

**ELECTION COMMISSION OF INDIA**  
**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

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No. 3/1/2012-SDR

Dated: 27<sup>th</sup> July, 2012

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To,

The Chief Electoral officers of  
all States/ UTs  
(*except Jammu & Kashmir*)

Sub:- Misuse of religious institutions for political purposes –regarding.

Sir/Madam,

The existing provisions of the Model Code of Conduct for the guidance of political parties and candidates prohibit the use of places of worship as forum for election propaganda in any manner.

Further, Sections 3, 5 & 6 of The Religious Institutions (Prevention of Misuse) Act, 1988 (No. 41 of 1988) prohibit use of religious institutions or funds of religious institutions for the promotion or propagation of any political ideas or political activity or for benefit of any political party. Contravention of the provisions of any of these Sections is punishable by imprisonment upto 5 years and with fine.

The Commission desires that the above provisions of the existing law may be brought to the notice of all DEOs and ROs so as to ensure that any violation of these provisions during election is dealt with firmly and FIRs/ complaints are lodged under relevant provisions in the event of any offence under the said Sections of the Religious Institutions (Prevention of Misuse) Act, 1988.

A copy of the above mentioned Act (No. 41 of 1988) is enclosed herewith. DEOs, ROs and other election authorities should be instructed to ensure strict observance of the above provisions of law. This may also be circulated to all political parties based in your State/ UT, including State units of the political parties for their information.

Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)  
Secretary

Copy to: The President/General Secretary of all recognized National and State parties (As per list attached).



सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड I

PART II –Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 57] नई दिल्ली, शुक्रवार, सितम्बर, 2, 1988/भाद्र 11, 1910  
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 2nd September, 1988/Bhadra 11, 1910 (Saka)*

The following Act of Parliament received the assent of the President on the 1st September, 1988, and is hereby published for general information :-

## THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988

No. 41 OF 1988

[1st 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. (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 26th day of May, 1988.

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

54 of 1959.

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

Short title, extent and commencement.

Definitions.

(b) “arms “ shall have the same meaning as in clause (c) of sub-section (1) of section 2 of the Arms Act, 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, managers 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 disretions 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.

Prohibition  
of use of  
religious  
institutions  
for certain  
purposes,

3. 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 defferent 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

69 of 1971.

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

4. 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. 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. 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. 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. (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.

Restrictions on carrying arms and ammunition into a religious institution.

Prohibition of use of funds of religious institutions for certain activities.

Prohibition of religious fora for propagating political ideas.

Penalties.

Disqualification of persons convicted or charge-sheeted under this Act.

Certain persons bound to give information to police.

9. 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 situated 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

Repeal and saving.

10. (1) The Religious Institution (Prevention of Misuse) Ordinance, 1988 is hereby repealed.

Ord.  
3 of 1988

(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.

**S. RAMAIAH,**  
**Secy. to the Govt. of India.**