

Bill No. CII of 2024

THE VOYEURISM (PREVENTION, PROHIBITION AND REDRESSAL)
BILL, 2024

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I

PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II

RIGHTS OF PERSONS AND VICTIMS

3. Right to privacy.
4. Right to information.
5. Prevention of voyeurism.
6. Rights of victims.
7. Right to file application and receive acknowledgement.

CHAPTER III

ANTI-VOYEURISM BUREAU OF INDIA

8. Establishment of the National Bureau.
9. Appointment, term of office, resignation and removal of members of the National Bureau.
10. Salaries and allowances of members of the National Bureau.
11. Powers, duties and functions of the National Bureau.

CHAPTER IV

ANTI-VOYEURISM BUREAU OF THE STATES

12. Constitution of the State Bureau.
13. Appointment, term of office, resignation and removal of members of the State Bureau.
14. Salaries and allowances of members of the State Bureau.
15. Powers, duties and functions of the State Bureau.

CHAPTER V

ANTI-VOYEURISM BUREAUS OF THE DISTRICTS

16. Constitution of District Bureau.
17. Qualification for appointment as officers and other employees of the District Bureau.
18. Powers, duties and functions of the District Bureau.

CHAPTER VI
COPYRIGHT AND TAKEDOWN MECHANISM

CLAUSES

19. Copyright over voyeuristic material.
20. Takedown notice and restoration procedure.
21. Prohibition on third-party intermediaries for claiming or working as a take-down agency.

CHAPTER VII
VOYEURISM-FREE STANDARDS AND STANDARD MARK

22. Standards to be specified.
23. Duty to conform to standards.
24. 'Voyeurism-Free' standard mark.
25. Use of standard mark.
26. Standards and voluntary certification by NGOs.

CHAPTER VIII
PROVISIONS FOR ESTABLISHMENTS

27. Licences for establishments.
28. Exemptions for obtaining licence.
29. Licencing authority and forms of licences.
30. Restrictions in granting licences.
31. Licencing authorities to furnish information to State Bureau.
32. Enabling ease of access to licence services.
33. Application for licences.
34. Jurisdiction of licencing authority.
35. Inspection of establishments.
36. Grant of licences and time limit for grant of licences.
37. Maintenance of records in electronic format and consolidation of licences.
38. Change, correction, addition, alteration and deletion of any information after grant of licence by licencing authority.
39. Provision relating to change in address of establishment.
40. Renewal of licence.
41. Deemed grant or renewal of licences.
42. Fees for licences.
43. Fee payable for copies and duplicates.
44. Collection of fees.
45. Production of licence.
46. Suspension, revocation and cancellation of licence.
47. Licence not to indicate legality of business.
48. Search report on request.
49. Duties of establishments.

CHAPTER IX
PROVISIONS FOR SENSITIVE SERVICE PROVIDERS

CLAUSES

50. Online registration of sensitive service providers.
51. Rules for verification of sensitive service providers.
52. National database of sensitive service providers.
53. Power of State Bureau to blacklist sensitive service providers.
54. Procedure for blacklisting.
55. Effects of blacklisting.
56. Duties of sensitive service providers.

CHAPTER X
OTHER POWERS AND DUTIES OF THE BUREAUS

57. Powers of the National, State and District Bureaus during inquiry.
58. Power of State Bureau to order payment of compensation to victims of voyeurism.
59. Power to set aside *ex parte* orders.
60. Finality of orders.
61. Appeal to State Bureau.
62. Appeal to National Bureau.
63. Other provisions regarding appeal.
64. Priority in processing applications and appeals.
65. Review by Bureaus.
66. Experts to assist Bureaus.
67. Enforcement of orders of the State and National Bureaus.
68. Right of appellant to appoint a representative.
69. Public servants responsible for damages.
70. Duty to inform other authorities.
71. Power of Bureaus to make regulations.

CHAPTER XI
OFFENCES AND PENALTIES

72. Voyeurism by physical spying.
73. Voyeurism by hidden or drone or any other type of camera.
74. Voyeurism by special glasses.
75. Voyeurism by hacking a digital device, juice jacking, stealing data, retrieving deleted data or other cyber techniques.
76. Voyeurism of private conversation by using eavesdropping device or audiovisual recording device.
77. Voyeurism by use of mechanical or other electromagnetic waves.
78. Voyeurism by influencing a person using narcotic drugs or other methods.
79. Voyeurism by criminal force, during wrongful confinement or against trafficked human or bonded labour.

CLAUSES

80. Voyeurism against a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, pardanashin woman or person belonging to the third gender.
81. Voyeurism committed with the help of a child, orphan, person with mental disability, blind person or pardanashin woman.
82. Voyeurism of sensitive personal data.
83. Voyeurism by repeatedly or constantly monitoring the location and movements of a person.
84. Dissemination of voyeuristic material.
85. Showing or transmitting voyeuristic material of sexually explicit content to a child, orphan, person with mental disability, pardanashin woman.
86. Prohibition of publication or making known any contents affecting the right to privacy of victim.
87. Seeking, searching, browsing, downloading, watching, listening, reading, sensing, storing and possessing of voyeuristic material.
88. Using voyeuristic material for pornographic or commercial purposes.
89. Using voyeuristic material, including a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, pardanashin woman or person belonging to the third gender for pornographic or commercial purposes.
90. Creating or disseminating deepfake images, videos or audio of voyeuristic nature.
91. Using or disseminating voyeuristic material against rights and interests of victims in cases of sexual offences.
92. Punishment for sextortion.
93. Offences by juveniles.
94. Discriminating against victim of voyeurism.
95. Punishment to establishments carrying on business without licence of Bureau.
96. Punishment to establishments using fake or forged copy of licence.
97. Punishment to establishments for failing to exhibit licence on a visible area of their premises.
98. Punishment to establishments that refuse to show their licence to certain officials.
99. Punishment for using standard mark without bearing valid licence or registration or using deceptively similar mark.
100. Contempt of the lawful authority of public servants under this Act.
101. Obstructing officials of Bureau or Police while discharging their duties.
102. Punishment for false or malicious complaint or false information.
103. Furnishing false information by establishments or sensitive service providers.
104. Punishment to intermediaries.
105. Punishment to recidivists.
106. Abetment to commit voyeurism.
107. Attempt to commit an offence punishable under this Act.
108. Offences by companies.
109. Punishment for vexatious search.
110. Offences by public servants of Bureaus and police.

CLAUSES

- 111. Exemptions and defences to offences mentioned in this Act.
- 112. Offences to be cognizable and non-bailable.
- 113. Compounding of offences.

CHAPTER XII

INVESTIGATION INTO CASES UNDER THE ACT

- 114. Reporting of offences.
- 115. Preliminary inquiry and investigation.
- 116. Arrest and custody.
- 117. Procedure for investigation.
- 118. Search and seizure.
- 119. Procedure for accessing computer data during investigation.
- 120. Procedure for dealing with voyeuristic material.
- 121. Obligation on public servant to maintain confidentiality.
- 122. Obligation on employees or personnel of establishment or sensitive service provider to report cases.
- 123. Punishment for failure to report or record a case.
- 124. Procedure for media.
- 125. Other officers required to assist Bureau officers.

CHAPTER XIII

PROCEDURE FOR RECORDING OF STATEMENT OF THE VICTIM

- 126. Recording of statement of victim by District Bureau or police.
- 127. Recording of statement of victim by magistrate.
- 128. Additional provisions regarding statement to be recorded.

CHAPTER XIV

SPECIAL COURTS

- 129. Designation of Special Courts.
- 130. Presumption as to certain offences.
- 131. Presumption of culpable mental state.
- 132. Application of the Bharatiya Nagarik Suraksha Sanhita, 2023 to proceedings before Special Court.
- 133. Special Public Prosecutors.

CHAPTER XV

PROCEDURE AND POWER OF SPECIAL COURTS AND RECORDING OF EVIDENCE

- 134. Procedure and powers of Special Court.
- 135. Period for recording of evidence of victim and disposal of case.
- 136. Trials to be conducted in *camera*.
- 137. Assistance of interpreter or expert while recording evidence of victim.

CLAUSES

- 138. Guidelines to rehabilitate and assist the victims by experts.
- 139. Power of Special Court to order destruction of voyeuristic material.

CHAPTER XVI

PROVISIONS RELATING TO CENTRAL AND STATE GOVERNMENTS

- 140. Special efforts by appropriate Government.
- 141. Provision for comprehensive sex education in schools and colleges.
- 142. Public awareness about the Act.
- 143. Monitoring of implementation of this Act.
- 144. Grants by appropriate Government.
- 145. Power to make rules.
- 146. Power to amend the First Schedule.

CHAPTER XVII

MISCELLANEOUS PROVISIONS

- 147. General provisions relating to security cameras and CCTVs.
- 148. Provisions relating to privacy during the use of vehicles.
- 149. Protection and rewards to whistleblowers.
- 150. Bureau and Court to give copies of order free of cost.
- 151. Quick response system.
- 152. Obligation on intermediaries, including anti-virus service providers, etc.
- 153. Provisions for films, literature, drama, art, streaming media and other digital content.
- 154. Protection of action taken in good faith.
- 155. Act not in derogation of any other law.
- 156. Monitoring and reporting.
- 157. Budget.
- 158. Accounts and audit.
- 159. Power to remove difficulties.
- 160. Bar on jurisdiction of other courts.
- 161. Repeal

THE FIRST SCHEDULE

Establishments to which the licence provisions under this Act apply.

THE SECOND SCHEDULE

List of Sensitive Service Providers that may voluntarily apply for registration.

THE THIRD SCHEDULE

Format of Licence

THE FOURTH SCHEDULE

Format of Registration Certificate for Sensitive Service Providers

AS INTRODUCED IN THE RAJYA SABHA
ON THE 7TH FEBRUARY, 2025

Bill No. CII of 2024

THE VOYEURISM (PREVENTION, PROHIBITION AND REDRESSAL)
BILL, 2024

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BILL

*to provide an all-inclusive legal framework to protect the Fundamental
Right to Privacy of humans, prevent Voyeurism, provide consumer
centric law and for matters connected therewith
or incidental thereto.*

*WHEREAS, the State uphold the dignity and privacy of every human being and
guarantees full respect for human rights, and the State shall take necessary
measures to prevent and penalise acts that would destroy the honour and dignity
of a person;*

*AND WHEREAS, the rapid technological development has led to easy
availability and use of spy and web cameras, CCTVs, smartphones, computers,
spying software, eavesdropping devices, deepfake software, high-speed internet,
Artificial Intelligence and other new instruments in the market and various new
methods and modus operandi leading to an increase in cases breach of privacy;*

*AND WHEREAS, the offence of video voyeurism, compounded by its persistent
dissemination, results in irreparable harm to the victims and necessitates the
enactment of a preventive legal framework;*

AND WHEREAS, there is an absence of a separate, exhaustive, preventive and remedial legislation against Voyeurism and on Right to Privacy;

AND WHEREAS, Voyeurism results in the violation of a person's human right and fundamental Right to Privacy and life under article 21 of the Constitution of India;

AND WHEREAS, there is a need to frame a new, improved and comprehensive definition of Voyeurism which will cover various other aspects of breach of privacy;

AND WHEREAS, the Right to Privacy is a gender-neutral right, and there is a need for a gender-neutral law on privacy;

AND WHEREAS, there is a need to designate Special Courts for the trial of Voyeurism offences and to set up a hassle-free administrative mechanism for providing compensation to victims;

AND WHEREAS, there is a need to establish specialized bureaus, Voyeurism-Free standard mark, the licencing authority for Establishments and Registrar for sensitive service providers to certify as Voyeurism-Free, Privacy-Protected and Safe, to eliminate the fear in the minds of the users thereof, set up a takedown mechanism and strike down the copyright of accused and convicted persons over the Voyeuristic material;

AND WHEREAS, there is a need to enact a separate, all-inclusive and broad legal framework on the Right to Privacy to protect various aspects of privacy including privacy of human body, communication privacy, location privacy and data confidentiality;

AND WHEREAS, there is a need to establish a procedure by law as per conditions stipulated in article 21 of the Constitution of India for depriving the privacy of a person in exceptional cases, in good faith and also in view of the doctrine of necessity and fair trial.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Voyeurism (Prevention, Prohibition and Redressal) Act, 2024. 5

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision. 10

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) “abandoned widow” means a widow who has been deserted or thrown out of the household by her relatives to fend for herself and who has no means to support herself and her dependent children, if any; 15

(2) “accredited NGO” means a Non-Governmental Organisation working exclusively for the prevention of voyeurism for a minimum period of three years and recognized as such by the Registrar of the National Bureau in the manner as may be prescribed;

(3) “advocate” shall have the same meaning as ascribed to it in the Advocates Act, 1961; 20

25 of 1961.

20 of 1972.	(4) “architect” means a person registered as an architect under the provisions of the Architects Act, 1972;
	(5) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;
5	(6) “Bureau” means the National, State or District Anti-Voyeurism Bureau established or constituted under this Act, as applicable;
49 of 2016.	(7) “blind person” means a person who has any visual impairment as defined under the Rights of Persons with Disabilities Act, 2016;
10	(8) “capture” includes the capture of images and recording of videos and sounds;
15	(9) “CCTV” and in its full form “Closed-circuit Television” means a computer system that uses video cameras, mikes or recorders to transmit a signal to a specific place, such as a limited set of monitors or computer devices, and includes spy cameras, pinhole cameras and other hidden cameras;
32 of 2012.	(10) “child” shall have the same meaning as ascribed to it in the Protection of Children from Sexual Offences Act, 2012;
20	(11) “community service” means unpaid work which a person is required to perform as a punishment for an offence committed under this Act with the intention to rehabilitate the offender and provide services beneficial to the community but does not include any religious activity or service;
21 of 2000.	(12) “computer” shall have the same meaning as ascribed to it in the Information Technology Act, 2000;
25	(13) “deepfake” means a technological outcome powered by artificial intelligence that uses a machine learning model to manipulate, morph, edit or superimpose existing images, videos or audio to create a new piece of content that appears to be authentic but is actually fabricated;
30	(14) “dissemination” means the act of transmitting, selling, broadcasting, sharing, showing, promoting, publishing, or exhibiting the information of voyeuristic material to one or more person or third person as the case may be, through VCD, DVD, memory card, pen drive, internet, computers, smartphones, software and similar means or devices or by copying, reproducing or advertising;
25 of 1990.	<i>Explanation:—</i> For the purposes of this clause, “broadcasting” shall have the same meaning as ascribed to it in the Prasar Bharati (Broadcasting Corporation of India) Act, 1990;
40	(15) “Engineer” means a person who possesses a Bachelor’s degree or equivalent qualification from an institution recognised by the All-India Council of Technical Education or any University or any institution recognised under a law or is registered as an engineer under any law for the time being in force;
	(16) “establishment” means—
45	(i) anybody or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or
8 of 2013.	(ii) any entity, company or body, corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution, shop and its branches;
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whether the property or premises of such establishment is fixed or temporary, movable or immovable; and which provides to the public its physical premises for a private act, where the users entrust their right to privacy to that establishment and where voyeurism is likely to take place; and such establishments as the Central Government may, on recommendations of the National Bureau, by notification in the Official Gazette, declare under the First Schedule to be an establishment for the purposes of this Act;	5	
(17) “film” shall have the same meaning ascribed to it in the Cinematograph Act, 1952;	10	37 of 1952.
(18) “hidden camera” means a camera whose position is hidden from public view and used to capture information secretly and may also be termed as spy camera;		
(19) “information” shall have the same meaning ascribed to it in the Information Technology Act, 2000 or the Right to Information Act, 2005, depending on the context in which it is used;	15	21 of 2000. 22 of 2005.
(20) “intermediary” shall have the same meaning as ascribed to it in the Information Technology Act, 2000 and shall also include websites and software applications that provide static data, that do not provide user-generated content and that which may be prescribed;	20	21 of 2000.
(21) “licencing authority” means the Superintendent of the District Bureau under this Act;		
(22) “person with mental disability” includes persons of unsound mind, lunatic persons, or persons with any similar disorder, which renders the person incapable of understanding the nature and consequences of the act committed by such person and includes—	25	
(i) a person with mental illness as defined under clause (s) of section 2 of the Mental Healthcare Act, 2017; and		10 of 2017.
(ii) any other category of person as may be specified by the Central Government, by notification in the Official Gazette, on the recommendations of a competent authority designated under this Act;	30	
(23) “NGO” means Non-Governmental Organization registered under section 8 of the Companies Act, 2013 or the Societies Registration Act, 1860 or the Maharashtra Public Trusts Act, 1950 or other State Legislations concerning Charitable Trusts or any other voluntary association registered under any other law for the time being in force;	35	18 of 2013. 21 of 1860. 29 of 1950.
(24) “orphan” means a person who has not completed twenty-five years of age and,		
(i) who is without biological or adoptive parents or legal guardian; or		
(ii) whose legal guardian is not willing to take or capable of taking care of the person;	40	
(25) “ <i>pardanashin</i> woman” means a woman who, according to custom, lives a secluded life, lives only within the family, does not appear in public and has no communication with any other person except for a few near relatives;		
(26) “person belonging to an economically backward class” means a person recognized as such by the laws of the Union and respective States or as may be prescribed;	45	
(27) “pornography” or “porn” means consensually captured verbal or visual depiction of sexually explicit conduct of persons intending to elicit significant sexual arousal and entertainment on the part of the consumer of such material	50	

		and includes books, photographs, statues, videos, cartoons, digital or computer-generated images and material created, adapted or modified to depict the same;
	5	(28) “public place” means a place which is open and accessible to all of the public and is not a place exclusively used for private or personal purposes or has been notified as such by the appropriate Government;
45 of 2023.		(29) “public servant” shall have the same meaning as ascribed to it under sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 and includes members, officers and other employees of the Bureaus under this Act;
40 of 1971.	10	(30) “premises” shall have the same meaning as ascribed to it in the Public Premises (Eviction of Unauthorized Occupants) Act, 1971;
		(31) “prescribed” means prescribed by rules made by the appropriate Government under this Act;
	15	(32) “Register of sensitive service providers” means the register of sensitive service providers maintained by the Registrar of the National Bureau in such form and in such manner as may be prescribed under this Act;
	20	(33) “sensitive service provider” means service providers other than an establishment defined under this Act, which gains access to the privacy of an individual, whether physically or virtually, in the course of providing services, and includes—
		(i) service providers or service centres, which provide local repair services for smartphones, digital devices, or similar equipment;
	25	(ii) doorstep service providers including but not limited to, technicians for geysers, air conditioners or computers, electricians, carpenters, civil contractors, plumbers, or similar equipment;
		(iii) intermediaries;
		(iv) software service providers; and
		(v) and any other category of services as may be notified by the appropriate Government in the Second Schedule;
	30	(34) “sextortion” means the unwarranted demand for,—
		(i) sexual favours by a person in authority or in exchange for something in their power to grant or withhold; or
	35	(ii) sexual or other illegal favours by any person threatening to disseminate voyeuristic material of the victim or of any person in whom the victim is interested or to harm such persons, employing physical or non-physical, online or offline forms of coercion.
	40	(35) “third gender” means persons who do not identify as exclusively male or female, including individuals whose gender identity, expression, or lived experience does not conform to societal expectations of binary gender roles, and includes—
40 of 2019.		(i) transgender persons as defined under section sub-section (k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019; or
	45	(ii) individuals with intersex variations as defined under sub-section (i) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019;
46 of 2023.		(36) “victim” shall have the same meaning as ascribed to it under clause (y) of sub-section (1) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023;

