

Bill No. 23 of 2019

(Authorised English Translation)

**THE RAJASTHAN PROHIBITION OF INTERFERENCE
WITH THE FREEDOM OF MATRIMONIAL ALLIANCES
IN THE NAME OF HONOUR AND TRADITION BILL, 2019**

(To be introduced in the Rajasthan Legislative Assembly)

*A**Bill*

to provide for, in the interests of protecting individual liberty and preventing victimization, prohibition of unlawful assemblies and other conduct interfering with the freedom of matrimonial alliances in the name of honour and tradition and for the 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:-

1. Short title, extent and commencement. - (1) This Act may be called the Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition 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) “assemble”, “congregate” or “gather” includes acting in concert through the use of any technological means or medium;

(b) “endangerment of liberty” includes the acts calculated to lead to social boycott or enforcement of social or economic sanctions and in particular, includes the following acts, namely:-

(i) Bringing to bear pressure on the couple or their families or relatives to leave the village or area of residence concerned;

(ii) Indulging in any conduct which will impede or is likely to impede, access to markets, community facilities, places of worship or any other necessities of life;

(iii) Divesting or dispossessing the couple or their families of any land or property belonging to them or imposition of fine or penalty of any kind;

(iv) Any other act of harassment whether physical or mental;

(c) “marriage” includes proposed or intended marriage;

(d) “unlawful assembly” means an assembly, congregation or gathering of two or more persons;

(e) 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).

3. Unlawful Assembly.- (1) No person or any group of persons shall gather, assemble or congregate at any time with the view or intention to deliberate on, or condemning any marriage, not prohibited by law, on the basis that such marriage has dishonoured the caste or community tradition or brought disrepute to all or any of the persons forming part of the assembly or the family or the people of the locality concerned.

(2) Such gathering or assembly or congregation shall be treated unlawful and every person convening or organizing such assembly and every member thereof participating therein directly or indirectly shall be punishable with imprisonment for a term not less than six months but which may extend to five years and shall also be liable to fine which may extend to one lakh rupees.

4. Endangerment of liberty.- (1) The members of an unlawful assembly, who in furtherance thereof individually or collectively counsel, exhort or bring pressure openly or otherwise upon any person or persons to prevent or disapprove of the marriage, which is objected to by the said members, or to generate an environment of hostility towards such couple or either of them or their supporters, shall be deemed to have acted in endangerment of their liberty and such an act of endangerment shall be punishable with imprisonment for a term not less than two years but which may extend to five years and shall also be liable to fine which may extend to one lakh rupees.

(2) Any other person at the instance of any member of unlawful assembly or otherwise indulging in the acts of endangerment of liberty of the couple referred to in sub-section (1) or either of them or their supporters shall also be punishable likewise.

5. Criminal Intimidation.- Any member or members of an unlawful assembly or any other person acting at their instance or otherwise who, with a view to secure compliance with the illegal decision of that assembly in relation to the marriage that is being objected to, indulges in criminal intimidation of the couple or either of them or their relatives or supporters shall be punishable with imprisonment for a term not less than three years but which may extend to five years and shall also be liable to fine which may extend to two lakh rupees:

Provided that if the threat be to cause harm or injury of the description referred to in second part of section 506 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), the maximum imprisonment shall extend to seven years.

Explanation.- The expression 'criminal intimidation' shall have the same meaning as is given to it in section 503 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

6. Presumption.- Every person participating in an unlawful assembly shall be presumed to have also intended to commit or abet the commission of offences under sections 4 and 5.

7. Causing death or bodily injury in the name of honour.- (1) Whoever causes death of a couple or either of them on the basis that marriage of such couple has dishonoured, or brought disrepute to, the caste, community or family shall be punished with death, or with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine which may extend to five lakh rupees.

(2) Whoever causes grievous hurt to a couple or either of them on the basis that marriage of such couple has dishonoured, or brought disrepute to, the caste, community or family shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and with fine which may extend to three lakh rupees.

