

**Bill No. 22 of 2019**

(Authorised English Translation)

**THE RAJASTHAN PROTECTION FROM LYNCHING  
BILL, 2019**

(To be introduced in the Rajasthan Legislative Assembly)

*A*

*Bill*

*to provide for effective protection of the Constitutional rights of vulnerable persons, to punish the acts of lynching, to provide for designated courts for the expeditious trial of such offences, for rehabilitation of victims of mob lynching and their families and for matters connected therewith or incidental thereto.*

Be it enacted by the Rajasthan State Legislature in the Seventieth Year of the Republic of India, as follows:-

**CHAPTER I**

**Preliminary**

**1. Short title, extent and commencement.-** (1) This Act may be called the Rajasthan Protection from Lynching Act, 2019.

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

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

(a) “act of violence” means the act punishable under section 8;

- (b) “Deputy Superintendent of Police” includes Assistant Commissioner of Police in a Metropolitan area;
- (c) “hostile environment” means intimidating or coercive environment that is created against the victim or the family members of the victim or against any witnesses or any one providing assistance to the witness or victim, which includes being subjected to the following act-
  - (i) boycott of the trade or businesses of such person or making it otherwise difficult for him to earn a living; or
  - (ii) extern such person or his family from the locality where he or his family has normally been residing as permanent resident; or
  - (iii) public humiliation through exclusion from public services, including education, health and transportation or any act of indignity; or
  - (iv) deprive or threaten to deprive such person of his fundamental right; or
  - (v) force such person to leave his home or place of ordinary residence or livelihood without his express consent; or
  - (vi) any other act, whether or not it amounts to an offence under this Act, that has the purpose or effect of creating an intimidating, hostile or offensive environment;

- (d) “lynching” means any act or series of acts of violence or aiding, abetting or attempting an act of violence, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity;
- (e) “mob” means a group of two or more individuals;
- (f) “offensive material” means any material that can be reasonably construed to have been made to incite a mob to lynch a person on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds;
- (g) “Rajasthan Victim Compensation Scheme” means the Rajasthan Victim Compensation Scheme, 2011, as amended from time to time;
- (h) “State” means the State of Rajasthan;
- (i) “Superintendent of Police” includes Deputy Commissioner of Police in a Metropolitan area;
- (j) “victim” means any person, who has suffered physical, mental, psychological or monetary harm as a result of the commission of any offence under this Act, and includes his relatives, legal guardian and legal heirs;
- (k) “witness” means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry, or trial of any crime involving an offence under this Act, and who is or may be

required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

- (1) Words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) or the Indian Penal Code, 1860 (Central Act No. 45 of 1860) shall have the meanings assigned to them respectively in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), or as the case may be, in the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

## **CHAPTER II**

### **Duties of Nodal Officer, Police Officer and District Magistrate**

**3. Nodal Officer.-** (1) Director General of Police shall appoint a State Coordinator to prevent lynching who is the officer not below the rank of Inspector General of Police.

(2) Every District Superintendent of Police shall be the District Coordinator, who shall be assisted by one of the Deputy Superintendents of Police in the district for taking measures to prevent incidents of mob violence and lynching.

**4. Duties of Police Officer.-** (1) Every police officer, directly in charge of maintaining law and order in an area, shall take all reasonable steps to prevent any act of lynching including its incitement and commission; and to that end-

- (i) make all possible efforts to identify and prevent instances of dissemination of offensive material or any other means employed in order to incite or promote lynching of a particular person or group of persons and to take all residual measures to prevent;

- (ii) act in furtherance of the duty to prevent lynching in accordance with the powers vested in him; and
- (iii) make all possible efforts to prevent and eradicate the creation of a hostile environment against a person or group of persons which is targeted in such incidents.

(2) Every police officer shall take every possible action to the best of his ability, to prevent the commission of all offences under this Act.

**5. Duties of District Magistrate.-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) whenever the District Magistrate has reason to believe that in any area within his jurisdiction, a situation has arisen where there is an apprehension of lynching, he may, by order in writing, prohibit any act which in his opinion is likely to lead to the incitement and commission of an act of lynching.

(2) The District Magistrate shall take every possible action to the best of his ability to prevent the creation of a hostile environment against a person or group of persons which is targeted in such incidents.