- (37) “voyeur” means a person who is convicted for the offence of voyeurism under this Act;
- (38) “voyeurism” means an act done secretly, without knowledge, without consent or in violation of the procedure established by law and includes—
- (i) watching, listening or capturing a person engaging in a private act or a private conversation; or 5
 - (ii) accessing, monitoring, listening, reading, sensing, processing, altering or disseminating one’s sensitive personal data; or
 - (iii) accessing, watching, listening, reading, sensing or disseminating one’s stored or live information of a private act or private conversation as the case may be; or 10
 - (iv) repeatedly or constantly monitoring the location and movements of a person or accessing location data;
- in circumstances where a reasonable person would usually have the reasonable expectation of privacy; where such breach of privacy is committed intentionally or knowing that it is likely to cause breach of privacy of a person with the motive of sexual arousal, sexual gratification, entertainment, profit, intimidation, revenge, defame, degrade or abuse a person. 15
- (v) secretly or without knowledge or consent or unlawfully installing a device or software, permitting the installation of a device or software; obtaining command over camera, microphone, location and storage of a computer, accessing information from any device or software; to watch, listen, recapture, read, sense or disseminate sensitive personal data, data of location and movements or captured information of a person engaging in a private act or a private conversation; or 20 25
 - (vi) any dissemination with malafide intention of—
 - (a) information of a private act or a private conversation in circumstances where a person consensually captures such information or consents to such capture or knowing that it is being captured or having reason to believe it is likely to be captured or saved, but does not expressly consent to its dissemination to a third person, or 30
 - (b) a recording of a sexual offence and such captured information is used against the rights and interests of the victim, or 35
 - (c) any sexually explicit, obscene or similar private information accidentally captured, recorded or stored by CCTV cameras and other devices installed for security purposes in public places, or
 - (d) captured information of any incident occurring in emergency or unavoidable circumstances such as childbirth in public places and which discloses the facial identity and private part of the body of the woman, or 40
 - (e) captured information disclosing the private part of the body of a person and disclosing facial identity in case of a woman, urinating or doing any similar private act in a public place which is illegal under any other law for the time being in force; for the purposes other than prosecuting the illegal act, or 45
 - (f) call recordings, audio files, video files, text chat or screenshots of a private conversation; or

5 (g) sensitive personal data including data related to location and movements in circumstances where a person consensually provides such data to any person or intermediary or consents to its access or knowing that it is being accessed or having reason to believe it is likely to be accessed or saved, but does not expressly consent to its dissemination to a third person or to use or process it for other purpose than consented; or

10 (vii) acts committed by Revenge Porn, Revenge Call Recording, Revenge Text Chat, Upskirt, Down-blouse, Downstream distribution, Sexting, Eavesdropping, Cyber Stalking, Stalking Paparazzi, Doxing and Voyeuristic deepfake.

Explanation - For the purposes of this clause,—

15 (a) “private act” includes an act carried out in the circumstances where the person is alone or with any other person or remotely connected with any other person through technology and where the person is naked, or person’s genitals, posterior or female breasts are exposed or covered only in underwear; or the person is using a lavatory, or disrobing, or doing a sexual or an intimate act that is not of a kind ordinarily done in public; which the person has reason to believe as private act and it is not likely to be disclosed to the third person or public; regardless of whether the person is in a public or private place; where visibility or disclosure of such act or any part of it to the third person may cause legal injury to that person regardless of the damage.

25 (b) “private conversation” includes a conversation carried out in the circumstances where the interlocutor is alone or with any other person or remotely connected with any other person through technology or by correspondence; making mutually consenting any sexual or intimate conversation arising out of the fiduciary relationship or mutual trust; or conveying personal, medical or financial secret, login credential or password, official secrets out of the scope of the Right to Information Act, 2005; or having audible, noticeable or recordable self-talk or voice of similar nature; or communications under section 128, 130, 132 or 134 of the Bharatiya Sakshya Adhiniyam, 2023; or communication under in camera judicial proceedings, whether such conversation or self-talk is oral, written or in electronic format; that such conversation or self-talk is not of a kind ordinarily done in public; which the interlocutor has reason to believe as a private conversation or self-talk and it is not likely to be disclosed to the third person or public; regardless of whether the interlocutor is in a public or private place, where disclosure of such conversation or self-talk or any part of it to the third person may cause legal injury to the interlocutor regardless of the damage.

22 of 2005.

47 of 2023.

45 (c) “sensitive personal data” means any data about a person who is identifiable by or in relation to such data; either in physical form or in electronic format and includes login credential, password, contact list, finger-impressions, palm-print impressions, foot-print impressions, iris and retina scan, physical, biological samples and their analysis, behavioural attributes including signatures, digital signature, racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic data, data about health and sex life, sexual orientation; data including commercial confidence, trade secrets, intellectual property, or official secrets; and any other category as may be prescribed; but

does not include data of a private act or private conversation mentioned in this definition; data which the person has reason to believe as confidential data and it is not likely to be disclosed to the third person or public; regardless of whether the such data is stored in personal custody, custody of a company, at public domain or with intermediaries; where disclosure without express consent of such data or any part of it to the third person may cause legal injury to that person regardless of the damage. 5

(d) “in circumstances where a reasonable person would usually have the reasonable expectation of privacy” means— 10

(i) the victim could be naked, disrobe in privacy or engage in a private act without the same being observed or captured; or

(ii) any part of the victim’s private area or the private act would not be visible to the public; regardless of whether the victim is in a public or private place; or 15

(iii) in case where the victim is a child or an adolescent who knows using a lavatory and changing room and reasonably expects not to be seen by others; or

(iv) mutually consenting any sexual or intimate conversation; or conveying personal, official, medical or financial secret, login credential or password; or audible, noticeable or recordable self-talk of similar nature; whether oral, written or in electronic format, would not be shared or disclosed to any third person, or 20

(v) not being observed or heard live in-person; or his sensitive personal data or information of a private act or a private conversation is not being accessed, captured, watched, heard, read, sensed or disseminated; or sensitive personal data is not being used or processed for the other purpose than consented; as the case may be; either by the perpetrator or by any other person at the behest of the perpetrator, or 25 30

(vi) not being targeted and the location, travel history and movements of a person would not be surveilled by any person or software company;

(e) “Down-blouse” means secretly watching or capturing a person’s cleavage, bra and breasts under a person’s clothing, regardless of whether the person is in a private or public place; 35

(f) “Downstream distribution” means the reposting of earlier posted voyeuristic material on the internet by third parties;

(g) “Doxxing” or “Doxing” means publicly revealing previously private data about a person through electronic means without the consent of that person; 40

(h) “private place” means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance but does not include a place to which the public has lawful access; 45

(i) “Revenge porn” means voyeuristic material of a private act captured consensually but disseminated without the consent of the person or persons visible in the material, with the intention of revenge;

(j) “Sexting” means sexual conversation in the form of text including attachments of an image, audio or video; 50

(k) “Stalking Paparazzi” means overzealous and aggressive persons who capture or publish audios, videos or images of celebrities despite a clear indication of refusal;

(l) “Up-skirt” means secretly watching or capturing a person’s private parts, whether covered or uncovered, under a person’s skirt or other similar clothing, regardless of whether the person is in a private or public place;

(39) “Voyeuristic material” means any information arising out of the offence of voyeurism as defined under sub-section (38);

(40) words and expressions used but not defined in this Act but defined in the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, the Digital Personal Data Protection Act, 2023 or the Indian Telegraph Act, 1885 shall have the same meaning as is respectively assigned to them in those Acts.

CHAPTER II

RIGHTS OF PERSONS AND VICTIMS

- 3.** Subject to the provisions of this Act, every person shall have the right to privacy:

Right to
privacy.

Provided that right to privacy shall be subject to reasonable restrictions imposed by State in the interest of public order, security, or other specified grounds as per the procedure established by law.

Explanation. — For the purposes of this section, "State" shall include the Central Government or the Government of any State or Union territory and any local authority or other body created by or under the authority of any such Government, and any agency of the appropriate Government, including law enforcement agencies and regulatory authorities.

- 4.** (1) Subject to the provisions of this Act, every person shall have the right to access information with respect to,—

Right to
information

(i) the privacy measures and privacy policy adopted by any establishment or sensitive service provider;

(ii) the name, designation, rights and duties of such designated public servant or an employee of the establishment or the sensitive service provider under this Act, whose duties and responsibilities are related to the implementation of this Act.

(2) The procedure for obtaining the information referred to in sub-section (1) shall be such, as may be prescribed.

- 5.** No person shall be subjected to voyeurism, and violation of this provision shall be an offence punishable under this Act.

Prevention of
voyeurism.

- 6.** (1) Every victim under this Act shall have the right to,—

Rights of
victims.

(a) be informed about the rights of the victim;

(b) seek redressal against offences committed under this Act;

(c) seek legal and medical aid;

(d) apply for damages and compensation;

(e) attend criminal justice proceedings arising out of the offence committed against him ;

(f) be heard and participate in such criminal justice proceedings;

(g) be informed, with reasonable, accurate, and timely notice, of any investigation, Court proceeding including any bail proceeding, legal rights and remedies, and available services and the Special Public Prosecutor:

Provided that the appropriate Government shall inform the victim about any proceedings under this Act; 5

(h) protection from intimidation, harassment, coercion, inducement, violence or threats of violence;

(i) restitution by the offender;

(j) prompt return of personal property seized as evidence; 10

(k) a speedy trial;

(l) be treated in a fair, just, dignified, respectable and equitable manner and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty;

(m) take down voyeuristic material related to them from an intermediary; 15

(n) not be discriminated against on the grounds of being a victim of voyeurism;

(o) take assistance from NGOs, social workers or advocates;

(p) any other relief under the provisions of this Act; and 20

(q) enforcement of the rights mentioned under this Act.

Right to file application and receive acknowledgement.

7. (1) Every person shall have the right to file a letter, complaint, application or appeal to the Bureaus, establishments or offices of the sensitive service providers established under this Act, as the case may be, and shall be entitled to receive an acknowledgement thereof in the form and manner, as may be prescribed. 25

(2) In the event of refusal to accept or acknowledge such letter, complaint, application, or appeal under sub-section (1), the aggrieved person shall be entitled to such remedies as may be prescribed, and the person in default of the duty stipulated under sub-section (1) shall be liable to such disciplinary proceedings and penalties as may be applicable to an Officer of the Central Civil Service of equivalent grade. 30

CHAPTER III

ANTI-VOYEURISM BUREAU OF INDIA

Constitution of National Bureau.

8. (1) **The Central Government shall, by notification in the official gazette, establish a body to be called as the Anti-Voyeurism Bureau of India (hereinafter referred to as the National Bureau), to exercise the powers conferred upon and duties and function assigned to it under this Act.** 35

(2) The National Bureau shall consist of —

(a) the Chief Anti-Voyeurism Commissioner; and 40

(b) four members, out of which two shall be experts in the technical field; one shall be an eminent advocate; and one shall be a representative of an accredited NGO.

Provided that out of the five members of the National Bureau, at least two shall be women, and efforts shall be made to include to the extent possible persons belonging to the third gender. 45

(3) The Chief Anti-Voyeurism Commissioner and members of the National Bureau shall be appointed from amongst persons—

5 (a) who have been or are in an All-India Service or in any civil service of the Union or in a civil post under the Union or persons of eminence in public life with vast knowledge and experience in law, science and technology, cyber security, investigation, social service, management, journalism, mass media or administration and governance; or

10 (b) who have held office or are holding office in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government and persons who have expertise and experience in law, science and technology, cyber security, investigation, social service, management, journalism, mass media or administration and governance.

15 (4) The Chief Anti-Voyeurism Commissioner or a Member of the National Bureau shall not be a Member of Parliament or a Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or be connected with any political party or carrying on any business or pursuing any profession.

20 (5) The National Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

25 **(6) The headquarters of the National Bureau shall be at Delhi, and the National Bureau may, with the previous approval of the Central Government, establish divisional or branch offices at other places in India, as may be deemed necessary.**

30 (7) The Central Government shall appoint a Registrar to the National Bureau on such terms and conditions as it deems fit to exercise such powers and discharge such duties as the National Bureau may by regulations specify in this behalf.

35 (8) The general superintendence, direction and management of the affairs of the National Bureau shall vest in the Chief Anti-Voyeurism Commissioner who shall be assisted by the members; shall exercise all such powers and do all such acts and things which may be exercised or done by the National Bureau autonomously without being subjected to directions by any other authority under this Act.

40 **9. (1) The Chief Anti-Voyeurism Commissioner and the other members of the National Bureau shall be appointed by the President of India, by warrant under his hand and seal, on the recommendations of a Committee consisting of—**

(i) The Prime Minister of India who shall be the Chairperson of the Committee;

(ii) The Chief Justice of India, *ex officio* Member; and

(iii) The Leader of Opposition House of the People, *ex officio* Member.

45 *Explanation.*— For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognized as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

Appointment, term of office, resignation and removal of members of the National Bureau.

- (2) While making any recommendation under sub-section (1), the Committee shall take into consideration the views of the outgoing members of the National Bureau.
- (3) The Central Government shall provide requisite induction training to the persons appointed to the National Bureau before their joining office, in such form and manner as may be prescribed. 5
- (4) The term of office of the Chief Anti-Voyeurism Commissioner and the members of the National Bureau shall be five years from the date of their appointment or until they attain the age of sixty-five years, whichever is earlier. 10
- (5) The outgoing Chief Anti-Voyeurism Commissioner shall be eligible for further selection as the Chief Anti-Voyeurism Commissioner, provided that no person shall hold the office for more than two terms.
- (6) No person employed in the service of the Government shall be eligible to hold the office of the Chief Anti-Voyeurism Commissioner under this Act, unless, upon selection, such person voluntarily retires from government service prior to assuming office. 15
- (7) Any member of the National Bureau may, at any time, relinquish his office by giving notice of not less than three months by writing under his hand to the President and on such resignation being accepted, he shall be deemed to have vacated his office. 20
- (8) The President may remove from office any member of the National Bureau, if the member—
- (i) is adjudged an insolvent; or
 - (ii) has indulged in any misbehaviour; or 25
 - (iii) engages during his term of office in any paid employment outside the duties of his office; or
 - (iv) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude; or
 - (v) becomes of unsound mind and stands so declared by a competent court; or 30
 - (vi) refuses to act or becomes incapable of acting; or
 - (vii) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
 - (viii) in the opinion of the President has so abused the position of Chief Anti-Voyeurism Commissioner or Member as to render that person's continuance in office detrimental to the public interest; or 35
 - (ix) in the opinion of the President is unfit to continue in office by reason of infirmity of mind or body:
- Provided that no member shall be removed from his office unless he has been given a reasonable opportunity of being heard in the matter. 40
- (9) A vacancy caused of the office of the Chief Anti-Voyeurism Commissioner or any other member shall be filled up within a period of three months from the date on which such vacancy occurs: 45
- Provided that till such time the vacancy of the Chief Anti- Voyeurism Commissioner is filled up, the senior-most member shall be the officer-in-charge of the National Bureau.

10. (1) The salaries and allowances payable to—

Salaries and allowances of members of the National Bureau.

(a) The Chief Anti-Voyeurism Commissioner shall be the same as that of the Chief Election Commissioner;

(b) A member of the National Bureau shall be the same as that of an Election Commissioner;

Provided that if the Chief Anti-Voyeurism Commissioner or a member, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Anti-Voyeurism Commissioner or a member shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Anti-Voyeurism Commissioner or a member if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Anti-Voyeurism Commissioner or a member shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Anti-Voyeurism Commissioner and the members shall not be varied to their disadvantage after their appointment.

(2) The Central Government shall provide the Chief Anti-Voyeurism Commissioner and the members with such number of officers and employees as may be necessary for the efficient performance of their functions under this Act.

(3) The methods of recruitment, the qualifications and experience, the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

11. (1) Subject to the provisions of this Act, the following shall be the duties and functions to be performed and the powers to be exercised by the National Bureau:

Powers, duties and functions of the National Bureau.

(a) advising and giving directions to the Central Government on prevention, prohibition and redressal of voyeurism and rehabilitation of the victims;

(b) supervising the functioning of the State and District Bureaus;

(c) laying down the standards to be maintained by the State and District Bureaus;

(d) laying down standards for the films, literature, drama, art, streaming media and other digital content which contain dramatic scenes related to or depicting voyeurism;

(e) prescribing fees for licences and their renewal;

- (f) prescribing the format of application of licences and their renewal, the fees and prescribing the format of application of registration of sensitive service providers and the fees;
- (g) preparing and publishing, on the recommendation of the State Bureaus, a national blacklist of sensitive service providers and a list of establishments whose licences have been suspended; 5
- (h) recognizing an NGO as an accredited NGO authorized to set standards and conduct voluntary certification for establishments and sensitive service providers, on application by such NGO;
- (i) trying appeals from the orders passed by the State Bureaus in matters related to blacklisting or licences; 10
- (j) banning any websites or films or digital content which contains any voyeuristic material and taking appropriate steps to eliminate the material from the internet permanently;
- (k) prescribing the qualifications of the District Superintendent, Deputy Superintendents, Inspectors and other staff at the District Bureau on the recommendation of the State Bureau; 15
- (l) providing a budget for the administration and functioning of the National, State and District Bureaus;
- (m) conducting scientific, technical, legal and investigation training for officials of the State and District Bureaus; 20
- (n) providing statistics about the number of reported and convicted cases of voyeurism to the National Crime Records Bureau (NCRB);
- (o) encouraging technical, legal and medical research to prevent and redress voyeurism and creating a Subordinate Committee for the purposes of such research; 25
- (p) reviewing and coordinating the activities of all the departments and organizations of the Government and other NGOs that are dealing with matters relating to voyeurism; and
- (q) recommending to the State Bureau to conduct inquiry, determine losses and grant compensations to the victims of voyeurism under section 58 of this Act. 30

(2) Subject to the provisions of this Act, the National Bureau shall have the power of reference and revision.

