

Bill No. XXXI of 2026

THE ANTI-RACISM AND EQUALITY BILL, 2026

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CLAUSES

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to provide for measures to address the pervasive issues of racial discrimination and racial harassment in the country, to uphold the constitutional guarantees of equality enshrined in the Constitution and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the Anti-Racism and Equality Act, 2026.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Short title and commencement.

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

(a) “accused” means a person against whom an allegation of committing an offence under this Act has been made or who is named in such a complaint, or against whom a charge sheet for such an offence has been filed in a court and being proceeded against in accordance with law; 5

(b) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) “establishment” means any Government or private entity, including any authority, institution, organisation, body corporate, association of persons, statutory body, or any other public or private body, whether incorporated or unincorporated; 10

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

(e) “public servant” shall have the meaning assigned to it under the Bharatiya Nyaya Sanhita, 2023; 15 45 of 2023.

(f) “race” includes race, colour, ethnicity, nationality, descent, caste, tribe, language, accent, regional, cultural or ethnic identity, or any analogous or perceived characteristic, whether real or imputed;

(g) “racial discrimination” means any distinction, exclusion, restriction, preference, omission or adverse treatment based on race which has the purpose or effect of— 20

(i) impairing or nullifying equality before law as guaranteed under the Constitution of India or provided under any other law for the time being in force;

(ii) denying or limiting access to rights, opportunities, benefits or services; 25

(iii) undermining dignity, autonomy or equal participation in social, economic or public life; or

(iv) creating structural or institutional disadvantage, irrespective of whether such discrimination is intentional, explicit or overt. 30

Explanation. — For the purposes of this Act,

(a) Any discrimination based on perception, association or assumed racial identity shall be deemed to be discrimination on the ground of race. 35

(b) Discrimination may arise from acts, omissions, policies, practices, rules, customs, speech, institutional arrangements or in any other manner or form that might, in any manner put any person in a position of disadvantage; 40

(h) “racial harassment” means an act committed by any person either on his own or as a part of group of persons that puts any other person in a position of disadvantage, based on the ground of race, ethnicity, color, ancestry, or origin, namely —

(i) physical contact, gestures or conduct which is unwelcome and intended to intimidate, humiliate or demean a person on account of race; or 45

(ii) verbal or written remarks, slurs, taunts, stereotypes or expressions which are racially derogatory, demeaning or hostile; or 50

(iii) display, circulation or communication of racially offensive symbols, images, caricatures, content or material against the will of the affected person; or

(iv) any other conduct, whether verbal, non-verbal or physical, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment on racial grounds;

5 (i) “racially motivated” means an act or omission committed wholly or partly on the ground of race, whether or not such ground is the sole, primary or dominant motivation; and

10 (j) “victim” means any person who has suffered physical, mental, emotional, psychological, social or economic harm, or dignitary injury, as a result of an offence under this Act, and includes the guardian or legal heir where applicable.

CHAPTER II

OFFENCES OF RACIAL DISCRIMINATION AND RACIAL HARASSMENT

15 **3.** No person or an establishment shall commit, engage in, promote, facilitate, abet, condone, or permit racial discrimination or racial harassment against any person.

Prohibition of racial discrimination and racial harassment.

4. (1) Whoever commits the offence of racial discrimination shall be punishable with imprisonment for a term which may extend to three years, or with fine or both.

Punishment.

20 (2) Whoever commits the offence of racial harassment shall be punishable with imprisonment for a term which may extend to two years, or with fine or both.

(3) Where the offence under committed by any person under sub-section (1) or sub-section (2) results in any form of —

25 (a) serious bodily injury or severe psychological trauma; or

(b) social boycott, forced displacement or loss of livelihood; or

(c) any other harm, including, physical or psychological or social or reputational harm,

30 to the victim, such person shall be punishable with imprisonment of at least three years which may extend to seven years, and with fine.

46 of 2023.

(4) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, every offence punishable under this Act shall be cognizable and non-bailable.

35 (5) No police officer below the rank of Deputy Superintendent of Police shall investigate any offence punishable under this Act.

5. (1) Where an offence under this Act has been committed by an establishment, every person who at the time the offence was committed, was in charge of and was responsible to the establishment for the conduct of the affairs of the establishment, as well as the establishment shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offence by establishments.