### **CHAPTER III**

#### **Prevention of Acts Leading to Lynching**

**6. Duty to prevent lynching.-** (1) It shall be duty of every police officer, in charge of a police station to take all reasonable steps to prevent any incident of lynching, including its incitement, commission and possible spread in the area under his jurisdiction and to that end-

- (i) make all possible efforts to identify patterns of violence in the area under his jurisdiction, that indicate occurrence of targeted violence;

- (ii) obtain information regarding the likelihood of an act of lynching; and
- (iii) act in furtherance of the duty to prevent any act of lynching in accordance with the powers vested in them.

(2) Every police officer exercising powers under this Act in discharge of his duties shall act without any delay in a fair, impartial and non-discriminatory manner.

**7. Power to exercise authority against mobs.-** (1) It shall be the duty of every police officer in-charge of a police station to exercise his authority on a mob in order to cause it to disperse.

(2) In exercise of his authority, a police officer in-charge of a police station may use such powers as vested under section 129 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(3) The police officer shall cause to register the First Information Report under relevant provisions of law against such persons who disseminate irresponsible and explosive messages or videos having content which is likely to incite mob violence and mob lynching of any nature.

## CHAPTER IV

### Punishment for Lynching

**8. Punishment for offence of lynching.-** Whoever commits an act of lynching-

- (a) where the act leads to the victim suffering hurt, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine which may extend to one lakh rupees;
- (b) where the act leads to the victim suffering grievous hurt, shall be punished with

imprisonment of either description for a term which may extend to ten years, and with fine which shall not be less than twenty five thousand rupees and may extend to three lakh rupees;

- (c) where the act leads to the death of the victim, shall be punished with rigorous imprisonment for life and with fine which shall not be less than one lakh rupees and may extend to five lakh rupees.

**9. Punishment for conspiracy or abetment or aides or attempts to lynch.-** Whoever takes part in a conspiracy or conspires to lynch another person, or abets or aides or attempts an act of lynching shall be punished in the same manner as if he had himself committed lynching.

**10. Punishment for obstructing legal process.-** Any person who-

- (a) knows or has reasonable cause to believe that any other person is guilty of an offence under this Act, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said offence, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to one lakh rupees;
- (b) threatens a witness with any injury to his person or property or to the person or property of any one in whom that person is interested, with intent to cause harm to that person, or to compel that person to refrain or withdraw from being a witness in any investigation, trial under this

Act shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to one lakh rupees.

## CHAPTER V

### Other Offences and Punishment

#### **11. Punishment for dissemination of offensive material.-**

Notwithstanding anything contained in any other law for the time being in force, whoever publishes, communicates or disseminates by any method, physical or electronic, any offensive material, shall be punished with imprisonment of either description for a term of not less than one year but which may extend to three years, and with fine which may extend to fifty thousand rupees.

#### **12. Punishment for enforcing a hostile environment.-**

Whoever contributes or enforces a hostile environment on a person or a group of persons shall be punished with imprisonment which may extend to five years and shall also be liable to fine which may extend to one lakh rupees.

## CHAPTER VI

### Investigation, Prosecution and Trial

#### **13. Application of Code of Criminal Procedure, 1973.-**

The provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), shall apply to this Act, save as amended or supplemented to the extent provided under this Chapter.

**14. Offences to be cognizable, non-bailable and non-compoundable.-** Unless otherwise specified, all offences specified under this Act, shall be cognizable, non-bailable and non-compoundable.

**15. Investigation by senior police officer.-** No police officer below the rank of Inspector of Police shall investigate any offence committed under this Act.



**16. Cases triable by Designated Judges.-** Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), or in any other law for the time being in force, the offences specified under this Act shall be tried by Designated Judges appointed under this Act.

**17. Power to appoint Designated Judges.-** (1) The State Government may, by notification in the Official Gazette, appoint as many Designated Judges in consultation with the Chief Justice of the High Court as it may be necessary to try offences punishable under this Act.

(2) A person shall not be qualified for appointment as a Designated Judge under this Act unless he is or has been a Sessions Judge under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

**18. Procedure and power of the Designated Judge.-** (1) A Designated Judge may take cognizance of any offence, without the accused being committed to it for trial, upon a police report.