CHAPTER IV 35

ANTI-VOYEURISM BUREAUS OF THE STATES

Constitution of
State Bureau.

12. (1) **Every State Government shall, by notification in the official gazette, establish a body to be called the Anti-Voyeurism Bureau of the State, (hereinafter referred to as the State Bureau) in each State to exercise the powers conferred upon and duties and functions assigned to it under this Act.** 40
- (2) **The Bureau shall consist of the following, namely—**
 - (a) **The Chief Anti-Voyeurism Commissioner of the State; and**
 - (b) **Four members, out of which two shall be experts in the technical field; one shall be an eminent advocate; and one shall be a representative of an accredited NGO.** 45

Provided that out of the five members of the State Bureau, at least two shall be women, and efforts shall be made to include to the extent possible persons belonging to the third gender.

5 (3) The Chief Anti-Voyeurism Commissioner of the State and members of the State Bureau shall be appointed from amongst persons—

(a) who have been or are in an All-India Service or in any civil service of the Union or State in a civil post under the Union or State or persons of eminence in public life with vast knowledge and experience in law, science and technology, cyber security, investigation, social service, management, journalism, mass media or administration and governance; or

10 (b) who have held office or are holding office in a corporation established by or under any Central or State Act or a Government company owned or controlled by the Central or State Government and persons who have expertise and experience in law, science and technology, cyber security, investigation, social service, management, journalism, mass media or administration and governance.

15 (4) The Chief Anti-Voyeurism Commissioner of the State or a Member of the State Bureau shall not be a Member of Parliament or a Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

20 (5) The State Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

25 (6) **The headquarters of the State Bureau shall be at such concerned place in the State as the State Government may, by notification in the Official Gazette, specify and the State Bureau may, with the previous approval of the State Government, establish divisional or branch offices at other places in the State, as may be deemed necessary.**

30 (7) The State Government shall appoint a Registrar to the State Bureau on such terms and conditions, as it deems fit, to exercise such powers and discharge such duties as the State Bureau may be regulations specify in this behalf.

35 (8) The general superintendence, direction and management of the affairs of the State Bureau shall vest in the Chief Anti-Voyeurism Commissioner of the State who shall be assisted by the members and shall exercise all such powers and do all such acts and things which may be exercised or done by the State Bureau as prescribed under this Act.

40 **13. (1) The Chief Anti-Voyeurism Commissioner of the State and the other members of the State Bureau shall be appointed by the Governor of the concerned State by warrant under his hand and seal on recommendations of a Committee consisting of—**

45 (i) The Chief Minister of the State, who shall be the Chairperson of the Committee;

(ii) The Chief Justice of the High Court of the State, *ex officio* Member; and

50 (iii) The Leader of Opposition in the Legislative Assembly of the State, *ex officio* Member.

Appointment, term of office, resignation and the removal of members of the State Bureau.

Explanation.— For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly of the State has not been recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly of the State shall be deemed to be the Leader of Opposition. 5

(2) While making any recommendation under sub-section (1), the Committee shall take into consideration the views of the outgoing members of the State Bureau.

(3) The State Government provide requisite induction training to the persons appointed to the State Bureau before joining office, in such form and manner, as may be prescribed. 10

(4) The term of office of the Chief Anti-Voyeurism Commissioner of the State and the members of the State Bureau shall be five years from the date of their appointment:

Provided that the outgoing Chief Anti-Voyeurism Commissioner shall be eligible for further selection as the Chief Anti-Voyeurism Commissioner, provided that no person shall hold the office for more than two terms. 15

(5) Any member of the State Bureau, at any time, may relinquish his office by giving, a notice of three months by writing under his hand and seal in writing to the Governor, and on such resignation being accepted, he shall be deemed to have vacated his office. 20

(6) The Governor may remove from office any member of the State Bureau if the member—

(i) is adjudged an insolvent; or

(ii) has indulged in any misbehaviour; or 25

(iii) engages during his term of office in any paid employment outside the duties of his office; or

(iv) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or

(v) becomes of unsound mind and stands so declared by a competent court; or 30

(vi) refuses to act or becomes incapable of acting; or

(vii) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(viii) in the opinion of the Governor has so abused the position of Chief Anti-Voyeurism Commissioner of the State or Member as to render that person's continuance in office detrimental to public interest; or 35

(ix) in the opinion of the Governor is unfit to continue in office by reason of infirmity of mind or body:

Provided that no member shall be removed from his office unless he has been given a reasonable opportunity of being heard in the matter. 40

(7) A vacancy caused to the office of the Chief Anti-Voyeurism Commissioner of the State or any other member shall be filled up within a period of three months from the date on which such vacancy occurs:

Provided that till such time the vacancy of the Chief Anti-Voyeurism Commissioner of the State is filled up, the senior-most member will be the officer-in-charge of the State Bureau. 45

14. (1) The salaries and allowances payable to—

Salaries and allowances of members of State Bureau.

(a) The Chief Anti-Voyeurism Commissioner of the State shall be the same as that of the Election Commissioner;

(b) A Member of the State Bureau shall be the same as that of the Chief Secretary to the State Government:

Provided that if the Chief Anti-Voyeurism Commissioner of the State or a member, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Anti-Voyeurism Commissioner of the State or a member shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Anti-Voyeurism Commissioner of the State or a member if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Anti-Voyeurism Commissioner of the State or a member shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Anti-Voyeurism Commissioner of the State and the members of the State Bureau shall not be varied to their disadvantage after their appointment.

(2) The State Government shall provide the Chief Anti-Voyeurism Commissioner of the State and the members with such number of officers and employees as may be necessary for the efficient performance of their functions under this Act,

(3) The methods of recruitment, qualifications and experience, the salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

15. (1) Subject to the provisions of this Act, the following shall be the duties and functions to be performed and the powers to be exercised by the State Bureaus:

Powers, duties and functions of State Bureau.

(a) advising and giving directions to the State Government on prevention, prohibition and redressal of voyeurism and rehabilitation of the victims;

(b) supervising the functioning of the District Bureaus;

(c) translating the application and renewal forms for licences and the licence formats prescribed by the National Bureau into the regional and local languages of the State;

(d) passing orders to black-list sensitive service providers recommended by the District Bureaus after conducting quasi-judicial proceedings and giving the sensitive service provider a reasonable opportunity of being heard;

- (e) recommending to the National Bureau for sensitive service providers to be added to the national blacklist along with a detailed report containing reasons for the same;
- (f) taking appropriate steps against any websites or films or digital content which contain any voyeuristic material to eliminate the material from the internet permanently; 5
- (g) taking *suo moto* cognizance of the offences of voyeurism;
- (h) taking cognizance of the cases of violation of the Act and other laws relating to voyeurism on receipt of complaint in this regard from any person, in such form and manner, as may be prescribed; 10
- (i) directing the District Bureaus to conduct the inquiry or investigation, file charge sheet to the Special Court or the inquiry report to State Bureau, as the case may be, provide counselling to the victims, in cases of voyeurism;
- (j) conducting random verification of all establishments where voyeurism is likely to take place; 15
- (k) providing scientific, technical, legal and investigation training for officials of the District Bureaus;
- (l) directing the District Bureau to issue or revoke licences of the establishments which have appealed to the State Bureau in cases where the State Bureau deems fit; 20
- (m) publishing the list of applications and appeals pending before it on a notice board displayed at a conspicuous place on its office premises and on its official website, in such form and manner, as may be prescribed; 25
- (n) making recommendations to the National Bureau regarding the qualifications of the District Superintendent, Deputy Superintendents, Inspectors and other staff of the District Bureau;
- (o) publishing all information regarding establishments that have been granted or rejected licences, do not have a licence, have pending licence applications and blacklisted sensitive service providers on the official website of the State Bureau periodically; 30
- (p) making recommendations to the National Bureau to direct the appropriate Government for the censoring of films, literature, drama, art, streaming media and other digital content which encourages or glorifies voyeurism; 35
- (q) taking any other legal action as necessary for the prevention, prohibition and redressal of any offence of voyeurism or related incidents.
- (2) Subject to the provisions of this Act, the State Bureau shall have the power of reference and revision. 40

CHAPTER V

ANTI-VOYEURISM BUREAUS OF THE DISTRICTS

16. (1) Each State Government shall, by notification, in the official Gazette, constitute a body to be called as the Anti-Voyeurism Bureau of District, (hereinafter referred to as the District Bureau), in each District of the State, to exercise the powers conferred upon and duties and functions assigned to it under this Act. 45
- (2) The Bureau shall consist of the following, namely—

Constitution of
District Bureau.

- (a) the District Superintendent of the District Bureau;
(b) two or more Deputy Superintendents of the District Bureau;
(c) two or more Inspectors of the District Bureau;
(d) experts in the technical, legal, medical and other fields, and any such staff as may be required, to carry out the functions of the District Bureau:

Provided that half of the total staff of the District Bureau shall be women and efforts shall be made to include to the extent possible persons belonging to the third gender.

(3) There shall be a seal of every District Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(4) The headquarters of the District Bureau shall be at such a place in the State as the State Government may, by notification in the Official Gazette, specify and the District Bureau may, with the previous approval of the State Government, establish offices at other places in the district.

(5) The State Government may establish one or more divisional or branch offices of the District Bureau, as may be deemed necessary, at any such places where it deems fit.

(6) The general superintendence, direction and management of the affairs of the District Bureau shall vest in the District Superintendent of the District Bureau who shall be assisted by the Deputy Superintendents, the inspectors and the staff, and may exercise all such powers and do all such acts and things which may be exercised or done by the District Bureau as prescribed under this Act.

17. (1) The District Superintendent, Deputy Superintendents, Inspectors and the staff of the District Bureau shall be persons who are experts in the fields of science, cyber security, information technology, computer or electronic engineering, law, investigation and administration.

(2) In addition to the above staff, the District Bureau shall have at all times in its staff at least one person qualified to be an architect, one person qualified to be a software or computer engineer, one person qualified to be an electrical or electronic engineer, and one person qualified to be an advocate.

(3) The officials and employees of the District Bureau shall be appointed by the State Government on the recommendation of the State Bureau.

(4) The State Government shall, by notification in the official Gazette, make rules to provide for the qualifications and experience, method of recruitment, procedure for appointment, expenditure, term of office, salaries and allowances, resignation and removal from office, promotions, and other terms and conditions of the employees of the District Bureau.

(5) The State Government shall provide requisite induction training to the persons appointed to the District Bureau before their joining office, in such form and manner, as may be prescribed.

(6) A vacancy caused to the office of the District Superintendent, Deputy Superintendents, Inspectors and the staff of the District Bureau shall be filed

Qualification for appointment of officers and other employees of District Bureau.

up within a period of three months from the date on which such vacancy occurs.

- 18.** (1) Subject to the provisions of this Act, it shall be the duty of the District Bureau, as the case may be, to receive or inquire into a complaint from any person, in such form and manner, as may be prescribed. 5
- (2) Subject to the provisions of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the District Bureaus:
- (a) taking all necessary measures to prevent the offence of voyeurism in places under its jurisdiction;
 - (b) taking *suo-moto* cognizance of the offences of voyeurism; 10
 - (c) taking cognizance of the cases of violation of the Act and other laws relating to voyeurism on a complaint by any person;
 - (d) conducting investigation in cases of voyeurism where the Police have forwarded the case to the District Bureau;
 - (e) submitting a detailed report of the investigation to the Police in such cases where charge sheet is to be forwarded by the police and providing all such assistance as requested by the Police; 15
 - (f) forwarding charge sheet to the Special Court or inquiry report to the State Bureau, as the case may be;
 - (g) conducting regular and random verification of all establishments where voyeurism is likely to take place; 20
 - (h) entering and inspecting the premises of any establishment during reasonable working hours:
- Provided that such inspection shall be recorded in a register of the office of the District Bureau and in a register maintained by the establishment; 25
- (i) entering and inspecting any dwelling house subject to the provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023; 46 of 2023.
 - (j) conducting surprise and regular inspections of places other than establishments where security cameras or CCTVs have been installed in public places; 30
 - (k) using the powers of search, seizure and arrest as prescribed under the Bharatiya Nagarik Suraksha Sanhita, 2023; 46 of 2023.
 - (l) collecting fees relating to licences, their renewal and penalties for non-compliance of other provisions under this Act; 35
 - (m) issuing licences to establishments:
- Provided that the District Superintendent of the District Bureau shall be the licensing authority for this purpose under the Act;
- (n) recommending to the State Bureau, sensitive service providers to be added to the blacklist along with a detailed report containing reasons for the same; 40
 - (o) providing medical, legal and technical aid to the victims of voyeurism;
 - (p) forwarding proposal to the State Bureau to conduct inquiry, determine losses and grant compensations to the victims of voyeurism under section 58 of this Act; 45

(q) determining whether the voyeuristic material is genuine or deepfake;

(r) providing rehabilitation and counselling to the offenders of voyeurism; and

5 (s) taking any other legal action as necessary for the prevention, prohibition and redressal of any offence of voyeurism or related incidents.

CHAPTER VI

COPYRIGHT AND TAKEDOWN MECHANISM

14 of 1957.

10 **19.** Notwithstanding anything contained in the Copyright Act, 1957, the accused or convicted person shall not have any copyright over the voyeuristic material, wholly or in part, arising out of the offence committed by them.

Copyright over voyeuristic material.

21 of 2000.

20. Notwithstanding anything contained in section 79 of the Information Technology Act, 2000 and the rules made under that Act,—

Takedown notice and restoration procedure.

15 (1) Every intermediary shall establish within one hundred and twenty days from the date of enactment of this Act, a mechanism for the takedown of voyeuristic material uploaded by any of its users or by itself.

20 (2) Any victim who wishes to remove their voyeuristic material from any online platform may send a takedown notice to that intermediary in such format as may be prescribed.

(3) The intermediary shall take down the voyeuristic material within a maximum period of thirty-six hours from the receipt of the notice and shall notify the same to the user who uploaded it, if applicable:

25 Provided that the intermediary may not reject the takedown notice by reason of non-compliance of the prescribed format of notice or lack of other compliance.

30 (4) Any user aggrieved by the takedown of content, may file a counter-notice in the prescribed format to the intermediary within a period of sixty days from the date of receipt of the notification.

(5) The intermediary on receipt of the counter-notice may, if it deems fit that such material was not uploaded in violation of any law, restore the material on the website within a period of fifteen days from such receipt:

35 Provided that the material shall not be restored in cases where the victim initiates legal action, or the Special Court or Bureau passes an order against it.

40 (6) The intermediary, after receipt of takedown notice, shall securely preserve such voyeuristic material and associated records for at least ninety days for investigation purposes, ensuring that there is no dissemination, after which it shall be permanently destroyed by the intermediary.

(7) The takedown notice shall include the following information:—

45 (a) Identification of the voyeuristic material that is claimed to be illegally uploaded or to be the subject of such activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to enable the intermediary to locate the material such as the website link,

(b) Information reasonably sufficient to enable the intermediary to contact the victim, such as an address, telephone number, and, if

available, an electronic mail address at which the victim may be contacted:

Provided that the victim shall have the right to refrain from disclosing his name, address, telephone number or related personal information and may alternatively provide the details of a representative or an advocate,

(c) A statement that the victim has a good faith belief that use of the material in the manner complained of is illegally uploaded, and a statement that the information in the notice is accurate and under the offence of perjury, the deponent could be held liable.

(8) The counter-notice shall include the following information:—

(a) A physical or electronic signature of the user,

(b) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled,

(c) A statement under the offence of perjury that the user has a good faith belief that the material was removed or disabled illegally, or as a result of mistake or misidentification of the material to be removed or disabled,

(d) The name, telephone number, postal and email address of the user and if the user's address is outside of India, the name, address and telephone number of a representative residing in India.

(9) The Bureaus established under this Act shall, after a preliminary investigation, have the power to order the intermediary to takedown any voyeuristic material, and the same shall be complied with by the intermediary within a period of twenty-four hours from the receipt of such order:

Provided that in such cases, no voyeuristic material shall be restored under sub-section (5) of this section.

Prohibition on third-party intermediaries for claiming or working as a takedown agency.

21. (1) No third-party intermediary shall claim or advertise to have a technical tool for taking down voyeuristic material from any other intermediary or digital platform and shall not thereby seek, call for, collect, store or process any voyeuristic materials themselves.
- (2) No person shall, by himself or on behalf of a third-party intermediary; promulgate, endorse or advertise the claim prohibited in sub-section (1) and shall not thereby induce people to transfer the voyeuristic material to himself or the third-party intermediary.

CHAPTER VII

VOYEURISM-FREE STANDARDS AND STANDARD MARK

Standards to be specified.

22. (1) Without prejudice to the powers of the Bureaus under this Act, the Bureau of Indian Standards established under the Bureau of Indian Standards Act, 2016 shall, in consultation with the National Bureau and accredited NGOs under this Act, set mandatory standards for the protection of privacy, protection against voyeurism and other purposes under this Act.
- (2) The Bureau of Indian Standards shall, at regular intervals, update the mandatory standards under sub-section (1) to meet contemporary social needs.
- (3) Notwithstanding anything contained in the Bureau of Indian Standards Act, 2016 and the rules, regulations and standards thereunder, the mandatory standards set under sub-section (1) shall be a public document within the

11 of 2016.

47 of 2023.

meaning of sub-section (1) of section 74 of the Bharatiya Sakshya Adhiniyam, 2023 and same shall be made available to the public without charging any commercial fees.

5 **23.** Every establishment and sensitive service provider under this Act shall conform to the mandatory standards set under section 22 of this Act.

Duty to conform to standards.

47 of 1999.

24. The Bureau of Indian Standards shall, in consultation with the National Bureau, the Trade Marks Registry established under the Trade Marks Act, 1999, accredited NGOs, and stakeholders, establish a Standard Mark which shall be of such design and contain such particulars as may be prescribed to represent conformity of the services of an establishment or sensitive service provider to the mandatory standards set under section 22, indicating that the particular services are Voyeurism-free.

