



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 136 দিশপুৰ, শুক্ৰবাৰ, 15 মাৰ্চ, 2024, 25 ফাগুন 1945 (শক)
No. 136 Dispur, Friday, 15th March, 2024, 25th Phalgun, 1945 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 15th March, 2024

No. LGL.16/2024/8.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 14th March, 2024 is hereby published for general information.

ASSAM ACT NO. VIII OF 2024

(Received the assent of the Hon'ble Governor on 14th March, 2024)

THE ASSAM HEALING
(PREVENTION OF EVIL) PRACTICES ACT, 2024

AN ACT

Preamble	<p>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.</p> <p>It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows:-</p>
Short title, extent and commencement	<p>1. (1) This Act may be called the Assam Healing (Prevention of Evil Practices) Act, 2024.</p> <p>(2) It extends to the whole of the State of Assam.</p> <p>(3) It shall come into force at once.</p>
Definitions	<p>2. In the Act, unless the context otherwise requires -</p> <p>(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.</p> <p>(b) “Government” means the Government of Assam.</p> <p>(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.</p> <p>(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.</p> <p>(e) “prescribed” means prescribed in rules framed under the Act.</p> <p>(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.</p>
Prohibition of healing practices for treatment of certain diseases and health disorder	<p>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.</p>
Prohibition of misleading advertisement of for healing practices	<p>4. No person shall take any part in any sort of advertisement relating to any kind of medicine or remedy directly or indirectly relating to any false claim or misleading to any particular material.</p>

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 rupees fifty thousand or with both; (b) in case of a subsequent conviction, with imprisonment which may extend upto five years, or with fine of rupees 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 shall 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 upto two years or with fine which may be extended upto 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.

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.