



## **HARYANA STATE LAW COMMISSION**

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### **SIXTEENTH REPORT**

**Recommendation to Enact the Haryana Prevention and  
Eradication of Human Sacrifice, other Inhuman, Evil,  
Aghori Practices and Black Magic Act, 2024.**

**Government of Haryana**

# **HARYANA STATE LAW COMMISSION**

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**Government of Haryana**

**HARYANA STATE LAW COMMISSION****SIXTEENTH REPORT****30<sup>th</sup> April, 2024****Recommendation to Enact the Haryana Prevention and Eradication of Human Sacrifice, other Inhuman, Evil, Aghori Practices and Black Magic Act, 2024.**

A high number of superstitious practices which cause significant harm and exploitation of common people especially in vulnerable sections of society continue to be perpetuated across the State of Haryana. Practices such as aghori, human sacrifice, using Tantra-Mantra, assaulting human being under the pretext of exploring ghost and other similar superstitious practices which are offensive to human dignity are widely prevalent. At the same time, there are several forms of superstitious practices, both in urban and rural areas which result in severe financial exploitation and mental agony for victims. Such practices have no place in a civilised society governed by the rule of law.

The right to life with dignity is a fundamental right guaranteed by Article 21 of the Constitution of

India and reinforced in several judgments of the Supreme Court of India. The wide existence of such superstitious practices squarely infringes such right. With several recent incidents of this nature coming to light, the specific criminalisation of such practices along with spreading awareness of the ill-effects of superstitious practices of this nature have become imperative.

Therefore, it is the need of the day that the promotion, propagation or performance of certain superstitious practices which causes grave physical or mental harm to others, financially or sexually exploits them, or offends their basic human dignity, with a promise to cure them or provide a benefit or with a threat of adverse consequences, by invoking purported supernatural powers, should be made a criminal offence. Stringent punishment to those guilty of such offences, will ensure effective deterrence thereby preventing the recurrence of such practices, gradually leading to their eradication. The Haryana Prevention and Eradication of Human Sacrifice, other Inhuman,

Evil, Aghori Practices and Black Magic Bill, 2024 is being proposed to achieve these objectives.

The Bill would bring social awakening and awareness in the society and create a healthy and sage social environment with a view to protect the common people in the society against the evil and superstitious practices.

The Haryana State Law Commission has keeping in view all the aforesaid facts, drafted The Haryana Prevention and Eradication of Human Sacrifice, other Inhuman, Evil, Aghori Practices and Black Magic Bill, 2024 to be enacted by the Haryana State Legislature as follows :-

**The Haryana Prevention and Eradication of Human Sacrifice, other Inhuman, Evil, Aghori Practices and Black Magic Bill, 2024**

(To be introduced in the Haryana Legislative Assembly)

*A*

*Bill*

*to bring social awakening and awareness in the society and to create a healthy and sage social environment with a view to protect the common people in the society against the evil and superstitious practices.*

Be it enacted by the Haryana State Legislature in the Seventy-fifth Year of the Republic of India, as follows:-

**1. Short title, extent and commencement. – (1)**

This Act may be called the Haryana Prevention and Eradication of Human Sacrifice, other Inhuman, Evil, Aghori Practices and Black Magic Act, 2024.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on and from the date of its publication in the Official Gazette.

**2. Definitions. - (1) In this Act, unless the context**

otherwise requires,-

- a) “Code” means the Code of Criminal Procedure, 1973;
- b) “human sacrifice and other inhuman, evil, aghori practices and black magic” means the commission of any act, mentioned or described in the Schedule appended to this Act, by any person by himself or caused to be committed through or by instigating any other person;
- c) “prescribed” means prescribed by rules made under this Act;
- d) “propagate” means issuance or publication of advertisement, literature, article or book relating to or about human sacrifice and other inhuman, evil and aghori practices and black magic and includes any form of direct or indirect help, abatement, participation or cooperation with regard to human sacrifice and other inhuman, evil and aghori practices and black magic;
- e) “rules” means the rules made under this Act;
- f) “Superstitious practice” means any act which:
  - i. Causes grave physical or mental harm to; or

- ii. Results in financial or any sexual exploitation of; or
- iii. Offends the human dignity of;  
another person or a group of persons, by invoking a purported supernatural power, with the promise of curing such person or group of persons of disease or affliction or purporting to provide a benefit, or threatening them with adverse consequences; or  
Any act specified in the Schedule.

