



MPPSC

ADPO

Madhya Pradesh Public Service Commission (MPPSC)

Volume - 6

(Section - B)

The Dowry Prohibition Act, 1961, The Indecent Representation of Women Act, The Right to Information Act, The Narcotic Drugs and Psychotropic Substances Act, 1985, The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, The National Security Act, The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, The Banning of Unregulated Deposit Schemes Act, The Prevention of Corruption Act & The JJA Act, 2015

S.No.	Chapter Name	Page No.
The Dowry Prohibition Act, 1961		
1.	Section 1 – Short title, extent and commencement	1
2.	Section 2 – Definition of “Dowry”	1
3.	Section 3 – Penalty for Giving or Taking Dowry	2
4.	Section 4 – Penalty for Demanding Dowry	3
5.	Section 5 – Agreement for Giving or Taking Dowry to be Void	4
6.	Section 6 – Dowry to be for the Benefit of the Wife or Her Heirs	5
7.	Section 7 – Cognizance of Offences	5
8.	Section 8 – Nature of Offences under the Act	6
9.	Section 9 – Power of Central Government to Make Rules	8
10.	Section 10 – Power of State Government to Make Rules	8
The Indecent Representation of Women (Prohibition) Act, 1986		
11.	Background	9
12.	Section 1 – (Short Title, Extent and Commencement)	10
13.	Section 2 – (Definitions)	10
14.	Section 3 – Prohibition of advertisements containing indecent representation of women	12
15.	Section 4 – Prohibition of publication or sending by post of books, pamphlets, etc.	12
16.	Section 5 – Powers to enter and search	13
17.	Section 6 – Penalty	13
18.	Section 7 – Offences by companies	13
19.	Section 8 – Offences to be cognizable and bailable	14
20.	Section 9 – Protection of action taken in good faith	14
21.	Section 10 – Power to make rules	14
The Right to Information Act, 2005		
22.	Background	15
23.	CHAPTER I - Preliminary (Sections 1-2)	16
24.	CHAPTER II – Right to Information and Obligations of Public Authorities (Section 3-11)	18

25.	CHAPTER III – The Central Information Commission (Sections 12-14)	30
26.	CHAPTER IV – The State Information Commission (Sections 15-17)	35
27.	CHAPTER V - Powers and Functions of the Information Commissions, Appeal and Penalties (Sections 18-20)	39
28.	CHAPTER VI - Miscellaneous (Sections 21-31)	43
	The Narcotic Drugs and Psychotropic Substances Act, 1985	
29.	Section 2 - Definitions	52
30.	CHAPTER II - Authorities and Officers (Sections 4-7)	58
31.	CHAPTER IIA - National Fund for Control of Drug Abuse (Sections 7A-7B)	61
32.	CHAPTER III - Prohibition, Control and Regulation (Sections 8-14)	63
33.	CHAPTER IV - Offences and Penalties (Sections 15-40)	66
34.	CHAPTER V - Procedure (Sections 41-68)	74
35.	CHAPTER VA 2 - Forfeiture of Illegally Acquired Property (Sections 68A-68Z)	83
36.	CHAPTER VI - Miscellaneous (Sections 69-83)	87
	The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994	
37.	CHAPTER I – Preliminary (Sections 1-2)	91
38.	CHAPTER II - Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics (Sections 3-3B)	93
39.	CHAPTER III - Regulation of Pre-Natal Diagnostic Techniques (Sections 4-6)	95
40.	CHAPTER IV - Central Supervisory Board (Sections 7-16A)	97
41.	CHAPTER V - Appropriate Authority and Advisory Committee (Sections 17-17A)	104
42.	CHAPTER VI - Registration of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics (Sections 18-21)	106
43.	CHAPTER VII - Offences and Penalties (Sections 22-28)	109
44.	CHAPTER VIII - Miscellaneous (Sections 29-34)	113
	The National Security Act, 1980	
45.	Section 1 - Short title and extent.	117
46.	Section 2 - Definitions.	117
47.	Section 3 - Power to make orders detaining certain persons.	118

48.	Section 4 - Execution of detention orders.	119
49.	Section 5 - Power to regulate place and conditions of detention.	119
50.	Section 5A - Grounds of detention severable.	120
51.	Section 6 - Detention orders not to be invalid or inoperative on certain grounds.	120
52.	Section 7 - Powers in relation to absconding persons.	121
53.	Section 8 - Grounds of order of detention to be disclosed to persons affected by the order.	122
54.	Section 9 - Constitution of Advisory Boards.	123
55.	Section 10 - Reference to Advisory Boards.	123
56.	Section 11 - Procedure of Advisory Boards.	124
57.	Section 12 - Action upon the report of the Advisory Board.	124
58.	Section 13 - Maximum period of detention.	125
59.	Section 14 - Revocation of detention orders.	125
60.	Section 14A - Circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Boards.	126
61.	Section 15 - Temporary release of persons detained.	128
62.	Section 16 - Protection of action taken in good faith.	129
63.	Section 17 - Act not to have effect with respect to detentions under State laws.	129
64.	Section 18 - Repeal and saving.	130
The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989		
65.	Introduction	131
66.	CHAPTER I - Preliminary (Sections 1-2)	133
67.	CHAPTER II - Offences of Atrocities (Sections 3-9)	138
68.	CHAPTER III - Externment (Sections 10-13)	146
69.	CHAPTER IV - Special Courts (Sections 14-15)	148
70.	CHAPTER V - A Rights of Victims and Witnesses (Sections 15A)	151
71.	CHAPTER VI - Miscellaneous (Sections 16-23)	153
The Banning of Unregulated Deposit Schemes Act, 2019		
72.	CHAPTER I – Preliminary (Sections 1-2)	160
73.	CHAPTER II - Banning of Unregulated Deposit Schemes. (Sections 3-6)	165
74.	CHAPTER III - Authorities (Sections 7-8)	167

