

Chhattisgarh Freedom of Religion (Amendment) Act, 2006
Act 18 of 2006

A bill to further amend the Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, 1968 (No. 27 of 1968).

Be it enacted by the Chhattisgarh Legislature in the Fifty-Seventh year of the Republic of India as follows:

1. Short title and Commencement

- (1) This Act may be called the Chhattisgarh Dharma Swantantraya (Amendment) Adhiniyam, 2006.
- (2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment of section 2.

After sub-section (b) of Section-2 of the Chhattisgarh Dharma Swantantraya Adhiniyam, 1968 (No. 27 of 1968) (hereinafter referred to as the Principal Act), the following proviso shall be added, namely:

“Provided that the return in ancestor’s original religion or his own original religion by any person shall not be construed as ‘conversion’.”

3. Amendment of Section 4.

In Section 4 of the Principal Act,-

- (1) For the words ‘one year’ the words ‘three years’ and for the words ‘five thousand’ the words ‘twenty thousand’ shall be substituted.
- (2) In proviso for the words ‘two years’ the words ‘four years’ and for the words ‘ten thousand’ the words ‘twenty thousand’ shall be substituted.

4. Amendment of Section 5.

For Section 5 of the Principal Act, the following section shall be substituted, namely:-

5. Prior permission, contravention and punishment

- (1) Whoever intends to convert any person from one religious faith to another either by performing himself the ceremony necessary for such conversion as a religious priest or by taking part directly or indirectly in such ceremony, shall apply for permission at least thirty days before the intended date of such conversion, to the District Magistrate in whose jurisdiction the ceremony is intended to be performed, in such form, as may be prescribed.
- (2) The District Magistrate may after inquiry, by an order, permit or refuse to permit any person to convert, any person, from one religious faith to another and such permission shall be valid for two months from the date of its order.
- (3) Any person aggrieved by the order passed under Sub-section (2) may appeal, within thirty days from the date of the order to the District Judge whose decision shall be final.
- (4) The person so permitted by the District Magistrate under the provision of sub-section (2) shall intimate within one month from date of the ceremony to such District Magistrate, of the fact of such conversion, in such form, as may be prescribed.
- (5) Whoever converts any person in contravention of the provisions of sub-section (2) shall be punished with imprisonment for term which may extend to three years and shall also be liable to fine which may extend to twenty thousand rupees.
- (6) Whoever, does anything in contravention of the provisions of sub-section (4) shall be punished with imprisonment of either description for a term which may extend to one year and also with fine which may extend to ten thousand rupees.

5. Addition of New Sections 5-A, 5-B, 5-C

After Section 5 of the Principal Act, the following shall be added, namely:

“5-A Punishment for attempt to commit offences

Whoever attempts to commit any offence punishable under this Act or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punished with the punishment provided for the offence.

5-B Bar of Jurisdiction

No Civil Court shall entertain any suit or proceeding against any decision made or order passed by any officer or authority under the Act or any rule made thereunder.

5-C Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any other person exercising any powers or discharging any functions or performing any duties under this Act, for anything done in good faith or intended to be done under the Act or any rule made thereunder.”

6. Amendment of Section 6.

For Section 6 of the Principal Act, the following Section shall be substituted, namely:

6. Offences to be cognizable

- (1) Every offence punishable under this Act shall be cognizable;
- (2) No person accused of an offence punishable under this Act shall be released on bail or on his own bond unless, the Public Prosecutor has been given an opportunity to oppose the application for such release.