

**Bill No. 245 of 2024**

THE JOURNALIST (PREVENTION OF VIOLENCE AND  
PROTECTION) BILL, 2024

By

SHRI VISHALDADA PRAKASHBAPU PATIL, M.P.

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BILL

*to provide for prevention of violence against journalists and protection of journalists,  
their properties and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5      1. (1) This Act may be called the Journalist (Prevention of violence and protection) Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “journalist” means a person whose principal avocation is that of a journalist and who is employed as such, either whole-time or part-time, in, or in relation to a visual or print media establishment or working independently as a freelance journalist, such as editor, a leader, writer, news-editor, sub-editor, feature-writer, copy-tester, reporter, correspondent, cartoonist, news-photographer, news reader, news videographer but does not include any such person who is employed mainly in a managerial or administrative capacity; 5

(b) “offenders” means a person who either by himself or as a Member or Leader of group of persons commits or attempt to commit, abate, provoke or incite the commission of violence under this Act; 10

(c) “property” means any property movable or immovable, owned or in possession of or under the control of any journalist or any Institution for discharging his service or duty as a journalist;

(d) “prescribed” means prescribed by rules made under this Act; 15

(e) “witness” means an observer, on-looker, spectator or any other person ordinarily present at ‘*locus-delicti*’ irrespective of his affinity to the journalist in question; and suffers any loss or damage by virtue of his presence at the place of offence;

(f) “Special Court” means a court designated as such under section 9;

(g) “Special Public Prosecutor” means a Public Prosecutor appointed under section 13 ; and 20

(h) “violence” means an act which causes any harm, injury or endanger of life or intimidation, obstruction or harassment or coercion or assault of criminal force or threat to journalist in discharge of his service or duties or causes to be the reason for damage or loss to the property or reputation of a journalist or an institution. 25

(2) The words and expressions used herein and not defined but defined in the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita 2023 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Sanhita or the Acts.

## CHAPTER II 30

### SAFEGUARD PROVISIONS TO JOURNALISTS

Penalty and compensation.

3. (1) Whoever commits or attempts to commit or abets or incites the commission of any act of violence against a journalist, shall be punished with imprisonment for at least two years and which may extend upto four years or with imprisonment of either description of a term which shall not be less than two years and which may extend upto four years and shall also be liable to pay fine which shall not be less than rupees ten thousand but which may extend upto rupees five lakh in addendum to recovery of the entire damage to the property or belonging of all concerned including the witness if any; 35

(2) In addition to the punishment specified under sub-section (1), the offender shall be liable to pay compensation for damage or loss caused to the property of journalist as may be determined by the Court and he shall also be liable to reimburse medical expenditure incurred by the journalist: 40

Provided that if the offender fails to pay the compensation and medical expenditure imposed, the same shall be recovered as per the existing provisions of the Bharatiya Nyaya Sanhita, 2023 and his property may be attached for recovery of the said penalty. 45

Cognizance of offence.

4. Any offence committed under this Act shall be cognizable and non-bailable.

## CHAPTER III

### DISTRICT BOARD FOR JOURNALISTS TO BE CONSTITUTED UNDER THE ACT

Constitution of District Board for Journalists.

5. (1) The Central Government shall, by notification in the Official Gazette, within a period of six months from the date of commencement of this Act, constitute a District Board for Journalists consisting of the following members, namely:— 50

(a) the senior-most Member of Parliament of the House of the People elected from the district, nominated by the Government of India, as the Chairperson, however, the Warrant of Precedence maintained by the Ministry of Home Affairs should be followed, which may result in exceptions, such as in case the Member of Parliament from the Council of States is senior following the Warrant of Precedence maintained by the Ministry of Home Affairs, he may be made as Chairperson:

Provided that if the district has more than one Parliamentary Constituency for the House of the People as its segments and the senior-most Member of Parliament of the House of the People is made Chairperson of a District Board in some other district, the next senior-most Member of Parliament of the House of the People should be the Chairperson:

Provided further that in case of same seniority, the Chairperson should be the Member of Parliament in whose Parliamentary Constituency the largest geographical area of the district falls;

(b) the other Members of Parliament of the House of the People representing the district should be designated as Co-Chairpersons:

if a Member of Parliament of the Council of States representing the State and exercising the option to be associated with the District Board of that district (on first come basis), he is to be designated as Co-Chairperson by the Central Government;

(c) all Members of the State Legislative Assembly Elected From District;

(d) one representative of the State Government/ UT Administration;

(e) six persons to be nominated by the Central Government from amongst eminent journalists, experts in media law, media rights organization, cybersecurity and mental health including at least two representatives of the Scheduled Tribes, Scheduled Castes, and women;

(f) the district collector shall be the member secretary;

(g) the superintendent of police of the district; and

(h) the district information officer.

**(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clause (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.**

**(3) The member (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.**

**6. (1) It shall be the duty of the District Board to promote the welfare and professional development of journalists in the district by such measures as it thinks fit.**

Functions of the District Board.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(a) coordinating with State and National level bodies to implement welfare schemes and initiatives for journalists;

(b) addressing local issues affecting journalists, such as workplace safety, harassment, and economic challenges;

(c) facilitating training and capacity-building programs for journalists to enhance their skills and knowledge;

(d) monitoring the implementation of media laws and regulations at the district level;

(e) resolving disputes and grievances of journalists within the district;

(f) promoting ethical journalism and media literacy;

(g) collaborating with local authorities to ensure the safety and security of journalists;

- (h) organizing workshops and seminars on relevant topics for journalists; and
- (i) providing legal aid and counselling services to journalists.

