fraudulent" contrivance; "Government" means the Government of Madhya Pradesh; 'minor" means a person under eighteen years of age: "religious priest" means and includes a person professing any religion and who performs rituals including purification Sanskar or conversion ceremony of any religion and by whatever nane is called such as Pujari Pandit, Qazi, Mulla, Maulvi and Father; 'undue influence" means the unconscientious 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. 27 2021 (2) The words and expressions used in this Act but not defined herein but defined in the Code of Criminal Procedure, 1973 (2 of 1974) and the Indian Penal code, 1860 (45 of 1860) shall have the same meaning as assigned to them respectively unless the context otherwise provides. 3. (1) No person shall,— (a) convert or attempt to convert, either directly or otherwise, any other person by use of misrepresentation, allurement, use of threat or force, undue influence, coercion or marriage or by any other fraudulent means; (b) abet or conspire

such conversion. (2) Any conversion in contravention of provision of this section shall be deemed null and void

4. No Police officer shall inquire or investigate except upon a written complaint of a person converted in contravention of Section 3 above or his parents or siblings or with the leave of the court by any other person who is related by blood, marriage or adoption, guardianship or custodianship, as may be applicable

**5. Whoever contravene the provisions of Section 3 shall be punished with imprisonment for a term, which shall not be less than one year but which may extend to five 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 Castes or Scheduled Tribes 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 not be less than Rupees Fifty Thousand: Provided further that whosoever intends to marry a person of any religion other than the religion professed by him and conceals his religion in such a manner that the other person whom he intends to marry, believes that his religion is truly the one professed by him 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: Provided further that whosoever contravenes the provisions of Section 3 in respect of mass conversion shall be punished with imprisonment for a term, which shall not be less than Five years but which may extend to ten years and shall also be liable to fine which shall not be less than Rupees One Lakh: Provided also that in the case of a second or subsequent offence mentioned in this section is committed, the term of the imprisonment shall not be less than five years but may extend to ten years and also with fine.**Explanation.—Mass conversion means a conversion wherein more than two persons are converted at the same time

6. Any marriage performed in contravention of Section 3 shall be deemed null and void

**7. Every petition for declaring a marriage null and void under Section 6 shall be presented by any person mentioned in Section 4 before the family court or where a family court is not established, the court having jurisdiction of a family court within the local limits wherein, the marriage was solemnized; or (a) 358 (7) Prohibition of unlawful conversions from one religion to other religion.**Complaint against of conversion religion. for Punishment contravention of provisions Section 3. Marriage performed with the intent to convert a person shall be null and void. Jurisdiction of the Court. 358 (8) Inheritance right Right to Maintenance. Declaration before conversion of religion. Punishment for of violation provisions of Act by an institution or organization. Burden of Proof (b) ffence to be cognizable, non- and bailable triable by Court of Session. Investigation (b) (c) (d) 27 2021 the respondent, at the time of the presentation of the petition, resides; or either parties to the marriage last resided together; or where the petitioner is residing on the date of presentation of the petition. (1) Notwithstanding the provisions of Section 6 or the decision of the competent court 8. under Section 7 hereinabove, any child born out of marriage performed in contravention of Section 3 shall be deemed legitimate. (2) Notwithstanding the provision of Section 6 hereinabove the succession to the property by such child shall be regulated according to the law governing inheritance of the father. (3) Nothing contained in sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void under Section 6 and which is annulled by competent court under section 7, any right in or to the property of any person. other than his father

**9. Notwithstanding any provision contained in any other law for the time being in force such woman whose marriage is declared null and void under section 7 and her children born of such marriage shall be entitled to maintenance as provided in Chapter IX of the Criminal Procedure Code.**1973 (2 of 1974). IO. (1) Any person who desires to convert shall submit a declaration to that effect 60 days prior to such conversion, in prescribed Form to the District magistrare stating that he desires to convert on his own free will and without any force. coercion, undue influence or allurement. (2) any religious priest and/or any person who intends to organize conversion shall give 60 days prior notice to the District Magistrate of the district where such conversion is proposed to be organized in such Form as may be prescribed. the information under sub-sections (1) and (2) (3) The District Magistrate. on receiving notice in such manner as may be prescribed. the acknowledgement of such prior shall be punished with

(4) Whoever contravenes the provisions of sub-section (1) shall be liable to imprisonment for a term which shall not be less than three years, but may extend to five years also be liable to fine which shall not be less than Rupees Fifty Thousand, and shall (5) No court shall take cognizance of the offence committed under this section without prior sanction of the concerned District Magistrate. (1) Where any institution or organization violates any provision of this Act, the person in charge of the affairs of the such institution or organization, as the case may be, shall be liable for punishment as provided under Section 5 of this Act. (2) The registration of institution or organization found guilty of committing any offence under this Act may be rescinded by the Competent Authority

**12. The burden of proof as to whether a conversion was not effected through misrepresentation, allurement, use of force, threat of force, undue influence, coercion or by marriage or any other fraudulent means done for the purpose of carrying out conversion lies on the accused.** (1) Notwithstanding anything contrary contained in the Code of Criminal Procedure, 1973, every offence committed under this Act shall be cognizable, non-bailable and triable by the Court of Session. (2) While trying an offence under this Act, a Session Court may also try an offence, other than the offence under this Act, with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial. (3) The Police shall investigate any offence under this Act. 14. No Police Officer below the rank of Sub-inspector registered under this Act. 27 2021 (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it, to be necessary or expedient for removing the difficulty; Provided that no such order 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 this section shall, as soon as may be after it is made, be laid before State Legislature. 16. (1) The Government may, by notification in the Official Gazette, make rules or regulations for carrying out the provisions of this Act. (2) Any notification issued under sub-section (1) shall be published in the Official Gazette, and shall take effect thereupon. 17. (1) The Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 (No. 27 of 1968) and rules made thereunder are hereby repealed. (2) Notwithstanding such repeal, but without prejudice to the application of Section 10 of the Madhya Pradesh General Clauses Act, 1957 (3 of 1958), anything done or any action taken or purported to have been done or taken under or in pursuance of the Act so repealed, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under or in pursuance of the corresponding provisions of this Act. 18. (1) The Madhya Pradesh Freedom of Religion Ordinance, 2020 (No. 1 of 2021) is hereby repealed. (2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act. 358 (9) Power to remove difficulties. Power rules. to make Repeal and saving of Madhya Pradesh Act No. 27 of 1968. Repeal and saving of Madhya Pradesh Ordinance No. 1 of