75.	CHAPTER IV - Information on Deposit Takers (Sections 9-11)	169
76.	CHAPTER V - Restitution to Depositors (Sections 12-20)	171
77.	CHAPTER VI - Offences and Punishments (Sections 21-27)	176
78.	CHAPTER VII - Investigation, Search and Seizure (Sections 28-32)	180
79.	CHAPTER VIII - Miscellaneous (Sections 33-44)	183
The Prevention of Corruption Act, 1988		
1.	Introduction	187
2.	CHAPTER I - Preliminary (Sections 1-2)	189
3.	CHAPTER II - Appointment of Special Judges (Sections 3-6)	193
4.	CHAPTER III - Offences and Penalties (Sections 7-16)	196
5.	CHAPTER IV - Investigation into Cases Under the Act (Sections 17-18)	201
6.	CHAPTER IV A - Attachment and Forfeiture of Property (Sections 18A)	204
7.	CHAPTER V - Sanction for Prosecution and Other Miscellaneous Provisions (Sections 19-31)	205
The Juvenile Justice (Care and Protection of Children) Act, 2015		
1.	Purpose of the Act	210
2.	Constitutional Backing	210
3.	International Commitments	210
4.	CHAPTER - 1 Preliminary (Sections 1-2)	212
5.	CHAPTER - 2 General Principles of Care and Protection of Children (Sections 3)	216
6.	CHAPTER - 3 Juvenile Justice Board (Sections 4-9)	218
7.	CHAPTER - 4 Procedure in Relation to Children in Conflict with Law (Sections 10-26)	224
8.	CHAPTER - 5 Child Welfare Committee (Sections 27-30)	235
9.	CHAPTER - 6 Procedure in Relation to Children in Need of Care and Protection (Sections 31-38)	239
10.	CHAPTER - 7 Rehabilitation and Social Re-integration (Sections 39-55)	243
11.	CHAPTER - 8 Adoption (Sections 56-73)	251
12.	CHAPTER - 9 Other Offences Against Children (Sections 74-89)	255
13.	CHAPTER - 10 Miscellaneous (Sections 90-112)	264

1

CHAPTER

The Dowry Prohibition Act, 1961

- ACT NO. 28 OF 1961
- Date of enactment: 20th May, 1961

Section 1 – Short title, extent and commencement

1. **Short Title** –
2. The law is officially called “**The Dowry Prohibition Act, 1961.**”
3. **Extent** –
4. When enacted, it applied to **the whole of India except Jammu & Kashmir.**
5. (Note: After the abrogation of Article 370 in 2019, the Act now also applies to Jammu & Kashmir.)
6. **Commencement** –
7. The Act would not come into force immediately on passing.
8. Instead, it would come into effect on a **date notified by the Central Government in the Official Gazette.**
 - ✓ The Central Government notified **1st July 1961** as the date of commencement.

Section 2 – Definition of “Dowry”

“Dowry” means **any property or valuable security that is given or agreed to be given, either directly or indirectly:**

1. By one party to the marriage → to the other party; OR
2. By the parents of either party (or by any other person) → to either party or to any other person;

Timing: It can be given **before, at the time of, or even after the marriage.**

Purpose: It must be “**in connection with the marriage**” of the said parties.

Exception:

The definition explicitly excludes two things for Muslims:

- ✓ **Dower:** A gift given by the husband to the wife at the time of marriage.
- ✓ **Mahr:** The sum of money or property that a Muslim husband must pay or give to his wife at the time of marriage.

Explanation II

The term “valuable security” has the same meaning as under Section 30 IPC/ Section 2(31) BNS

- That means: A document or instrument that creates, extends, transfers, restricts, extinguishes, or releases any legal right; or acknowledges a liability or right.
- (Example: a property deed, bond, share certificate, etc.)

Section 3 – Penalty for Giving or Taking Dowry



Giving or taking dowry = Criminal Offence. Both giver & taker are punishable.

Sub-section (1): General Rule

- If **any person** gives, takes, or abets the giving/taking of dowry **after the commencement of the Act**,
- Punishment = **Imprisonment not less than 5 years + Fine not less than ₹15,000 OR the value of the dowry, whichever is higher.**

Exception (Proviso):

The Court can give **less than 5 years** imprisonment if there are **special and adequate reasons**, but it must **record those reasons in the judgment.**

Sub-section (2): Exemptions (Not treated as “Dowry”)

This section **protects genuine customary presents** (like wedding gifts).

