

Gujarat Freedom of Religion Act, 2003

Act 24 of 2003

Note: the amendment refers to this Act as 22 of 2003 and the discrepancy isn't explained.

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. Short title and commencement

- (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.

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) "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 a threat of divine displeasure or social excommunication;
- (d) "Fraudulent means" includes misrepresentation or any other fraudulent contrivance;
- (e) "Minor" means a person under eighteen years of age.

3. Prohibition of forcible conversion

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.

4. Punishment for contravention of provisions of Section 3

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 a 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 the Scheduled Caste or Scheduled Tribe shall be punished with imprisonment for a term which may extend to four years and also be liable to a fine which may extend to rupees one lakh [one hundred thousand].

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

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

7. Offence to be cognizable

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

8. Power to make rules

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

STATEMENT OF OBJECTS AND REASONS

Reports have been received by the Government that conversions from one religion to another are made by use of force or allurement or by fraudulent means. Bringing in a legislation to prohibit such conversions will act as a deterrent against the anti-social and vested interest groups exploiting the innocent people belong to depressed classes and will enable people to practice their own religion freely. It will also be useful to maintain public order and to nip in the bud the attempts by certain subversive forces to create social tension. The Government has, therefore, decided to enact a law to prevent conversion of religion by use of force or allurement or by fraudulent means.

This Bill seeks to achieve the aforesaid object.

AMIT SHAH

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves delegation of legislative powers in the following respects.

Clause 1. - Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 5. - (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which prior permission under this sub-clause is required to be taken;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form and the time limit within which the person converted is required to give intimation under this sub-clause

Clause 8. - Sub-clause (1) of this clause empowers the State Government to make rules for the purpose of carrying out the provisions of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 11th March, 2003

AMIT SHAH.