'Voyeurism-Free' standard mark.

15 **25.** (1) No establishment or sensitive service provider other than an establishment bearing a valid licence under Chapter VIII or a sensitive service provider registered under Chapter IX of this Act, may make use of the Standard Mark in the premises of their business, on advertisements, brochures, billing receipts, websites, software, social media or by any other methods to represent the conformity of their services to the standards.

Use of standard mark.

20 (2) The use of the Standard Mark shall be deemed to be evidence of the premises of an establishment or services of the sensitive service provider being in conformity with the mandatory standards applicable to them under this Act:

25 Provided that nothing in this sub-section shall prevent any officer of the Bureaus from examining any premises of an establishment, service of the sensitive service provider, entity or person if they have reason to believe that the standard mark is not genuine or has been used, affixed or applied fraudulently or if such an examination is necessary for the purpose of any other law for the time being in force.

30 **26.** (1) Notwithstanding anything contained in this Chapter and for the larger public interest, an accredited NGOs is authorized to set their own standards for voluntary certification and certify establishments and sensitive service providers that voluntarily adopt those standards.

Standards and voluntary certification by NGOs.

35 (2) Nothing shall prevent any accredited NGOs from certification work for the larger public interest on the grounds that their standards resemble those set under section 22 of this Act.

11 of 2016.

40 (3) Notwithstanding anything inconsistent contained in sub-section (3) of section 17 of the Bureau of Indian Standards Act, 2016, nothing shall prevent any accredited NGO from registering certification trademarks and other intellectual property for the larger public interest subject to obtaining a no-objection certificate from the National Bureau.

CHAPTER VIII

PROVISIONS FOR ESTABLISHMENTS

45 **27.** No establishment specified in the First Schedule or its branch or department shall commence or carry on any business unless it holds in this behalf a licence issued in accordance with the provisions of this Act and the Rules made thereunder:

Licences for establishments.

50 Provided that the establishments in operation prior to the enactment of this Act shall, within a period of one year from the date of enactment of this Act, apply for the licence and may continue their business unless the licence is rejected by the licencing authority.

Exemptions for obtaining licence.	28. Any establishment mentioned in the First Schedule may apply to the licencing authority for an exemption on the grounds that there is no scope for voyeurism to take place within their premises: Provided that the licencing authority may grant such an exemption after an inspection of the establishment and on certain conditions as may be prescribed.	5
Licencing authority and forms of licences.	29. The licences under this Act shall be granted or renewed, by the licencing authority, in such forms and to be valid for such period as prescribed by the State Bureau, subject to such conditions as are specified in these rules and in the licence: Provided that the licencing authority may empower in his behalf any officer or officers of the District Bureau to grant or renew any such licences.	10
Restrictions in granting licences.	30. No licence shall be granted to the establishments specified in the First Schedule unless they have been legally established, registered or possessed, and not prohibited under any other law for the time being in force.	15
Licencing authorities to furnish information to State Bureau.	31. The licencing authority shall provide information with respect to the licences granted, rejected and renewed, and pending applications of licences under this Act to the State Bureau at regular intervals in such form and manner, as may be prescribed by the State Bureau.	
Enabling ease of access to licence services.	32. The employees of the District Bureau shall render reasonable assistance, free of cost, to persons applying for a licence or its renewal by assisting them in the application processes such as filling the form, attaching required documents, etc. and periodically organizing camps for easy access to their services at various locations in the district.	20
Application for licences.	33. (1) Every application for the grant of a licence under this Act, shall be— (a) submitted in the form, contain such particulars and be accompanied by such fee, as may be prescribed by the State Bureau; (b) presented by the applicant in person or sent through the medium of post or filed electronically or otherwise to the licencing authority, as far as possible, having jurisdiction in respect of the place where the establishment is situated. (2) Every application submitted by a person for the grant of a licence shall be accompanied by the documents as prescribed by the State Bureau. (3) The applicant shall not suppress any factual information or furnish false or wrong information in the application form.	25 30 35
Jurisdiction of licencing authority.	34. (1) The licencing authority shall issue licences to establishments situated within the local limits of the jurisdiction of the district. (2) In cases where the property or premises of the establishment is movable, the licencing authority under whose jurisdiction the establishment has its registered office, or its head office or its branch office is situated, or from where it carries out its business under any other law for the time being in force, shall be the licencing authority having jurisdiction to issue a licence to such movable property or premises.	40
Inspection of establishments.	35. (1) On receipt of an application, a team of experts from the District Bureau appointed by the licencing authority shall conduct a thorough inspection of the applicant establishment, their premises, documents, the conformity of the establishment with the standards set under section 22 of this Act and collect any other information as deemed necessary; and after such inspection, the team of experts shall prepare a report on the same and submit it to the	45

	licencing authority within fifteen working days from the date of receipt of application.	
	(2)The District Bureau shall carry out surprise inspection in the establishment at regular intervals.	
5	(3) The inspection of an establishment shall be carried out during reasonable working hours and in the presence of a woman officer in cases where the establishment is run or managed by a woman.	
10	36. (1) The licencing authority shall, after considering the application by the applicant establishment and the inspection report under sub-section (1) or section 48 and on being satisfied that the applicant has fulfilled the eligibility conditions, subject to the other provisions of this Chapter, grant a licence; or refuse to grant a licence by recording its reasons in writing for such refusal, and by passing a speaking order; within a period of thirty days from the receipt of such application.	Grant of licences and time limit for grant of licences.
15	(2) In case of grant of licence, the licencing authority shall provide the certificate of licence in the format specified in the Third schedule to the applicant.	
20	(3) The establishment shall exhibit, on a visible area of the premises of the establishment, either the licence granted by the licencing authority under this section or any document informing the licencing authority about the deemed grant of licence under the first proviso to section 41.	
	(4) Any licence granted by the licencing authority to the particular premises of an establishment shall be valid only to the extent of those premises of the establishment.	
25	(5) The licence format and the contents to be filled up in the licence shall be written in both the local language and English language.	
30	37. (1) Every licencing authority, while granting or renewing a licence, shall enter the data of the record locally in an electronic format as specified from time to time by the State Bureau.	Maintenance of records in electronic format and consolidation of licences.
35	(2) Every licencing authority shall enter the relevant data of each such licensee in the Central system developed and upgraded at regular intervals by the National Bureau in consultation with the Central Government, which shall generate a Unique Identification Number (hereinafter referred to as "UIN") for each licensee which shall take effect from such date as may be prescribed by the National Bureau, and no licence shall be deemed valid without such UIN.	
	(3) The UIN so generated under sub- section (2) shall be unique for every licensee.	
40	(4) The licencing authority shall provide through its public web portal, Application Programming Interface (API) for Unique Identification Number (UIN) and standard mark, to be voluntarily exhibited on the websites and software applications if any, of a licensee, on the request of a licensee.	
45	38. (1) Where there is a change, correction, addition, alteration or deletion in any kind of information, other than information about a change in address given to the licencing authority by the establishment, the establishment shall forthwith inform the same to the licencing authority by such application and in such form, as prescribed by the State Bureau from time to time, within thirty days from the date of such change, correction, addition, alteration or deletion.	Change, correction, addition, alteration and deletion of any information after grant of licence by licencing authority.
50	Provided that any establishment that does not inform the licencing authority about any such change, correction, addition, alteration or deletion	

	shall be liable to such fine as may be prescribed by the State Bureau in accordance with such penalty as prescribed under section 103 of this Act.	
	(2) The licencing authority shall, on receiving such information and on being satisfied about its correctness, make the change in the register of establishments and shall amend the certificate of licence or issue a fresh certificate of licence, if necessary.	5
Provision relating to change in address of establishment.	<p>39. (1) The licensee shall notify the licencing authority in the form prescribed by the State Bureau within thirty days from the date of change of address of the establishment that such establishment has changed their address, in such form and manner, as may be prescribed.</p> <p>Provided that where the change of address has taken place in the area which is under the jurisdiction of the licencing authority which has issued the previous licence, the changes shall be incorporated into the same licence after inspection of the changed premises of the establishment and no cancellation of the previous licence shall be required.</p> <p>(2) The licencing authority shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishments and cancel the licence.</p>	10 15
Renewal of licence.	<p>40. (1) Every licence shall, at its expiration and subject to the same conditions as to the grant thereof, be renewed by the licencing authority within a period of thirty days from the date of receipt of the application for renewal.</p> <p>(2) An application for renewal of a licence shall be filed in the form specified by the State Bureau, at least sixty days prior but not more than ninety days prior to the expiry of the said licence with the licencing authority along with the documents specified by the State Bureau.</p> <p>(3) The licencing authority shall consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and subject to payment of all renewal fees.</p> <p>Provided that if the specified conditions are not met, the application shall be treated as that for grant of a fresh licence.</p>	20 25 30
Deemed grant or renewal of licences.	<p>41. If the licencing authority does not communicate its decision of whether to grant or refuse the licence or its renewal to the applicant within thirty working days from the receipt of application, or within thirty working days from the date of receipt of reply from the applicant in respect of any requisition made by the licencing authority, whichever is later, the licence shall be deemed to have been granted or renewed, as the case may be, on the date immediately following the date of expiry of the stipulated thirty working days and such licence shall be deemed to be legally valid for all purposes under this Act:</p> <p>Provided that the applicant establishment whose application has been deemed granted or deemed renewed shall, before carrying on the business, inform the licencing authority, in the prescribed format, about the initiation or continuance of the business of the establishment by virtue of the deemed grant or renewal of licence, and the licencing authority shall record the information which shall become part of the official record.</p> <p>Provided also that the business carried on, is strictly in conformity with the requirements of all the standards, rules and regulations for the time being in force framed under this Act, and any contravention shall invalidate the deemed grant or renewal of licence.</p>	35 40 45
Fees for licences.	42. (1) (a) Every licence granted or renewed under this Act shall, save as herein otherwise expressly provided, be chargeable with a fee, if any, as prescribed	50

by the State Government on the recommendation of the State Bureau, after taking into consideration the following points, namely:—

- (i) the area of the premises of the establishment in square metres;
- 5 (ii) the class of local self-Government under whose jurisdiction it is situated;
- (iii) the type of business;
- (iv) the ratings, rank, etc., if any; and
- (v) any other considerations as may be prescribed.

10 (b) In any case where the fee is prescribed for a year, the fee for a fraction of a year shall be the same as for a whole year.

(2) Where a licensee submits an application for renewal of the licence after the expiry of the period for which the licence was granted, the licencing authority may, if it decides to renew the licence, at its discretion, levy—

- 15 (a) the full fee as for initial grant of the licence; and
- (b) a late fee as prescribed by the State Bureau if it is satisfied that the delay is not justifiable or excusable, and not serious enough to warrant revocation of the licence or prosecution of the licensee.

20 (3) The State Bureau may, by the issuance of a general or special order and for reasons to be recorded in writing and subject to such conditions, if any, as it may specify in the order, grant exemption from, or reduction of, the fee payable in respect of any licence:

25 Provided that of every exemption from payment of the fee chargeable in respect of the grant or renewal of any licence shall be subject to the condition that if the application for renewal of such licence is not made within the prescribed period mentioned in sub-section (2) of section 40, the licencing authority may, unless the applicant satisfies the licencing authority that he had sufficient cause for not making the application within that period, levy renewal fee at the rate prescribed by the State Bureau.

30 (4) Any establishment—

(a) wherein a woman or a person belonging to the third gender or any person with disabilities or an orphan above eighteen years of age or a person belonging to an economically backward class is the sole proprietor, no such fees shall be levied for application and renewal of the licence under this Act, or

(b) that ensures a clean and hygienic toilet facility in their premises, especially for women and persons belonging to the third gender, may be granted an exemption or reduction in licence fees on the order of the State Bureau:

40 Provided that this sub-section shall not apply to establishments whose annual turnover exceeds the exemption limit prescribed by the State Bureau.

43. Where a licence granted or renewed under this Act is lost or accidentally destroyed, the licencing authority shall grant a duplicate licence on payment of the fee as prescribed by the State Bureau.

Fee payable for copies and duplicates.

44. All fees payable shall be paid in cash or by way of bank pay- order or demand draft or electronic banking transfer at the time of application.

Collection of fees.

45. Any person who holds a licence granted or deemed granted or renewed under this Act shall forthwith produce such licence upon demand by any officer of

Production of licence.

the District, State or National Bureau or any magistrate or any police officer of a rank not below that of an officer-in-charge of a police station.

Suspension,
revocation and
cancellation of
licence.

46. (1) The licencing authority may, on receipt of any complaint or may *suo moto* initiate an inquiry and suspend or revoke any licence if the establishment which has been granted a licence under this Chapter or any person in connection with such establishment is found to indulge or participate in any activity punishable under this Act or commits any act contrary to the provisions mentioned under this Act, by passing a speaking order: 5

Provided that, at the time of the inquiry, a notice shall be issued to such establishment or person, and they shall be given a reasonable opportunity of being heard. 10

(2) If any establishment has been permanently closed for business, the licensee shall notify the same to the licencing authority within thirty days from the date of closing of the establishment, in such form and manner, as may be prescribed by the State Bureau. 15

(3) The licencing authority shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishments and cancel the licence:

Provided also that if the licencing authority does not receive the information, but is otherwise satisfied on inspection that the establishment on the registered address has been permanently closed and after giving the establishment a reasonable opportunity of being heard by issuing a notice, it may prepare a detailed report including statements or any other evidence to show that the said establishment has been permanently closed at the registered address and then remove the establishment from the register and cancel such certificate of licence. 20 25

Licence not to
indicate legality
of business.

47. (1) The licence provided by the licencing authority under this Act shall not indicate the legality or authenticity of the establishment or its business, nor shall it confer legality upon any illegal establishment, business or act. 30
- (2) The licence under this Act shall not be a proof of the existence of any establishment, business or place of business.
- (3) The licence under this Act shall be an independent licence without affecting the provisions of any other licences, permissions, or certifications necessary or mandatory under any other laws for the time being in force for the continuance of the establishment or its business. 35

Search report on
request.

48. (1) Without prejudice to any other provision under this Act, any person authorized and intending to use any premises or a vehicle whether the licence provisions under this Act apply to them or not, may make a request in the prescribed form accompanied with the prescribed fees, to the District Bureau under whose jurisdiction such property is situated or vehicle is available for the inspection of such property in order to ascertain whether or not the premises of such property is presently free from voyeurism. 40
- (2) The District Bureau shall, on receipt of the request, carry out the inspection of the specified premises and reply along with the search report to the applicant in writing within a period of two working days from the date of receipt of the request whether or not the premises is privacy protected, voyeurism-free and safe. 45
- (3) In the case of private premises, the Bureau officials shall enter and inspect the premises or a vehicle only with the consent of the owner, possessor,

holder, occupier, his representative, driver or the person in whose possession or power such property is believed to be, as the case may be.

(4) In cases of grant or renewal of the licence of establishments under this Chapter, the search report of the Bureau under this section may be considered.

5 **49.** (1) Save as otherwise provided in this Act, it shall be the duty of every establishment which has been mentioned in the First Schedule to:—

Duties of establishments.

(a) take all necessary measures to prevent the offence of voyeurism in the premises of the establishment and ensure that all the premises of the establishment are voyeurism-free;

10 (b) adhere to the standards set by the Bureau of Indian Standards under section 22 of this Act;

(c) exhibit the certificate of licence granted by the licencing authority or the document under the proviso to section 41 relating to deemed grant of licence on a visible area of the premises of the establishment;

15 (d) maintain an inspection register to record the visits of the officers of the National or State Bureau or District Bureau or the Local Police;

(e) report, at the earliest, any offences under this Act committed within their premises, to the District Bureau or to the Local Police within whose local jurisdiction the establishment is situated;

20 (f) accept any letter, complaint and application filed by any person and grant an acknowledgment of the same in the form as may be prescribed;

(g) ensure that any cameras or CCTVs erected in the establishment for security purposes are present only in areas which are of public nature and subject to provisions and exceptions of section 147 of this Act.

25 Provided that a display board informing about the presence of the camera and microphone, if any, shall also be erected in its near proximity;

30 (h) ensure that any evidence of voyeurism in possession of the establishment shall not be disseminated to any employee or any other person, and deliver the possession of the same to the officers of the National, State or District Bureau; and

(i) ensure that the identity of the victim or any witnesses of voyeurism shall not be disclosed or disseminated.

35 (2) The National and State Bureau shall publish guidelines and duties to be followed under this Act by every establishment at regular intervals.

CHAPTER IX

PROVISIONS FOR SENSITIVE SERVICE PROVIDERS

40 **50.** (1) The Registrar of the National Bureau shall also work as the Registrar of the sensitive service providers and shall have the duty of verifying, registering and deregistering sensitive service providers in such manner as may be prescribed.

Online registration of sensitive service providers.

45 (2) A sensitive service provider, may register or deregister themselves on the Register of sensitive service providers by making an online application to the Registrar of the National Bureau in the prescribed form accompanied by the Aadhaar number of the individual or Udhyaam registration number of the entity, as the case may be.

(3) The Registrar of the National Bureau shall grant registration to a sensitive service provider only after due online verification of the individual or entity

in the form, as specified in the Fourth Schedule, and in the manner, as may be prescribed.

(4) The unique registration number along with digital registration certificate for all sensitive service providers and digital identity card for sensitive service providers, under clause (i) and (ii) of sub-section (33) of section 2, shall be provided through a Government web portal and associated mobile application. 5

(5) The National Bureau shall provide through its public web portal, Application Programming Interface (API) for unique registration number and standard mark, to be voluntarily exhibited on the websites and software applications if any, of a registered sensitive service provider, on the request of a registered sensitive service provider. 10

Rules for verification of sensitive service providers.

51. (1) The Ministry of Labour of the Central and State Governments along with the Ministry of Home Affairs of the State Government may, in collaboration with the National and State Bureau, make rules for character verification by Police, framing privacy policy, etc. and frame a code of conduct and ethics for sensitive service providers categorized under clause (i) and (ii) of sub-section (33) of section 2. 15

(2) The Ministry of Information Technology of the Central and State Governments may, in collaboration with the National and State Bureau, make rules for verification by the cyber security experts, framing of privacy policy, etc. and frame a code of conduct and ethics for sensitive service providers categorized under clause (iii) and (iv) of sub-section (33) of section 2. 20

(3) The Central and State Governments may make rules for other prescribed categories of sensitive service providers, if any. 25

National database of sensitive service providers.

