

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Vidhi Virudh Dharma Samparivartan Pratishedh Adhyadesh, 2020 (Uttar Pradesh Adhyadesh Sankhya 21 of 2020) promulgated by the Governor. The Grih (Police) Anubhag-9 is administratively concerned with the said Ordinance.

THE UTTAR PRADESH PROHIBITION OF UNLAWFUL CONVERSION OF
RELIGION ORDINANCE, 2020

(U.P. ORDINANC NO. 21 OF 2020)

[Promulgated by the Governor in the Seventy First Year of the Republic of India]

AN

ORDINANCE

to provide for prohibition of unlawful conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage and for the matters connected therewith or incidental thereto.

WHEREAS the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him/her to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

Short title, extent
and
commencement

1. (1) This Ordinance may be called the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020.

(2) It shall extend to whole of Uttar Pradesh.

(3) It shall come into force at once.

Definitions

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

(a) "Allurement" means and includes offer of any temptation in the form of—

(i) any gift, gratification, easy money or material benefit either in cash or kind;

(ii) employment, free education in reputed school run by any religious body; or

(iii) better lifestyle, divine displeasure or otherwise;

(b) "Coercion" means compelling an individual to act against his/her will by the use of psychological pressure or physical force causing bodily injury or threat thereof;

(c) "Conversion" means renouncing one's own religion and adopting another religion;

(d) "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 any other person or property;

(e) "Fraudulent means" includes impersonation of any kind, impersonation by false name, surname, religious symbol or otherwise;

(f) "Mass Conversion" means where two or more persons are converted;

(g) "Minor" means a person under eighteen years of age;

(h) "Religion" means any organized system of worship pattern, faith, belief, worship or lifestyle, as prevailing in India or any part of it, and defined under any law or custom for the time being in force;

(i) "Religion Convertor" means person of any religion who performs any act of conversion from one religion to another religion and by whatever name he is called such as Father, Karmkandi, Maulvi or Mulla etc.;

(j) "Undue influence" means the unconscientious use by one person of his/her power or influence over another in order to persuade the other to act in accordance with the will of the person exercising such influence.

(k) "Unlawful Conversion" means any conversion not in accordance with law of the land.

3. No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage nor shall any person abet, convince or conspire such conversion:

Prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement or marriage

Provided that, if any person reconverts to his/her immediate previous religion, the same shall not be deemed to be a conversion under this Ordinance.

4. Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First Information Report of such conversion which contravenes the provisions of section 3.

Person competent to lodge First Information Report

5. (1) Whoever contravenes the provisions of section 3 shall, without prejudice to any civil liability, 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 fifteen thousand;

Punishment for contravention of provisions of section 3

Provided that whoever contravenes the provisions of section 3 in respect of a minor, a woman or a person belonging to the Scheduled Caste or Scheduled Tribe 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 be not less than rupees twenty five thousand;

Provided further that whoever 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 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.

(2) The Court shall also grant appropriate compensation payable by the accused to victim of said conversion which may extend maximum to rupees five lakh and shall be in addition to fine.

(3) Whoever having been previously convicted of an offence under this Ordinance is again convicted of an offence punishable under this Ordinance, shall be liable for every such subsequent offence to punishment not exceeding double the punishment provided therefor under this Ordinance.

6. Any marriage which was done for sole purpose of unlawful conversion or *vice-versa* by the man of one religion with the woman of another religion, either by converting himself/herself before or after marriage, or by converting the woman before or after marriage, shall be declared void by the Family Court or where Family Court is not established, the Court having jurisdiction to try such case on a petition presented by either party thereto against the other party of the marriage :

Marriage done for sole purpose of Unlawful Conversion or *vice-versa* to be declared void

Provided that all the provisions of section 8 and 9 shall apply for such marriages to be solemnized.

Offences to be non-bailable and cognizable

Declaration before conversion of religion and pre-report about conversion

Declaration post conversion of religion

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all the offences under this Ordinance shall be Cognizable and non-bailable and triable by the Court of Sessions.