Procedure to be followed by the District Board.

7. (1) The Board shall meet at least once every quarter of an year at such place as the Chairperson may direct.

(2) The Board shall regulate its own procedure (including the quorum) 5

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

Central Government to provide funds.

**8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act.** 10

## CHAPTER IV

### SPECIAL COURTS

Designation of Special Courts.

9. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act: 15

Provided that a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section. 20

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1), with which the accused may, under the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) be charged at the same trial.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000 (21 of 2000) shall have jurisdiction to try offences under Information Technology Act, 2000 (21 of 2000) in so far as it relates to publication or transmission of material depicting journalists in any act, or facilitates abuse of journalists online. 25

Presumption as to certain offences.

10. Where a person is prosecuted for committing or abetting or attempting to commit any offence under section 3 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved. 30

Presumption of culpable mental state.

11. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. 35

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

*Explanation.*—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact. 40

Special Public Prosecutors.

12. (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) and provision of that Code shall have effect accordingly. 45

## CHAPTER V

PROCEDURE AND POWERS OF SPECIAL COURTS  
AND RECORDING OF EVIDENCE

5 **13. (1)** A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

Procedure and powers of Special Court.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the journalist, communicate the questions to be put to the journalist to the  
10 Special Court which shall in turn put those questions to the journalist.

(3) The Special Court shall ensure that the journalist is not called repeatedly to testify in the court.

(4) The Special Court shall not permit aggressive questioning or character assassination of the journalist and ensure that dignity of the journalist is maintained at all times during  
15 the trial.

(5) The Special Court shall ensure that the identity of the journalist is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the journalist.

20 *Explanation.*—For the purposes of this sub-section, the identity of the journalist shall include the identity of the journalist's family, professional details, neighbourhood or any other information by which the identity of the journalist may be revealed.

(6) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the journalist for any physical or  
25 mental trauma caused.

(7) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Bharatiya Nagarik Suraksha Sanita, 2023 (46 of 2023) for trial  
30 before a Court of Session.

**14. (1)** The evidence of the journalist shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

Period for recording of evidence of journalist and disposal of case.

(2) Every petition presented before the Special Court shall be dealt with and disposed of by it as expeditiously as possible and every endeavour shall be made by the Special Court, for the disposal of such petition within six months from the date of taking cognizance of the offence.  
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(3) Where any petition is not disposed of within the period specified in sub-section (2), the Special Court, shall record the reasons for not disposing of the petition, within the period so specified; and the presiding officer, as the case may be, may, after taking into account the reasons so recorded, extend the period referred to in sub-section (1) by such period not exceeding ninety days as he may consider necessary.  
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## CHAPTER VI

## MISCELLANEOUS

45 **15.** The provisions of the Bharatiya Nagarik Suraksha Sanhita 2023 (Act No. 46 of 2023) shall apply to the proceedings as per the provisions of the Act.

Application of The Bharatiya Nagarik Suraksha Sanhita.

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

Act to supplement other laws.

50 **17.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

Power to make  
rules

**18. (1)** The Central Government shall after taking consent of the Bar Council of India by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

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## STATEMENT OF OBJECTS AND REASONS

As we step into the 78th year of our independence, the role of the fourth pillar of democracy holds a great sense of importance. The Supreme Court has repeatedly recognized the freedom of the press as a fundamental right under Article 19(1)(a) of the Indian Constitution, underlining the importance of a free and fearless press for a democratic society.

However, journalists in India are increasingly facing a range of threats, including physical violence, intimidation and legal harassment. These attacks undermine the fundamental right guaranteed by Article 19(1)(a) of the Constitution. The climate of fear and intimidation has a chilling effect on independent journalism, hindering the free flow of information and public discourse.

Fortunately, this period has also witnessed a marked rise in the global awareness in improving the safety and protection for journalists. The press needs to work together with the government and a good sense of understanding amongst will bring forth a renewed sense of understanding between the fourth pillar and the other three to ensure that the right to be informed stands true. Additionally, in order to prevent any act of violence against journalists and to create a safe environment for the effective functioning of media, the governments, both at the Centre and State level, particularly at grassroot level, need to improvise and employ new legal remedies and strategies to strengthen the security and safety accorded to journalists in India, hence the proposed authorities and special courts to expedite speedy trials.

As mentioned earlier, safety and security of journalists are crucial elements for safeguarding the right of the people to be informed. Any acts of violence against journalists, in relation to their work is a direct violation of peoples' right to be informed. However, one should also keep in mind that all rights, legal or moral, come with responsibilities. A right is only qualified only if it is exercised responsibly and the right to freedom of expression is not an exception. Free media's primary responsibility should be to empower the society and strengthen democracy. It should play an active role in enhancing social and religious harmony and uphold human rights and to fight corruption and reduce social injustice without challenging the national security of the country.

Moreover, there is no Union legislation for journalists in this regard, to fill this legal void and safeguard the vital role of journalists in a democratic society, it is imperative to enact legislation that prevents violence from journalists and provides them a safe environment to flourish. The Bill seeks to address these pressing issues by providing a legal framework to prevent such attacks and ensure the safety of journalists.

Hence this Bill.

NEW DELHI;  
November 12, 2024

VISHALDADA PRAKASHBAPU PATIL

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of the District Board for Journalists, to promote the welfare and professional development of journalists. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law on this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred crore of recurring expenditure per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.



#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 18 of the Bill empowers the Central Government to make rules for carrying out the purpose of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

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