1. **Presents to the Bride –**
2. Allowed, **if given without demand**
3. Must be recorded in a **list maintained as per rules**
4. **Presents to the Bridegroom –**
5. Allowed, **if given without demand**
6. Must also be **listed as per rules**

Condition for presents given by the bride’s side:

- They must be **customary in nature**
- Their **value should not be excessive**, considering the **financial status** of the giver

Case Law:

- **Satbir Singh v. State of Haryana (2021, SC):** The Supreme Court held that if dowry demand is connected with the marriage, even if made **after marriage**, it attracts this section.
- **Kamesh Panjiyar v. State of Bihar (2005, SC):** Clarified that voluntary customary gifts are not dowry if they are reasonable and customary.

Section 4 – Penalty for Demanding Dowry

- If **any person demands dowry** (directly or indirectly) from the **parents, relatives, or guardian** of a bride or groom →
- **Punishment:**
 - ✓ Imprisonment: **6 months – 2 years**
 - ✓ Fine: Up to **₹10,000**

Proviso:

Court may award **less than 6 months imprisonment** if there are **adequate and special reasons**, which must be **recorded in the judgment**.

Even **demanding dowry without receiving it** is a punishable offence.

Section 4A – Ban on Advertisement

- Any person who:
- (a) **Offers through advertisement** (in newspapers, journals, TV, or any other media) to give a share in property, money, or business **as consideration for marriage**; OR
- (b) **Prints/publishes/circulates** such an advertisement →

Punishment:

- Imprisonment: **6 months – 5 years**
- Fine: Up to **₹15,000**

Proviso:

Court may award **less than 6 months imprisonment** for special reasons (with justification in judgment).

This section targets “marriage offers” in exchange for property/money, which is treated as a **dowry arrangement through advertisement**.

- **State of A.P. v. Raj Gopal Asawa (2004, SC):** Even a mere **demand for dowry** is punishable under Section 4, irrespective of whether it is fulfilled.

Section 5 – Agreement for Giving or Taking Dowry to be Void

Any **agreement** for giving or taking dowry is **null and void** in the eyes of law.

Meaning: Even if such an agreement is signed, it has **no legal effect** and **cannot be enforced in court**.

This provision ensures dowry contracts have **no legal validity**, discouraging parties from formalizing dowry arrangements.

Vimala (K.) v. Veeraswamy (1991, SC): Reiterated that **dowry agreements are void** and unenforceable under Section 5.

Section 6 – Dowry to be for the Benefit of the Wife or Her Heirs

This section deals with the ownership and transfer of dowry property

Sub-section (1): Transfer of Dowry

- If **any person (other than the wife)** receives dowry:
 - ✓ That person must **transfer it to the woman** concerned:
 - ✓ (a) If received **before marriage** → transfer **within 3 months after marriage**
 - ✓ (b) If received **at or after marriage** → transfer **within 3 months of receipt**
 - ✓ (c) If received when the woman was a **minor** → transfer **within 3 months after she turns 18**
- Until transfer → the person **holds the dowry in trust** for the woman.

Sub-section (2): Punishment for Failure to Transfer

- If a person **fails to transfer** dowry within the time limit:
- **Punishment:**
 - ✓ Imprisonment: **6 months – 2 years**
 - ✓ Fine: **₹5,000 – ₹10,000** (or both)

Sub-section (3): In Case of Woman's Death

- If the woman **dies before receiving the dowry property**, it goes to her **heirs**.
- **Proviso:** If she dies **within 7 years of marriage, otherwise than due to natural causes** →
- (a) If she has **no children** → property goes to her **parents**
- (b) If she has **children** → property goes to her **children** (held in trust until transfer)

Sub-section (3A): Court's Power to Enforce Transfer

- If a person is **convicted under sub-section (2)** (for not transferring property):
 - ✓ The Court shall **order transfer of the property** to the wife (or heirs/parents/children, as the case may be).
 - ✓ If he still fails → **value of the property can be recovered as a fine** and given to the rightful claimant.

Sub-section (4): Saving Clause

- Nothing in this section affects **Section 3 (Penalty for giving/taking dowry)** or **Section 4 (Penalty for demanding dowry)**.

Case Law

- **Pratibha Rani v. Suraj Kumar (1985, SC)**: Stridhan (dowry given to bride) is her **absolute property**; the husband or in-laws have no right over it. Keeping it without consent amounts to **criminal breach of trust** which is a punishable offence under IPC/BNS
- **Krishna Bhattacharjee v. Sarathi Choudhury (2016, SC)**: Non-return of stridhan/dowry is a **continuing offence**, and the woman can claim it even after separation.

Section 7 – Cognizance of Offences

Sub-section (1): Jurisdiction & Cognizance

1. Jurisdiction

- ✓ Only a **Metropolitan Magistrate** or a **Judicial Magistrate of First Class (JMFC)** can try offences under this Act.
- ✓ No lower court has authority.

2. Cognizance (How a case can start)

3. A court can take cognizance of an offence under this Act only:

4. (i) On its **own knowledge**, OR

5. (ii) On a **police report** (FIR/charge-sheet), OR

6. (iii) On a **complaint** made by:

7. - The **aggrieved person** (victim), OR

8. - A **parent/relative** of the victim, OR

9. - A **recognised welfare institution/organisation** (approved by Central/State Govt).

10. Sentencing Power

- ✓ A Metropolitan Magistrate or JMFC can pass **any sentence** authorised by the Act (even higher punishments).

