

Rajasthan Prevention of Witch-hunting Rules, 2016

RAJASTHAN

India

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Rule

RAJASTHAN-PREVENTION-OF-WITCH-HUNTING-RULES-2016 of 2016

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Rajasthan Prevention of Witch-hunting Rules, 2016Published vide Notification No. G.S.R. 132, dated 7.1.2016G.S.R. 132. - In exercise of the powers conferred by sub-Section (1) of Section 15 of the Rajasthan Prevention of Witch-hunting Act, 2015 (Act No 14 of 2015), the State Government hereby makes the following rules, namely: -

1. Short title, extent and commencement.

(1)These rules may be called the Rajasthan Prevention of Witch-hunting Rules, 2016.(2)They shall come into force on such [date] [Came into force w.e.f. 26th January, 2016 vide Notification. No. F. 16(1)(40)DWE/WPC/13/Part-II/43045, dated. 22.1.2016, Published in Rajasthan Gazette, Extra ordinary, Part IV(C)(I), G.S.R. 138, dated. 22.1.2016, p. 229.] as the Rajasthan Government may, by notification in the official Gazette, appoint.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Rajasthan Prevention of Witch-hunting Act, 2015 (Act No. 14 of 2015);(b)"Authority" means the authority specified under Rule 4; and(c)"Section" means section of the Act.(2)Words and expressions used but not defined in these rules and defined in the Act shall have the same meanings as assigned to them in the Act.

3. Manner of inquiry.

(1)For the inquiry under sub-Section (1) of Section 8, an officer not below the rank of Sub-divisional Magistrate shall be appointed by the State Government.(2)The inquiry officer appointed under sub-rule (1) shall issue a public notice specifying the date, time, place of inquiry and calling upon all

the residents of the area in respect of which the inquiry is to be held to furnish such information and materials, including documents in their possession, as may be relevant for the purposes of the inquiry;(3)The public notice issued under sub-rule (2) shall be in Hindi language, same shall be, - (i)published on the notice board in the offices of the District Magistrate, District Superintendent of Police, Village Panchayat or Local Body of the area and such other places as the inquiry officer deems fit and at least in one daily newspaper circulating in the area; and(ii)proclaimed in the area by beat of drum or in such other manner as the inquiry officer may think best in the circumstances or bring the contents of the public notice to the notice of inhabitants of the area.(4)The inquiry officer, while making inquiry shall follow, as nearly as practicable, the procedure for summary trials including the recording of evidence as laid down in Chapter-XXI of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).(5)The inquiry officer shall complete the inquiry as expeditiously as possible and submit his report to the State Government within a period of six weeks or within a period specified by the State Government in the Order of appointment of the inquiry officer:Provided that the State Government may, having regard to the nature of the inquiry, extend the period of submission of the report.

4. Petition.

(1)Any person aggrieved by the imposition of a collective fine, under sub-Section (1) of Section 8, may within a period of thirty days from the date of the notification under sub-Section (2) of Section 8. file a petition before Authority consisting of the following, namely: -

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| (a) Additional Chief Secretary/ Principal Secretary, Home Department | - Chairperson; |
| (b) Special Secretary, Law Department (to benominated by Principal Secretary, Law Department) | - Member |
| (c) Commissioner/Director, Women Empowerment | - Member |
| (d) Director, Social Justice and Empowerment | - Member |
| (e) Joint Secretary (Gr.13), Home Department | - Member Secretary |

Provided that the authority, may entertain the petition after the expiry of the said period of thirty days, if it is a satisfied that the petitioner was prevented by sufficient cause from filing the petition within time.(2)Petition may be filed on plain paper along with documents, if any, stating the reasons for exemption from fine or for the modification of the order of apportionment of fine.

5. Precautionary and Preventive Measures.

- With a view to prevent offence punishable under the Act, the State Government in pursuance of Section 11(3) shall, - (i)identify the area where it has reason to believe that offence may take place or there is an apprehension of re-occurrence of an offence under the Act;(ii)order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation;(iii)set-up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act;(iv)set-up Awareness Centers and organize Workshops in the identified area or at some other place to educate the persons about their duties

and the protection available to Victim Woman under the provisions of any enactment of rules, regulations and schemes framed thereunder;(v)encourage Non-Government Organization for establishing and maintaining Awareness Centers and organizing Workshops;(vi)deploy special police force in the identified area; and(vii)on any other measure deemed fit.

6. Spot inspection by officers.

(1)Whenever the District Magistrate or the Sub divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives information from any person or upon his own knowledge that an offence has been committed under the Act within his jurisdiction, he shall immediately visit the place of occurrence and submit a report to the State Government.(2)The District Magistrate and the Superintendent of Police shall ensure that, -(i)the First Information Report is registered in the concerned police station effective measures for apprehending the accused are taken;(ii)such police force has been deployed in the area and such other preventive, measures as may deem proper and necessary have been taken;(iii)detailed report about commission of offence under the Act, loss and damage to the property of the victim has been prepared;(iv)effective and necessary steps to provide protection to the witnesses and other sympathizers of the victim have been taken;(v)immediate relief to the victim has been provided; and(vi)any other measure is taken, if required.

