

Himachal Pradesh Freedom of Religion Rules, 2007

Shimla – 2, the 7th July, 2007

No. Home-C(A)3-3/2007. – In exercise of the powers conferred by section 8 of the Himachal Pradesh Freedom of Religion Act, 2006 (Act No. 5 of 2007), the Governor, Himachal Pradesh is pleased to make the following Rules for carrying out the provisions of the Act, namely:

1. Short title.

- (1) These rules may be called the Himachal Pradesh Freedom of Religion Rules, 2007.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- (1) In these rules, unless the context otherwise requires,
 - (a) “Act” means the Himachal Freedom of Religion Act, 2006 (Act No. 5 of 2007);
 - (b) “Form” means form appended to these rules;
 - (c) “Government” means the Government of Himachal Pradesh; and
 - (d) “State” means the State of Himachal Pradesh.
- (2) All other words and expressions used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

3. Notice before conversion.

- (1) Any person domiciled in the State, 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) of rule 3 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 the person giving notice and any other person likely to be prejudicially affected shall be given adequate opportunity to associate himself with any such enquiry.

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.

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,

- (a) that force or inducement have been used or is likely to be used in any conversion within the local limits of his jurisdiction; or
- (b) that 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.

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 has taken place or is likely to take place through the use of force or inducement or 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 sub-section (2) of section 4 or under section 5 has been committed, the Investigating Officer shall place all relevant material before the authority empowered under section 7 to grant prosecution sanction and such sanction shall be granted or refused within a period of 7 days, giving reasons in writing.

7. Submission of report to the Government.

The District Magistrate of the 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 Forms D & E, as the case may be.

By order,
Sd/
Principal Secretary

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 (For cases under Sections 4 (2) and (5)

See rule 3 (2)

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 un-married
1	2	3	4	5	6	7	8

Name of persons, 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.	Whether inquiry conducted or not, and if conducted, findings of the inquiry in brief.	Date, if referred to Police Station under section 5 or Section 4 (2) (Specify).	Date of prosecution sanction, if any	Final Result
9	10	11	12	13	14	15

FORM C (For cases under section 5)
(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 un-married
1	2	3	4	5	6	7	8

Name of persons, 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
9	10	11	12	13	14	15

FORM D
(Cases under section 5)
(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		No. of cases pending at the end of the month.
			Filed	Sent for registration of case	
1	2	3	4(a)	4(b)	5

FORM E
(Cases under section 4 (2))
(see rule 7)

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