(3) Whoever causes simple hurt to a couple or either of them on the basis that marriage of such couple has dishonoured, or brought disrepute to, the caste, community or family shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years and with fine which may extend to two lakh rupees.

8. Punishment for abetment, attempt or conspiracy .- Whoever abets, attempts or conspires to commit an offence under this Act shall be punished in the same manner as if he had himself committed that offence.

9. Power to prohibit certain acts and taking preventive measures.- (1) The Sub Divisional Magistrate or the District Magistrate shall receive any request or information from any person or persons seeking protection from any unlawful assembly or from any other person who are likely to or who have been objecting to any lawful marriage.

(2) Where the Sub Divisional Magistrate or the District Magistrate receives information from any source that there is a likelihood of convening of an assembly openly or in secrecy to condemn as objectionable any marriage proposed or solemnized, he shall, by order, prohibit the convening of such unlawful assembly and doing of any act towards the commission of any

offence under this Act by any person in any area specified in the order.

(3) The Sub Divisional Magistrate or the District Magistrate may take such steps as may be necessary to give effect to such order including giving appropriate directions to the police authorities concerned.

(4) The Sub Divisional Magistrate or District Magistrate shall also take such steps as may be necessary to ensure the safety of the persons targeted pursuant to the illegal decision taken by the unlawful assembly.

(5) The Sub Divisional Magistrate or the District Magistrate shall be in direct supervision of the protection and safety of the persons concerned.

10. Trial of offences under this Act.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), all offences under this Act shall be triable by a Court of Session specified by the High Court by notification in the Official Gazette.

(2) The Court of Session so notified may take cognizance of any offence without the accused being committed to it for trial upon receiving a complaint of facts which constitutes such offence, or upon a police report of such facts.

(3) When trying any offence under this Act, the notified Court of Session may also try any other offence with which the accused may, under the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), be charged at the same trial if the offence is connected with such other offence.

(4) If, in the course of any trial of any offence under this Act, it is found that the accused person has committed any other offence under this Act or any other law, the notified Court may convict such person also of such other offence and pass appropriate sentence authorized by that law.

11. Offences to be cognizable, non-bailable and non-compoundable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), all

offences under this Act shall be cognizable, non- bailable and non-compoundable.

12. Application of Code of Criminal Procedure, 1973.-

Save as otherwise provided in this Act, the provisions of the Code of Criminal procedure, 1973 (Central Act No. 2 of 1974) shall apply to the proceedings under this Act.

13. 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.

STATEMENT OF OBJECTS AND REASONS

There has been a spurt in illegal intimidation by self-appointed bodies for bringing pressure against Sagotra marriages and inter-caste, inter-community and inter-religious marriages between two consenting adults in the name of vindicating the honour of family, caste or community. In a number of cases, such bodies have resorted to incitement of violence and such newly married couple or persons desirous of getting married have been subjected to intimidation and violence which has also resulted into their being hounded out of their homes and sometimes even murdered. Although such intimidation or acts of violence constitute offences under the Indian Penal Code, yet, it is necessary to prevent assemblies which take place to condemn such alliances as also to punish such acts of violence and criminal intimidation severely.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

अशोक गहलोत,
Minister Incharge.

राजस्थान सम्मान और परम्परा के नाम पर वैवाहिक संबंधों की
स्वतंत्रता में हस्तक्षेप का प्रतिषेध विधेयक, 2019

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

वैयक्तिक स्वतंत्रता संरक्षित करने के हित में और पीड़ित किये जाने से रोकने, सम्मान और परम्परा के नाम पर वैवाहिक संबंधों की स्वतंत्रता में हस्तक्षेप करने वाले विधिविरुद्ध जमावों और अन्य आचरण का प्रतिषेध करने के लिए और उससे संसक्त या आनुषंगिक विषयों के लिए उपबंध करने हेतु विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

प्रमिल कुमार माथुर,
सचिव।

(अशोक गहलोट, प्रभारी मंत्री)

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WITH THE FREEDOM OF MATRIMONIAL ALLIANCES
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(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

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PRAMIL KUMAR MATHUR,
Secretary.

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