52. (1) The Registrar of the National Bureau shall maintain an electronic database of all the registered sensitive service providers segregated on the basis of the types and subtypes of services. 30

(2) The basic information such as the names, addresses, types of service and other relevant particulars of each sensitive service provider, as may be prescribed, shall be made available to the public on the official websites of the Bureaus after approval of the sensitive service provider. 35

(3) The database of sensitive service providers shall be regularly updated by the Registrar of the National Bureau.

Power of State Bureau to blacklist sensitive service providers.

53. The State Bureau may, on the recommendation of the District Bureau, blacklist any registered or unregistered sensitive service provider if any offence of voyeurism takes place in pursuance of such service by the service provider or any of their employees or representatives. 35

Procedure for blacklisting.

54. (1) The District Bureau shall send to the State Bureau, a proposal for blacklisting any sensitive service provider against whom charges have been framed or conviction has been ordered by the Special Court for an offence under this Act. 40

(2) The State Bureau shall, by a reasoned order, blacklist any sensitive service provider for a specific period as it may deem fit, subject to the provisions of this Act. 45

(3) No sensitive service provider shall be blacklisted under sub-section (2) without being afforded a reasonable opportunity of being heard.

(4) The State Bureau may order a sensitive service provider to be temporarily blacklisted for a specific period, if charges have been framed and to be permanently blacklisted, if a conviction has been ordered against it by the Special Court: 50

Provided that if in the opinion of the State Bureau, a delay in blacklisting may cause irreparable harm to the general public, it may, in its discretion, temporarily blacklist a sensitive service provider before the framing of charges.

5 (5) The Registrar of the State Bureau shall forward a copy of the order of blacklisting to the Registrar of the National Bureau.

55. (1) Any sensitive service provider that has been blacklisted shall be prevented from carrying on the same or similar business and using the Standard Mark all over India but may carry on any other business which does not involve access to privacy of a person.

Effects of blacklisting.

10 (2) The Registrar of the National Bureau shall suspend the registration or deregister any sensitive service provider against whom an order of temporary or permanent blacklisting has been passed, as the case may be, and the status of such suspension or deregistration shall be updated in the national database of sensitive service providers.

15 (3) The Registrar of the National Bureau shall take any other action against such sensitive service provider as may be prescribed.

56. (1) The sensitive service providers shall abide by the duties as may be prescribed.

Duties of sensitive service providers.

20 (2) The National and State Bureau shall publish guidelines and duties to be followed under this Act by the sensitive service providers at regular intervals.

CHAPTER X

OTHER POWERS AND DUTIES OF THE BUREAUS

57. The National Bureau, State and District Bureaus, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

Powers of the National, State and District Bureaus during inquiry.

30 (a) summoning and enforcing the attendance of persons and compelling them to give oral or written evidence on oath and producing the documents or things;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

35 (e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

58. (1) The State Bureau under this Act shall, *suo-moto* or on the complaint of the victim, his legal heir, guardian or legal representative; or on the complaint of an accredited NGO for and on behalf of a victim or group of victims; or by the recommendations of the District Bureau or the Registrar of the National Bureau; or by order of the Special Court; inquire into the case for determining losses and awarding compensation.

Power of State Bureau to order payment of compensation to the victims of voyeurism.

40 (2) Where the inquiry discloses the commission of voyeurism or negligence in the prevention of voyeurism or abetment thereof, or any act or omission contrary to any provisions of this Act, it may order to the concerned party to make payment of compensation to the complainant or to the victim or the members of his family as the State Bureau may consider necessary.

45 (3) The State Bureau shall conduct such inquiry following the principles of natural justice, including giving reasonable opportunity of being heard to all

necessary parties and shall record reasons for its actions during the course of such inquiry.

(4) An inquiry under this section shall be a summary enquiry.

(5) The State Bureau may call for the report of an investigation, inquiry or opinion from the District Bureau, if deemed necessary and consider it during the course of its inquiry. 5

(6) An order passed by the State Bureau under this section shall be executable by it as a decree of a civil court, and for this purpose, the State Bureau shall have all the powers of a civil court.

(7) Notwithstanding anything contained in sub-section (6), the State Bureau shall transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court. 10

(8) No compensation awarded under this Act shall prevent the imposition of any penalty under this Act and award of compensation or imposition of penalty or punishment under any other law for the time being in force. 15

(9) The amount of compensation awarded under this Act, if not paid, may be recovered as if it were an arrear of land revenue.

(10) The observations during inquiry and decisions of the State Bureau under this section shall not be binding on the Special Court. 20

(11) The format of application, fee and procedure to be followed for conducting inquiry, determining losses and awarding compensation shall be in such manner as may be prescribed.

Power to set aside *ex parte* orders.

59. Where an order is passed by the National or State Bureau *ex parte*, the aggrieved party may make an application to the respective Bureau for setting aside such order. 25

Finality of orders.

60. Every order of a Bureau under this Act shall, if no appeal has been preferred against such order under the provisions of this Act, deemed to be final.

Appeal to State Bureau.

61. (1) Any person who is aggrieved by the decision of the District Bureau concerning any subject under this Act, as may be prescribed, may prefer an appeal in the prescribed format, accompanied by the prescribed fee to the State Bureau within thirty days from the date of receipt of such decision: 30

Provided that the State Bureau may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. 35

(2) In disposing of an appeal, the State Bureau shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(3) The proceedings of the State Bureau in so far as it concerns the appellate powers granted to it under this Act shall be quasi-judicial in nature. 40

Appeal to National Bureau.

62. (1) Any person who is aggrieved by the decision of the State Bureau or Registrar of the National Bureau concerning any subjects under this Act, as may be prescribed, may prefer an appeal in the prescribed format, accompanied by the prescribed fee to the National Bureau within thirty days from the date of receipt of such decision: 45

Provided that the National Bureau may admit the appeal after the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the State Bureau under section 58, shall be entertained by the National Bureau unless the appellant has deposited fifty per cent. of that amount in the manner as may be prescribed.

5 (2) In disposing of an appeal, the National Bureau shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

10 (3) The proceedings of the National Bureau in so far as it concerns the appellate powers granted to it under this Act shall be quasi-judicial in nature.

63. (1) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Bureau, as the case may be, who denied the request.

Other provisions regarding appeal.

(2) In its decision, the National Bureau or State Bureau, as the case may be, has the power to—

15 (a) allow or reject or partially allow the appeal with or without costs;

(b) require the State Bureau, as the case may be, to compensate the appellant for any loss or other detriment suffered;

(c) impose any of the penalties regarding licences or misuse of Standard Mark provided under this Act; and

20 (d) take any other appropriate action against the establishments and sensitive service providers in the interest of justice.

(3) Every Bureau shall give notice of its decision, including any right of appeal and time limit for the same, to the applicant or appellant, as the case may be, and in case of appeal, to the authority against whose decision the appeal was filed.

(4) The National or State Bureau, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

64. The Bureaus under this Act shall process the applications and appeals, as the case may be, on a priority basis for an establishment or sensitive service provider, wherein the entity is run by a sole proprietor and such proprietor is a woman, a person belonging to the third gender, a person with disabilities, an orphan above eighteen years of age or a person belonging to an economically backward class.

Priority in processing applications and appeals.

65. The Bureaus under this Act shall have the power to review any of the orders passed by them if there is an error apparent on the face of the record, either of its own motion or on an application made by any of the parties within thirty days of such order.

Review by Bureaus.

66. Where any Bureau under this Act, on an application by any person or otherwise, is of the opinion that it involves the larger interest of the public, it may direct, within their jurisdiction, any individual or organisation or accredited NGO or expert to assist that Bureau.

Experts to assist Bureaus.

67. Every order made by a State Bureau or the National Bureau shall be enforced by it in the same manner as if it were a decree made by a Court in a suit before it and the provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 shall, as far as may be, applicable, subject to the modification that every reference therein to the decree shall be construed as reference to the order made under this Act.

Enforcement of orders of the State and National Bureaus.

Right of appellant to appoint a representative.

68. A person preferring an appeal under this Act to the State or National Bureau, as the case may be, may either appear in person or take the assistance of and authorise one or more advocates or legal practitioners, represent through any law firm or appoint any person under the Powers of Attorney Act, 1882, or in the case of an organization nominate a person by passing a resolution and granting a Letter of Authority, to present his case before the State or National Bureau.

7 of 1882.

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Public servants responsible for damages.

69. (1) It shall be the duty of every public servant of the Bureaus to ensure that the interests of the Bureaus are duly safeguarded.

(2) If it is found that damage or loss has been caused to the Bureaus by any action on the part of any public servant of the Bureaus, not in conformity with the provisions of this Act, rules or regulations, except when done in good faith, or any failure so as to act in conformity thereof, by willful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the public servant in accordance with the prescribed procedure.

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Duty to inform other authorities

70. If any officer, during the course of investigation under this Act, has reason to believe that any goods, article, process, system or service is manufactured, imported, distributed, sold, hired, leased, stored or exhibited for sale in contravention of any other law for the time being in force, they shall inform the competent authority about such contravention.

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Power of Bureaus to make regulations.

71. (1) Subject to the provisions of this Act and the Rules made thereunder, the National Bureau with the previous approval of the Central Government and the State Bureau with the previous approval of the State Government may, by notification in the Official Gazette, make regulations to carry out the purposes of this Act.

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(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters mentioned in the functions of the National Bureau under section 11 and State Bureau under section 15 of this Act.

(3) Every regulation made under sub-section (1) by the National Bureau 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 two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation 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 regulation.

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(4) Every regulation made under sub-section (1) by the State Bureau shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

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CHAPTER XI

OFFENCES AND PENALTIES

45

Voyeurism by physical spying.

72. Whoever commits voyeurism by physically and directly observing or spying on a person without the use of any apparatus or digital device shall—

(i) if the offence is committed by watching a private act, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; or

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(ii) if the offence is committed by listening to a private conversation, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; or

5 (iii) if the offence is committed by reading a letter or a document of private conversation, be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

73. Whoever commits voyeurism of a private act by using a hidden or drone or any other type of camera which works on visible light waves, shall be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees.

Voyeurism by hidden or drone or any other type of camera.

74. Whoever commits voyeurism of a private act by using a binocular for remote viewing or by using special mirror shall—

Voyeurism by special glasses.

15 (i) if the offence is committed by physical spying, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; or

(ii) if the offence is committed along with a camera, be punished with imprisonment of either description for a term which may extend to four years, and also with fine which may extend to five lakh rupees.

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25 *Explanation.*— For the purposes of this section, “Special mirror” means a one-way mirror with other way transparent glass or a single visibility mirror, which is a type of glass that appears to be a mirror from one side and a transparent glass from the other side, and includes any other similar apparatus.

21 of 2000. 75. Save as otherwise provided in section 43 of the Information Technology Act, 2000, whoever commits voyeurism by hacking a digital device, juice jacking, stealing data, retrieving deleted data or using any other cyber techniques shall—

Voyeurism by hacking a digital device, juice jacking, stealing data, retrieving deleted data or other cyber techniques.

30 (i) if the offence is committed regarding a private act, be punished with imprisonment of either description for a term which shall not be less than one year, but which may extend to five years, and also with fine which may extend to five lakh rupees.

35 (ii) if the offence is committed regarding a private conversation, in audio, text, sign or digital code format, be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to three lakh rupees, or with both.

40 (iii) if the offence is committed by capturing a private conversation, in audiovisual format where facial identity of an interlocutor is disclosed, be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to four lakh rupees, or with both.

45 *Explanation 1.*— For the purposes of this section, “Juice Jacking” means installing malware or accessing or copying sensitive data using a USB or other methods from a computer device attached to a charging port equipped with a data connection.

21 of 2000. *Explanation 2.*— The terms used in this section but not defined, herein shall have the same meaning as assigned to them under the Information Technology Act, 2000.

Voyeurism of private conversation by using eavesdropping device or audiovisual recording device.

Voyeurism by use of mechanical or other electromagnetic waves.

Voyeurism by influencing a person using narcotic drugs or other methods.

76. Whoever commits voyeurism of private conversation, in audio or audiovisual format, by installing or using an eavesdropping device or audiovisual recording device, shall be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees. 5

77. Whoever commits voyeurism of a private act by using an imaging or sensing device that uses mechanical or electromagnetic waves other than cameras mentioned in section 73, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. 10

78. Whoever commits voyeurism by administering narcotic drugs to another person without their consent or by other methods, which results in the person so influenced unconsciously or sub- consciously doing certain private act or private conversation shall,—

(i) if the offence is committed by physically and live in-person watching a private act, be punished with imprisonment of either description for a term which shall not be less than one year, but which may extend to five years, and shall also be liable to fine. 15

(ii) if the offence is committed by capturing a private act, be punished with imprisonment of either description for a term which shall not be less than two years, but which may extend to seven years, and also with fine which may extend to seven lakh rupees. 20

(iii) if the offence is committed by physically and directly listening, reading or sensing a private conversation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; 25

(iv) if the offence is committed by capturing or accessing a private conversation in audio, text, signs or digital codes format, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees; and 30

(v) if the offence is committed by capturing a private conversation in audiovisual format where facial identity of an interlocutor is disclosed, be punished with imprisonment of either description for a term which may extend to four years, and also with fine which may extend to four lakh rupees; 35

Explanation.— For the purposes of this section, the word ‘any other method’ includes the psychological act of influencing another person, which results in a change in the person’s ordinary state of consciousness, leading to an increased response to suggestions given by the perpetrator and the person so influenced does not know the nature and consequences of the act done under such influence. 40

79. Whoever commits voyeurism by criminal force, during wrongful confinement or against trafficked human or bonded labour shall—

(i) if such offence is committed by physically and directly watching a private act, be punished with imprisonment of either description for a term which shall not be less than one year, but which may extend to five years, and shall also be liable to fine; 45

(ii) if such offence is committed by capturing a private act, be punished with imprisonment of either description for a term which shall not be 50

Voyeurism by criminal force, during wrongful confinement or against trafficked human or bonded labour.

- less than two years, but which may extend to seven years, and also with fine which may extend to seven lakh rupees;
- (iii) if such offence is committed by physically and live in-person listening, reading, sensing or accessing a private conversation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;
- (iv) if such offence is committed by capturing or accessing a private conversation in audio, text, signs or digital codes format, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees; and
- (v) if such offence is committed by capturing a private conversation in audiovisual format where facial identity of an interlocutor is disclosed, be punished with imprisonment of either description for a term which may extend to four years, and also with fine which may extend to four lakh rupees.
- 80.** Whoever commits voyeurism against a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, *pardanashin* woman or person belonging to the third gender shall—
- (i) if the offence is committed by physically and live in- person watching a private act, be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to five years, and shall also be liable to fine;
- (ii) if the offence is committed by capturing a private act, be punished with rigorous imprisonment for a term which shall not be less than two years, but which may extend to seven years, and also with fine which may extend to ten lakh rupees;
- (iii) if the offence is committed by physically and live in-person listening, reading or sensing a private conversation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;
- (iv) if the offence is committed by capturing or accessing a private conversation in audio, text or signs format, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees; and
- (v) if the offence is committed by capturing a private conversation in audiovisual format where facial identity of an interlocutor is disclosed, be punished with imprisonment of either description for a term which may extend to four years, and also with fine which may extend to four lakh rupees.
- 81.** (1) Whoever commits voyeurism against a third person and the voyeuristic material is recorded, captured, produced, procured, offered or disseminated with the help of a child, orphan, person with mental disability, blind person, or *pardanashin* woman shall—
- (i) if the offence is committed regarding a private act, be punished with imprisonment of either description for a term which shall not be less than one year, but which may extend to five years, and also with fine which may extend to three lakh rupees.
- (ii) if the offence is committed regarding a private conversation be punished with imprisonment of either description for a term which may

Voyeurism against a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, *pardanashin* woman or person belonging to the third gender.

Voyeurism committed with the help of a child, orphan, person with mental disability, blind person or *pardanashin* woman.

	extend to two years, or with fine which may extend to one lakh rupees, or with both.		
	(2) In cases under sub-section (1) the child, orphan, person with mental disability, blind person, or pardanashin woman shall not be punishable as an abettor.	5	
Voyeurism of sensitive personal data.	82. Save as otherwise provided in the Digital Personal Data Protection Act, 2023; or any other law for time being in force, whoever commits voyeurism of sensitive personal data shall—		22 of 2023.
	(1) if the offence is committed by a natural person, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees; and	10	
	(2) if the offence is committed by a company, such company shall be punishable with a fine which may extend to twenty-five lakh rupees and every person who, at the time of commission of the offence, was in charge of and responsible to the company for the conduct of its business shall also be liable to be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine:	15	
	Provided that no such person shall be liable to any punishment under this section if they prove that the offence was committed without their knowledge or that they exercised all due diligence to prevent the commission of such offence.	20	
Voyeurism by repeatedly or constantly monitoring the location and movements of a person.	83. Save as otherwise provided in section 78 of the Bharatiya Nyaya Sanhita, 2023 sub-section (iv) of section 11 of the Protection of Children from Sexual Offences Act, 2012 or any other law for time being in force, whoever commits voyeurism by repeatedly or constantly monitoring the location and movements of a person shall—	25	45 of 2023. 32 of 2012.
	(1) if the offence is committed by a natural person, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to three lakh rupees; and	30	
	(2) if the offence is committed by a company, such company shall be punishable with a fine which may extend to twenty five lakh rupees: and every person who, at the time of commission of the offence, was in charge of and responsible to the company for the conduct of its business shall also be liable to be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine:	35	
	Provided that no such person shall be liable to any punishment under this section if they prove that the offence was committed without their knowledge or that they exercised all due diligence to prevent the commission of such offence.	40	
Dissemination of voyeuristic material.	84. Notwithstanding anything contained in sections 67, 67A and 67B of the Information Technology Act, 2000, whoever disseminates or causes to be disseminated any voyeuristic material in any electronic form shall—		21 of 2000.
	(i) if the information of a private act is disseminated, be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to five years, and also with fine which may extend to ten lakh rupees;	45	
	(ii) if the information of a private conversation in audio, text or signs format is disseminated, be punished with imprisonment of either	50	

		description for a term which may extend to two years, or with fine which may extend to five lakh rupees, or with both;	
	5	(iii) if the information of a private conversation in audiovisual format is disseminated, where facial identity of an interlocutor is disclosed, be punished with imprisonment of either description for a term which may extend to three years, and also with fine which may extend to four lakh rupees;	
		(iv) if sensitive personal data is disseminated be punished with fine which may be prescribed; and	
	10	(v) if data of location and movements is disseminated, be punished with fine as may be prescribed.	
45 of 2023.		85. Notwithstanding anything contained in this Act and clause (iii) of sub-section (1) of section 75 of the Bharatiya Nyaya Sanhita, 2023, sub-section (iii) of section 11 of the Protection of Children from Sexual Offences Act, 2012, sections 67, 67A and 67B of the Information Technology Act, 2000 and any other law for time being in force; whoever—	Showing or transmitting voyeuristic material of sexually explicit content to a child, orphan, person with mental disability, <i>pardanashin</i> woman.
32 of 2012.	15	(1) shows on computer, television or smartphone or any other digital device, without transmitting, voyeuristic material of sexually explicit content to a child, orphan, person with mental disability or <i>pardanashin</i> woman, while in their presence, regardless of their consent, shall be punished with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five lakh rupees; and	
21 of 2000.	20	(2) transmits voyeuristic material of sexually explicit content to a child, orphan, person with mental disability or <i>pardanashin</i> woman, regardless of their consent, shall be punished with rigorous imprisonment for a term which may extend to seven years, and also with fine which may extend to fifteen lakh rupees.	
	25	<i>Explanation.</i> — For the purposes of this section, the term “Voyeuristic material of sexually explicit content” means any voyeuristic material of a private act having sexually explicit contents in image, audiovisual or video format.	
	30		
	35	86. Except as otherwise provided by section 114 of this Act, whoever discloses the identity of the victim under this Act, including his name, address, photograph, family details, educational institution, neighbourhood, business, profession, or any other particulars which may lead to the disclosure of identity, but does not disclose the voyeuristic material, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:	Prohibition of publication or making known any contents affecting the right to privacy of victim.
	40	Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure if, in its opinion, such disclosure is in the interest of the victim.	
		87. (1) Whoever seeks, searches, browses, downloads or watches any voyeuristic material as the case may be shall—	Seeking, searching, browsing, downloading, watching, listening, reading, sensing, storing and possessing of voyeuristic material.
	45	(i) if the voyeuristic material is of a private act, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;	
	50	(ii) if the voyeuristic material is of a private conversation, be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both; and	

(iii) if the voyeuristic material is of a sensitive personal data, be punished with fine.

