

KARNATAKA ACT NO. 42 OF 2021

THE KARNATAKA RELIGIOUS STRUCTURES (PROTECTION) ACT, 2021

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STATEMENT OF OBJECTS AND REASONS

ACT 42 OF 2021.- It is considered necessary to provide for protection of religious constructions on a public place constructed before the date of commencement of this Act, in order to protect communal harmony and not to hurt the religious sentiments of the public. Further to restrict unauthorized religious structure and constructions on public places in future.

Hence, the Bill.

[L.A. Bill No. 39 of 2021, File No. Samvyashae 42 Shasana 2021]

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO. 42 OF 2021

(First Published in the Karnataka Gazette Extra-ordinary on the 22nd day of October, 2021)

THE KARNATAKA RELIGIOUS STRUCTURES (PROTECTION) ACT, 2021

(Received the assent of the Governor on the 19th day of October, 2021)

An Act to provide protection to religious structure on a public place.

Whereas it is expedient to provide protection to religious structure on a public place and for the matters connected therewith or incidental thereto;

Be it enacted by the Karnataka State Legislature in the Seventy Second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Religious Structures (Protection) Act, 2021.

(2) It shall come into force at once.

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

- (a) “Local Authority” means the local self Government constituted by the State Government under relevant Laws and includes all the Government owned, managed or controlled, statutory or non statutory Boards, Corporations, companies, committee etc;
- (b) “Public Place” means a place belonging to the Government and includes any premises belonging to a Local Authority, a Government company, or a Board or Corporation or any statutory or non statutory body of the State Government; and
- (c) “Religious structure” means those religious structure such as temple, church, mosque, Gurudwara, Bodh vihar, Majar etc, constructed on public place without authority of law.

3. Protection of religious structures.- Notwithstanding anything contained in any law for the time being in force or any judgment, decree or order of any court, tribunal or authority from the date of commencement of this

Act, subject to the provisions of this Act, or the rules made there under the Government shall protect the religious structures existing on the date of commencement of this Act, in such manner subject to such conditions as may be prescribed:

Provided that no protection shall be done, if any case relating to their removal is pending in any court of law and in such other circumstances as may be prescribed.

4. Religious structures on public places.- No religious structure and construction shall be allowed by the State Government or any Local Authority without proper permission in future on a public place.

5. Allowing religious activity.-The District Administration may allow religious activity in such protected structures subject to custom, Law, usage and any other conditions as may be laid down by the State Government from time to time.

6. Exemption of action.- No legal proceeding shall lie against the State Government or any officer, or other employees of the State Government for anything which is done or intended to be done under this Act or rules made there under.

7. Power to make rules.- (1) The State Government may, after previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or

annulment shall be without prejudice to the validity of anything previously done under that rule.

8. Power to remove difficulties.- (1) If any difficulty arises, in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

The above translation of ಕರ್ನಾಟಕ ಧಾರ್ಮಿಕ ಕಟ್ಟಡಗಳ (ಸಂರಕ್ಷಣೆ) ಅಧಿನಿಯಮ, 2021 (2021ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 42) be published in the official Gazette under clause (3) of Article 348 of the constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G.SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation