

The Odisha Prevention Of Witch-Hunting Act, 2013

ODISHA

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Act 03 of 2014

- Published in Gazette 03 on 25 February 2014
- Assented to on 25 February 2014
- Commenced on 25 February 2014
- [This is the version of this document from 25 February 2014.]
- [Note: The original publication document is not available and this content could not be verified.]

The Odisha Prevention Of Witch-Hunting Act, 2013[25th February, 2014]Act No. 3 of 2014An Act to provide for effective measures to tackle the menace of witch-hunting and to prevent the practices of witch craft in the state of Odisha and for matters connected therewith and incidental thereto.BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows: —

1. Short title, extent and commencement.

(1)This Act may be called the Odisha Prevention of Witch-hunting Act, 2013.(2)It extends to the whole of the State of Odisha.(3)It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions

In this Act, unless the context otherwise requires, --(a)"Witch" means a woman, locally known as "Dahani", "Doyen" or otherwise, who has been identified by any person or persons believing her to be in possession of, or is having, any evil power for causing any harm to any person or his property;(b)"Witch craft" means use of supposed supernatural or magical power with evil intention to call up spirit or cast spell or discover the whereabouts of stolen goods and includes such other similar practices which are locally known as "Guni", "Jhada phunka", "Cot Bidya", 'Bata Bidya", "Kula Bidya", "Nakha Darpana" or by any other name;(c)"Witch-doctor" means a person who claims to be a Gunia, Tantrik, Kalisi or by any other name called and, claims or is believed to be having supernatural or magical power to control or to cure a witch or by performing rituals to free a woman from evil spirit or bless a woman with a child or performs any ritual on behalf of any person with an intention to harm a person;(d)"Witch- hunting" means any act of omission, commission or conduct on the part of any person,—(i)identifying, accusing or defaming a woman as a witch, or(ii)harassing, harming or injuring such-woman whether mentally or physically or damaging her property.

3. Prohibition of witch-hunting and practising witch craft.

No person shall commit witch-hunting or exercise or practise witch craft with intent to cause harm or injury to another person.

4. Penalty for witch-hunting

(1)Whoever, except in the cases provided for in sub-section (2), commits witch-hunting, or abets, or provokes for witch-hunting, shall be punishable with imprisonment for a term which may extend to three years and with fine but which shall not be less than one thousand rupees.(2)Whoever forces any woman, branding her as witch, to drink or eat any inedible substance or any other obnoxious substance or parade her with painted face or body or commits any similar acts which is derogatory to human dignity or displaced from her house, shall be punishable with imprisonment for a term which shall not be less than one year but may extend to five years and with fine.

5. Penalty for witch craft

Whoever practises witch craft or ogler similar practices with intent to cause harm or injury to any woman shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years or with fine which shall not be less than five thousand rupees or with both.

6. Penalty for witch-doctor.

Whoever performs any practice as witch doctor knowingly that such practices shall cause harm or injury to any woman upon whom such practices is being performed, shall be punished with imprisonment for a term which shall not be less than one year but may extend to three years or with fine which shall not be less than five thousand rupees or with both.

7. Enhancement of the punishment.

Whoever, having already been convicted of an offence punishable under this Act, is convicted for the second offence or any offence subsequent to second offence, shall be punishable with imprisonment for a tun) which shall not be less than three years but may extend to seven years and with fine which shall not be less than ten thousand rupees.

8. Act not in derogation of any other law.

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other kw for the time being in force.

9. Order for compensation.

(1)Where a sentence of fine is imposed under sections 4,5,6 and 7 the Court shall, in king the amount of fine, take into considaution the physical and mental damage caused to the victim including any cost of thunnent and also damage, if any, caused to the property.(2)When a Court imposes sentence of fine, the Court shall while passing judgment, order the whole or part efthe fine recovered to be awarded as compensation to the victim.

10. Offence to be cognizable and non-bailable.

Every offence under this Act shall be cognizable and non-bailable.

11. Preventive action to be taken by the State Government.

The State Government may make one or more schemes to conduct awareness programs on blind belief and educate people about the absurd concept of evil spirit, witch craft and for such other matters as the State Government may deem proper.