Explanation:

“Recognised welfare institution or organisation” = Any social welfare body recognised by Govt for this purpose.

Sub-section (2): No Limitation Period

- Normally, under **Chapter XXXVI of CrPC (Sections 468–473)**, there is a **time limit** (limitation period) for taking cognizance of certain offences.
- But **this rule does not apply** to offences under this Act.
- Meaning: **Dowry cases can be filed anytime — there is no limitation period.**

Sub-section (3): Protection of Complainant

- If the **aggrieved person** makes a statement in relation to an offence under this Act,
- They **cannot be prosecuted** under this Act because of that statement.

This ensures **victims/women are not harassed or punished** for coming forward.

In Short:

➤ Only Metropolitan Magistrate/JMFC can try dowry offences.	➤ Cognizance can be taken based on: court's knowledge, police report, victim/relative complaint, or complaint by recognised NGO.	➤ No time limit for filing cases.	➤ Victims are protected from self-incrimination or counter-prosecution.
---	---	--	--

Case Law Pointer

- **State of Haryana v. Bhajan Lal (1992, SC):** the Court has laid down guidelines for police investigation in cases like dowry harassment — ensuring misuse is checked while protecting genuine victims.
- **S. Gopal Reddy v. State of A.P. (1996, SC):** Dowry offences are **continuing offences**, so cognizance can be taken **even after long delays** by the Court.

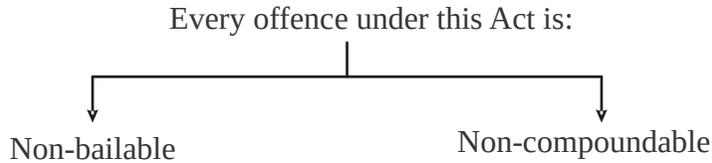
Section 8 – Nature of Offences under the Act

Sub-section (1): Cognizable for Certain Purposes

- Under the **CrPC/BNSS**, offences under this Act are treated as **cognizable** (i.e., police can register FIR and investigate without prior court approval).
- BUT this applies only for:
 - (a) **Investigation purposes** (police can investigate dowry offences without waiting for magistrate's permission).
 - (b) **Other purposes**, except:
 - ✓ **Section 42 CrPC** matters (related to arrest by a private person and procedure thereon), and
 - ✓ **Arrest without warrant or Magistrate's order** → i.e., police **cannot automatically arrest** without following proper process.

In short: Police can investigate dowry offences like cognizable cases, but **arrest powers are restricted** as police cannot arrest without warrant/Magistrate's order.

Sub-section (2): Classification of Offences



Non-bailable → Bail is **not a right**; it is at the discretion of the Court.

Non-compoundable → Offence cannot be privately settled or compromised between parties; it must be tried in court. It means the parties cannot **settle the matter privately**

Case Law

- **Inder Raj Malik v. Sunita Malik (1986, Delhi HC)**: Held that **Section 498A IPC (cruelty for dowry)** and **Dowry Prohibition Act** provisions are **not mutually exclusive**; both can be invoked. It means a case can be registered under both the provisions.
- **Rajeev v. Ram Kishan Jaiswal (1994, SC)**: Clarified that the classification as **non-bailable & non-compoundable** ensures seriousness of the offence and prevents easy escape for offenders.

Section 8A – Burden of Proof in Certain Cases

The Rule is

- In prosecutions under:
 - ✓ **Section 3** → Giving, taking, or abetting dowry
 - ✓ **Section 4** → Demanding dowry

The **burden of proof** is **on the accused**, not on the prosecution.

Normally, under criminal law → **prosecution must prove guilt beyond reasonable doubt** (accused is presumed innocent).

Here → **reverse onus clause** → If a person is charged with taking/abetting/demanding dowry,

He must **prove his innocence**. It means it is the accused not the prosecution who has to establish that he has not committed any offence.

Dowry offences usually happen **within the secrecy of family homes** → difficult for victims/prosecution to collect evidence. That is why the accused has to prove his innocence.

Case Law

- **Vasant Pawar v. State of Maharashtra (2005, SC)**: Court upheld reverse burden provisions in dowry cases as **constitutionally valid** because dowry is a social evil.
- **State of A.P. v. Raj Gopal Asawa (2004, SC)**: Even a mere demand of dowry is punishable, and the accused has to prove he did not demand it.

Section 8B – Dowry Prohibition Officers

Appointment

- State Government may appoint **Dowry Prohibition Officers (DPOs)** and assign them specific areas/jurisdiction.

Powers & Functions of DPO

1. **Ensure compliance** with the Act.
2. **Prevent** dowry taking/abetting/demanding as far as possible.
3. **Collect evidence** necessary for prosecution.
4. Perform **additional functions** assigned by the State Government or under rules.

Police Powers

- State Govt may give DPOs **police powers** (via notification) for enforcement, subject to rules.

Advisory Board

- State Govt may appoint an **Advisory Board** (max 5 social workers, at least 2 women) to assist the DPO in their jurisdiction.

Section 9 – Power of Central Government to Make Rules

- **Central Government** can make rules (via Gazette notification) to carry out purposes of the Act.
- Specific powers include:
 - (a) Prescribing the **form, manner & persons** who must maintain the **list of presents** given at marriage (Section 3(2)).
 - (b) Ensuring **better coordination of policy & action** in administration of the Act.

