

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part IV --- Section 2

Tamil Nadu Acts and Ordinances.

The following Ordinance which was promulgated by the Governor on the 5th October 2002 is hereby published for general information:-

TAMIL NADU ORDINANCE No.9 OF 2002.

An Ordinance to provide for prohibition of conversion from one religion to another by the use of force or 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. (1) This Ordinance may be called the Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance, 2002. Short title and commencement.

(2) It shall come into force at once.

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

(a) "allurement" means offer of any temptation in the form of ----

(i) any gift or gratification either in cash or kind;

(ii) 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 or a threat of injury of any kind including threat of divine displeasure or social ex-communication;

(d) "fraudulent means" includes misrepresentation

or any other fraudulent contrivance;

(e) "minor" means a person under eighteen years of age.

3. 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.

Prohibition of forcible conversion.

4. 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:

Punishment for contravention of provisions of section 3.

Provided that whoever contravenes the provisions of section 3 in respect of a minor, a woman or a person belonging to Schedule Caste or Schedule Tribe 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 rupees.

5. (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.

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

(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. 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 authorised by him in that behalf.

Prosecution to be made with the sanction of District Magistrate.

7. (1) The State Government may make rules for the purpose of carrying out the provisions of this Ordinance.

Power to make rules.

(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 is 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.

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.

P.S. RAMAMOCHAN RAO,
5th October, 2002. Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

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 forces 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.