45 Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

50 (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by an establishment and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the establishment, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Punishment for neglect of duty by public servants.

6. Whoever, being a public servant, wilfully neglects or fails to perform any duty imposed upon him under this Act, including duties relating to—
- (a) registration of information;
 - (b) investigation;
 - (c) victim protection or assistance; 5
 - (d) prevention of offences, or
 - (e) any other act or duty as maybe required to be performed by such public servant in furtherance of the provisions of this act,
- shall be punishable with imprisonment which may extend to two years, and fine and such punishment shall be in addition to any departmental or disciplinary action. 10

Punishment for subsequent offence.

7. Whoever, having been previously convicted of an offence under this Act, is subsequently convicted of a further offence under this Act, shall be punished with enhanced punishment, which may extend to seven years of imprisonment, or with fine or both, having regard to the nature and gravity of the offence and the past record of such person. 15

CHAPTER III

RIGHTS OF VICTIMS AND WITNESSES

Rights of victims and witnesses.

8. (1) Every victim and witness under this Act shall have the right to be treated with dignity, fairness and non-discrimination at all stages of the criminal justice process. 20
- (2) Without prejudice to the generality of sub-section (1), victims and witnesses shall have the right to seek—
- (a) protection from any form of intimidation, threats, coercion or retaliation, whether direct or indirect; 25
 - (b) privacy and confidentiality, including protection of identity where disclosure may cause harm or stigma;
 - (c) timely and accurate information regarding registration of the case, progress of investigation, filing of charge-sheet, dates of hearings, and final outcome of proceedings; 30
 - (d) legal, medical, psychological and social assistance, including access to rehabilitation measures as may be prescribed; and
 - (e) participation in proceedings, including the right to be heard at appropriate stages, in accordance with law.
- (3) No victim or witness shall be subjected to secondary victimisation, harassment or discriminatory treatment by any authority. 35
- (4) The rights under this section shall be in addition to, and not in derogation of, rights available under any other law for the time being in force. 40

CHAPTER IV

SPECIAL COURTS

Designation of Special Courts.

9. (1) **For the purpose of providing for speedy trial of offences under this Act, the State Government shall, in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district one or more Courts of Session to be Special Courts.** 45
- Provided that where a Court of Session has been designated as a Special Court under any other law for the time being in force for analogous offences involving vulnerable groups, such Court may be notified as a Special Court under this Act.

(2) While designating Special Courts, the State Government shall have due regard to—

- (a) the number of cases under this Act;
- (b) the need for expeditious and sensitive adjudication;
- (c) the vulnerability of victims of racial discrimination; and
- (d) accessibility of courts to affected communities.

(3) A Special Court shall have jurisdiction to try—

- (a) offences punishable under this Act; and
- (b) any offence under any other law arising out of the same transaction.

(4) The Special Court may, in appropriate cases, direct payment of compensation to the victim for physical, mental, psychological or dignitary harm, in addition to punishment.

10. (1) The Special Court shall endeavour to complete the trial within a period of six months from the date of filing of the charge-sheet.

Period for completion of trial.

(2) Where the trial cannot be completed within the period specified in sub-section (1), the Special Court shall record reasons in writing and endeavour to conclude the trial within one year.

11. (1) In any prosecution for an offence under this Act requiring proof of racial motivation or intent, the Special Court shall presume the existence of such culpable mental state.

Presumption of culpable mental state.

(2) It shall be a defence for the accused to prove that culpable mental state did not exist with respect to the act charged.

Explanation. — For the purposes of this section, “culpable mental state” includes intention, motive, knowledge of racial identity, or belief regarding racial characteristics.

12. (1) **The appropriate Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting prosecutions under this Act.**

Special Public Prosecutors.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor only if—

(a) he or she has been in practice for not less than seven years as an advocate; and

(b) possesses experience in criminal law, constitutional law, human rights, or equality jurisprudence.

(3) The Special Public Prosecutor shall conduct proceedings in a fair, impartial and victim-sensitive manner.

13. (1) An appeal shall lie, from any judgment or order of a Special Court, to the High Court having jurisdiction.

Appeals.

(2) Every appeal under this section shall be preferred within a period, as may be prescribed, from the date of the judgment or order appealed from.