Rule-making procedure

- Every rule must be **laid before both Houses of Parliament** for **30 days** (one or more sessions).
- Parliament may **modify/annul** the rule → then it takes effect only in modified form (no retrospective invalidation of past acts).

Section 10 – Power of State Government to Make Rules

- **State Government** can also make rules (via Gazette notification) for carrying out the purposes of the Act.
- Specific powers include:
 - (a) Additional functions of **Dowry Prohibition Officers** [Sec. 8B(2)].
 - (b) **Limitations/conditions** for DPO's powers [Sec. 8B(3)].

Rule-making procedure

- Rules made by State Govt must be **laid before the State Legislature**.

The Indecent Representation of Women (Prohibition) Act, 1986

Background

Why the Indecent Representation of Women (Prohibition) Act, 1986 was made, even though Indian Penal Code (IPC) already had some laws on obscenity (Sections 292, 293, 294):

Why was a new law needed in 1986?

Even though the IPC already had some rules against showing obscene or vulgar content, those laws were general and did not specifically protect women from being shown in a disrespectful or indecent way in media like advertisements, movies, posters, books, etc.

1. Focus only on women:

- ✓ IPC talks about all types of obscene things.
- ✓ But the 1986 Act focuses only on stopping indecent images or descriptions of women.
- ✓ It was made to protect women's dignity from being misused in media.

2. Protect women's respect and image:

- ✓ This Act was created to make sure women are not shown in a cheap or insulting way.
- ✓ It wants to stop images or writings that objectify women or make them look like an item or tool for entertainment.

3. Covers all types of media:

- ✓ The Act clearly mentions different forms like ads, posters, books, pictures, movies, websites, etc.
- ✓ It gave the government power to control and remove such materials from the public.

4. Clear meaning of "Indecent Representation":

- ✓ The Act clearly explains what is meant by indecent representation of women — any image or writing that shows a woman in a vulgar, insulting, or sexually suggestive manner.
- ✓ This clear meaning helps the authorities to take proper action.

5. Stronger power to act:

- ✓ The Act allows government officers to enter shops, printing presses, or offices, search and seize the material that breaks the law.

6. Public concern & women's safety:

- ✓ In the 1980s, people and women's groups raised concerns that media was showing women in a wrong and disrespectful way.
- ✓ So, this law was made to respond to that social problem.

In short:

The IPC had general rules about vulgar content, but they were not enough to stop the increasing misuse of women's images in media. So, the 1986 Act was created to specifically protect women from being shown in an indecent or insulting manner. It filled the legal gap and gave the government more power to stop such things quickly.

This Act aims to prevent the derogatory depiction of women in various forms of media and communication.

Act No. 60 OF 1986

Date of enactment: 23rd December, 1986

Date of commencement: 2nd October, 1987

Section 1 (Short Title, Extent and Commencement)

- **Short Title:** Indecent Representation of Women (Prohibition) Act, 1986.
- **Extent:** Extends to the whole of India. (Originally excluded Jammu and Kashmir, but this exclusion was removed by the Jammu and Kashmir Reorganisation Act, 2019, w.e.f. 31.10.2019).
- **Commencement:** Came into force on **2nd October, 1987**, as notified by the Central Government.

Section 2 (Definitions)

(a) **“advertisement”:** Broadly defined to include any visual or auditory representation (notice, circular, label, wrapper, visible representation by light, sound, smoke, gas). This covers a wide range of media.

includes”: It indicates it is an inclusive definition. Like with "distribution," the use of "includes" signifies that this is an **inclusive definition**. This means the ordinary, common understanding of "advertisement" is covered, and the listed items are specifically added to broaden its scope. It is not an exhaustive list, implying other forms of advertising not explicitly mentioned might still be covered if they fall within the general meaning of an advertisement.

Any notice, circular, label, wrapper or other document”: This covers traditional print media and packaging components.

- ✓ **Notice:** Public announcements, posters, billboards.
- ✓ **Circular:** Distributed papers, leaflets.
- ✓ **Label/Wrapper:** Packaging of products. This is significant because it extends the prohibition to product branding and presentation.
- ✓ **Other document:** A catch-all for any other written or printed material used for advertising.

And also includes any visible representation made by means of any light, sound, smoke or gas": This is a forward-looking and comprehensive part of the definition, covering dynamic and non-traditional forms of advertising.

- ✓ **Light:** This could include neon signs, LED displays, projections, or even light shows used for promotional purposes.
- ✓ **Sound:** This clearly covers radio advertisements, jingles, public address announcements, or any audio promotion.
- ✓ **Smoke or Gas:** This might refer to skywriting with smoke, or perhaps unique gas-based visual displays used for advertising, though less common. This shows the intent to cover innovative advertising methods

(b) "Distribution" includes distribution by way of samples whether free or otherwise;"

The use of the word "includes" indicates that this is an inclusive definition, not an exhaustive one. This means that the ordinary meaning of "distribution" (e.g., selling, circulating, giving out broadly) is already covered, and this definition explicitly *adds* certain specific scenarios. **"Whether free or otherwise:** This clarifies that it does not matter if the samples are given away for free or if there is a charge associated with them. Both scenarios fall under "distribution.

