

Prevention Of Witch Practices Act, 1999

9 of 1999

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An Act To provide for the effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in Tribal areas and else where in the State of Bihar and to eliminate the woman's torture, humiliation and killing by the society and for any other matter connected therewith or which are incidental thereto. Be it enacted by the Legislature of the State of Bihar in the fiftieth year of the Republic of India as follows:-- 1. Published in the Bihar-Gazette (Ext. Ord.) dated 27.10.1999.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Prevention of Witch (Daain) Practices Act, 1999.
- (2) It extends to the whole of the State of Bihar.
- (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.--

- (1) Code means the Code of Criminal Procedure, 1973.
- (2) Witch (Daain) means a woman who has been identified as a

witch by some one else having the power of intention of harming any person through the art of black magic, evil eyes, or "Mantras" and it is deemed that she will harm alleged harm any way to other person/persons or the community at large, in any manner.

(3) Identifier.-- An Identifier means a person who initially identifies or takes the initiative in identifying any other person as Witch (Daain) or who otherwise abets, instigates or facilitates such an identification in any manner by deliberate action, manner, words, etc., for causing harm to the person and his/her safety, security and reputation whom he identifies as a witch (Daain);

(4) "Ojha" means a person who claims himself to be "Ojha" and have a capacity to attain control over witch (Daain) whether he is known in the name of "Guni" or "Shekha" or any other name/names.

3. Identification Of Witch (Daain) :-

Whoever identifies any person as Witch (Daain) and does any Act towards such identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1,000 or with both.

4. Damages For Causing Harm :-

Any person who cause any kind of physical or mental torture to any women by identifying that her as a Witch (Daain) whether deliberately otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs. 2,000 or with both.

5. Abetment In The Identification Of Witch (Daain) :-

Any person who intentionally or inadvertently abets, conspires, aids, instigates any other person or persons of the society whether in identification of any woman as a Witch (Daain) with an intention to cause by anyone to that to harm shall be punished with imprisonment for a term which extend to 3 months or with fine of Rs. 1000 or with both.

6. Witch (Daain) Curing :-

Whoever does any act of so healing allegedly or purportedly and of curing any woman said to the Witch (Daain) by doing any act of "Jhadphook" or "Totka" and" thereby causing any kind of physical

or V mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with fine of Rs. 2,000 or with both.

7. Procedure For Trial :-

All offences of this Act shall be cognizable and non-bailable.

8. Power To Make Rules :-

The State Government may by notification in the official Gazette, make such rules as are necessary to carry out the provisions of this Act.