



सत्यमेव जयते

GOVERNMENT OF GUJARAT

**LEGISLATIVE AND PARLIAMENTARY
AFFAIRS DEPARTMENT**

**THE GUJARAT FREEDOM OF RELIGION ACT,
2003.**

(GUJARAT ACT NO.22 OF 2003)

[As modified upto 30th November, 2021]

[2021]



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GUJARAT ACT NO. 22 OF 2003The Gujarat Freedom of Religion Act, 2003*¹[8th April, 2003.]

Amended by Guj.17 of 2021.

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. **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.
2. In this Act, 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;
 - ²[(iii) better lifestyle, divine blessings 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;
 - ³[(d) "fraudulent means" includes misrepresentation or any fraudulent contrivance, impersonation by false name, surname, religious symbol or otherwise;]
 - (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 use of force or by allurement ⁴[or by any fraudulent means or by marriage or by getting a person married or by aiding a person to get married nor] shall any person abet such conversion. **Prohibition of forcible conversion.**

* This Act was assented by the Governor on the 7th April, 2003.

1. For Statement of objects and Reasons, see Gujarat Government Gazette Extraordinary, Part V, dated 12th March, 2003, page No. 24-4.

2. Sub-clause(iii) was added by Guj.17 of 2021, s.2(1).

3. Clause(d) was substituted, *ibid.*, s.2(2).

4. These words were substituted for the words "or by any fraudulent means nor", *ibid.*, s.3.

Lodging of complaint.

¹[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.]

Punishment for contravention of provisions of section 3.

4. ²[(1)] 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.

³[(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.]

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

⁴[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.

1. Section 3A was inserted by Guj. 17 of 2021, s.4.

2. Section 4 was renumbered as sub-section(1) of that section, *ibid.*, s.5.

3. Sub-section(2) was added, *ibid.*

4. Sections 4A to 4C were inserted, *ibid.*, s.6.

(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.]

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.

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

(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.

¹**[6A.** The burden of proof as to whether a religious conversion was not effected through misrepresentation, force, undue influence, coercion, allurement 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.]

Burden of proof.

2 of 1974.

²**[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.]

Offences to be cognizable and non-bailable.

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.

1. Section 6A was inserted by Guj. 17 of 2021, s.7

2. Section 7 was substituted, *ibid.*, s.8.