

# THE FREEDOM OF MARRIAGE AND ASSOCIATION AND PROHIBITION OF HONOUR CRIMES BILL 2022

## *A Bill*

to provide for, in the interests of protecting individual liberty and preventing victimization, prohibition of unlawful assemblies and other conduct interfering with the freedom of marriage and association in the name of honour and tradition and for the matters connected therewith or incidental thereto.

## Chapter I

### 1. Short title, extent and commencement.

- (1) This Act may be called The Freedom of Marriage and Association and Prohibition of Honour Crimes Act 2022.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### 2. Definitions.- In this Act, unless the context otherwise requires,-

- i.) “assemble”, “congregate” or “gather” includes acting in concert through the use of any technological means or medium;
- ii.) Person: A person who has completed 18 years of age.
- iii.) ‘Respondent’<sup>1</sup> is any person or persons, whether he, she or they are members of the victim’s family, or person or persons acting in concert with or at the behest of a member of the family or a member of a body or group of the caste or clan or community or caste panchayat (by whatever name called), or participates or incites such an act
- iv.) “social and economic boycott” includes all such acts as are calculated to lead to the boycott or enforcement of social or economic sanctions and includes the following acts, namely:-
  - (i) Bringing pressure on the couple or their families or relatives to leave the village or area of residence concerned;

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<sup>1</sup> Term taken from Protection of Women from Domestic Violence Act, 2005, definition from the Rajasthan Prohibition Of Interference With the Freedom of Matrimonial Alliances In the Name of Honour And Tradition Bill, 2019 and The Prevention of Crimes in the Name of ‘Honour’ & Tradition Bill, 2010 by NCW

- (ii) a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others,<sup>2</sup>
  - (iii) Indulging in any conduct which will impede or is likely to impede, access to markets, community facilities, places of worship or any other necessities of life;
  - (iv) Divesting or dispossessing the couple or their families of any land or property belonging to them or imposition of fine or penalty of any kind;
  - (v) a refusal to deal with, work for hire or do business,<sup>3</sup>
  - (vi) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or
  - (vii) to abstain from any professional or business relations
- v.) “marriage” includes proposed or intended marriage;
- vi.) Association:** Any person joining another person, as a partner, friend, or companion, or to have a relationship with another person.

**vii.) Khap / Caste panchayat:** Caste or community groups consisting of persons of the same lineage, religion or caste that have given themselves the power illegally to punish persons or pass orders against persons for acts including inter-caste marriages and relationships, when have exercised their choice to get married against the wishes of their elders or contrary to the customary practice of the clan<sup>4</sup>;

## Chapter II Freedom to Marry and of Association

### 2.3. Freedom to Marry and of Association

- (1) All persons have the right to control their own lives, a right to liberty and freedom of expression, and a right of association, movement and bodily integrity. They have a right to choose their own partners, the right to marry or to associate with any person of their choice.
- (2) The consent of a person’s family, community, caste or clan is not necessary once the two adult individuals agree to enter into a marriage or a relationship.<sup>5</sup>
- (3) Any action to prevent the exercise of the rights referred to in sub-section (1) by any person or a group of persons shall amount to an offence under the provisions of this Bill.<sup>6</sup>
- (4) Declaration by a Couple of intention to be together:  
Any two persons desirous of marrying each other or being in a relationship with each other or associating with each other shall be entitled to declare their age and willingness to be together, in oral or in writing before any Government

<sup>2</sup> SC/ST Prevention of Atrocities Act

<sup>3</sup> SC/ST Prevention of Atrocities Act

<sup>4</sup> *Shakti Vahini vs. Union of India (UOI) and Ors.*

<sup>5</sup> *Shakti Vahini v. Union of India and Ors.* \_\_\_\_\_

<sup>6</sup> 2015 Bill

official who shall send the said information to the nearest police station and no action shall be taken by the Police and / or any other authority or at the instance of any their party, including the family members or relatives or community members of either party or any third party, against the said couple.<sup>7</sup>

