

Bill No. 251 of 2019

THE RELIGIOUS CONVERSION (PROHIBITION) BILL, 2019

By

SHRI BHARTRUHARI MAHTAB, M.P.

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BILL

to provide for prohibition on religious conversions by inducement, coercion or undue influence and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Religious Conversion (Prohibition) Act, 2019.

Short title and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “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;

(b) “inducement” means offering any gratification or benefit, whether material or otherwise;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “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. 5

Prohibition of religious conversion on certain grounds.

3. (1) No person shall convert or encourage conversion of any individual from one religion to another by inducement or coercion or undue influence.

(2) The onus of proof as to whether a religious conversion was not effected through inducement, coercion or undue influence shall lie on the person so converted and, where such conversion has been facilitated by any person, such other person. 10

Declaration as to conversion.

4. Every individual converting from one religion to another shall submit to such authority as may be prescribed a declaration to the effect that the conversion was not effected through inducement, coercion and undue influence:

Provided that where the prescribed authority is satisfied that there is evidence of inducement, coercion or undue influence, it may cause the matter to be investigated further. 15

Punishment.

5. (1) Whoever contravenes the provision of sub-section (1) of section 3 shall be punished with imprisonment for a term, which may extend to five years and also liable to a fine, which may extend to five lakh rupees.

(2) Notwithstanding anything in sub-section (1), whoever contravenes the provisions of section 3 in respect of any person belonging to the Scheduled Castes or the Scheduled Tribes shall be punished with imprisonment for a term which may extend to seven years and also be liable to a fine which may extend to ten lakh rupees. 20

Power to remove difficulties.

6. (1) If any difficulty arise in giving effect to the provisions of this Act, the Central 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: 25

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 each House of Parliament. 30

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

8. (1) The Central Government may make, by notification in the Official Gazette, rules for carrying out the purposes of this Act. 35

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, 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 the 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. 40

STATEMENT OF OBJECTS AND REASONS

The Constitution confers on each individual the fundamental right to profess, practice and propagate his religion. However, the individual right to freedom of conscience and religion cannot be extended to construe a collective right to proselytise; for the right to religious freedom belongs equally to the person converting and the individual sought to be converted.

Still, there have been umpteen cases of religious conversions, both mass and individual. Obviously, such incidents have been hotly debated, more so in a multi-religious society, such as ours. The presence of pseudo-social organizations with a hidden agenda to convert the vulnerable sections of other religions has further vitiated the environment of mutual harmony among different religions. There have been instances when gullible people have been converted by offering inducements or under undue influence. Some have been forced to convert to other religions. Such incidents not only infringe the freedom of religion of the persons so converted but also militate against the secular fabric of our society.

The Bill, therefore, seeks to:—

(i) prohibit religious conversions which are effected through inducement, undue influence or coercion by making it an offence;

(ii) provide greater punishment for such conversion of persons belonging to the Scheduled Castes or the Scheduled Tribes;

(iii) provide that the onus of proof that the conversion was not effected through inducement, coercion or undue influence lies on the person converting them and the person converted; and

(iv) provide that every individual converting from one religion to another shall submit to the prescribed authority a declaration that the conversion was not effected through inducement, coercion and undue influence and such authority can make an inquiry in suspected cases.

The Bill seeks to achieve the above objectives.

NEW DELHI;
October 25, 2019

BHARTRUHARI MAHTAB

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Bhartruhari Mahtab, M.P.)