(3) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of as expeditiously as possible within the time period as may be prescribed.

CHAPTER V

POLICE DUTIES, VICTIM ASSISTANCE AND INVESTIGATION PROCEDURE

14. (1) **Where the victim or witness does not understand the language used by the police or the court, the investigating officer shall make available a qualified interpreter or translator.**

Language assistance and interpretation.

(2) The statement of the victim or witness shall be recorded in a language understood by the victim or witness, and translated copies shall be made available, where necessary.

Information to family members and/or trusted persons.

15. (1) The police shall, as soon as practicable, inform a family member or trusted person nominated by the victim about— 5
- (a) copy of the First Information Report;
 - (b) the occurrence of the offence; and
 - (c) steps being taken in the investigation.

(2) Where the victim is a child, disabled, unconscious or otherwise incapable of communicating, such intimation shall be mandatorily communicated to the person related to the victim, whose identity may be ascertained from any item in victims' possession, including any electronic device or any identity proof. 10

Medical and medico-legal assistance.

16. **(1) Every victim shall be entitled to immediate medical examination and treatment, free of cost, at any government or recognized medical facility.** 15

(2) The medical examination under sub-section (1) shall be conducted—

(a) with due regard to the consent, privacy and dignity of the person concerned; and

(b) by a registered medical practitioner or such other competent authority as may be prescribed, and in accordance with the medico-legal procedures and protocols for the time being in force. 20

(3) Any delay or denial of medical assistance under this section on the part of any person or authority shall attract accountability under applicable law.

Mental health and counselling support.

17. **(1) Every victim shall be provided access to mental health care, counselling and trauma-informed support services, as required.** 25

(2) The support services may be provided through—

(a) government mental health services; or

(b) recognised counsellors or institutions:

Provided that all such facilities shall be made available to the victim by the appropriate Government in a manner as may be prescribed: 30

Provided further that seeking mental health support shall not prejudice the investigation or the evidentiary value of statements. 35

Safe custody and protection.

18. **(1) Where the investigating officer or the Court is satisfied that the safety, dignity or well-being of the victim or witness is at risk, appropriate protective measures shall be taken.**

(2) The protective measures may include provision of safe shelter, police protection, relocation, where necessary, or any other provision that may be required to be accounted for, based on the degree and extent of threat: 40

Provided that protection under this section shall be proportionate and time-bound.

Case-sensitive and non-discriminatory investigation.

19. The investigation under this Act shall be conducted in a sensitive, unbiased and victim-centric manner, having due regard to— 45

(a) racial vulnerability;

(b) power imbalance; and

(c) social stigma and fear of retaliation:

Provided that investigating officers shall record, wherever relevant, indicators of racial motivation and contextual factors. 50

20.	(1) The appropriate Government shall from time to time ensure regular training and sensitisation programmes for police officers dealing with offences under this Act.	Training and sensitisation of police.
5	(2) The programmes under sub-section (1) shall include—	
	(a) identification of racial discrimination and harassment;	
	(b) victim-sensitive investigation techniques; and	
	(c) cultural and linguistic sensitivity.	
10	21. The failure by any police officer or authority to comply with the duties imposed under this Act shall be deemed to be a misconduct, which shall be dealt with in accordance with applicable service rules, without prejudice to any other action permissible under law.	Failure to comply.
CHAPTER VI		
MISCELLANEOUS		
15	22. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force, and in case of any inconsistency, the provisions of this Act shall prevail to the extent of such inconsistency.	Act not in derogation of any other law.
20	23. The appropriate Government shall take all necessary measures to ensure that—	Public awareness and sensitization.
	(a) the provisions of this Act are given wide publicity through television, radio, print and digital media;	
	(b) the public authorities, police officers, prosecutors and judicial officers are imparted periodic training on the implementation of this Act; and	
25	(c) awareness is created among vulnerable and marginalised communities regarding their rights and remedies under this Act.	
30	24. The appropriate Government shall monitor the implementation of this Act and may issue such guidelines or advisories as may be necessary and maintain annual data regarding—	Monitoring of implementation.
	(a) number of cases registered;	
	(b) prosecutions launched;	
	(c) convictions secured;	
	(d) compensation awarded; and	
35	(e) preventive measures undertaken shall be compiled and reviewed.	
40	25. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act.	Central Government to provide funds.
45	26. (1) It shall be the duty of the appropriate Government to take such measures as may be necessary for the effective, uniform and timely implementation of this Act.	Duty of appropriate Government.
	(2) In particular, and without prejudice to the generality of sub-section (1), such measures shall include—	
	(a) creation and strengthening of institutional mechanisms under this Act;	
	(b) allocation of adequate financial, human and infrastructural resources;	
50	(c) issuance of guidelines, standard operating procedures and advisories;	

(d) training and sensitisation of police, prosecutors and other officials; and

(e) periodic review of implementation and outcomes.