### **Chapter III** **Prohibition of Honour Crimes**

#### **3.4. Honour Crimes:**

1. Commission of any acts in the name of caste, culture, custom, religion, tradition or so-called “honour” against any person or persons on the ground that the person has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.<sup>8</sup> Honour crimes would include but are not limited to:
  - (i) Declaring the couple, who have got married as a brother and sister,
  - (ii) Extraditing the couple or their family or relatives from the village or area they live in,
  - (iii) Abducting the victim and / or their partner or anyone associated with them<sup>9</sup>
  - (iv) Asking the couple or anyone associated with them or harbouring them to pay a fine,
  - (v) Imposing social and economic boycott on the couple or their family or anyone associated with them,
  - (vi) Harassing the couple or either of them not to meet or associate with or live with each other, by physically visiting them or through any means of communication,
  - (vii) Threatening the couple or either of them or their family or anyone associated with them of retributive action of any kind whatsoever,
  - (viii) Causing death, physical harm or injury to the girl or the couple or anyone connected with them.
  - (ix) Individually or collectively exhorting or bringing pressure directly or indirectly upon any person or persons to prevent or disapprove of the marriage or association which is objected to, or to generate an environment of hostility towards such couple or either of them or their supporters,<sup>10</sup>
  - (x) Committing any atrocity as defined under the SC/ST Prevention of Atrocities Act 1989;
  - (xi) Any other act or acts of harassment or intimidation, whether physical or mental or psychological against the person, the couple or persons supporting them.

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<sup>7</sup> NCW Bill 2010

<sup>8</sup> The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

<sup>9</sup> *Ravi Kumar and Ors. v. State of Haryana and Ors.* (31.08.2021 - PHHC) : MANU/PH/0688/2021

<sup>10</sup> Rajasthan Bill

2. **Prohibition of Unlawful Assembly.-** No person or any group of persons shall gather, assemble or congregate at any time with the view or intention to deliberate on, or condemning any marriage or relationship on the basis that such marriage or association has dishonoured the caste, community, religion, tradition or brought disrepute to all or any of the persons forming part of the assembly or the family or the people of the locality concerned.

#### **4.5. Power of court to issue injunctions**

- (1) Notwithstanding anything to the contrary contained in this Act, if, on an application of any person, or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that an honour crime in contravention of this Act has been arranged or is about to be committed, such Magistrate shall issue an injunction against any person including a member of an organisation or persons or Khap / Caste Panchayat prohibiting such act.
- (2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of an act of honour crime taking place.
- (3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take suo motu cognizance on the basis of any reliable report or information.
- (4) Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.
- (5) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.
- (6) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).
- (7) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.
- (8) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both: Provided that no woman shall be punishable with imprisonment.

### **Chapter IV Offences and Penalties**

#### **5.6. Honour crimes**

Whoever causes any honour crimes as defined in Section 4 (1), not amounting to honour killing or grievous hurt and injury as provided in sections 7 and 8 below, shall be punishable with imprisonment of a term not less than two years but which may extend to five years shall also be liable to fine which may extend to one lakh rupees.

**6.7. Honour Killing:** Whoever causes death through any means or commits any such act that results in death of a couple or either of them or any person on the basis of an honour crime, shall be punished with imprisonment for life, which shall mean imprisonment

for the remainder of that person's natural life, and with fine which may extend to five lakh rupees.

**7.8. Grievous Hurt and Injury:**

- (1) Whoever causes grievous hurt to a couple or either of them as an honour crime shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and with fine which may extend to three lakh rupees.
- (2) Whoever causes simple hurt to a couple or either of them as an honour crime, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years and with fine which may extend to two lakh rupees.

Explanation.- The expressions 'grievous hurt' and 'simple hurt' shall have the same meaning as is given to it in sections \_\_\_\_\_ of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

**8.9. Unlawful assembly:**

- (1) Any gathering or assembly or congregation as described in Section 4 (2) shall be treated unlawful and every person convening or organizing such assembly and every member thereof participating therein directly or indirectly shall be punishable with imprisonment for a term not less than six months but which may extend to five years and shall also be liable to fine which may extend to one lakh rupees.
- (2) Any other person at the instance of any member of unlawful assembly or otherwise indulging in honour crimes shall also be punishable likewise.

**9.10. Criminal Intimidation.-** Any member or members of an unlawful assembly or any other person acting at their instance or otherwise who, with a view to secure compliance with the illegal decision of that assembly in relation to the marriage that is being objected to, indulges in criminal intimidation of any person, or the couple in question or either of them or their relatives or supporters as honour crimes, shall be punishable with imprisonment for a term not less than three years but which may extend to five years and shall also be liable to fine which may extend to two lakh rupees:

Provided that if the threat be to cause harm or injury of the description referred to in second part of section 506 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), the maximum imprisonment shall extend to seven years.

