

The Religious Institutions (Prevention of Misuse) Act, 1988

(ACT NO. 41 OF 1988)

(*As on the* 21*st May*, 2025)

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AMENDING ACT

The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988

ARRANGEMENT OF SECTIONS

SECTIONS

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THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988

ACT NO. 41 OF 1988

[1*st 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 [1]***.

(*3*) It shall be deemed to have come into force on the 26th 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 organising 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 to 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*) organised 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 includes any place or premises used as a place of public religious worship, by whatever name or designation known.

3. Prohibition of use of religious institutions 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

1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the V Sch. (w.e.f. 31-10-2019).

(*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, language 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 to National Honour Act, 1971 (69 of1971).

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 part of any religious ceremony or ritual of 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 for a for propagating political ideas.—No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organised 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.

8. Disqualification of persons convicted or charge-sheeted under this Act.—(*1*) Any manager or other employee of a religious institution shall, upon conviction for an offence under this Act, stand removed from his office or post and shall, notwithstanding anything to the contrary contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

(*2*) Where any manager or other employee of a religious institution is accused of an offence under this Act and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(*3*) Where any manager or other employee has been removed under sub-section (*1*), or restrained under sub-section (*2*), the vacancy arising out of such removal or restraint may be filled in the manner provided in the law applicable to the said religious institution.

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9. Certain persons bound to give information to police.—Every manager or other employee of a religious institution shall be bound to give information to the officer incharge of the police station within whose local jurisdiction the religious institution is situate of any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under section 176 of the Indian Penal Code (45 of 1860).

10. Repeal and saving.—(*1*) The Religious Institutions (Prevention of Misuse) Ordinance, 1988 (Ord. 3 of 1988) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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STATEMENT OF OBJECTS AND REASONS

The question of misuse of religious institutions for political and other purposes had been engaging the attention of the Government for some necessary legislation in this regard would be brought out soon. In the tinie Assurances had also been made in Parliament and outside that to immediately bring out a legislation to prohibit the carrying on of light of certain incidents in the State of Punjab, it had become necessary political and other activities in religious institutions. Accordingly, the Religious Institutions (Prevention of Misuse) Ordinance, 1988 was pro-mulgated by the President on 26th May. 1988. The said Ordinance pro-vided for the following, among other things, namely:--

(*1*) The religious institutions were prohibited from using or allowing the use of any premises belonging to the institution for the promotion or propagation of any political activity, or for the storing of any arms or ammunition or for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or for the doing of any act which promotes or attempts to promote dis-harmony or feeling of enmity, hatred or ill-will between different religious, racial, language groups, etc. and for the carrying of any activity prejudicial to the sovereignty, unity and integrity of India.

(*2*) The religious institutions shall not allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution.

(*3*) The funds or other property belonging to religious institutions should not also be used for the benefit of any political party or for the purpose of any political activity. The religious institutions shall not also allow any ceremony, festival, congregation, etc. to be organised or held under its auspices to be used for any political activity.

(*4*) The Ordinance also defined the expressions “political activity”, “political party”, etc.

(*5*) Deterrent punishments were provided for the contravention of the provisions of the Ordinance. In addition, the persons convicted will also be disqualified for appointment in any religious institution for a period of six years from the date of conviction. Provision had also been made for restraining' any person connected with the religious institution and accused of an offence under the Ordinance from performing the duties of his office pending trial.

2. The Bill seeks to replace the aforesaid Ordinance

BUTA SINGH.

NEW DELHI;

The 18*th July,* 1988.

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