

AS INTRODUCED IN THE RAJYA SABHA
ON THE 19TH AUGUST, 2011

Bill No. XXVI of 2011

THE PREVENTION OF DREADFUL SUPERSTITIOUS PRACTICES
BILL, 2011

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BILL

to provide for the prevention of dreadful superstitious practices of blind faith and belief in the name of so called divine, supernatural or magical power and to bring social awareness and awakening in the society with a view to protect the people against the evil and sinister practices for the sake of exploiting and harming mentally, physically and financially and to take appropriate measures to effectively contain such evil effects and spread of these harmful practices, usages and customs, and belief in black magic and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Prevention of Dreadful Superstitious Practices Act, 2011.

(2) It extends to the whole of India.

5 (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
commence-
ment.

Definitions.

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

(a) “appropriate Government” means for State, the Government of the State and in all other cases, the Central Government;

(b) “advertisement” means any notice, circular, label wrapper or other document relating to black magic and evil and superstitious practices and includes any form of direct or indirect help, abetment, participation or cooperation for practice of black magic and evil and superstitious practices; 5

(c) “black magic” means type of magic which is believed to use the power of the devil in order to help or harm other person;

(d) “evil practice” means commission of Acts mentioned in the schedule appended to this Act by any person himself or caused to be committed through or by instigating any other person having a harmful effect on people; 10

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

(f) “superstition” means belief in magical casting or sacrificing human beings to appease the wrath of God or deities that cannot be explained by reason or science. 15

(2) The words and expressions used but not defined herein, shall have respective meanings as assigned to them in the Drugs and Magic remedies (Objectionable Advertisements) Act, 1954 and the Code of Criminal Procedure, 1973. 21 of 1954.
2 of 1974.

Prohibition of black magic and superstitious practices.

3. Notwithstanding anything to the contrary contained in any custom of any community, tribe or religion, or any published material, the practice, promotion and propagation of black magic and superstitious practices in any form is hereby prohibited. 20

Ban on advertisement of black magic and evil practices in any form.

4. No person shall practice or cause to be practiced, promote or cause to be promoted, advertise or cause to be advertised any act of superstition, disbelief or blind faith or black magic and evil practices, in any form as described in the Schedule appended to this Act.

Penalty.

5. (1) Any person who contravenes the provisions of this Act shall on conviction, by a court of law, be liable to be punished with rigorous imprisonment for a term which shall be not less than five years but which may extend to ten years and also with fine which shall not be less than rupees one thousand but which may extend to rupees twenty five thousand or with both. 25

(2) Whoever abets commission of, or attempt to commit any act or offences punishable under the Act shall be deemed to have committed that offence and shall, on conviction, be punished for such offence as provided in sub-section (1) of Section 5. 30

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of a First Class shall try any offence punishable under this Act.

Parties to Offence.

6. When an offence is committed under this Act, each of the following Person,— 35

(a) who actually does the act which constitutes the offence;

(b) who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) who aids or abets another person in committing the offence;

(d) who counsels or procures any other person to commit the offence. 40

shall be deemed to have taken part in committing the offence and to be guilty of the offence and shall be charged with actually committing it.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence committed under this Act shall be cognizable and non-bailable. Offences to be cognizable and non-bailable.
8. Notwithstanding anything contained in any other law for the time being in force in the trial under the Act, the burden of proof as to the innocence shall be on the accused and the victim shall have the right to lead evidence in rebuttal. Burden of Proof.
9. (1) The appropriate Government shall constitute a task force under the respective local police department for every district to deal with the cases arising out of this Act within the territorial jurisdiction of that district. Task Force.
- (2) The appropriate Government shall extend its full support to the task force to enable it to perform its duties to the fullest to curb the commission or promotion of black magic and superstitious practices or advertisement, practice, propagation of those practices in violation of provisions of this Act by any person.
- (3) The task force shall comprise both policemen and women which shall be headed by a person not below the rank of a Police Inspector of the area in district or town or small cities for State level and shall have the following duties:—
- (i) to detect and prevent the contravention or violation of the provisions of this Act in the area and report such cases to the nearest police station within the area and upon filing of complaint to the police station by any victim or any other person on his behalf to ensure due and speedy action thereon and to give necessary advice, guidance and help to the concerned police station;
- (ii) to collect evidence for the effective prosecution of persons contravening the provisions of this Act and to report the same to the police station of the areas in which such contravention has been or is being committed; and
- (iii) to discharge such other functions as may be assigned from time to time, by the appropriate Government in this behalf.
- (4) Any person who obstructs the work of task force appointed under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.
10. 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 provisions of this Act as appears to it to be necessary or expedient for removal of the difficulty. Power to remove difficulty.
11. The provision of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Overriding effect of the Act.
12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of the Act. Power to make rules.