(c) "Indecent representation of women": It means depiction of a woman's figure, form, body, or any part thereof in a way that is:

- ✓ **Indecent, or derogatory to, or denigrating, women.**
- ✓ **Likely to deprave, corrupt, or injure public morality or morals.**

Subjectivity: Note the subjective nature of "indecent," "derogatory," "denigrating," "deprave," "corrupt," "injure public morality." This often leads to judicial interpretation.

Scope: It covers "any manner of depiction."

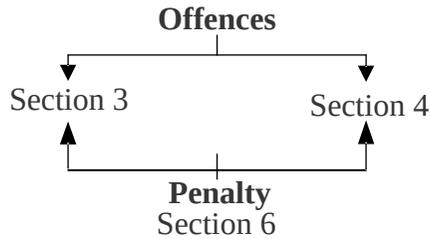
Mens Rea: While not explicitly stated in the definition, the prosecution usually needs to prove intent or knowledge (mens rea) for an offence, particularly for obscenity-related charges, which this Act touches upon.

Overlap with IPC: This definition overlaps significantly with the concept of "obscenity" under Section 292 of the Indian Penal Code, 1860. Judges often refer to the "Hicklin test" (from *R v Hicklin*, 1868) and its evolution in India.

Ranjit D. Udeshi v. State of Maharashtra (1965 SC): The Supreme Court adopted the Hicklin test, stating that the test of obscenity is "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall."

Aveek Sarkar v. State of West Bengal (2014 SC): The Supreme Court moved away from the strict Hicklin test, emphasizing contemporary community standards. It held that if the work viewed in its entirety has a dominant effect of an artistic or literary merit, it would not be considered obscene,

even if some parts depict nudity. The "prurient interest" test and "redeeming social value" are now considered. This case, though on IPC 292, is highly relevant for interpreting "indecent representation" under this Act.



Section 3 Prohibition of advertisements containing indecent representation of women

Direct Prohibition: Prohibits any person from publishing, causing to be published, or taking part in the publication/exhibition of any advertisement containing indecent representation of women.

"Any form": Broad coverage, emphasizing the intent to prohibit all visual and auditory advertisements.

Liability: Covers direct publishers, those who cause publication, and those who merely participate.

Section 4 Prohibition of publication or sending by post of books, pamphlets, etc.

Broader Scope: Extends the prohibition to producing, selling, letting to hire, distributing, circulating, or sending by post, any material (book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation, or figure) containing indecent representation of women.

Exemptions (Proviso): The Act provides specific carve-outs:

(a) Public Good: Material justified for public good on grounds of **science, literature, art, learning, or other objects of general concern.**

This is a crucial defense. Courts will examine the overall context and purpose. This proviso aligns with the "redeeming social value" aspect discussed in *Aveek Sarkar*. A nude painting, if genuinely artistic, might be protected, but not if it is merely exploitative.

(b) Religious Purposes: Material kept or used bona fide for religious purposes.

(c) Ancient Monuments/Temples: Representations on ancient monuments, temples, or religious cars.

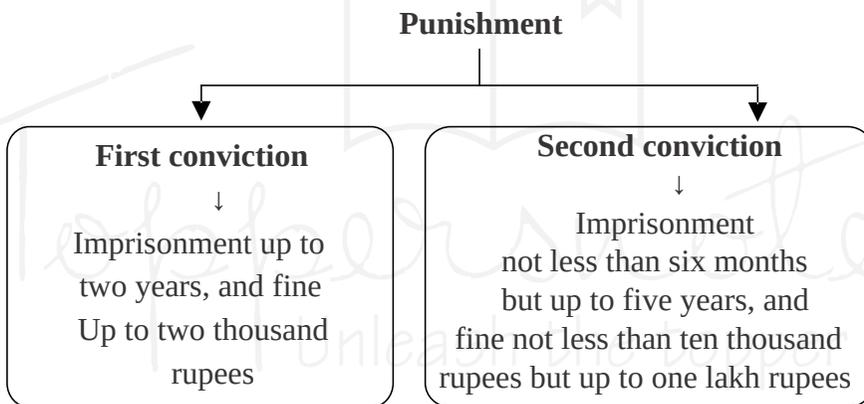
(d) Cinematograph Act, 1952: Films for which Part II of the Cinematograph Act, 1952, applies (i.e., certified films). This avoids a double-censorship mechanism for films.

Relevance: If a film is certified by the Censor Board, it generally falls outside the purview of this Act.

Section 5 Powers to enter and search

- **Enforcement Powers:** Empowers Gazetted Officers authorized by the State Government to:
 - ✓ Enter and search places where an offence is believed to be committed.
 - ✓ Seize objectionable material.
 - ✓ Examine and seize records.
- **Safeguards:**
 - ✓ Reasonable times, with assistance.
 - ✓ No entry into private dwelling without a warrant. (Important protection against arbitrary search).
 - ✓ Provisions of CrPC, 1973/BNS, 2023 apply to searches and seizures.
 - ✓ Magistrate to be informed about seizures for custody orders.
- Focus on the procedural safeguards (warrant for dwelling, CrPC application, informing Magistrate). This tests knowledge of criminal procedure.