(2) Words and expressions used but not defined herein, shall have respective meanings as assigned to them in the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and the Code.

**3. Prevention and eradication of human sacrifice and other inhuman, evil and aghori practices and black magic.** - (1) No person shall either himself or through any other person commit, promote, propagate or practice or cause to promote, propagate or practice human sacrifice and other inhuman, evil and aghori practices and black magic mentioned or described in the Schedule appended to this Act.



(2) From the date of coming into force of this Act, commission of any act of human sacrifice and other inhuman, evil and aghori practices and black magic and any advertisement, practice, propagation or promotion of human sacrifice and other inhuman, evil and aghori practices and black magic, in violation of the provisions of this Act, by any person by himself or through any other person shall constitute an offence under the provisions of this Act, and the person guilty of such offence shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousands rupees but which may extend to fifty thousand rupees.

(3) Whoever abets the commission of, or attempts the commission of any act or offence punishable under sub-section (2) shall be deemed to have committed that offence and shall, on conviction, be punished with the same punishment for such offences in sub-section (2).

(4) The offence punishable under sub-section (2) and sub-section (3) shall be cognizable and nonbailable.

**4. Jurisdiction to try offences.** - No Court inferior to that of a Judicial Magistrate of First Class shall try any offence punishable under Section 3.

**5. Vigilance Officer.** - (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 an Inspector of Police.

(2) It shall be the duty of the Vigilance Officer,-

(i) to detect and prevent the contravention or violation of the provisions of this Act and the rules made thereunder, in the area of his jurisdiction and report such cases to the nearest police station within the area of his jurisdiction; and upon filing of complaint to the police station by any victim or any member of his family, 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 area in which such contravention has been or is being committed;

(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 the 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 three months or with fine, which may extend to 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.

**6. Power of entry, search, etc.** - (1) Subject to the general or special orders issued in this behalf by the State Government, from time to time, the Vigilance Officer may, within the local limits of the area of his jurisdiction, with the assistance of the police officer of his area,-

(i) enter and search, at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that

an offence under this Act has been or is being committed;

(ii) seize any material, instrument or advertisement which, he has reason to believe that the same has been or is being used for any act or thing which is in contravention of the provisions of this Act;

(iii) examine any record, document or material object found in any place mentioned in clause (i) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

(2) The provisions of the Code shall, so far as may be, apply to any search or seizure made under this Act as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the Code.

(3). Where any person seizes anything under clause (ii) or (iii) of subsection (1), he shall, as soon as may be, inform the Magistrate and take his orders as to the custody thereof.

**7. Immunity to Vigilance Officer from any criminal liability.** – No Vigilance Officer shall be liable to any criminal liability on account of any act done in

good faith while discharging his duties assigned to him under this Act. For definition of “good faith”, Section 52 of the Indian Penal Code, 1860, shall apply.

**8. Application of provisions of Code.** - The provisions of Code shall apply to the investigation and trial of offence under this Act.

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

**10. Publication of fact of conviction.**- (1) Where any person is convicted of any offence punishable under this Act, it shall be competent for the Court convicting such offender to cause the name and place of such person to be published by the police in the local newspaper where such offence had taken place, together with the fact that such offender had been convicted of the offence under this Act and such other particulars as the Court may deem fit and appropriate, to be allowed to be published.

(2) No such publication under sub-section (1) shall be made until the appeal, if any, filed against such order is finally disposed of.

**11. Rules.** - (1) The State of Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State legislature while it is in session, which may be comprised in one session or in two or more successive sessions. and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, the House agrees in making any modification in the rule or House agrees that the rule should not be made and notify their decision to that effect in the Official Gazette, the rule shall, from the date of publication of such decision in the Official Gazette, 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 or omitted to be done under that rule.

