



The Gujarat Freedom of Religion Act, 2003

Act 22 of 2003

Keyword(s):

Allurement, Convert, Force, Fraudulent Means, Minor

Amendment appended: 17 of 2021

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th April, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 8th April, 2003).

AN ACT

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

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Freedom of Religion Act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and commencement.

Definitions.

2. 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) "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.

Prohibition of forcible conversion.

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

Punishment for contravention of provisions of section 3.

4. Whoever contravenes the provision 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 rupees fifty thousand:

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

Prior permission to be taken from District Magistrate with respect to conversion.

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 takes part directly or indirectly in such ceremony shall take prior permission for such proposed conversion from the District Magistrate concerned by applying in such form as may be prescribed by rules.

(2) The person who is converted shall send an intimation to the District Magistrate of the District concerned in which the ceremony has taken place of the fact of such conversion within such period and in such form as may be prescribed by rules.

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

6. 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 a Sub-Divisional Magistrate as may be authorised by him in that behalf.

Prosecution to be made with the sanction of District Magistrate.

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

Offence to be cognizable.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th May, 2021 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2021

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 22nd May, 2021).

AN ACT

further to amend the Gujarat freedom of Religion Act, 2003.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Freedom of Religion (Amendment) Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 2 of
Guj. 22 of
2003.**

2. In the Gujarat Freedom of Religion Act, 2003 (hereinafter referred to as the “principal Act”), in section 2,-

**Guj. 22 of
2003.**

(1) in clause (a), after sub-clause (ii), the following sub-clause shall be added, namely:-

“(iii) better lifestyle, divine blessings or otherwise;”

(2) for clause (d), the following clause shall be substituted, namely:-

“(d) “fraudulent means” includes misrepresentation or any fraudulent contrivance, impersonation by false name, surname, religious symbol or otherwise;

**Amendment
of section 3 of
Guj. 22 of
2003.**

3. In the principal Act, in section 3, for the words “or by any fraudulent means nor”, the words “or by any fraudulent means or by marriage or by getting a person married or by aiding a person to get married nor” shall be substituted.

**Insertion of
new section
3A of Guj. 22
of 2003.**

4. In the principal Act, after section 3, the following section shall be inserted, namely:-

**Lodging of
complaint.**

“**3A.** Any aggrieved person, his parents, brother, sister or any other person related by blood, marriage or adoption may lodge a first information report with the police station having jurisdiction; against the person for an offence committed under this Act.”.

**Amendment
of section 4 of
Guj. 22 of
2003.**

5. In the principal Act, the existing section 4 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) When an offence is committed under this Act, in addition to the person who actually does any act which constitutes the offence, each of the following shall be deemed to have taken part in committing the offence and shall be charged as if he has actually committed the said offence, namely:-

- (a) a person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence,
- (b) a person who aids, abets, counsels or convinces another person to commit the offence.”.

Insertion of new section 4A to 4C in Guj. 22 of 2003.

6. In the principal Act, after section 4, the following sections shall be inserted, namely:-

Punishment for contravention of provisions of section 3 in case of marriage by unlawful conversion.

“4A. Notwithstanding anything contained in section 4, whoever contravenes the provisions of section 3, insofar as conversion by marriage or by getting a person married or by aiding a person to get married is concerned, shall be punished with imprisonment which shall not be less than three years but which may extend to five years and shall also be liable to fine which shall not be less than two lakh rupees:

Provided that if such contravention is done in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes, the person contravening such provision shall be punished with imprisonment which shall not be less than four years but which may extend to seven years and shall also be liable to fine which shall not be less than three lakh rupees.”;

Marriage by unlawful conversion.

4B. Any marriage which is done for the purpose of unlawful-conversion by the person of one religion with the person of another religion, either by converting himself/herself before or after marriage, shall be declared void by the Family Court or where the Family Court is not established, by the Court having jurisdiction to try such cases.

Offences by Institution or Organization.

4C. (1) If an institution or an organization contravenes the provision of section 3, every person who, at the time

the offence was committed, was in charge of, and was responsible to, such institution or organization shall be punished with imprisonment which shall not be less than three years but which may extend to ten years and shall also be liable to fine upto five lakh rupees.”;

(2) From the date of filing a charge sheet, such institution or the organization shall not be entitled to any grant provided by the State Government.”.

Insertion of new section 6A in Guj. 22 of 2003.

7. In the principal Act, after section 6, the following section shall be inserted, namely:-

Burden of proof.

“6A. The burden of proof as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, allurements or by any fraudulent means or by marriage shall lie on the person who has caused the conversion and, where such conversion has been facilitated by any person by act, omission, aid, abetment or counselling, on such other person.”.

Substitution of section 7 of Guj. 22 of 2003.

8. In the principal Act, for section 7, the following section shall be substituted, namely:-

Offences to be cognizable and non-bailable.

“7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable and non-bailable and shall not be investigated by an officer below the rank of a Deputy Superintendent of Police.”. **2 of 1974.**