(2) Whoever stores or possesses any voyeuristic material shall-

(i) if the voyeuristic material is of a private act, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; 5

(ii) if the voyeuristic material is of a private conversation, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and

(iii) if the voyeuristic material is of a sensitive personal data, be punished with fine. 10

Using voyeuristic material for pornographic or commercial purposes.

88. Whoever uses any voyeuristic material for pornographic or commercial purposes shall—

(i) if the voyeuristic material is of a private act, be punished with rigorous imprisonment for a term which shall not be less than three years but may extend to ten years, and also with fine which may extend to twenty lakh rupees; and 15

(ii) if the voyeuristic material is of a private conversation, be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to five lakh rupees, or with both. 20

Using voyeuristic material, including a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, *pardanishan* woman or person belonging to the third gender for pornographic or commercial purposes.

89. Notwithstanding anything contained in any other law for the time being in force, whoever uses any voyeuristic material which includes a child, orphan, person with mental disability, blind person, foreign tourist, abandoned widow, *pardanishan* woman or person belonging to the third gender for pornographic or commercial purposes shall— 25

(i) if the voyeuristic material is of a private act, be punished with rigorous imprisonment for a term which shall not be less than three years but may extend to twelve years, and also with fine which may extend to twenty-five lakh rupees; and 30

(ii) if the voyeuristic material is of a private conversation, be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to ten lakh rupees, or with both.

Creating or disseminating deepfake images, videos or audio of voyeuristic nature.

90. Save as otherwise provided in any other law for the time being in force, whoever creates or disseminates deepfake image, video, or audio of voyeuristic nature depicting a private act or a private conversation shall— 35

(i) if the offence is committed by creating or disseminating a deepfake video, be punished with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five lakh rupees; 40

(ii) if the offence is committed by creating or disseminating a deepfake image, be punished with imprisonment of either description for a term which may extend to three years, and with fine which may extend to three lakh rupees; and 45

(iii) if the offence is committed by creating or disseminating deepfake audio, be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two lakh rupees, or with both.

5	<p>91. Save as otherwise provided in this Act or any other law for the time being in force, whoever being a witness or a third party to the offence of rape or any other sexual offence, uses or disseminates any captured voyeuristic material of such offence against the rights and interests of the victim, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years, and also with fine which may extend to ten lakh rupees.</p>	Using or disseminating voyeuristic material against rights and interests of victims in cases of sexual offences.
10	<p>92. Whoever uses voyeuristic material to commit sextortion, shall be punished with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and also with fine which may extend to ten lakh rupees.</p>	Punishment for sextortion.
15	<p>93. (1) Save as otherwise provided in section 81 of this Act, where an offence under this Act has been committed by a juvenile by using a smartphone; hidden, drone or security camera; location tracker, eavesdropping device, computer or any electronic device, spying software or deepfake software; the guardian of such juvenile or the owner, holder or licensee as the case may be of such equipment or software; shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p>	Offences by juveniles.
20	<p>Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>	
25	<p><i>Explanation.</i>— For the purposes of this section, the court shall presume that the use of the smartphone; hidden, drone or security camera; location tracker, eavesdropping device, computer or any electronic device, spying software or deepfake software by the juvenile was with the consent of the guardian of such juvenile or the owner, holder or licensee of the same, as the case may be.</p>	
30	<p>(2) In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.</p>	
35	<p>(3) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.</p>	
40	<p>94. Whoever does anything with the intention to discriminate against a person by reason of them being a victim of voyeurism shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.</p>	Discriminating against victim of voyeurism.
45	<p>95. Any establishment which has an obligation under this Act to obtain a valid licence from the licencing authority and carries on business without a valid licence, shall be punished with fine as may be prescribed:</p> <p>Provided that if any offence of voyeurism takes place in such establishment during the period when the establishment did not possess a valid licence, the establishment shall be punished with additional fine as may be prescribed, and the person in charge of such establishment who is in default shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both.</p>	Punishment to establishments carrying on business without licence of Bureau.
50	<p>96. Any establishment having an obligation under this Act to obtain a valid licence from the licencing authority under this Act, which uses as genuine a fake or forged copy of a licence and carries on business with such licence shall be punished with fine which may extend to five lakh rupees, and any</p>	Punishment to establishments using fake or forged copy of licence.

	person in charge of such establishment shall be liable to punishment as mentioned in Chapter XVIII of the Bharatiya Nyaya Sanhita, 2023.		45 of 2023.
Punishment to establishments for failing to exhibit licence on a visible area of their premises.	97. Any establishment which fails to comply with the duties laid down under this Act to exhibit the licence obtained from the licencing authority or the document under the proviso to section 41 relating to deemed grant of licence on a visible area of the premises of the establishment shall be punished with fine as may be prescribed.	5	
Punishment to establishments that refuse to show their licence to certain officials.	98. Any establishment with an obligation under this Act to obtain a valid licence from the licencing authority which refuses to show the same to the officials mentioned in section 45, shall be punished with fine as may be prescribed.	10	
Punishment for using standard mark without bearing valid licence or registration or using deceptively similar mark.	99. Any establishment not bearing a valid licence granted or deemed granted; or any sensitive service provider not having valid registration under this Act, which makes use of the Standard Mark established under section 24 or a deceptively similar mark and contravenes provisions of sub-section (1) of section 25 shall be punished with fine as may be prescribed.	15	
Contempt of the lawful authority of public servants under this Act.	100. The provisions of Chapter XIII of the Bharatiya Nyaya Sanhita, 2023, save insofar as they are inconsistent with the express provisions of this Act, shall apply to this Act.		45 of 2023.
Obstructing officials of Bureau or Police while discharging their duties.	101. Notwithstanding anything contained in section 132 of the Bharatiya Nyaya Sanhita, 2023, whoever deters or obstructs officials of the Bureau or the Police while discharging their duties under this Act, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.	20	45 of 2023.
Punishment for false or malicious complaint or false information.	102. Whoever makes a false or malicious complaint or provides false information against any person or files a complaint in collusion with another person under the provisions of this Act, with the intention to humiliate, extort, threaten, pressurize or defame the person or avail benefits under this Act, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:	25	
	Provided that and subject to presumption as to certain offences mentioned in section 130 and presumption of culpable mantle state mentioned in section 131, a mere inability to substantiate a complaint or provide adequate proof or inability to prove the accusation beyond the reasonable doubt shall not attract action against the complainant or informer:	30	
	Provided further that the malicious intent on part of the complainant or informant shall be established after an inquiry conducted by the district bureau and approved by the state bureau, in accordance with the procedure as may be prescribed, before any action against complainant or informant.	35	
Furnishing false information by establishments or sensitive service providers.	103. Any establishment or sensitive service provider that provides false information to any person or authority to avail any benefits under this Act shall be punished with fine as may be prescribed, and the person responsible for furnishing false information shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.	40	
Punishment to intermediaries.	104. (1) Any intermediary who fails to comply with the provisions of section 20 shall be punishable with fine which may extend to fifty lakh rupees. (2) Any person in charge of the intermediary who acts in contravention of the provisions of section 20 shall be punishable with imprisonment for a term	45	

		which may extend to three years, or with fine which may extend to ten lakh rupees, or with both.	
21 of 2000.	5	(3) Notwithstanding anything contained in section 72A of the Information Technology Act, 2000, or any other law for the time being in force, any intermediary who, while providing services under the terms of lawful contract, has secured access to any voyeuristic material, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain, without the consent of the person concerned, or in breach of a lawful contract, discloses such material to any other person, shall be punished with fine which may extend to fifty lakh rupees.	
	10	(4) Any person in charge of the intermediary who is in default of the provisions of sub-section (3), shall be punishable with other relevant provisions of this Act.	
	15	(5) Any intermediary or person contravening provisions of section 21 shall be punishable as may be prescribed.	
	20	105. Whoever, having already been convicted by a Court in India for an offence punishable under this Act or by a foreign Court for any similar offence, with imprisonment of either description for a term of three years or upwards, is again convicted for any offence punishable under this Act with like imprisonment for the like term or a higher term, may be subject, for every such second or subsequent offence, to additional imprisonment of either description for a term which may extend to five years, and may also be liable to additional fine.	Punishment to recidivists.
45 of 2023.	25	106. Whoever abets any offence mentioned under this Act shall be liable to punishment as prescribed in Chapter IV of the Bharatiya Nyaya Sanhita, 2023.	Abetment to commit voyeurism.
	30	107. Whoever attempts to commit an offence punishable under this Act with imprisonment of either description for a term exceeding up to three years, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or with fine, or with both.	Attempt to commit an offence punishable under this Act.
	35	108. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	Offences by companies.
	40	Provided that where a company has different branches or different units in any branch, the concerned Head or the person in-charge of such branch, unit nominated by the company as responsible for its activities shall be liable for contravention in respect of such branch or unit:	
	45	(2) Nothing in sub-section (1) shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	
	50	(3) Notwithstanding anything in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be	

deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act has been committed by a person, being a company, and the punishment for such offence is imprisonment and fine, then, without prejudice to sub-section (1) or sub-section (3), such company shall be punished with fine and every person, referred to in sub-section (1), or the director, manager, secretary or other officer of the company referred to in sub-section (3), shall be liable to be proceeded against and punished in accordance with the provisions of this Act. 5

Explanation.— For the purposes of this section— 10

(a) “company” means a body corporate, and includes—

(i) an unincorporated body;

(ii) a Hindu undivided family;

(iii) an establishment under this Act;

(iv) a sensitive service provider company under this Act; 15

(b) “director”, in relation to—

(i) an unincorporated body, means a person in charge of the body;

(ii) a Hindu undivided family, means the Karta of the family;

(iii) a company, means a whole-time director, or where there is no such director, any other director or manager or officer, who is in charge of the affairs of the company; 20

(iv) a firm, means a proprietor or partner in the firm;

(v) a trust, means the managing trustee or secretary.

Punishment for vexatious search.

109. The officers of the Bureaus or any other public servant, exercising powers under this Act, who knows that there are no reasonable grounds for so doing, without following the procedure established under law and without reasons recorded in writing— 25

(a) searches, or causes to be searched any premises, record, register, document, article, smartphone or computer; or

(b) seizes any record, register, document, article, smartphone or computer; or 30

(c) detains or searches or arrests any person, shall, for every such offence, be punished with imprisonment for a term which may extend to two years, or with fine or with both.

Offences by public servants of Bureaus and police.

110. Save as otherwise provided in this Act, any public servant of the Bureaus and Police Department who commits the offence of voyeurism shall, in addition to the other punishments applicable under this Act, be punished with penalty as may be prescribed. 35

Exemptions and defences to offences mentioned in this Act.

111. (1) Notwithstanding anything contained in this Act, whoever collects information by violating the privacy of others for the purpose of using such information in the court of law as evidence to prove the illegal act or omission; or for larger public interest; or for any other purposes as may be prescribed, he shall be exempted from the punishment mentioned under this Act: 40

Provided that such person shall not disseminate or transmit the information or any part thereof to any person except the competent authority 45

under this Act or any other law for the time being in force in order to lawfully deal with the collected information:

Provided further that any person shall also be exempted if he disseminates such information to a third person other than the competent authority or the public at large, if the competent authority is satisfied that such dissemination justifies the larger public interest or benefits sovereignty and integrity of India, or the security, strategic, scientific or economic interests of the State, or relation with foreign State, or prevention of an offence or illegality or for any other purposes, as may be prescribed.

(2) Poor eyesight or hearing shall not be a defence for any offence under this Act.

112. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the offences under this Act for which the punishment is an imprisonment of either description for a term of three years and above shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

113. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, any offence punishable under this Act whether committed by a company or any individual, either before or after the institution of any prosecution, may be compounded by—

Compounding of offences.

(a) the Bureaus, if any offence punishable with only fine, on the payment of such sum as may be prescribed,

(b) the Special Court, if any offence for which the punishment is an imprisonment of either description for a term not exceeding three years, on the payment of such sum as the Special Court may specify.

(2) The Special Court may, in addition to such sum, require the offender to undertake a period of community service:

Provided that community service shall be provided based on the suitability of the offender and for such time and in such manner as the Special Court thinks fit, under the supervision of the District Bureau.

(3) When an offence has been compounded, the offender, if in custody, shall be discharged, and no further proceedings shall be taken against him in respect of the offence compounded.

(4) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—

(a) of commission of a similar offence which was earlier compounded;

(b) of commission of a similar offence for which such person was earlier convicted.

CHAPTER XII

INVESTIGATION INTO CASES UNDER THE ACT

114. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, any person, who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed against himself or any other person, shall provide such information to—

Reporting of offences.

(a) the District Bureau, or

(b) the Local Police.

(2) Every information received under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing;

- (b) read over to the informant;
- (c) entered in a book to be kept by the District Bureau and the Local Police;
- (d) taken by a woman officer only, if the informant is a woman or a child; and
- (e) taken, as far as practicable, by an officer belonging to the gender the informant is comfortable with, if the informant belongs to the third gender.

(3) Where any information under sub-section (1) is given by a child or *pardanashin* woman or a person with any temporary or permanent physical or mental disability or wherever deemed necessary, the same shall be recorded in a simple language so that the informant understands the contents being recorded and the information shall be recorded at the residence of the informant or a convenient place of choice of the informant.

(4) In cases where the contents are being recorded in the language not understood by the child or *pardanashin* woman or person with any temporary or permanent physical or mental disability or wherever it is deemed necessary, a translator, interpreter or special educator, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided by the District Bureau to such person if they fail to understand the same.

(5) A copy of the information recorded under sub-section (2) shall be given forthwith, free of cost, to the informant, accused and victim.

(6) The District Bureau or the Local Police, as the case may be, to whom the information regarding any offence under this Act is first received shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Special Court or where no Special Court has been designated, to the Court of Session, including the need of the victim for care and protection and steps taken in this regard.

(7) For the purposes of sub-section (1), no person shall incur any liability, whether civil or criminal, for giving information in good faith.

(8) If the District Bureau or the Local Police, as the case may be, denies to take cognizance of an offence or fails to give decision on the request to take cognizance of the offence within twenty-four hours, the District Bureau or the Local Police, as the case may be, shall be deemed to have refused the request.

(9) Any aggrieved person or any person or organization on behalf of the aggrieved person under sub-section (8), may prefer an appeal to the State Bureau and notwithstanding anything contained in section 210, and sub-sections (3) and (4) of section 175 of the Bharatiya Nagarik Suraksha Sanhita, 2023, may file a complaint to the Special Court; to order the District Bureau and local police to register the case.

46 of 2023.

Preliminary inquiry and investigation.

115. (1) Where the District Bureau first receives any information under sub-section (1) of section 114, the Bureau may make a preliminary inquiry if required, and the officer of the District Bureau shall inform the officer in charge of the nearest Police Station under whose jurisdiction the offence is committed about the same and assist the complainant in filing a First Information Report under section 173 or section 174 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the case may be:

46 of 2023.