8. (1) One who desires to convert his/her religion, shall give a declaration in the form prescribed in Schedule-I at least sixty days in advance, to the District Magistrate or the Additional District Magistrate specially authorized by District Magistrate, that he wishes to convert his/her religion on his/her own and with his/her free consent and without any force, coercion, undue influence or allurement.

(2) The religious convertor, who performs conversion ceremony for converting any person of one religion to another religion, shall give one month's advance notice in the form prescribed in Schedule-II of such conversion, to the District Magistrate or any other officer not below the rank of Additional District Magistrate appointed for that purpose by the District Magistrate of the district where such ceremony is proposed to be performed.

(3) The District Magistrate, after receiving the information under sub-sections (1) and (2), shall get an enquiry conducted through police with regard to real intention, purpose and cause of the proposed religious conversion.

(4) Contravention of sub-section (1) and/or sub-section (2) shall have the effect of rendering the proposed conversion, illegal and void.

(5) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than six months, but may extend to three years and shall also be liable to fine which shall not be less than rupees ten thousand.

(6) Whoever contravenes the provisions of sub-section (2) shall be punished with imprisonment for a term which shall not be less than one year, but may extend to five years and shall also be liable to fine which shall not be less than rupees twenty five thousand.

9. (1) The converted person shall send a declaration in the form prescribed in Schedule-III within sixty days of the date of conversion, to the District Magistrate of the District in which converted person resides ordinarily.

(2) The District Magistrate shall exhibit a copy of the declaration on the notice board of the office till the date of confirmation.

(3) The said declaration shall contain the requisite details, *i.e.*, the particulars of the convert such as date of birth, permanent address, and the present place of residence, father's/husband's name, the religion to which the convert originally belonged and the religion to which he has converted, the date and place of conversion and nature of process gone through for conversion.

(4) The converted individual shall appear before the District Magistrate within 21 days from the date of sending/filing the declaration to establish her/his identity and confirm the contents of the declaration.

(5) The District Magistrate shall record the factum of declaration and confirmation in a register maintained for this purpose. If any objections are notified, he may simply record them, *i.e.*, the name and particulars of objectors and the nature of objection.

(6) Certified copies of declaration, confirmation and the extracts from the register shall be furnished to the parties, who gave the declaration to his/her authorized legal representative on his/her request.

(7) The contravention of sub-sections (1) to (4) shall have the effect of rendering the said conversion illegal and void.

10. (1) If any institution or organization violates the provisions of this Ordinance, the person or persons in charge of the affairs of the organization or the institution, as the case may be, shall be subject to punishment as provided under section 5 and the registration of the organization or the institution under any law for the time being in force may be cancelled by competent authority upon reference made by District Magistrate in this regard.

Punishment for violation of provisions of Ordinance by an institution or organization

(2) State Government shall not provide any financial aid or grant to such institution or organization violating the provisions of this Ordinance.

11. When an offence is committed under this Ordinance, each of the following shall be deemed to have taken part in committing the offence and shall be guilty of the offence, and shall be charged as if he has actually committed the said offence, that is to say,-

Parties to offence

(i) every person who actually does the act which constitutes the offence;

(ii) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(iii) every person who aids or abets another person in committing the offence;

(iv) any person who counsels, convinces or procures any other person to commit the offence.

12. The burden of proof as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage, lies on the person who has caused the conversion and, where such conversion has been facilitated by any person, on such other person.

Burden of proof

13. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it, to be necessary or expedient for removing the difficulty:

Power to remove difficulties

Provided that no such order shall be made after two years from the date of commencement of this Ordinance

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of State Legislature.

14. The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Ordinance.

Power to make rules

SCHEDULE -I

Form of Declaration [see sub-section (1) of section 8]

Intimation regarding intended conversion from one religion to another

To,

The District Magistrate

District

Uttar Pradesh

Sir,

I.....s/o,d/o.....r/o.....

intend to perform necessary ceremony for conversion from..... religion to.....religion, do hereby, give intimation of intended conversion as required by sub-section (1) of section 8:

1. Name of the person to be converted.....

2. Name of the :
 - (a) Father of the person to be converted.....
 - (b) Mother of the person to be converted.....
3. Address of the person to be converted.....

