

Ordinance Summary

The Madhya Pradesh Freedom of Religion Ordinance, 2020

- The Madhya Pradesh Freedom of Religion Ordinance, 2020 was promulgated on January 7, 2021. The Ordinance specifies the procedure for undergoing religious conversion and prohibits unlawful religious conversion. The Ordinance repeals the Madhya Pradesh Dharma Swatantra Adhiniyam, 1968, which previously regulated religious conversions in the state.
- Procedure for religious conversion:** The Ordinance requires: (i) individuals seeking to convert, and (ii) religious priests (performing the conversion) and persons organising a religious conversion to declare the proposed conversion to the District Magistrate (DM) 60 days in advance. Violating this procedure will attract punishment of imprisonment between three and five years, and a fine of at least Rs 50,000.
- Causing religious conversion:** The Ordinance prohibits conversion of religion through: (i) coercion, force, misrepresentation, undue influence, and allurement, or (ii) fraud, or (iii) marriage. It also prohibits a person from abetting, and conspiring to such conversions. A conversion by any of these means will be deemed null and void. However, an individual re-converting to his/ her parental religion will not be deemed as conversion. Parental religion is the religion to which the individual’s father belonged to, at the time of the individual’s birth.
- Marriages involving religious conversion:** A marriage involving religious conversion will be declared null and void: (i) if it was done with an intent to convert a person, and (ii) if the conversion took place through any of the above prohibited means.
- Complaints against coerced conversion:** Under the Ordinance, a police complaint against unlawful religious conversion can be lodged by: (i) the victim of such conversion, (ii) his/ her parents or siblings, or (iii) any other person related by blood, marriage or adoption, and guardianship or custodianship with the leave of the court. The power to investigate such complaints lies with a police officer of the rank of Sub-Inspector and above.
- Right to inheritance and maintenance:** A child born out of a marriage involving unlawful religious conversion shall be deemed legitimate. Such children will have the right to property of only the father and as per the law governing inheritance of the father. Further, the Ordinance provides for maintenance to be given to: (i) a woman whose marriage is deemed unlawful under the Ordinance, and (ii) her children born out of such a marriage.
- Punishment for causing unlawful conversion:** The Ordinance provides for punishment for causing or facilitating unlawful religious conversion, as specified in Table 1. Further, each repeat offence will attract a punishment of a fine, and imprisonment between five and 10 years. All offences under the Ordinance are cognisable, non-bailable, and triable by a Session Court. The Ordinance also provides for the Session Court to try an accused person, at the same trial, for other offences that the person may be charged with under the Criminal Procedure Code, 1973.

Table 1: Punishment for unlawful conversions

Type of offence	Term of imprisonment	Fine amount
Offence by individuals		
Mass conversion (conversion of more than two persons)	5-10 years	Rs 1,00,000 or more
Concealment of religion professed, for the purpose of marriage	3-10 years	Rs 50,000 or more
Conversion of a minor, woman, or person belonging to SC or ST	2-10 years	Rs 50,000 or more
Any other conversion	1-5 years	Rs 25,000 or more
Offence by organisations		
Type of Offence	Punishment	
If any of the above offences are committed by an organisation	The competent authority may cancel the registration of such organisation	

- Burden of proof of conversion:** The Ordinance assigns the burden of proof of the lawfulness of a religious conversion on the person accused of causing unlawful conversion.

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