

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 15<sup>th</sup> November 2002 and is hereby published for general information:—

**ACT NO. 44 OF 2002.**

An Act to Prohibit the ritual and practice of burying alive of a person in the State of Tamil Nadu.

Whereas the act of burying alive of a person in the place of worship or in its precincts in the State of Tamil Nadu endangers the human life and personal safety of others;

And Whereas it is expedient to prohibit such act of burying alive of a person;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-third Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Tamil Nadu Prohibition of Ritual and Practice of Burying Alive of a person Act, 2002

(2) It shall come into force at once.

**2. Definition.**

In this Act, unless the context otherwise requires,—

(a) “bury” means and includes to cover out of sight, hide or conceal, in or under the ground, a person of any age, even momentarily.

(b) “place of worship” includes a place by whatever name known and used as a place of prayer or worship and dedicated to or for the benefit of, or used by, any religion, community or any section thereof, as a place of prayer or religious worship.

(c) “precincts” in relation to place of worship includes all lands and buildings near any place of worship whether belonging to the place of worship or not, which are ordinarily used for purposes connected with the worship whether conducted inside or outside such place of worship and in particular the backyard and frontyard of such place of worship by whatever name called.

**3. Burying alive of person prohibited.**

No person shall,—

(1) bury a person alive;

(2) allow himself to be buried alive; in any place of worship or its precincts as a ritual or practice for the purpose of, or with the intention of, propitiating any deity or otherwise.

**4. Officiating etc of burying alive of person prohibited.**

No person shall,—

(a) officiate or offer to officiate at; or

(b) perform or offer to perform; or

serve, assist or participate or offer to serve, assist or participate in; burying alive of a person as a ritual or practice in any place of worship or its precincts for the purpose of, or with the intention of, propitiating any deity or otherwise.

**5. Places not to be allowed or to be used for burying alive of person.**

No person shall knowingly allow the burying alive of a person as a ritual or practice in any place which,

(a) is situated in any place of worship or its precincts, and

(b) is in his possession or under his control.

**6. Penalty.**

Whoever contravenes the provision of section 3,4 or 5 shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

**7. Abetment of acts prohibited under section 3,4 or 5**

Whoever abets the commission of the acts prohibited under section 3,4 or 5 shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

**8. Attempt to commit the acts prohibited under section 3,4 or 5.**

Whoever attempts to commit the acts prohibited under section 3,4 or 5 shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

**9. Operation of other laws not affected.**

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

**10. Power to make rules.**

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

(2) Every rule made under this Act 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, 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.

(By order of the Governor)

**A. KRISHNAKUTTY NAIR,**

Secretary to Government, Law Department.