(2) In trying the accused persons, the Designated Judge shall follow the procedure for the trial of warrant cases prescribed by the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), shall, so far as they are not inconsistent with this Act, apply to the proceedings before a Designated Judge; and for the purposes of the said provisions, the Court of the Designated Judge shall be deemed to be a Court of Session.

(4) When trying the accused person, a Designated Judge may also try any offence, other than an offence specified under this Act, with which the accused may, under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), be charged at the same trial if the offence is connected with the offence under this Act.

(5) If, in the course of any trial under this Act, it is found that the accused person has committed any other offence, the Designated Judge may, whether such offence is or is not an offence

under this Act, try such person of such offence and pass any sentence authorized by law for the punishment thereof.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) a Designated Judge shall hold the trial of an offence on day-to-day basis save for reasons beyond the control of parties:

Provided that where a Designated Judge is unable to hold the trial of the offence on day-to-day basis, the reasons for the same, shall be recorded in writing by the Designated Judge.

(7) In so far as reasonably possible, all statements of victims and witnesses should be recorded within a period of one hundred and eighty days from the date of framing the charge.

(8) In so far as reasonably possible, it shall be the endeavor of the Court to ensure that any witness is not required to attend the Court on more than two dates of hearing.

**19. Rights of victims and witnesses during trial.** - (1) A Designated Judge may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of the witness secret.

(2) A victim shall have the right to reasonable, accurate, and timely notice of any court proceeding and shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submissions on conviction, acquittal or sentencing.

(3) The Superintendent of Police or an officer designated by him shall inform the victim in writing about the progress of investigations into the offence, whether or not the offender has been arrested, charge-sheeted, granted bail, charged, convicted or sentenced, and if a person has been charged with the offence, then the name of the suspected offender.

(4) The victim shall have the right to receive a copy of any statement of the witness recorded during investigation or inquiry, and a copy of all statements and documents filed under section 173 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of

1974) including the charge-sheet or closure report submitted by police.

(5) A victim shall be entitled to receive free legal aid if he so chooses and to engage any advocate who he chooses from among those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) and the Legal Services Authority established under the said Act shall pay all costs, expenses and fees of the advocate appointed by the victim or informant in accordance with relevant rules.

(6) Notwithstanding anything contained in any other law for the time being in force, the Designated Judge trying a case may permit the prosecution to be conducted by any advocate recommended by the victim:

Provided that no person, other than the Advocate-General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor, shall be entitled to conduct the prosecution without the prior approval of the Designated Judge.

(7) Where the prosecution is conducted by an advocate recommended by the victim, the expenses arising out of such service shall be borne by the State Government.

(8) It shall be the duty and responsibility of the State Government for making arrangements for the protection of victims and witnesses against any kind of intimidation, coercion or inducement of violence or threats of violence.

(9) The State Government shall inform the Designated Judge about the protection provided to any victim, informant or witness and the Designated Judge shall periodically review the protection being provided under this section and pass appropriate orders.

(10) It shall be the duty of the police officer to receive and record the complaint of victim, informant or witnesses against any kind of intimidation coercion or inducement or violence or threats of violence, whether given orally or in writing and copy of the

same shall be sent to the Designated Judge within twenty-four hours of recording it.

## **CHAPTER VII**

### **Relief and Rehabilitation**

**20. Treatment of victim.-** All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately provide the first aid or medical treatment free of cost to victim and shall immediately inform the police of such incident.

**21. Compensation of lynching.-** (1) The State Government shall provide compensation to the victim as per Rajasthan Victim Compensation Scheme.

(2) Any fine imposed under section 8 shall be paid to the victim or his legal heir, as the case may be.

**22. Displacement.-** (1) Where the offence under this Act has led to displacement of the victims from their residence, the State Government shall arrange for the accommodation of the victims and take all necessary steps to rehabilitate such victims.

(2) Where the offences under this Act, has to lead to the displacement of more than fifty persons, the State Government shall set up relief camps in the manner prescribed by rules.

**23. Establishment of relief camps.-** (1) The State Government shall establish relief camps in safe locations for all victims.

(2) Relief camps established under sub-section (1) shall continue to be operated by the State Government until such persons return to their original habitations, or are resettled in a new suitable location.

