

Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance, 2002

No. 9 of 2002

Note: the Ordinance was replaced by an Act (No. 56) later in 2002.

An Ordinance to provide for prohibition of conversion from one religion to another by the use of force of allurement or by fraudulent means and for matters incidental thereto.

Whereas the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:

1. Short title and commencement

- (1) This Ordinance may be called the Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance, 2002.
- (2) It shall come into force at once.

2. Definitions

In this Ordinance, unless the context otherwise requires:

- a) "allurement" means offer of any temptation in the form of:
 - (1) any gift or gratification either in cash or kind;
 - (2) grant of any material benefit, either monetary or otherwise;
- b) "convert" means to make one person to renounce one religion and adopt another religion;
- c) "force" includes a show of force of a threat of injury of any kind including threat of divine displeasure or social ex-communication;
- d) "fraudulent means" includes misrepresentation of any other fraudulent contrivance;
- e) "minor" means a person under eighteen years of age.

3. Prohibition of forcible conversion

No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by allurement or by any fraudulent means nor shall any person abet any such conversion.

4. Punishment for contravention of provisions of section 3

Whoever contravenes the provisions of Section 3 shall, without prejudice to any civil liability, be punished with imprisonment for a term which may extend to three years and also be liable to fine which may extend to fifty thousand rupees.

Provided that whoever contravenes the provisions of Section 3 in respect of a minor, a woman or a person belonging to Scheduled Castes or Scheduled Tribes shall be punished with imprisonment for a term which may extend to four years and also be liable to fine which may extend to one lakh [one hundred thousand] rupees.

5. Intimation to be given to District Magistrate with respect to conversion

- (1) Whoever converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or by taking part directly or indirectly in such ceremony shall, within such period as may be prescribed, send an intimation to the District Magistrate of the district in which the ceremony has taken place of the fact of such conversion in such form as may be prescribed.

- (2) Whoever fails, without sufficient cause, to comply with the provisions of sub-section (1), shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

6. Prosecution to be made with the sanction of District Magistrate

No prosecution for an offence under this Ordinance shall be instituted except by or with the previous sanction of the District Magistrate or such other authority, not below the rank of a District Revenue Officer, as may be authorized by him in that behalf.

7. Power to make rules

- (1) The State Government may make rules for the purpose of carrying out the provisions of this Ordinance.
- (2) Every rule made under this Ordinance shall as soon as possible after it is made be placed on the table of the Legislative Assembly, and if before the expiry of the session in which it so placed or the next session, the Assembly makes any modification in any such rule or the Assembly decides 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.

5th October 2002

P. S. RAMAMOHAN RAO
Governor of Tamil Nadu

EXPLANATORY STATEMENT

1. Reports have been received by the Government that conversions from one religion to another are made by use of force or allurement or by fraudulent means. Bringing in a legislation to prohibit such conversions will act as a deterrent against the anti-social and vested interest groups exploiting the innocent people belonging to depressed classes. It may also be useful to nip in the bud the attempts by certain religious fundamentalists and subversive force to create communal tension under the garb of religious conversion. The Government have, therefore decided to enact a law to prevent conversion by use of force or allurement or by fraudulent means.

2. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

A. Krishnankutty Nair
Secretary to Government,
Law Department.