

CHHATTISGARH TONAHİ PRATADNA NIVARAN ACT, 2005

2-22-*FTZ ZRZ./38 fē. 30-5-2001. ' 250] ai.aßW17'2002. ' 26-9-2005 30 8, 1927 30 2005 499 soo exa, 3c 2005 2005 17 zoos). 3-7frfi-q--q i,- 2. 36. 3. 4. S. 6, (1) -(2) (3) (4) ' 3Tfi% ; 1973 (1974 2). t, qia ü-li* 7. 8. 9. 10. 11. 12. 13. 14. 16. 30 200S 3id1f-a 1973 (1974 2) q,— (2) 1973 2 1974) 360 Afi-& 1958 20 1958) 18 a. 4, s 6 qg'i 34fi.trfid t, zn -q-tf soc (1) yq-au -1973 360 19s8 soo (2) 30 2005 30 2005 348 (3) 34füfiu•q, 2005 17 2005) t. THE CHHATTISGARH TONAHİ PRATADNA NIVARAN ACT, 2005 (No. 17 of 2005) Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth year of the Republic of India as follows Short title. extent *nd commencement. Definitions

2. Act Lat in derogation of any other [*w

3. Punishment for identify• ing 'IbnahL 4.Punishment tar hanes. meat. 5. (1) (2) (3) This Act may be called the Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam

2005. IE extends to the whole State of Chhattisgarh.It shall come into force from the date or its publication in the Official Gazette. In this Act, unless the context otherwise requires,— (2) (3) (4) (5) "Tonahi" means person indicated by any person or persons that he will harm or possesses power to harm or (hereby he intends to harm any other person or persons or society or animal or living things by black rnagic, evil eye cr by any other means, whether known as Dayan, Tonaha or by any other names. "Identifier" means person who indicates any person as Tonahi or induces other person to indicate or by his decd. words, gesture or behaviour helps to indicate or knowingly does anything so, thereby on the basis of such indicatipn that person may be harmed or apprehended to be harmed or his security and honour may be adversely affe&d. "Ojha" may he be known by any other name what so ever, means person who claims to posses power to control, cure, treat Tonahi or any person'or animal or living things alleged to be affected by Tonahi and make him powerless, by jharphook, totka, tantra-mantra or by any means. "Damage" includes physical, mental and economic harm and harm to reputa- tion. "Code" means the Code of Criminal Procedure, 1973 (No. 2 of 1974). The Provision or this ACE shall.be in addition to and not in gerogation other law for the ti_me being in force. Whoever identifies any person as tonahi by any means shall be punished with rigorous imprisonment for a term which may extend to 3 years and algo with fine. Whoever causes physical or mental harassment or damage to any person identified by him or any person as tonahi shall be punished with rigorous imprisonment for a term which" may extend to 5 years and also with fine. 6.. 8. 9. 10. 11. 12. 13. 14. 15. 16. 30 2005 Whoever does any act ofjhar-phook, totka, use of tantra-mantra or anything as Ojha upon any person indicated as a mahi or any other person OT animal or living thing alleged to be affected by such tonahi, under any claim of treatment or control shall be punished with rigorous imprisonment for a term which may enend to 5 years and also with fine. Whoever claims to have power to ha.rm any person or animal or living things by black magic, evil eye or by any other means and publicizes it and tries to disturb the public tranquility or peace or causes annoyance or harms others shali be punished with rigorous imprisonment for a tet•rn which may extend to one year and also with fine. Whoever attempts to commit any offence punishable under this Act or to cause such offence to be committed and in such attempt does any Act towards the commission of the offence shall be punished with the punishment provided for the offence. Every offence under this Act shall be triable by the Judicial Magistrate First Class. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), (a) (b) every offence punishable under this Act shall be cognizable and nonbailable. no person accused of an offence punishable under this Act shall be released on bail or on his own bond unless, the public prosecutor has been given an oppor- tunity to oppose the application for such release. Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) or in the Probation of Offenders Act, 1958 (No. 20 of 1958) shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age. Where a sentence of fine is imposed under Sections 4, 5 and 6, the court in fixing the amount of the fine shall take into consideration the physical and menta: damage caused to victim including any cost of treatment. When a court imposes sentence of fine, the court shall when passing judgment, order the whole or part of [he fine recovered to be awarded as compensation to the victim. No Civil court shill en:errain any suit or proceeding against any decision made or order passed by any officer or authority under this Act or any rule made thereunder. No suit, prosecution or other legal proceeding shall lie against the State Governmem or any officer of the State

Government or any other person exercising any power or discharging any function or performing any duty under this Act, for anything done good faith or intended to be done under this ACE or any rule made thereunder. The State Government may, by notification make the rules to carry out the provisions of this Act. Every rule , ade under this Act by the state government shali be laid. as soon as may be after it i: .aadc. before the stare-legislature. 500 (3) Punishment for 811eged curing. Punishment for claiming to be tonnhi. Punishment for attempt to commit offence. of offences under the Act, Offences to be cognizable and nonbailable. Application or Section 360 of the Code or Cri.ni- Procedure, 1973 and of lthe Probetinn of Of- fenders Act

1958. Matters to be taken intu consideration for fixing Order for Compensa- Bon.Bar of Jurisdiction. Protection of Action taken in good faith. Power to mgke Rule. - 2005.

