

Assam Healing (Prevention of Evil) Practices Bill, 2024.

A

BILL

Preamble

to bring social awakening in the society and to create healthy, science-based knowledge and safe social environment to protect human health against the evil and sinister practices thriving on ignorance and ill health of people to eradicate the non-scientific healing practices with ulterior motives for exploiting the innocent people and thereby destroying the fiber of the public health of the society for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Assam Healing (Prevention of Evil) Practices Act, 2024.
- (2) It extends to the whole of the State of Assam.
- (3) It shall be come into force at once.

Definitions


2. In the Act, unless the context otherwise requires -
 - (a) "evil practices" means commission of any act of healing practices and magic healing, by any person, with a sinister motive to exploit common people.
 - (b) "Government" means the Government of Assam.
 - (c) "healing and healing practices" means a traditional holistic approach to heal body, mind and spirit of human being with traditional medicine and art, including any system, treatment, diagnosis, or practice for ascertainment, cure, relief, correction of any human disease, ailment, deformity, injury or enhancement of a condition or appearance.
 - (d) "offender" means any person who has contravened any of the provisions of this Act or has committed any act constituting the offence as mentioned in the Act.
 - (e) "prescribed" means prescribed in rules framed under the Act.
 - (f) "victim" means a person who is grievously harmed or injured physically or mentally or exploited financially or whose dignity is offended by the commission of an offence under this Act.

Prohibition of healing practices for treatment of certain diseases and health disorder

3. Subject to the provisions of this Act, no person shall take any part in healing practices and magical healing propagation for treatment of any diseases, any disorder or any condition relating to the health of a person (relating to human body) directly or indirectly giving a false impression of treatment to cure diseases, pain or trouble to the human health.

Prohibition of misleading advertisement of for healing practices

4. No person shall take any part in any sort of advertisement relating to any kind of medicine, remedy directly or indirectly relating to any false claim or misleading to any particular material.


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 09. 2. 2024

Prevention and eradication of evil healing practices

5. From the commencement of this Act, commission of any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts in violation of the provisions of the Act by any person himself or through other person shall constitute an offence under the provisions of the Act and person guilty of such offence shall be punishable.

Penalty

6. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall on conviction be punishable,

(a) in case of first offence, with imprisonment for one year which may be extend up to three years or with fine of fifty thousand or with both;

(b) in case of a subsequent conviction, with imprisonment which may extend upto five years, or with fine of one lakh or both.

Offences to be cognizable

7. Notwithstanding anything contained in the Code of Criminal Procedure 1973 or the Bharatiya Nagarik Suraksha Sanhita 2023, an offence punishable under this Act shall be cognizable and non-bailable.

Central Act
No. 2 of 1974
Central Act
No. 46 of
2023

Power to enter, inspect, search, seize and detain

8. (1) For the purpose of embracing the provisions of the Act, a Police Officer not below the rank of Sub-Inspector have the power to enter and inspect any practices within the local limit of jurisdiction of such person where he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Seize any advertisement, for which they have reason to believe, is in contravention to the provisions of the Act.

(3) Examine any record, register, document or any other object found in any place mentioned in sub-section (1) and seize the same if, he has reason to believe that it may furnish evidence of the commission of an offence punishable under the Act.

Vigilance Officer

9. (1) The State Government may by notification in the Official Gazette and subject to such terms and conditions as may be specified in the notification, appoint for any one or more police stations as may be specified in the notification, one or more police officers to be known as the vigilance officer:

Provided that such officer shall not be below the rank of the Sub-Inspector of Police.

(2) It shall be the duty of the vigilance officer,-

(i) to detect and prevent the contravention or violation of the provision of this Act and the rules made there under, in the area of his jurisdiction and report such cases to the nearest police station within the area of jurisdiction and upon filing of complaint to the police station by any victim or member of his family to ensure due and speedy action thereon and to give necessary advice, guidance and help to 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 area in which such contravention has been or is being committed; and

(iii) to discharge such other functions as may be assigned to him from time to time by the State Government by general or special order issued in this behalf.