House No. Ward No. Mohalla.....

Village..... Tahsil..... District.....
4. Age(DOB)
5. Sex.....
6. Occupation and monthly income
7. Whether married or unmarried.....
8. Name of persons, if any, dependent upon the person to be converted
9. If any minor, name and full address of the guardian, if any.....
10. Whether belong to Schedule Caste or Schedule Tribe and if so, particulars of such caste.....
11. Name of the place where the conversion ceremony is intended to take place with full details-

House No.....Ward No.....Mohalla.....

Village..... District
12. Date for Conversion.....
13. Religious priest:
 - (i) Name, qualification and experience.....
 - (ii) Address

VERIFICATION

I,do hereby declare that the information stated above is true to the best of my knowledge and belief and nothing has been concealed.

Signature

Date.....

Place.....

SCHEDULE-II

Form of notice [see sub-section (2) of section 8]

Notice by the religious priest regarding intended conversion from one religion to another

To,

The District Magistrate

District.....

Uttar Pradesh

Sir,

I.....s/o, d/or/o.....do hereby, give notice as required by Sub-section (2) of section 8 for intended conversion from.....religion toreligion and particulars of aforesaid intended conversion are as below:

1. Name of the person to be converted.....
2. Name of the:
 - (a) Father of the person to be converted.....
 - (b) Mother of the person to be converted.....

3. Address of the person to be converted

House No..... Ward No..... Mohalla.....
 Village..... Tahsil..... District.....

4. Age..... (DOB)

5. Sex.....

6. Occupation and monthly income.....

7. Whether married or unmarried.....

8. Name of persons, if any, dependent upon the person to be converted.....

9. If a minor, name and full address of the guardian, if any.....

10. Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such Caste.....

11. Name of the place where the conversion ceremony is intended to take place with full details

House No..... Ward No.....
 Mohalla..... Village..... District.....

12. Date for conversion.....

13. Religious priest:

(i) Name, qualification and experience.....

(ii) Address

VERIFICATION.

I,do hereby declare that the information stated above is true to the best of my knowledge and belief and nothing has been concealed.

Signature

Date.....

Place.....

SCHEDULE-III

Form of Declaration (see section 9)

Intimation regarding conversion from one religion to another

To,

The District Magistrate

District.....

Uttar Pradesh

Sir,

I,s/o, d/o.....r/ohaving performed the necessary ceremony for conversion from.....religion to.....religion, do hereby, give intimation of the conversion as required by Section 9 as under:

1. Full Name of the person converted:

(1) before conversion.....

(2) after conversion (if the name is changed).....

2. Name of the:

(a) Father of the person converted.....

(b) Mother of the person converted.....

3. Address of the person converted
 House No.....Ward No.....Mohalla.....
 Village.....Tahsil.....District.....
4. Age.....(DOB)
5. Sex.....
6. Occupation and monthly income.....
7. Whether married or unmarried.....
8. Name of persons, if any, dependent upon the person converted
9. If a minor, name and full address of the guardian, if any
10. Whether belongs to Scheduled Caste or Scheduled Tribe and if so, particulars of such Caste.....
11. Name of the place where the conversion ceremony has taken place with full details House No.....Ward.....Mohalla.....
 Village.....District.....
12. Date of conversion.....
13. Religious priest:
 (i) Name, qualification and experience.....
 (ii) Address
14. Names, addresses and other particulars (relationship with the person converted, if any) of at least two persons other than religious priest who had taken part in the conversion ceremony:
 (1).....
 (2).....

VERIFICATION

I,..... do hereby declare that the information stated above is true to the best of my knowledge and belief nothing has been concealed.

Signature.....

Witness: (1).....

Witness: (2).....

Date.....

Place.....

ANANDIBEN PATEL,
 Governor,
 Uttar Pradesh.

By order,
 ATUL SRIVASTAVA,
 Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 383 राजपत्र-2020-(874)-599 प्रतियां-(कम्प्यूटर / टी / आफसेट)।

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