7. Action to be taken by the State Government.

- The State Government shall direct the Director General of Police for, -(i)conducting survey of the identified area;(ii)maintaining public order and tranquility in the identified area;(iii)recommending for deployment of special police force or establishment of special police post in the identified area;(iv)making investigations about the probable causes leading to an offence under the Act;(v)restoring the feeling of security to the Victim Woman;(vi)making enquiries about the investigation and spot inspections conducted by various officers;(vii)making enquiries about the action taken by the Superintendent of Police in the cases where an officer-in-charge of the police station has refused to enter an information in a book to be maintained by the police station;(viii)making enquiries about the willful negligence of a public servant, in any; and(ix)or any other measure deemed fit.

8. Appointment of a special officer.

- In the identified area, the State Government in pursuance, of Section 12, may by notification shall appoint a Special Officer not below the rank of a Programme Officer or equivalent rank of Woman Empowerment Department to co-ordinate with the District Magistrate, Superintendent of Police or other officer responsible for implementation of the Act. The Special Officer shall be responsible for, -(i)providing immediate relief and other facilities to the victims of offence;(ii)setting up an awareness centre and organizing workshop in the identified area or at any other place to educate the person about their duties and the protection available to the Victim Woman under the provisions of State enactments or rules and schemes etc. framed thereunder.(iii)coordinating with the Non-Governmental Organizations and providing necessary facilities to Non-Governmental

Organization for maintaining centers and organizing workshops;(iv)organize the legal literacy camps; and(v)or any other measure deemed fit.

9. Travelling allowance, daily allowance to the victim of offence and her dependent and witnesses.

- The State Government in pursuance of Section 12 shall make provisions for travelling allowance, daily allowance to the victim of offence and her dependent and witnesses, -(i)every victim of offence and witnesses shall be paid to and for rail fare by second class in express/mail/passenger train or actual bus fare from his/her place of residence or from his/her place of stay to the place of investigation or hearing of trial of an offence under the Act;(ii)every women witness, the victim of offence, a person more than sixty years of age and person having 40 percent or more disability shall be entitled to be accompanied by an attendant of her choice. The attendant shall also be paid travelling expenses as applicable to the witness or the victim of offence when called upon during hearing, investigation and trial of an offence under the Act;(iii)the witness, the victims of offence and the attendant shall be paid daily expenses for the days she is away from the place of her residence or stay during investigation, hearing and trial of an offence, at such rates but not less than the minimum wages as may be fixed by the State Government for the agricultural labourers;(iv)the payment of travelling allowance, daily allowance, shall be made immediately or not later three days by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate to the victims/attendant and witnesses for the days they visit the investigating officer or in-charge police station or hospital authorities or Superintendent of Police/Deputy Superintendent of Police or District Magistrate or any other officer concerned or the concerned Court.

10. Measures to be taken by the district administration.

(1)In pursuance of clause (i) of Section 12, the district administration, shall, -(i)make arrangements for providing immediate relief which shall include food, water, clothing, shelter, free medical treatment, transport facilities and other essential items necessary for human beings. In case relief is required for the victim woman or her family members or both in form of cash or in kind, it shall be provided by the respective Zila Mahila Sahayata Samiti (ZMSS) or any other existing district level committee with similar constitution and mandate, keeping in view the conditions of the victim and her family members;(ii)take any other measure, if required.(2)The relief provided under sub-rule (1), shall be in addition to any other right to claim compensation for death, injury or damage to property under any other law for the , time being in force.

11. Model Action plan by the State Government.

- The State Government shall prepare a model action plan in pursuance of Section 12 of the Act. It should specify the role and responsibility of various departments and their officers at different levels, the role and responsibility of Rural/Urban Local Bodies and Non-Governmental Organizations. This plan shall contain a package of relief measures including the following, -(a)scheme to provide immediate relief under the existing schemes;(b)scheme for strengthening the

socio-economic condition of the victim;(c)allotment of the agriculture land and house sites;(d)scheme for Rehabilitation;(e)schemes for employment in government or government undertaking to the dependent of the victim;(f)pension Schemes for Widows, dependent children of the decease, handicapped or old age victim;(g)provision for providing brick/stone masonry house to the victim;(h)such other elements as health care, supply of the essential commodity, electrification, education, drinking water facility etc; and(i)or any other measure deems fit.

12. Constitution of district level vigilance and monitoring committee.

- The district level monitoring committee constituted for the Beti Bachao Beti Padhao Scheme (BBBP) or any other existing district level committee with similar constitution and mandate shall be authorized to review, -(i)the implementation of the provisions of the Act;(ii)relief and rehabilitation facilities provided to the victims and other matters connected therewith;(iii)prosecution of cases under the Act;(iv)role of different officers/agencies responsible for implementing the provisions of the Act; and(v)various reports received by the District Administration.