Explanation.- The expression 'criminal intimidation' shall have the same meaning as is given to it in section 503 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

**10.11.** Whoever knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence;

**11.12. Punishment for abetment, attempt or conspiracy .-** Whoever abets, attempts or conspires to commit an offence under this Act or encourages or assists suicide of the

victim<sup>11</sup> shall be punished in the same manner as if he had himself committed that offence.

**12.13. Presumption as to offences:**

- (1) Every person participating in an unlawful assembly shall be presumed to have also intended to commit or abet the commission of offences under Section 9 (1) of this Act.
- (2) In a prosecution for an offence under this Chapter, if it is proved that—
  - (a) the accused rendered <sup>1</sup> [any financial assistance in relation to the offences committed by a person accused of], or reasonably suspected of, committing, an offence under this Chapter, the Court shall presume, unless the contrary is proved, that such person had abetted the offence;
  - (b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding marriage or association of any person, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object;

**13.14. Burden of Proof:**

Where any person or persons is or are prosecuted for offences under this Act, the burden of proving that he or they have not committed the offence or offences under the said sections shall be on him or them.

**14.15. Offences to be cognizable, non-bailable and non-compoundable.-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), all offences under this Act shall be cognizable, non-bailable and non-compoundable.

**15.16. Rights of Victims and Witnesses<sup>12</sup>**

- (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.
- (2) A victim or her dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
- (3) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.
- (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Court trying a case under this Act shall provide to a victim, her dependent, informant or witnesses--
  - a. the complete protection to secure the ends of justice;
  - b. the travelling and maintenance expenses during investigation, inquiry and trial;

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<sup>11</sup> The Code for Crown Prosecutors (<https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage-guidance-identifying-and-flagging>; accessed at 11.46 am, 27<sup>th</sup> April 22)

<sup>12</sup> SC/ST Prevention of Atrocities Act

- c. social-economic rehabilitation during investigation, inquiry and trial; and relocation.
- (5) The Court shall periodically review the protection being offered and pass appropriate orders.
  - (6) The Court may, on an application made by a victim, informant or witness in any proceedings before it or by the Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public, issuing directions for non-disclosure of the identity and addresses of the witnesses or take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection and any other measures it deems appropriate. :
  - (7) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.
  - (8) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the rights and entitlements of victims and witnesses due to honour crimes, and such scheme may include provision of immediate relief in cash or kind of victims of honour crimes, to provide relief in respect of death or injury or damage to property; to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims; to provide the maintenance expenses to victims; to provide the protection to victims or their dependents and witnesses from intimidation and harassment and any other measures.

## **Chapter V**

### **Positive Obligations and Duties**

#### **16-17. Power to prohibit certain acts and taking preventive measures.-**

- (1) Any person / persons can make complaints, file representations or letters to the Sub Divisional Magistrate or the District Magistrate or the jurisdictional police seeking protection from any unlawful assembly or from any other person who are likely to or who have been objecting to any lawful marriage.
- (2) Upon receiving such complaint or representation, the Sub-Divisional Magistrate, District Magistrate shall within 24 hours take appropriate steps to provide protection to the said person, including giving appropriate directions for the same to the police. The police., if they receive such a complaint, or request for protection, shall within 24 hours provide protection and safety measures to the said persons, in such manner as they deem fit, but not limited to providing them assistance of the police, finding a shelter home and by any other means.
- (3) The Sub-Divisional Magistrate or the District Magistrate shall be in direct supervision of the protection and safety of the persons concerned.
- (4) If information about any proposed gathering of a khap / caste panchayat comes to the knowledge of any police officer or any officer of the District Administration, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police and Superintendent of Police.