(3) The failure to take reasonable steps for the effective implementation of the Act may be taken into account by the appropriate authority while examining administrative accountability. 5

Protection of action taken in good faith.

27. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or any officer or authority of the appropriate Government or any other person for anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder. 10

Power to make rules.

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

(2) Without prejudice to the generality of the foregoing power, such rules may provide for— 15

(a) procedures for investigation and trial;

(b) victim and witness protection measures;

(c) qualifications of interpreters and experts;

(d) compensation and rehabilitation schemes; and

(e) monitoring and reporting mechanisms. 20

(3) 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 regulation 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. 25 30

Power to remove difficulties.

29. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. 35

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The Anti-Racism and Equality Bill, 2026, proposes to comprehensively address the pervasive issues of racial discrimination and racial harassment in the country, which undermine the constitutional guarantees of equality under Articles 14, 15, 17, and 21 of the Constitution. Despite robust provisions in the Bharatiya Nyaya Sanhita, 2023, and existing statutes like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, there remains a critical gap in specific legislation targeting racial discrimination based on race, colour, ethnicity, nationality, descent, caste, tribe, language, accent, regional identity, or any perceived analogous characteristics, whether real or imputed. Recent racial incidents, including violence, highlight systemic biases, institutional neglect, and failures in victim protection, necessitating this dedicated framework to deter such offences, ensure accountability, and promote social cohesion.

The Bill criminalizes racial discrimination and harassment with graded punishments up to seven years imprisonment, enhanced penalties for repeat offenders and public servants' neglect, and presumptions of culpable mental state in Special Courts to expedite trials within six months to one year. It mandates victim rights, including dignity, privacy, information, legal-medical-psychological aid, language assistance, family notification, safe custody, and non-discriminatory investigations, alongside police training and sensitization. Provisions for Special Public Prosecutors with expertise in human rights, appeals, compensation, public awareness, monitoring committees, and non-derogation from other laws fill legislative voids, drawing from precedents like the Protection of Civil Rights Act, 1955. By empowering the Central Government to frame rules and remove difficulties, the legislation ensures adaptive implementation, fostering an inclusive society free from racial prejudice.

Hence, this Bill.

ASHOK KUMAR MITTAL.

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the designation of Special Courts in every district and Clause 12 provides for the appointment of Special Public Prosecutors. Clause 14 provides for provision of interpreter or translator for victims or witnesses along with provision of translated copies. Clauses 16 and 17 provides for free medical aid and counseling services for victims. Clause 18 *inter alia* provides for provision of safe shelter, relocation for victims and witnesses. Clause 20 provides for the regular training and sensitization programme for police officers. Clause 23 provides for wide publicity through television, radio, print and digital media and periodic training to public authorities, police officers, prosecutors and judicial officers. Clause 25 provides for Central Government to provide funds for the purposes of the Bill.

It is estimated that a non-recurring expenditure of approximately Rupees Two Hundred Crore will be required for the initial setup including sensitization modules for police, and infrastructure upgrades for Special Courts.

A recurring expenditure of approximately Rupees Seventy-Five Crore per annum is anticipated for the payment of fees to Special Public Prosecutors and disbursement of immediate relief/compensation to victims.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 29 empowers the Central Government to issue orders, by notification, for removing difficulties in giving effect to the provisions of the Act for a period of two years from the commencement thereof.

As the rules or orders will relate to matters of detail only, the delegation of legislative power is of a normal character.

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to provide for measures to address the pervasive issues of racial discrimination and racial harassment in the country, to uphold the constitutional guarantees of equality enshrined in the Constitution and for matters connected therewith or incidental thereto.

(Dr. Ashok Kumar Mittal, M.P.)