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MADHYA PRADESH DHARMA SWATANTRYA ADHINIYAM, 1968

Preamble - THE MADHYA PRADESH DHARMA SWATANTRYA ADHINIYAM, 1968

THE MADHYA PRADESH DHARMA SWATANTRYA ADHINIYAM, 1968¹

[Act No. 27 of 1968]

[19th October, 1968]

PREAMBLE

An Act 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.

Be it enacted by the Madhya Pradesh Legislature in the Nineteenth Year of the Republic of India as follows--

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1. Received the assent of the Governor on the 19th October, 1968; assent first published in the "Madhya Pradesh Gazette" Extraordinary, dated the 21st October, 1968.

Section 1 - Short title, extent and commencement

- (1) This Act may be called the Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968.
- (2) It shall extend to the whole of the State of Madhya Pradesh.
- (3) It shall come into force at once.

Section 2 - Definitions

In this Act unless the context otherwise requires--

- (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) "conversion" means renouncing one religion and adopting another;
- (c) "force" shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social excommunication;
- (d) "fraud" shall include misrepresentation or any other fraudulent contrivance;
- (e) "minor" means a person under eighteen years of age.

Section 3 - Prohibition of forcible conversion

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

Section 4 - Punishment for contravention of the provisions of Section 3

Any person contravening the provisions contained in Section 3 shall, without prejudice to any civil liability, be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both:

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes the punishment shall be imprisonment to the extent of two years and fine up to ten thousand rupees.

Section 5 - Intimation to be given to District Magistrate with respect to conversion

(1) Whoever converts any person from one religious faith to another either by performing himself the ceremony necessary for such conversion as a religious priest or by taking part directly or indirectly in such ceremony shall, within such period after the ceremony 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) If any person fails with sufficient cause to comply with the provisions contained in sub-section (1), he shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Section 6 - Offence to be cognizable

An offence under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.

Section 7 - Prosecution to be made with the sanction of District Magistrate

No prosecution for an offence under this Act shall be instituted except by, or with the previous sanction of, the District Magistrate or such other authority, not below the rank of Sub-Divisional Officer, as may be authorised by him in that behalf.

Section 8 - Power to make rules

The State Government may make rules for the purpose of carrying out the provisions of this Act.