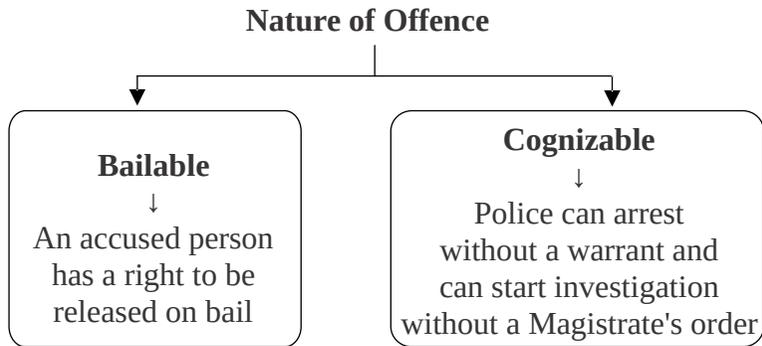
Section 6 Penalty



Section 7 Offences by companies

- **Vicarious Liability:** Establishes that if an offence is committed by a company, not only the company but also the person "in charge of, and responsible to, the company for the conduct of its business" at the time of the offence, will be deemed guilty.
- **Défense:** Such person can escape liability if they prove the offence was committed without their knowledge or that they exercised due diligence.
- **Consent/Connivance/Neglect:** If the offence is proven to be committed with the consent, connivance, or neglect of any director, manager, secretary, or other officer, they will also be proceeded against.
- **Definition of "Company":** Includes firm or other association of individuals. "Director" includes a partner in a firm.

Section 8 Offences to be cognizable and bailable



Section 9 Protection of action taken in good faith

- **Immunity:** Protects the Central Government, State Government, and their officers from legal proceedings for actions done "in good faith" under the Act.

Section 10 Power to make rules

- **Delegated Legislation:** Empowers the Central Government to make rules to carry out the provisions of the Act.
- **Parliamentary Scrutiny:** Requires rules to be laid before Parliament for a specified period, allowing for modification or annulment.

Note:

- **Constitutional Validity:** The Act has generally been upheld as a reasonable restriction on freedom of speech and expression (Article 19(1)(a) of the Constitution) under Article 19(2) in the interest of public decency and morality.
- **Balancing Act:** Courts often must balance the right to artistic expression with the need to prevent the denigration of women. The interpretation of "indecent representation" is key here.
- **Practical Application:** Be ready for scenario-based questions where you must apply the definitions and prohibitions to given facts, considering the exceptions.
- "If an adult person has a photograph of himself or herself in his or her possession which is sexually explicit in nature, the provisions of THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986 will not apply, unless the prosecution has a case that those photographs were distributed or published for advertisement or for any other incidental purpose"

The Right To Information Act, 2005

➤ Historical Background

- ✓ The demand for the Right to Information arose to ensure transparency and accountability in governance.
- ✓ The Universal Declaration of Human Rights (1948) recognised the freedom to seek and receive information.
- ✓ The International Covenant on Civil and Political Rights (1966) reinforced the right to access information.
- ✓ In *State of UP v. Raj Narain*, the Supreme Court held that the right to information is part of Article 19 of the Constitution.
- ✓ In the 1990s, the **MKSS movement in Rajasthan, led by Aruna Roy and Nikhil Dey**, demanded public access to government records.
- ✓ These developments ultimately led to the enactment of the Right to Information Act, 2005.

➤ Constitutional basis: The RTI Act, 2005 is constitutionally based on **Article 19(1)(a)** (Right to Freedom of Speech and Expression), supported by **Article 21** and democratic principles of the Constitution, and is subject to reasonable restrictions under **Article 19(2)**.

➤ Preamble

- ✓ The RTI Act, 2005 aims to provide citizens access to government information to ensure transparency, accountability, and strengthen democracy while balancing public interests.
- ✓ The Act gives citizens a practical system to access information held by public authorities.
- ✓ Its main aim is to promote **transparency and accountability** in government functioning.
- ✓ It establishes the **Central Information Commission** and **State Information Commissions**.
- ✓ Democracy needs informed citizens, so access to information is essential.
- ✓ Transparency helps in **controlling corruption** and holding the government accountable.
- ✓ Some information may affect public interest, efficiency, resources, or confidentiality.
- ✓ The Act balances the **right to information** with other important public interests.

➤ Act No.:22 of 2005

➤ Date of Assent:15th June.2005

-
- **Date of Come into force:**
 - **No. of Chapters:** VI & **Sections:** 31
 - **Schedules:**2
 - **Amendments:** 1. The Right to Information (Amendment) Act, 2019 (24 of 2019).
[w.e.f. 24th October, 2019]
 - 2. The Digital Personal Data Protection Act, 2023 (22 of 2023).

Chapter I-

Preliminary

1. Short title, extent and commencement.

This section explains the official name of the Act, where it applies, and how it is brought into force.

1. This Act is called the **Right to Information Act, 2005**.
2. It applies to the **whole of India**.
3. Some important sections came into force **immediately**, while the remaining provisions came into force **after 120 days** from the date of enactment.

2. Definitions.

This section explains the important words used in the Act so there is no confusion.