THE SCHEDULE

[See Section 2(1)(d)]

- (i) Under the pretext of expelling the ghost assaulting by tying a person with rope or chain, beating by stick or whip, to make the person drink footwear soaked water, giving chilli smoke, hanging a person to roof, sacrifice human being or bury him in the pillars or foundation of a building, fixing him with rope or by hair or plucking his hair, causing pain by way of touching heated object to organs or body of a person, adulatory, forcing a person to perform a sexual act in the open practicing magical acts, putting urine or human excreta forcibly in the mouth of a person, abusing in filthy language, indecent and obscene bodily gestures and striping and forcing girls to dance naked or practicing any such criminal or horrendous acts; 5
- (ii) display of so called miracles by an exorcist and thereby earning money and to deceive, defraud and terrorise people by propagation and circulation of so called miracles or false claims or evil, in human, horrendous and dreadful practices; 10
- (iii) with a view to receive blessings of super natural power, follow the evil and black magic practices which causes danger to life or grievous hurt, mental suffering, physical trauma, financial, sexual, physical exploitations and agony and sacrificing human beings to appease the so called wrath of gods/deities and to instigate, encourage or compel others to follow such superstitious practices; 15
- (iv) doing any inhuman act in search of precious things, bounty, water resource or for similar reasons in the name of *karni*, *bhanamati* and making or trying to make human sacrifice in the name of *jaran-maran*, or dev-devaski or to advice, instigate or encourage committing such inhuman superstitious act; 20
- (v) to create an impression by declaring that a divine spirit has influence done's body or that a person has possessed such divine spirit and thereby create fear in the mind of others or to threaten others of evil consequences for not following the advise of such person; 25
- (vi) by declaring that a particular person practices *karni*, witchcraft, black magic or brings under the influence of ghost, or diminishes the milching capacity of a cattle by *mantra-tantra*, or create a suspicion about such person, or similarly accusing a particular person that he brings misfortune to others or is responsible for spread of diseases and thereby making the living of such person miserable, troublesome or difficult; to declare a person a *satan* or incarnation of *satan*; 30
- (vii) in the name of *jaran-maran*, *karni*, *bhanamati* or witchcraft, or blind faith and superstition, assaulting any person, parading him naked or put a ban on his daily activities;
- (viii) to create panic in the mind of public in general by way of invoking ghost by *mantras*, or threaten to invoke ghost, putting up a false show to make a person free from poisonous infection by invoking *mantras* or similar things, creating an impression that there is ghostly or divine wrath causing physical injuries and preventing a person from taking medical treatment and instead diverting him to practise *aghor* acts or treatment, threatening a person with death or causing physical pains or causing financial or psychological harm by practicing or tend to practice *mantra tantra* or black magic or witchcraft act; 35 40
- (ix) prohibiting and preventing a person from taking medical treatment in case of dog, snake or scorpion bite and instead giving him treatment like *mantra-tantra*, *ganda-dora* or such other things;
- (x) claiming to perform surgery by fingers, or claiming to change the sex of a foetus in womb of a woman by deceitful *sadhus*, mandicants who enthrall women for practice of black magic; 45
- (xi) to create an impression that oneself is having special super natural powers, emanation of another person or holy spirit, or that the devotee was his wife, husband or paramour in

past birth thereby indulging into sexual activity with such person or incestuous sexual intercourse with daughter or sisters or closed relatives;

(xii) deceiving young women by seduction who is unable to conceive but wants to have children in the name of supernatural power; and

- 5 (xiii) to create an impression that a mentally retarded person is having super natural power and utilizing such person for business or occupation.

STATEMENT OF OBJECTS AND REASONS

India is a large country having people of different origin and belief. But during the recent past, there has been spurt of cases of exploitation of the common people in the society because of practice of black Magic and evil spirits, and superstition at the hands of quacks and conmen causing mental, physical and financial harm to the people. It has become absolutely necessary to take appropriate and stringent social and legal measures to effectively contain and eradicate the evil effects and spread of these harmful practices and belief in black Magic and such other evil and superstitious practices and to save the common people from falling prey to the sinister designs of the black magicians, quacks and conmen. The anti-social and harmful activities of these people are posing threat to damage the social fabric and the faith of the common people in the authentic and scientific medical remedies and cures and are driving them to take recourse to such quacks, conmen and black magicians. The proposed law will deal with such evil and black magic practices, customs, and superstitions, etc.

The Bill seeks to achieve the above objectives.

DR. JANARDHAN WAGHMARE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

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(Dr. Janardhan Waghmare, M.P.)