**12. Savings.** - (1) For the removal of doubt, it is hereby declared that nothing in this Act shall apply in respect of the following, namely:-

(i) The form of any worship such as pradakshina, yatra, Parikrama performed at any religious or spiritual places.

(ii) Haripath, Kirtan, Pravachan, Bhajan, teaching of ancient and traditional learning's and arts, practice, propagation, circulation thereof.

(iii) To state about the miracles of deceased saints, propagation, publicity and circulation of the same and the propagation, publicity, and distribution of the literature about the miracles of the religious preachers which do not cause physical injury or financial loss.

(iv) The performance of prayers, Upasana, and all religious rites at the place such as home, temple, dargah, gurdwara, pagoda, church or other religious places which do not cause physical injury or financial loss.

(v) All religious celebrations, festivals, prayers, procession and any other act relating thereto, invoking the spirit, kadaklakshmi, Vratvaikalye, Upavas, calling of Niwas, calling of Mannat, Moharram procession and all other religious rituals.

(vi) Piercing of ears and nose of children in accordance with religious rituals, performance of religious rituals, performance of religious rituals such as Keshlochan by the Jains.

(vii) The advice in regard to vastushastra, advice by Joshi-Jyotishi, and other astrologers and in regard to source of ground water.

(viii) Any traditional religious rites, and acts except those mentioned above, which the State Government may, by notification in the Official Gazette, notify.

(2) Every notification issued in pursuance of entry (viii) of sub-section (1) shall be laid, as soon as may be, before the State Legislature.

## **SCHEDULE**

**(See Section 2(1)(b))**

(1) Sacrificing a human being for gain or for appeasing a deity, spreading belief in human sacrifice or persuading others to perform human sacrifice.

(2) 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, 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, forcing a person to perform sexual act in the open, practicing in human acts, putting urine or human excreta forcibly in the mouth of a person or practicing any such acts.

- (3) Display of so-called miracles by a person and thereby earning money; and to deceive, defraud and terrorize people by propagation and circulation of so-called miracles.
- (4) With a view to receive blessings of supernatural power, to follow the inhuman, evil and aghori practices which cause danger to life or grievous hurt; to instigate, encourage or compel others to follow such practices.
- (5) Doing any inhuman, evil and aghori act and black magic; in search of precious things, bounty, and water resources 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 the like, or to advice, instigate or encourage committing such inhuman acts.

- (6) To create an impression by declaring that a power inapprehensible by senses has influenced one's body or that a person has possessed such power and thereby create fear in the mind of others or to threaten others of evil consequences for not following the advice of such person or deceive, defraud and deter him.
- (7) By making the persons believe that a particular person practices karni, black magic or brings under the influence of ghost or diminishes the milching capacity of a cattle by mantra-tantra or similarly accusing a particular person that he brings misfortune to others, or is a cause for spread of diseases and thereby making the living of such person miserable, troublesome, or difficult; to declare a person as saitan or incarnation of saitan.
- (8) In the name of jaran-maran, karni or chetuk, assaulting any person, parading him naked or put a ban on his daily activities.

- (9) To create a panic in the mind of public in general by way of invoking ghost or threaten, or threaten to invoke ghost, creating an impression that there is ghostly or wrath of a power inapprehensible by senses causing physical injuries and preventing a person from taking medical treatment and instead diverting him to practice inhuman, evil and aghori acts or treatment, threatening a person with death or causing physical pains or causing financial harm by practicing or tend to practice black magic or inhuman act.
- (10) Prohibiting and preventing a person from taking medical treatment in case of dog, snake, scorpion bite, etc. and instead giving him treatment like mantra-tantra. ganda-dora or such other things.
- (11) Claiming to perform surgery by fingers, or claiming to change the sex of a foetus in womb of a woman.
- (12) (a) To create an impression that special supernatural powers are present in himself, incarnation of another person or holy spirit or that the devotee was his wife, husband or paramour in

the past birth, thereby indulging into sexual activity with such person;

(b) To keep sexual relations with a woman, who is unable to conceive, assuring her of motherhood through supernatural power.

(13) To create an impression that a mentally retarded person as having inhuman powers and thereby rob the others.

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