(3) Any person who obstructs the discharge of official duties or the work of the vigilance officer, appointed under sub-section (1), shall on conviction be punished with imprisonment for a term which may extend to two years or with fine which may be extended to twenty five thousand rupees or with both.

(4) The vigilance officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 or sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Central Act
No. 45 of 1860

Central Act
No. 45 of 2023

Awareness
Programmes

10. The Government may undertake awareness programme to bring awareness in the society about the ill effects of inhuman, evil practices and to provide proper medical help or relief to the injured person or victims in Government Hospitals in such manner as may be prescribed and designate such authority to provide such relief by notification published in the Official Gazette.

Jurisdiction to
try offence

11. All cases relating to the violation of section 3, 4 and 5 shall be before such court within the limit of whose jurisdiction the offender or accused resides at the time of the commission of the offence or where the offence has been committed.

Officers deemed
to be public
servant

12. All officers and other persons exercising powers under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860, or sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Central Act
No. 45 of 1860

Central Act
No. 45 of 2023

Indemnity

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith done or intended to be done under this Act.

Other laws not
affected

14. The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

Protection of
Persons


15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to make
rules

16. The State Government may by notification published in the Official Gazette, make rules for carrying out the purposes of the Act.

Overriding effect

17. Notwithstanding anything contained in other law for the time being in force this Act shall take effect and prevail.


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 09. 2. 2024

STATEMENT OF OBJECT AND REASONS

Assam Healing (Prevention of Evil) Practices Bill, 2024 aims to bring social awakening in the society and to create healthy, science-based knowledge and safe environment to protect human health against the evil and sinister practices thriving on ignorance and ill-health of people to eradicate the non-scientific healing practices with ulterior motives for exploiting the innocent people and thereby destroying the fiber of the public health of the society.

As per the Bill, no person shall take any part in healing practices and magical healing propagation for treatment of any diseases, any disorder or any condition relating to the health of a person (relating to human body) directly or indirectly giving a false impression of treatment to cure diseases, pain or trouble to the human health.

No person shall take any part in any sort of advertisement relating to any kind of medicine, remedy directly or indirectly relating to any false claim to cure diseases through healing practices.

The commission of any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts by any person himself or through other person shall be an offence under the provisions of this Bill and is punishable.

The evil practice of magical healing by any person with a sinister motive to exploit common people is a cognizable and non-bailable offence under the said Bill and the punishment will range with an imprisonment for one year which may be extended upto three years or with fine of rupees fifty thousand or with both. Further, in case of the subsequent conviction of a person, the punishment will extend upto five years, or with fine of one lakh or both.

There shall be Vigilance Officer to check such evil healing practices or magical healing.

The Assam Healing (Prevention of Evil) Practices Bill, 2024 has been framed to stop the propagation of the evil practices of magical healing in the name of treatment which pose a serious problem to the health of a person both physically and mentally.

The Bill seeks to achieve the above objectives.


MINISTER FOR HOME & POLITICAL DEPARTMENT


(HEMEN DAS)
PRINCIPAL SECRETARY,
ASSAM LEGISLATIVE ASSEMBLY

FINANCIAL MEMORANDUM

There will be no financial implication.


MINISTER FOR HOME & POLITICAL DEPARTMENT

MEMORANDUM REGARDING LEGISLATION

Section 3 of the Bill empowers the Government to prohibit evil or magical healing practices for treatment of certain diseases and health disorder.

Section 4 of the Bill empowers the Government to prohibit misleading advertisement for evil or magical healing practices.

Section 5 of the Bill empowers the Government to impose punishment to any person for any act of inhuman, evil or magical healing or propagation or promotion of such practices or black magic acts.

Section 6 of the Bill empowers the Government impose punishment for such evil or magical healing practices with imprisonment for one year which may extend upto three years or with fine of rupees fifty thousand or with both. In case of subsequent conviction of a person, the imprisonment may extend upto five years or with fine of Rs. one lakh or both.

Section 9 of the Bill empowers the Government to nominate the Police Officers as Vigilance Officer.

Section 16 of the Bill empowers the Government to frame Rules to carry out the provisions of the said Bill.



MINISTER FOR HOME & POLITICAL DEPARTMENT