(a) **Appropriate Government**

- ✓ If a public authority is set up, controlled, or funded by the **Central Government**, then the **Central Government** is the appropriate government.
- ✓ If it is set up, controlled, or funded by a **State Government**, then the **State Government** is the appropriate government.

(b) **Central Information Commission (CIC)**

- ✓ It is the **Central-level authority** created under Section 12 to hear RTI appeals and complaints.

(c) **Central Public Information Officer (CPIO)**

- ✓ An officer appointed in Central Government offices to **receive RTI applications and provide information**.
- ✓ It also includes Assistant CPIOs.

(d) Chief Information Commissioner & Information Commissioner

- ✓ These are the **top officers** appointed to run the Central Information Commission.

(e) Competent Authority: This means:

- Speaker / Chairman – for Parliament or State Legislature
- Chief Justice of India – for Supreme Court
- Chief Justice of High Court – for High Courts
- President or Governor – for constitutional authorities
- Administrator – for Union Territories

(f) Information

- ✓ Information means **any material in any form**, such as:
 - Documents, files, emails, reports
 - Opinions, advice, circulars, orders
 - Electronic data, samples, models
- ✓ It also includes **information of private bodies** if the government can access it under any law.

(g) Prescribed

- ✓ Means **rules made under this Act** by the appropriate government or competent authority.

(h) Public Authority

- ✓ Any body or institution established:
 - By the Constitution
 - By Parliament or State Legislature law
 - By government notification or order
- ✓ Includes:
 - Government-controlled or funded bodies
 - NGOs that receive **substantial government funding**

(i) Record

- ✓ Includes:
 - Documents and files
 - Microfilms and copies
 - Computer-generated data
 - Any material stored using electronic devices

(j) Right to Information

- ✓ A citizen's right to:
 - i. Inspect documents and records
 - ii. Take notes or certified copies
 - iii. Take certified samples
 - iv. Get information in electronic form (CDs, printouts, etc.)

(k) State Information Commission (SIC)

- ✓ The State-level authority set up under Section 15 to deal with RTI matters.

(l) State Chief Information Commissioner & State Information Commissioner

- ✓ Officers appointed to run the **State Information Commission**.

(m) State Public Information Officer (SPIO)

- ✓ Officer in State Government offices who:
 - Receives RTI applications
 - Supplies information
- ✓ Includes Assistant SPIOs.

(n) Third Party: Any person **other than the RTI applicant**, including a public authority, whose information is being requested.

Chapter-II

Right to Information and Obligations of Public Authorities

3. Right to information.

Every citizen has the legal right to obtain information from public authorities, as per the rules and limitations laid down in this Act.

4. Obligations of public authorities.

This section explains the **duties and responsibilities of every public authority** to ensure transparency and easy access to information for citizens.

(1) Duties of every public authority

(a) Proper maintenance of records

Every public authority must:

- Keep all its records **properly arranged, indexed and catalogued**.
- Ensure that records suitable for computerisation are **computerised within a reasonable time**.
- Connect such computerised records through networks across the country so that **access to information becomes easier**.

(b) Mandatory publication of information (within 120 days)

Within **120 days from the commencement of the Act**, every public authority must publish the following information and **update it every year**:

(i) Details of its organisation, functions and duties

☞ What the authority does and how it is structured.

(ii) Powers and duties of its officers and employees

☞ What authority and responsibilities officials have.

(iii) Decision-making procedure

☞ How decisions are taken, including supervision and accountability.

(iv) Norms and standards for performing functions

☞ Rules or standards followed while working.

(v) Rules, regulations, manuals and instructions

☞ All official documents used by employees to perform their duties.

(vi) Categories of documents and records held

☞ Types of records available with the authority.

(vii) Public consultation arrangements

☞ How the public is consulted or represented in policy formulation or implementation.

(viii) Details of boards, councils, committees, etc.

☞ Whether meetings are open to the public and whether minutes are accessible.

(ix) Directory of officers and employees

☞ Names, designations and contact details.

(x) Monthly salary and remuneration

☞ Pay details of officers and employees, including compensation system.

(xi) Budget allocation

☞ Budget details, plans, proposed expenditures and reports on money spent.

(xii) Subsidy programmes

☞ How subsidies are implemented, amounts allocated and beneficiaries.

(xiii) Concessions, permits and authorisations

☞ Details of people or entities receiving such benefits.

(xiv) Information available in electronic form

☞ Digital records and data.

(xv) Facilities for obtaining information

☞ Libraries, reading rooms, working hours, if available for public use.

(xvi) Details of Public Information Officers (PIOs)

☞ Names, designations and contact details.

(xvii) Any other information as prescribed

☞ Additional information required under rules.

(c) Disclosure during policy making

Public authorities must:

- Publish **relevant facts** while making important policies or announcing decisions that affect the public.

(d) Reasons for decisions

They must: Provide **reasons** for administrative or quasi-judicial decisions to the affected persons.

(2) Suo motu disclosure

Public authorities should:

- ✓ Regularly publish information **on their own initiative (suo motu)**.
- ✓ Use various means like the **internet, media, notice boards**, etc.
- ✓ Aim to **reduce the need for citizens to file RTI applications**.

(3) Wide dissemination

All information must:

- ✓ Be shared **widely**.
- ✓ Be provided in a **simple, easily accessible form** for the public.