- (5) On receiving such information, the Deputy Superintendent of Police (or such senior police officer as identified by the State Governments with respect to the area/district) shall immediately interact with the members of the Caste Panchayat and impress upon them that convening of such meeting/gathering is not permissible in law and to eschew from going ahead with such a meeting. Additionally, he should issue appropriate directions to the Officer In-charge of the jurisdictional Police Station to be vigilant and, if necessary, to deploy adequate police force for prevention of assembly of the proposed gathering.
- (6) Where the Sub-Divisional Magistrate or District Magistrate receives information from any source that there is a likelihood of convening of an assembly whether openly or in secrecy to condemn as objectionable any marriage proposed or solemnized, he or she shall by order prohibit the convening of such unlawful assembly and the doing of any act towards the commission of an offence under this Act by any person in any area specified thereunder and such order shall be immediately published in a local newspaper and delivered to such persons of the said unlawful assembly
- (7) The Sub-Divisional Magistrate or District Magistrate may take such steps as may be necessary to give effect to such order including by giving appropriate directions to the police authorities concerned.
- (8) The District Magistrate shall also take such steps as may be necessary to ensure the safety of the persons targeted pursuant to the illegal decisions taken by the unlawful assembly.<sup>13</sup>
- (9) Whoever contravenes any such order made under sub-section (4) shall be punishable with imprisonment for a term which shall not be less than six months but may extend to two years and with fine.<sup>14</sup>
- (10) Every official called upon to act in terms of the above provisions shall be accountable for their lapses, omissions or failures and the concerned State Governments shall provide for and take such action against them as may be deemed fit for their lapses, omissions or failure to act.
- (11) If the Deputy Superintendent of Police has reason to believe that the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family, he or she shall forthwith submit a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/ Competent Authority of the concerned area for issuing orders to take preventive steps under the Cr.P.C. including by invoking prohibitory orders under Section 144 CrPC and also by causing arrest of the participants in the assembly under Section 151 CrPC.
- (12) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that the Khap Panchayat has taken place and it has passed any diktat to take action against a couple/family of an inter-caste or inter-religious marriage (or any other marriage which does not meet their acceptance), the jurisdictional police official shall cause to immediately lodge an F.I.R. under the appropriate provisions of the Indian Penal Code including Sections 141, 143, 503 and 506 of the IPC.
- (13) Upon registration of F.I.R., intimation shall be simultaneously given to the Superintendent of Police/ Deputy Superintendent of Police who, in turn, shall ensure that effective investigation of the crime is done and taken to its logical end with promptitude.

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<sup>13</sup> Law Commission Bill, 2011

<sup>14</sup> NCW Bill 2010

- (14) Additionally, immediate steps should be taken to provide security to the couple/family and, if necessary, to remove them to a safe house within the same district or elsewhere keeping in mind their safety and threat perception. The State Government may consider of establishing a safe house at each District Headquarter for that purpose. Such safe houses can cater to accommodate couples whose relationship is being opposed by their families /local community/Khaps and (ii) young married couples (of an inter-caste or inter-religious or any other marriage being opposed by their families/local community/Khaps). Such safe houses may be placed under the supervision of the jurisdictional District Magistrate and Superintendent of Police.
- (15) The District Magistrate/Superintendent of Police must deal with the complaint regarding threat administered to such couple/family with utmost sensitivity. If necessary, they may be provided logistical support for solemnising their marriage and/or for being duly registered under police protection, if they so desire. After the marriage, if the couple so desire, they can be provided accommodation on payment of nominal charges in the safe house initially for a period of one month to be extended on monthly basis but not exceeding one year in aggregate, depending on their threat assessment on case-to-case basis.
- (16) The initial inquiry regarding the complaint received from the couple or upon receiving information from an independent source that the relationship/marriage of such couple is opposed by their family members/local community/Khaps shall be entrusted by the District Magistrate/ Superintendent of Police to an officer of the rank of Additional Superintendent of Police. He shall conduct a preliminary inquiry and ascertain the authenticity, nature and gravity of threat perception. On being satisfied as to the authenticity of such threats, he shall immediately submit a report to the Superintendent of Police in not later than one week.
- (17) The District Superintendent of Police, upon receipt of such report, shall direct the Deputy Superintendent of Police in-charge of the concerned sub-division to cause to register an F.I.R. against the persons threatening the couple(s) and, if necessary, invoke Section 151 of the CrPC. Additionally, the Deputy Superintendent of Police shall personally supervise the progress of investigation and ensure that the same is completed and taken to its logical end with promptitude. In the course of investigation, the concerned persons shall be booked without any exception including the members who have participated in the assembly. If the involvement of the members of Khap Panchayat comes to the fore, they shall also be charged for the offence of conspiracy or abetment, as the case may be.

**17.18. Accountability measures:**

- (9) Any failure by either the police or district officer/officials to comply with the aforesaid directions shall be considered as an act of deliberate negligence and/or misconduct for which departmental action must be taken under the service rules.
- (10) The departmental action shall be initiated and taken to its logical end, preferably not exceeding six months, by the authority of the first instance.
- (11) States are directed to take disciplinary action against the concerned officials if it is found that (i) such official(s) did not prevent the incident, despite having prior knowledge of it, or (ii) where the incident had already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.