Provided that in a case where the officer of the District Bureau takes *suo moto* cognizance of any offence under this Act, such officer shall file a First Information Report with the Local Police:

		Provided further that in the above case, the officer of the Bureau who files the First Information Report shall not be the investigating officer for the same offence.	
46 of 2023.	5	(2) Where the officer in charge of the police station first receives such information, he shall immediately inform the District Bureau and then register the First Information Report under section 173 or section 174 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the case may be.	
		(3) Any voyeuristic material in possession of the victim or accused, if any, shall be accessed only by the officials of the District Bureau.	
	10	(4) Where the investigating officer of the District Bureau or the officer in charge of the police station is satisfied that the victim against whom an offence has been committed is in need of care and protection, then, the officer shall, after recording the reasons in writing, make immediate arrangement to give the victim such care and protection including providing psychological counselling from expert psychologist, admitting the victim into a shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.	
	15		
	20	(5) In cases where a woman or a child is the victim, any inquiry or investigation shall be conducted under the supervision of a woman officer only.	
		(6) In cases where a person belonging to the third gender is the victim, any inquiry or investigation shall be conducted, as far as practicable, under the supervision of an officer belonging to the gender with which the person is comfortable, and all measures shall be taken to ensure that such person does not face any discrimination with respect to their gender.	
	25		
		(7) All measures shall be taken to ensure that the right to privacy of the victim is not violated.	
46 of 2023.	30	116. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, no officer below the rank of inspector of the District Bureau may enter any place and search and arrest any person found therein who is reasonably suspected of having committed or of committing or of being about to commit any offence under this Act.	Arrest and custody.
46 of 2023.	35	(2) The provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 , shall, subject to the provisions of this section, apply, so far as may be, in relation to any entry, search or arrest, made under this section.	
		(3) The State Government shall provide, for the detention of arrested persons in the territories under such Government, lock ups at every District Bureau constructed and regulated in such manner as may be prescribed.	
46 of 2023.	40	(4) The investigation officer of the District Bureau shall produce the arrested person before the Special Court after which the arrested person may be subjected to further custody or bail as per the provisions of section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023.	
46 of 2023. 21 of 2000.	45	117. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the Information Technology Act, 2000 and in any other law for time being in force, the inquiry and investigation with respect to the offences under this Act shall be conducted by the District Bureau:	Procedure for investigation.
	50	Provided that in cases where any offence under this Act is committed in congruence with other offences mentioned in any other law for the time being in force, the part of the inquiry and investigation related to the offences under this Act shall be conducted by the District Bureau and the part of the inquiry and investigation related to other offences shall be conducted by the Local Police or other competent authority, as may be	

prescribed, as the case may be, under whose jurisdiction the offence is committed.

(2) The investigation report, as prescribed under section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be filed by the investigating officer of the District Bureau, on completion of the investigation, to the Special Court or where no Special Court has been designated, to the Court of Session: 5 46 of 2023.

Provided that in cases where any offence under this Act is committed in congruence with other offences mentioned in any other law for the time being in force, the officer in charge of the local police station or other competent authority, as may be prescribed, shall file the investigation report with the assistance of the investigating officer of the District Bureau: 10

Provided further that if any offence punishable under this Act with only fine, the investigation report, as prescribed under section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be filed by the investigating officer of the District Bureau, on completion of the investigation, to the State Bureau. 15 46 of 2023.

(3) The investigation report shall be filed within ninety days from the date on which the information was first recorded by the District Bureau or the Local Police, whichever is the earlier.

(4) The District Bureau, shall, while inquiring and investigating into any matter under this section, have the same powers as the Police under the Bharatiya Nagarik Suraksha Sanhita, 2023 and other laws of the concerned State. 20 46 of 2023.

(5) The powers to release the accused when evidence is deficient, under section 189 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall be vested with the District Bureau. 25 46 of 2023.

(6) Any offences other than the offences mentioned under this Act, if committed during the inspection, inquiry or investigation process of the District Bureau against an employee of the Bureau, the employee may file a First Information Report with the Police Station under whose jurisdiction such offence is committed, and such a case shall be further investigated by an officer not below the rank of Deputy Superintendent of the Police. 30

(7) In certain cases, whenever deemed necessary, the investigation may be handed over, and the filing of the investigation report of the offences under this Act may be carried out by any other competent authority, as may be prescribed, on special order by the appropriate Government or the court of competent jurisdiction after recording its reasons in writing. 35

(8) In cases of offences under this Act by Public Servants of Bureaus and Police department, the investigation shall be carried out in the manner as may be prescribed. 40

118. (1) For the purpose of conducting an investigation under this Act, the Superintendent of the District Bureau or any other officer authorised by him in this behalf may, if he has any reason to believe that any person has committed any offence under this Act, shall—

(a) enter at any reasonable time into any such premises and search for any computer, smartphone; hidden, drone or security camera; location tracker, eavesdropping device, any electronic device, spying or deepfake software; document, record or article or any other form of evidence and seize such items; 45

(b) make a note or an inventory of such record or article; or 50

Search and seizure.

(c) require any person to produce any item mentioned in sub-section (a).

(2) Any public servant while conducting a search, seizure or investigation under this Act, shall not violate the privacy of the users or consumers, if any, present in the premises under search.

46 of 2023.

(3) The provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, relating to search and seizure shall apply, as far as may be, for search and seizure under this Act.

119. Notwithstanding anything contained in any other law for the time being in force,

Procedure for
accessing
computer data
during
investigation.

(i) No person shall unlock any seized computer or access its data except with prior permission of the Special Court.

(ii) The Special Court may, at its discretion, grant permission to the officers of the District Bureau to access the data of the computer:

Provided that a special software to monitor the activities performed shall be installed on the seized computer and the computer on which the data is to be copied or cloned, if any, in the presence of the Special Court or any judicial magistrate or two technically competent witnesses and the record of the chain of custody shall be maintained:

Provided further that the hash value of the seized computer shall be generated after installation of the special software, a report of the same forwarded to the Special Court and a copy of the same given to the accused or owner of the seized computer, as the case may be.

Explanation.—

“Special software” shall mean software developed, owned and controlled by the Government to record the activities on a seized computer and generate the report of the activity log of the same.

(iii) The investigating officer shall, after completion of the search of the seized computer, submit the report of the activity log generated through the special software, report of hash value and report of chain of custody to the Special Court and the State Bureau and a copy of the same shall be provided to the accused or the owner of the computer, as the case may be.

(iv) The State Bureau shall, during investigation, monitor the activities, hash value and chain of custody of the seized computer and the computer on which the data is to be copied or cloned, if any, as the case may be, using the installed special software and report to the Special Court any misconduct on the part of the officers and employees.

(v) The investigating officer shall, before returning the seized computer to the accused or owner, as the case may be, uninstall the special software in the presence of the Special Court or any judicial magistrate or two technically competent witnesses:

Provided that the investigating officer shall generate the report of hash value, report of activity log and report of chain of custody before handing over the possession of the computer to the accused or owner of the computer and the same shall be forwarded to the Special Court, State Bureau and accused or owner of the computer, as the case may be.

(vi) It shall be the duty of the National Bureau to ensure that the special software and the data collected therefrom is secure at all times by using such means as maybe prescribed.

	(vii) Where any person is released without trial or discharged or acquitted by the court, after exhausting all legal remedies, the data from the computer copied or cloned shall, unless the Special Court, for reasons to be recorded in writing otherwise directs, be destroyed from records.	
	(viii) Any person who does not follow the prescribed procedure under this Act for the seizure or search of a computer shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.	5
Procedure for dealing with voyeuristic material.	120. (1) Any voyeuristic material collected during the course of the investigation, if any, shall be sealed by the District Bureau after the completion of the investigation and shall be made accessible only to the Special Court.	10
	(2) Any public servant handling the voyeuristic material shall ensure that no such material is disseminated by any means at his instance to any person apart from those persons involved in the course of the investigation or trial.	
	(3) The Special Court shall ensure that the identity of the victim is not disclosed at any time during the course of investigation or trial:	15
	Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure if, in its opinion, such disclosure is in the interest of the victim or society.	
	<i>Explanation.—</i>	20
	For the purposes of this sub-section, the “identity of the victim” shall mean facial identity and shall also include the victim’s name, address, photograph, family details, educational institution, relatives, neighbourhood, workplace, business, profession or any other information by which the identity of the victim may be revealed.	25
	(4) Notwithstanding anything contained in section 72 of the Information Technology Act, 2000, any public servant, who fails to comply with the duty mentioned under sub-section (2) shall, in addition to the other punishments applicable under this Act, be punished with penalty as may be prescribed.	21 of 2000.
Obligation on public servant to maintain confidentiality.	121. (1) Every public servant, on receipt of any information by any means related to voyeurism which requires immediate search and seizure, shall maintain to the extent possible the confidentiality of any such information received which if disclosed may hamper any work of the District Bureau, until the completion of such work.	30
	(2) Any public servant who discloses such confidential information shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.	35
Obligation on employees or personnel of establishment or sensitive service provider to report cases.	122. Any employee or personnel of an establishment or sensitive service provider, irrespective of the number of persons employed therein, shall, at their workplace on coming across, any incidence of offence of voyeurism, or any voyeuristic material, or any software, gadget or object which can be used to commit voyeurism; provide such information to the District Bureau or the Local Police.	40
Punishment for failure to report or record a case.	123. (1) Any person who fails to perform the duty under section 122 or who fails to record the offence under sub-section (2) of section 114 shall be punished with imprisonment of either description for a term which may extend to six months or with fine or with both.	45
	(2) Any person, being in charge of any establishment or sensitive service provider, by whatever name called, who fails to perform the duty under section 122 against a subordinate under his control, shall be punished with	50

imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(3) Where an establishment or sensitive service provider commits an offence under section 122, every person who was in charge of, and was responsible to report or record a case under section 122, the establishment or sensitive service provider for the conduct of its business, as well as the establishment or sensitive service provider, shall be deemed to be guilty of the offence and shall be liable to punishment in accordance with sub-sections (1) and (2).

124. (1) No person shall make any report or present comments on the accused or the victim without having complete and authentic information about the same to any form of media or studio or photographic facilities which may have the effect of lowering the reputation or infringing upon the privacy of the victim or accused.

Procedure for media.

Provided that no report or comment shall label or represent the accused person as a voyeur unless the accused person is convicted for the offence of voyeurism under this Act.

(2) No reports in any media shall disclose the identity of the victim, including his name, address, photograph, family details, educational institution, neighbourhood, business, profession or any other particulars which may lead to the disclosure of identity:

Provided that for reasons to be recorded in writing, the Special Court, may permit such disclosure if, in its opinion, such disclosure is in the interest of the victim.

(3) The publisher or owner of the media or studio or photographic facilities, by whatever name called, shall be jointly and severally liable for the acts and omissions of its employees.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to one year or with fine or with both.

125. All officers of Police and other Government departments shall be required to assist the officers of the National, State and District Bureaus in the execution of this Act.

Other officers required to assist Bureau officers.

CHAPTER XIII

PROCEDURE FOR RECORDING OF STATEMENT OF THE VICTIM

126. (1) The statement of the victim of voyeurism of a private act shall be recorded at the residence of the victim or at the place where he usually resides or the place where the offence was committed or was likely to be committed or in a special room in the office of the District Bureau specified for this purpose or at the place of his choice by an officer of the District Bureau, not below the rank of Inspector and as far as practicable by a woman officer in cases where the victim is a woman or a child and by an officer belonging to the gender the victim is comfortable with if the victim is a person belonging to the third gender.

Recording of statement of victim by District Bureau or police.

(2) The officer, while recording the statement of the victim of voyeurism of a private act, shall not be in uniform if the statement is being recorded outside the office of the Bureau, but shall carry proof of his official identity and show it to the victim before recording the statement.

(3) The statements of a victim other than a victim of voyeurism of a private act shall be recorded as per the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023.

		(4) The officer making the investigation shall, while examining the victim, ensure that at no point in time, the victim comes in contact in any way with the accused.		
		(5) No victim shall be detained in the office of the Bureau or Police Station in the night for any reason, nor shall the victim be subject to unnecessary restraint at any point in time.	5	
		(6) The officer shall ensure that the identity of the victim is protected from the public media unless otherwise directed by the Special Court in the interest of the victim.		
Recording statement of victim by magistrate.	127.	(1) If the statement of the victim is being recorded under section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the victim: Provided that the provisions contained in the first proviso to sub-section (1) of section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall, so far as it permits the presence of the advocate of the accused shall not apply in the case of voyeurism of a private act, unless the Magistrate consents to the same. (2) The Magistrate shall provide to the victim or his representative a copy of the document specified under section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023, upon the final report being filed by the officer of the bureau or police as the case may be, under section 193 of that Sanhita: Provided that in cases where the victim is a minor or a person with such a disability which renders the person unable to make legally binding decisions, or where the Court deems fit, a copy of the same shall be provided to the parent or guardian. (3) Notwithstanding anything contained in section 366 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the recording of statements under this Act shall be conducted in camera. (4) Notwithstanding anything contained under section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in cases where the victim is a woman or a minor, the statement shall be recorded, as far as practicable, by a woman magistrate or a magistrate belonging to the gender the victim is comfortable with if the victim is a person belonging to the third gender.	10 15 20	46 of 2023. 46 of 2023. 46 of 2023.
Additional provisions regarding statement to be recorded.	128.	(1) The Magistrate or the officer, as the case may be, shall record the statement as spoken by the victim in the presence of any person in whom the victim has trust or confidence. (2) Wherever necessary, the Magistrate or the officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the victim. (3) The Magistrate or the officer, as the case may be, may, in the case of a victim having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the victim or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the victim. (4) Wherever possible, the Magistrate or the officer, as the case may be, shall ensure that the statement of the victim is also recorded by audio-video electronic means.	35 40 45 50	

CHAPTER XIV

SPECIAL COURTS

- 5 **129.** (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court, or any other Court as it may deem fit, to try the cases under this Act:
- Provided that if a Court of Session is notified as a Special Court designated for similar purposes under any other law for the time being in force, such a court shall be deemed a Special Court under this section.
- 10 (2) While trying an offence under this Act, a Special Court shall also try an offence other than the offences under this Act, with which the accused may, under the Bharatiya Nagarik Suraksha Sanhita, 2023, be charged at the same trial.
- 46 of 2023.
- 15 (3) The Special Court constituted under this Act, notwithstanding anything contained in any other law for the time being in force, shall have jurisdiction to try offences under that Act in so far as it relates to definition of voyeurism under this Act.
- 20 **130.** Where a person is prosecuted for committing or abetting or attempting to commit any offence under this Act regarding a private act, the Special Court shall presume that such person has committed or abetted or attempted to commit the offence, as the case may be, unless the contrary is proved.
- Presumption as to certain offences.
- 25 **131.** (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.
- Presumption of culpable mental state.
- (2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.
- 30 *Explanation.*— For the purpose of this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.
- 46 of 2023.
- 35 **132.** Save as otherwise provided in this Act, the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, including the provisions as to bail and bonds, shall apply to the proceedings before a Special Court, and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.
- Application of the Bharatiya Nagarik Suraksha Sanhita, 2023 to proceedings before Special Court.
- 40 **133.** (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting certain cases under the provisions of this Act.
- Special Public Prosecutors.
- (2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.
- 45 (3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (v) of sub-section (1) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and provisions of that Sanhita shall have effect accordingly.
- 46 of 2023.

CHAPTER XV

PROCEDURE AND POWER OF SPECIAL COURTS AND RECORDING OF EVIDENCE

Procedure and powers of Special Court.

- 134.** (1) A Special Court shall take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report or a report by the District Bureau or a private complaint by an aggrieved person, of such facts and shall follow the procedure prescribed by the Bharatiya Nagarik Suraksha Sanhita, 2023 for the trial of warrant cases by Magistrates. 5 46 of 2023.
- (2) Notwithstanding anything contained in sections 230 and 231 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Special Court in its discretion shall, either order to supply a copy of the voyeuristic material to the accused by imposing conditions at the initial stage of the trial; or only allow to inspect it personally or through a legal representative or to both in the court whenever deemed necessary, considering the nature of the case, after recording its reasons in writing, to ensure the privacy of the victim. 10 46 of 2023.
- (3) The Special Public Prosecutor or the Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the victim, communicate the questions to be put to the victim to the Special Court which shall, in turn, put those questions to the victim in cases where the victim is a child, orphan, blind person, person with mental disability, foreign tourist, *pardanashin* woman or person belonging to the third gender. 20
- (4) The Special Court may, if it considers necessary, permit frequent breaks for the victim during the trial. 25
- (5) The Special Court shall create a victim-friendly atmosphere by allowing a family member, guardian, friend or relative in whom the victim has trust or confidence to be present in the court.
- (6) The Special Court shall ensure that the victim is not called repeatedly to testify in the court. 30
- (7) The Special Court shall not permit aggressive questioning or character assassination of the victim and ensure that the dignity of the victim is maintained at all times during the trial.
- (8) Subject to provisions of section 58, in appropriate cases, the Special Court may, in addition to the punishment, direct payment of such damages, as may be prescribed, to the victim for any physical or mental trauma caused to him or for immediate rehabilitation of such victim. 35
- (9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Bharatiya Nagarik Suraksha Sanhita, 2023 for trial before a Court of Session. 40 46 of 2023.
- (10) Whenever two or more persons are prosecuted for an offence under this Act, the Special Court may, at any stage of the investigation or inquiry into or the trial of the offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and every other person concerned, whether as principal or abettor, in the commission thereof and any pardon so tendered shall, for the purposes of sub-sections (1) to (5) of section 345 of the Bharatiya Nagarik Suraksha Sanhita, 2023, be deemed to have been tendered under section 344 of that Sanhita. 45 50 46 of 2023.

