

## **EXTRACTS FROM THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988 (ACT No.41 OF 1988)**

[1<sup>st</sup> September, 1988]. An Act to prevent the misuse of religious institutions for political and other purposes.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:-

**1. Short title, extent and commencement.-** (1) This Act may be called the Religious Institutions (Prevention of Misuse) Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 26<sup>th</sup> day of May, 1988.

**2. Definitions.-** In this Act, unless the context otherwise requires-

(a) "ammunition" shall have the same meaning as in clause (b) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959);

(b) "arms" shall have the same meaning as in clause (c) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959);

(c) "manager" in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties;

(d) "political activity" includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organizing meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes also such activity by

or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority;

(e) "political party" means an association or body of persons-

(i) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or

(ii) which has set up candidates for election of any legislature but is not registered, or deemed to be registered, as a political party, under the Election Symbols (Reservation and Allotment) Order, 1968; or

(iii) organized to carry on any political activity or to acquire or exercise political power through election or otherwise;

(f) "religious institution" means an institution for the promotion of any religion or persuasion, and place or premises used as a place of public religious worship, by whatever name or designation known.

**3. Prohibition of use of religious institution for certain purposes.-** No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution-

(a) for the promotion or propagation of any political activity; or

(b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or

(c) for the storing of any arms or ammunition; or

(d) for keeping any goods or articles in contravention of any law for the time being in force; or

(e) for erecting or putting up of any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or

(f) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court; or

(g) for the doing of any act which promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, or regional groups or castes or communities; or

(h) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or

(i) for the doing of any act in contravention of the provisions of the Prevention of Insults of National Honour Act, 1971 (69 of 1971).

**4. Restrictions on carrying arms and ammunition into a religious institution.-** No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution:

Provided that nothing in this section shall apply to-

(a) the wearing and carrying of a kirpan by any person professing the Sikh religion; or

(b) any arms which are used as a part of any religious ceremony or ritual or the institution as established by custom or usage.

**5. Prohibition of use of funds of religious institutions for certain activities.-** No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to or under the control of the institution for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law.

**6. Prohibition of religious fora for propagating political ideas.-** No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organized or held under its auspices to be used for any political activity.

**7. Penalties.-** Where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.