(3) Relief camps established under sub-section (1) shall, at the minimum, regardless of the circumstances and without discrimination, provide such persons with-

- (a) basic shelter which is appropriate and adequate to protect the residents of the camps from extremes

- of the weather, and which provides due privacy especially to women and girls;
- (b) twenty four hour security at the relief camp;
  - (c) adequate nutritious and culturally appropriate food;
  - (d) potable drinking water;
  - (e) adequate clothing which is culturally appropriate and sufficient to protect the residents of the camp from extremes of weather;
  - (f) essential medical services including antenatal and postnatal care of expectant mothers, pediatric care and emergency and rehabilitative services for the injured and referral services wherever necessary;
  - (g) adequate sanitation;
  - (h) psycho-social and trauma counseling and psychiatric services;
  - (i) child-care services for infants and small children;
  - (j) educational facilities for children;
  - (k) special facilities and assistance, as may be necessary and reasonable for the medical condition and treatment of certain residents of the relief camps, as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of households, elderly and disabled persons with special needs.

## CHAPTER VIII

### Appeals

**24. Appeals.-** Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974),-

- (i) an appeal shall lie as a matter of right from any judgment, sentence or order, not being interlocutory order, of a Designated Judge to the High Court both on facts and on law; and

(ii) every appeal under this section shall be preferred within a period of sixty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of sixty days.

## CHAPTER IX

### Miscellaneous

**25. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State 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 under this section after the expiry of two years from the commencement of this Act.

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

**26. Act to be in addition to 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 except to the extent the provisions of other laws are inconsistent with the provisions of this Act.

**27. Power to make rules.-** (1) The State Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the sessions immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any modification or

annulment shall be without prejudice to the validity of anything previously done thereunder.

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**STATEMENT OF OBJECTS AND REASONS**

Whereas the Constitution of India guarantees to all persons the right to life and personal liberty and the Equal protection of laws. In recent times there have been many of incidents resulting in loss of livelihood, injuries and death of persons at the hands of mob lynching. Supreme Court of India in its Judgment dated 17.7.2018 in Writ Petition (Civil) No. 754/2016 *Tehseen S.Poonawalla Vs Union of India and Others* has recommended for enacting legislation in this regard. Therefore, it is proposed to nip the evil in the bud and to prevent spreading of hatred or incitement to Mob lynching by creating special offences against such Mob lynching in addition to other offences under the Indian Penal Code.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

अशोक गहलोत,  
**Minister Incharge.**



**MEMORANDUM REGARDING DELEGATED  
LEGISLATION**

Following clauses of the Bill, if enacted, shall empower the State Government to make rules with respect to matters mentioned against each such clause.

<b>Clauses</b>	<b>With respect to</b>
22(2)	Prescribing the manner, in which relief camps shall be set up.
27	generally to carry out the Purposes of this Act.

The proposed delegation is of normal character and relates to the matters of detail.

अशोक महलोत,  
**Minister Incharge.**

राजस्थान लिचिंग से संरक्षण विधेयक, 2019

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

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दुर्बल व्यक्तियों के सांविधानिक अधिकारों की प्रभावी सुरक्षा करने, लिंग के कृत्यों के लिए दंडित करने, ऐसे अपराधों के शीघ्र विचारण हेतु अभिहित न्यायालयों के लिए उपबंध करने के लिए, माँब लिंग से पीड़ितों और उनके कुटुंबों के पुनर्वास के लिए और उससे संसक्त या आनुषंगिक विषयों के लिए उपबंध करने हेतु विधेयक।

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(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

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प्रमिल कुमार माथुर,  
सचिव।

(अशोक गहलोत, प्रभारी मंत्री)

**Bill No. 22 of 2019**

**THE RAJASTHAN PROTECTION FROM LYNCHING  
BILL, 2019**

(To be introduced in the Rajasthan Legislative Assembly)

**RAJASTHAN LEGISLATIVE ASSEMBLY**

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*A*

*Bill*

*to provide for effective protection of the Constitutional rights of vulnerable persons, to punish the acts of lynching, to provide for designated courts for the expeditious trial of such offences, for rehabilitation of victims of mob lynching and their families and for matters connected therewith or incidental thereto.*

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(To be introduced in the Rajasthan Legislative Assembly)

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**PRAMIL KUMAR MATHUR,**  
**Secretary.**

(Ashok Gehlot, **Minister-Incharge**)