**18.19. Mandatory Reporting:** Obligation of certain persons to report about commission of the offences under this Bill –

- (5) All officers of the Government are hereby required and empowered to assist the police in the execution of the provisions of this Bill or any rule or order made there under.
- (6) All village officers and such other officers as may be specified by the District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that any of the offences mentioned under this Act are about to be, or have been committed in the area they shall forthwith report such fact to the nearest police station.
- (7) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

**19.20. Obligations and Duties of the State and Central Government<sup>15</sup>.**

- a. The State Governments should forthwith identify Districts, Sub-Divisions and/or villages where instances of honour crimes or assembly of Khap Panchayats have been reported in the last five years.
- b. The Secretary, Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officers In charge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction comes to their notice.
- c. The Home Department of the Government of India shall be responsible for and shall work in coordination with the State Governments and take measures to sensitize law enforcement agencies and by involving all the stake holders to identify the measures for prevention of such violence and to implement the constitutional goal of social justice and the rule of law.
- d. The Centre and various State Governments ought to work on sensitization of the law enforcement agencies to mandate social initiatives and awareness to curb such violence.
- e. The State Governments shall create a Special Cell for prevention of Honour Crimes in every District comprising of the Superintendent of Police, the District Social Welfare Officer and District Adi-Dravidar Welfare Officer to receive petitions/complaints of harassment of and threat to couples of inter-caste marriages.
- f. These Special Cells shall establish a 24-hour helpline to receive and register such complaints and to provide necessary assistance/advice and protection to the couple.

**20.21. Obligation on the Central and State Government for effective implementation of the Act**

- (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,--

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<sup>15</sup> *Shakti Vahini vs. Union of India (UOI) and Ors.* (27.03.2018 - SC) 7 SCC 192

- (i) the provision for adequate facilities, including legal aid, to the persons subjected to honour crimes to enable them to avail themselves of justice;
- (ii) the provision for travelling and maintenance expenses to victims and witnesses in honour crimes during investigation and trial of offences under this Act;
- (iii) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;
- (iv) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;
- (v) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).
- (vi) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

## **Chapter VII**

### **Fast Track Courts<sup>16</sup>**

#### **21-22. Establishment of Fast Track Courts. –**

- (1) The State Government, may after consultation with the concerned High Court, by notification, designate a District Courts as Fast Track Court for the purpose of trying the cases pertaining to honour crimes and offences under this Act.
- (2) Such Fast Track Court shall exercise all jurisdiction exercisable by the District Court under any law for the time being in force in respect of any proceedings under this Act.
- (3) The State Government shall, after consultation with the High Court, by notification, extend, reduce or alter the local limits of the area to which the jurisdiction of the Fast Track Court extends.
- (4) The concerned District judge presiding over a designated Fast Track Court shall receive prior training on this Act, in the manner as may be prescribed under the Rules.

#### **22-23. Procedure**

- (1) The Fast Track Court may take cognizance of any offence without the accused being committed to it for trial upon receiving a complaint of facts which constitutes such offence, or upon a police report of such facts.
- (2) The trial must proceed on a day-to-day basis to be concluded, preferably within six months from the date of taking cognizance of the offence.
- (3) When trying any offence under this Act, the notified Fast Track Court may also try any other offence with which the accused may, under the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), be charged at the same trial if the offence is connected with such other offence.

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<sup>16</sup> *Shakti Vahini vs. Union of India (UOI) and Ors.* (2018) 7 SCC 192

- (4) If, in the course of any trial of any offence under this Act, it is found that the accused person has committed any other offence under this Act or any other law, the notified Court may convict such person also of such other offence and pass appropriate sentence authorized by that law.

**23-24. Appeals**

1. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or in any other law an appeal shall lie from every judgment or order under this Act to the High Court.
2. Every appeal under this Section shall be preferred within a period of thirty from the date of the judgment or order under this Act.
3. Except as aforesaid, no appeal or revision shall lie to any Court from any judgment, order or decree under this Act.
4. An appeal preferred under sub-section (1) shall be heard by a Bench consisting of two or more judges.

**Chapter VI**

**24-25. Application of Code of Criminal Procedure, 1973.-** Save as otherwise provided in this Act, the provisions of the Code of Criminal procedure, 1973 (Central Act No. 2 of 1974) shall apply to the proceedings under this Act.

**25-26. Act to be in addition to any other law.-**

Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law

**26-27. Power to make rules –**

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.