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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.**