46 of 2023.		(11) Save as provided in sub-sections (1) or sub-section (2), the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall, so far as they are not inconsistent with this Act, apply to the proceedings before the Special Court.	
46 of 2023.	5	(12) For the purpose of this Act, all the powers of the magistrate under the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be vested with the Special Court. In particular and without prejudice to the generality of the other provisions contained in this chapter, the provisions of section 58, sub-section (3) and (4) of section 175, section 183, section 187, section 210, section 227, section 365 and 521 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall, so far as may be, apply to the proceedings before the Special Court, and for the purposes of the said provisions, a judge of the Special Court shall be deemed to be a Magistrate.	
	10		
	15	(13) The Special Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted.	
		(14) Where any person has been convicted for an offence punishable under this Act with imprisonment of either description for a period of one year and above, the Special Court shall order mandatory rehabilitation and counselling for the convicted person for such period as it deems fit.	
	20	(15) The Special Court may, after taking into consideration the circumstances of the case, in its discretion, order that the directions, orders and judgments in cases under this Act shall be published on the Court or Bureau website or Law Reporters only after concealing the name of the victim or any other person.	
	25	135. (1) The evidence of the victim shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence, and reasons for delay, if any, shall be recorded by the Special Court.	Period for recording of evidence of victim and disposal of case.
46 of 2023.	30	(2) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the trial of an offence by the Special Court shall be held, as far as practicable, on day-to-day basis and an endeavour shall be made to ensure that the said trial is concluded within a period as may be prescribed.	
	35	(3) The Special Court shall ensure that the victim of voyeurism of sexual nature is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the victim and communicate with his advocate.	
		(4) For the purposes of sub-section (3), the Special Court may record the statement of a victim through video conferencing or by utilising single visibility mirrors or curtains or any other device.	
	40	136. The Special Court shall, on application by either party, try cases in camera and conduct the trial and pass the judgment in the presence of any person in whom the victim has trust or confidence:	Trials to be conducted in camera.
		Provided that where the Special Court is of the opinion that the victim needs to be examined at a place other than the court, it shall proceed to issue a commission according to the provisions of section 319 of the Bharatiya Nagarik Suraksha Sanhita, 2023.	
46 of 2023.	45	137. (1) Wherever necessary, the Court shall take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed while recording the evidence of the victim.	Assistance of interpreter or expert while recording evidence of victim.
	50	(2) If a victim has a mental or physical disability, the Special Court shall take the assistance of a special educator or any person familiar with the manner of communication of the victim or an expert in that field, having such	

	qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the victim.	
Guidelines to rehabilitate and assist the victims by experts.	138. Subject to such rules as may be made in this behalf, the National Bureau shall prepare guidelines for the inclusion of accredited NGOs, professionals and experts or persons with knowledge of privacy laws, cyber security, data protection, psychology, social work, physical health, mental health, and human development to be associated with the pre-trial and trial stage to assist and rehabilitate the victims.	5
Power of Special Court to order destruction of voyeuristic material.	139. The Special Court may order for destruction of voyeuristic material or any copies of it as the case may be, in the custody of the Court or that are in the possession or power of the accused or convicted person, Bureaus, Intermediary or any other person.	10

CHAPTER XVI

PROVISIONS RELATING TO CENTRAL AND STATE GOVERNMENTS

Special efforts by appropriate Government.	140. The appropriate Government shall endeavor to—	15
	(i) develop such mechanisms and artificial intelligence and take all necessary measures at regular intervals to permanently eliminate any voyeuristic material which may be available on any digital platform,	
	(ii) collaborate with other countries and sign treaties to eliminate voyeuristic and non-consensual data from all international digital platforms,	20
	(iii) create a secure online portal for the forwarding, by any person, of voyeuristic material in order to obtain the unique digital code of the material whereby it can be used in the investigation to stop the dissemination of such material using reverse image or video search and linking them to Anti-virus and Software companies for removal of such material from any computer which uses such Anti-virus and other software or other means:	25
	Provided that notwithstanding anything inconsistent contained in this Act, forwarding any such information to such portal shall not be an offence under this Act.	
Provision for comprehensive sex education in schools and colleges.	141. The Central, State, and Local Governments shall endeavour to incorporate comprehensive sexuality education which will also include information about Anti voyeurism and Privacy, in the curriculum at school and college level.	30
Public awareness about the Act.	142. (1) The appropriate Government shall take all measures to ensure that—	
	(a) the provisions of this Act are given wide publicity through media, including the television, radio and the print media, at regular intervals in order to generate public awareness of the provisions of this Act, especially among children, orphans, pardanashin women, persons with disabilities, foreign tourists and persons belonging to the third gender.	35
	(b) the officers of the appropriate Government, and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.	40
	(2) Every Police Station shall set up a notice board containing helpful information for the victim and the grievance redressal mechanism available under this Act along with the address of the nearest District Bureau and its contact information in English and the local language.	45
	(3) The appropriate Government may take any other measures, as may be prescribed, for the purposes of this section.	

10 of 1994.		143. (1) The National Human Rights Commission constituted under section 3, or as the case may be, the State Human Rights Commission constituted under section 21, of the Protection of Human Rights Act, 1993; the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 and the respective State Commissions for Women constituted under the respective State laws; the National Council for Transgender Persons constituted under section 16 of the Transgender Persons (Protection of Rights) Act, 2019; the National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 of the Commissions for Protection of Child Rights Act, 2005 and the Bureau of Indian Standards constituted under section 3 of the Bureau of Indian Standards Act, 2016 shall, in addition to the functions assigned to them under their respective Acts, also monitor the implementation of the provisions of this Act without undue interference in the regular activities of the authorities constituted under this Act or the quasi-judicial freedom of the National and State Bureaus under this Act in such manner as may be prescribed by the Central Government.	Monitoring of implementation of this Act.
15 of 1993.	5		
40 of 2019.			
4 of 2006.	10		
11 of 2016.			
	15		
		(2) The Commissions referred to in sub-section (1) shall, while inquiring into any matter relating to the implementation of this Act, have the same powers as are vested in them under their respective Acts.	
	20		
		(3) The Commissions referred to in sub-section (1) shall also include their activities under this section in their annual reports.	
		144. The Central and State Governments may, after due appropriation made by Parliament or the State Legislature, as the case may be, by law in this behalf, make to the Bureaus and accredited NGOs under this Act grants of such sums of money as that Government may think fit for being utilised for the purposes of this Act.	Grants by Central and appropriate Government.
	25		
		145. (1) The appropriate Government may, on the recommendations of the National and State Bureau, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
	30		
41 of 1999.		(2) The Central Government may, in consultation with the National Bureau and the Insurance Regulatory and Development Authority of India established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999, make rules for introducing privacy insurance and cyber security insurance for establishments and sensitive service providers in order to compensate any loss incurred to their users.	
	35		
		(3) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—	
	40		
		(a) the qualifications and experience of, and the fees payable to, a translator, an interpreter, a special educator or any person familiar with the manner of communication of the witness or an expert in that field, under sub-section (4) of section 114; sub-section (2) of section 128 and section 137;	
	45		
		(b) care and protection and emergency medical treatment of the victim under sub-section (4) of section 115;	
		(c) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 143 and sub-section (3) of section 155;	
	50		
		(d) the uniform, badges of ranks, medals, etc. to be used by the officials and employees of the Bureaus; and	

(e) any other matter which is required to be, or may be, prescribed.

(4) Every rule made under this section, in case of Central Government shall be laid, as soon as may be after it is made, before each House of Parliament and in case of State Government, before each State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or 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.

Power to amend
the First
Schedule.

146. (1) The appropriate Government may, if it is of opinion that it is expedient or necessary in the public interest so to do, by notification in the Official Gazette, add to the First Schedule any establishment to which the licence provisions under this Act shall apply, and on any such notification being issued, the First Schedule shall be deemed to be amended accordingly.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament or the State Legislature, as the case may be.

CHAPTER XVII

MISCELLANEOUS PROVISIONS

General
provisions
relating to
security
cameras and
CCTVs.

147. (1) Subject to the provisions of this Act, every person shall have the right to purchase, install and use security cameras or CCTVs with or without a microphone or similar devices, by whatever name called, in good faith and without any malafide intention for the purposes of security, larger public interest or any other lawful purpose.

(2) Every person who installs a camera shall ensure that any cameras or CCTVs erected with or without microphones are only capturing public areas and that a display board warning about the presence of the camera and microphone if any, shall also erected in its proximity:

Provided that and subject to section 111, no such obligation shall lie on persons who secretly use such cameras for collecting evidence, preventing any crime, proving any illegal act, for any investigation, etc. and where such obligation would adversely impact the purpose for which the cameras are used, in the manner as may be prescribed.

(3) The information on the display board mentioned in sub-section (2) shall be written in the local and English language and have a camera sign that shall be clearly visible to ordinary persons.

(4) The privacy of the data generated by the software linked to the cameras and processed remotely by the third-party sensitive service providers, shall be dealt in accordance with the provisions of this Act and the Digital Personal Data Protection Act, 2023 and the rules and regulations made thereunder.

22 of 2023.

(5) The District Bureau under this Act, shall have the power to verify compliance with this section and take necessary action in case of contravention, in the manner as may be prescribed.

Provisions
relating to
privacy during
the use of
vehicles.

148. (1) Subject to provisions of this Act, every owner of a vehicle shall have the right to purchase, install in their own vehicle and thereby use a location tracker device, security camera and audio recording device by whatever name called; in good faith and without malafide intention for the purpose of

security, anti-theft, ease of journey and transportation, recording evidence of road accidents or any other lawful purpose:

Provided that a warning message, warning light, indicator, sign or symbol, in the prescribed manner, informing about the presence of such device shall be displayed inside or on the vehicle, as the case may be.

(2) In case of public transport vehicles, no device mentioned in sub-section (1) shall be installed in the privacy of any passenger.

(3) The vehicle manufacturers may provide in-built facilities for the indicators or warning lights, as mentioned in the proviso to sub-section (1), to their vehicles.

(4) The privacy of the data generated by the software linked to the vehicle and processed remotely by the third-party sensitive service providers, shall be dealt in accordance with the provisions of this Act and the Digital Personal Data Protection Act, 2023 and the rules and regulations made thereunder.

(5) The District Bureau under this Act shall have the power to verify compliance with this section and take necessary action in case of contravention, in the manner as may be prescribed.

(6) The penalty for any contraventions of this section shall be in such manner as may be prescribed.

Explanation.— For the purpose of this section and section 48, the words “vehicle”, “owner” and “manufacturer” shall have the same meaning as ascribed to them in the Motor Vehicles Act, 1988.

149. Any person or a public servant who has made a disclosure in good faith regarding offences under this Act shall not be victimised by the initiation of any proceedings or otherwise merely on the ground that such person or a public servant had made a disclosure or rendered assistance in inquiry or investigation under this Act and shall be given adequate protection by the Central or State Government, as the case may be, and may be rewarded by the Bureaus under this Act, in such manner as may be prescribed:

Protection and rewards to whistleblowers.

Provided that the appropriate Government shall ensure that every disclosure shall be made in good faith and the person making the disclosure shall make a personal declaration stating that he reasonably believes that the information disclosed by him and allegation contained therein is substantially true.

150. The Bureaus and Special Court shall, in all cases where they have passed any order under this Act, order that a copy of such order shall be given free of cost to the victims, parties to the case, applicants or appellants, as the case may be.

Bureau and Court to give copies of order free of cost.

151. The Bureaus under this Act shall set up a round the clock quick response system of telephone numbers and email addresses operated manually to expeditiously attend and reply to complaints and queries.

Quick response system.

152. It shall be the duty of every intermediary, including anti-virus and operating system developers and service providers, and other software developers and providers as may be prescribed, to develop and adopt to the extent possible such mechanisms, artificial intelligence and other systems which prevent the dissemination of any voyeuristic material.

Obligation on intermediaries, including anti-virus service providers, etc.

153. (1) The appropriate shall endeavour to promote films, literature, drama, art, streaming media and other digital content, which in larger public interest, generate awareness about right to privacy by providing grants, subsidies and other benefits to such production.

Provisions for films, literature, drama, art, streaming media and other digital content.

	(2) No producer or publisher of any films, literature, drama, art, streaming media and other digital content shall produce or publish any film or digital content which includes any dramatic scene or message that encourages or glorifies voyeurism.	
	(3) The National Bureau shall, by itself or on the recommendation of the State Bureau, direct the appropriate governmental authority to censor the content and take appropriate action against the producer or publisher of such content in such case of contravention of sub-section (2).	5
Protection of action taken in good faith.	154. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.	10
Act not in derogation of any other law.	155. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have an overriding effect on the provisions of any such law to the extent of the inconsistency.	15
Monitoring and reporting.	156. (1) The National or State Bureau, as the case may be, shall, as soon as practicable after the end of each calendar year, prepare a report on the progress of implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.	
	(2) Each District Bureau shall, in relation to the establishments and sensitive services providers within their jurisdiction, collect and provide such information to the State Bureau, as the case may be, as is required to enable the State Bureau to prepare the report under this section.	20
	(3) Each report shall state, in respect of the year to which the report relates, all such information as may be prescribed.	25
	(4) The Central Government or the State Government, as the case shall be, may, as soon as practicable after the end of each calendar year, cause a copy of the report of the National or State Bureau, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.	30
Budget.	157. The National, State and District Bureaus shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year and the revised estimates for the current year, showing the estimated receipts and expenditure of the Bureaus and forward the same to the Central or State Governments, as the case may be.	35
Accounts and audit.	158. (1) The Bureaus under this Act shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed by the National Bureau in consultation with the Comptroller and Auditor-General of India.	40
	(2) The accounts of the Bureaus shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Bureaus to the Comptroller and Auditor-General of India.	45
	(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the Bureaus shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected	50

vouchers and other documents and papers and to inspect any of the offices of the Bureaus.

5 (4) The accounts of the Bureaus as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central or State Government which shall cause the same to be laid before each House of Parliament or the State Legislature, as the case may be.

10 **159.** (1) If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

15 (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or the State Legislature, as the case may be.

20 **160.** No court other than the courts empowered by this Act, shall entertain any suit, application or other proceedings in respect of any order made under this Act, and no such order shall be called in question otherwise than by way of an appeal under this Act.

Bar on jurisdiction of other courts.

161. The provisions of section 77, section 78 and words “or intrudes upon the privacy of such woman” in section 79 of the Bharatiya Nyaya Sanhita, 2023, and section 66E of the Information Technology Act, 2000 are hereby repealed.

Repeal.

45 of 2023.
21 of 2000.

THE FIRST SCHEDULE

(See sections 27, 28, 30 and 49)

ESTABLISHMENTS TO WHICH THE LICENCE PROVISIONS UNDER THIS ACT APPLY

1. Residential Hotels
2. Guest houses
3. Lodges
4. Resorts
5. Apartments open for public use or places of Commercial accommodation
6. Diagnostic centres
7. Hospitals
8. Ayurvedic Panchkarma and other medicinal treatment centres
9. Clothing stores
10. Malls
11. Swimming pools
12. Hostels
13. Dance, Yoga, Aerobics and other classes
14. Gyms
15. Water parks
16. Public Toilets and washrooms
17. Theatres
18. Photo studios with changing rooms
19. Fine arts schools where painting nude artists is a part of the curriculum
20. Places of public amusement
21. Prisons and jails
22. Beauty Parlours
23. Massage Parlours
24. Saloons
25. Marriage halls with accommodation facility
26. Cruise ships with accommodation facility
27. First class AC railway coaches
28. Aeroplane with washroom/toilet facility
29. Sleeper bus, Commercial Vanity Van
30. Religious Ashrams, Dharmashalas and retreat centres with accommodation facility
31. Vastrantar Griha (Changing rooms) on the banks of rivers, especially made for pilgrims
32. Any temporary set-up where voyeurism is likely to take place
33. Any other establishments or entities which provide a changing room or toilets and bathrooms to the public
34. Any other place where voyeurism may take place and includes such other establishment as the Central Government may, by notification in the Official Gazette, notify to be an establishment for the purposes of this Act.

THE SECOND SCHEDULE

[See section 2 (33) (v)]

LIST OF SENSITIVE SERVICE PROVIDERS THAT MAY VOLUNTARILY APPLY FOR REGISTRATION

Service providers other than an establishment under this Act, who enters into or which have access to the privacy of a person through such services, whether physically or virtually, such as—

1. Service providers which provide local repair services or service centres for smartphones and other digital devices, etc.;
2. Doorstep service providers such as technicians for geysers, air conditioners or computers, electricians, carpenters, civil contractors, plumbers, etc.;
3. Intermediaries;
4. Software service providers; and
5. any other category as may be prescribed.

THE THIRD SCHEDULE

[See section 36 (2)]

FORMAT OF LICENCE

GOVERNMENT OF STATE

OFFICE OF THE ANTI-VOYEURISM BUREAU OF DISTRICT.

LICENCE

WHEREAS the licencing authority is satisfied that (NAME OF ESTABLISHMENT/ ADDRESS) complies with the Voyeurism (Prevention, Prohibition and Redressal) Act, 2024 and the rules, regulations and standards thereunder, and it is found that the property and premises of this establishment are Privacy protected, Voyeurism-free and Safe for public use on the basis of the inspection carried out by or under the directions of the licencing authority of the Anti-Voyeurism Bureau of District as mentioned in the table below, this licence is granted to the establishment to carry on their registered business. This establishment is hereby authorized to use the “Voyeurism-Free” Standard Mark.

Name of Establishment :-

Address of Establishment :-

Type of premises/ Business activity :-

Unique Identification Licence No. :-

Date of Issue of Licence/Renewal :-

Table – 1

Sr. No.	Date of Inspection	Renewed/ Valid Till Date	Fees paid	Sign and Seal of Licencing Authority
1.				
2.				

CONDITIONS :

1. This Licence is exclusive and non-transferable.
2. This Licence remains valid up to one year from the date of issue/renewal.
3. This Licence is valid subject to regular and surprise inspections carried out by any inspecting authority under the Act, and any malpractices may result in cancellation of the Licence.
4. This Licence shall be displayed at the main entrance or a strategic place within the establishment in clear and visible writing.
5. Any change in the information furnished at the time of filing the application for this Licence shall be intimated to the licencing Authority within a period of thirty days from the date of such change.
6. This Licence shall not indicate the legality or authenticity of the establishment or its business, nor shall it confer legality upon any illegal establishment, business or act.

THE FOURTH SCHEDULE

[See section 50 (3)]

Format of Registration Certificate for

Sensitive Service Providers

GOVERNMENT OF INDIA

OFFICE OF THE ANTI-VOYEURISM BUREAU OF INDIA AT DELHI

CERTIFICATE OF REGISTRATION

This is to certify that the sensitive service provider (NAME OF SSP/ADDRESS) has been voluntarily registered with the National Bureau and conforms to the mandatory standards under the Voyeurism (Prevention, Prohibition and Redressal) Act, 2024 and the rules and regulations thereunder, on the basis of the verification carried out by or under the directions of the Registrar of the National Bureau. Therefore, this sensitive service provider is hereby authorized to use the following Standard Mark:

“Voyeurism-free”

Name of SSP :- _____

Address of SSP:- _____

Type of SSP:- ☐ Individual ☐ Body Corporate

Type of services provided:- ☐ Door step service provider

☐ Local repair centre

☐ Intermediaries

☐ Software service providers

☐ Other

Unique Registration No. :- _____

Date of Registration :- _____

Given under my hand on this day of month of year.

Registrar,

Anti-Voyeurism Bureau of India

CONDITIONS:

1. This is only a certificate of voluntary registration and not a licence to run a business.
2. This registration certificate authorises the sensitive service provider to use the “Voyeurism-free” standard mark.
3. This certificate is exclusive and non-transferable.
4. This certificate may be subject to cancellation if the sensitive service provider is found to be violation of the provisions of the Voyeurism (Prevention, Prohibition and Redressal) Act, 2024 and rules and standards thereunder.
5. Any change in the information furnished at the time of filing the application for this certificate shall be intimated to the Registrar within a period of thirty days from the date of such change.

STATEMENT OF OBJECTS AND REASONS

The Right to Privacy is a fundamental right derived under Article 21 of the Constitution of India as interpreted and declared by the Hon'ble Supreme Court of India in case of *K. S. Puttaswamy Vs. Union of India Judgement*. Moreover, the Right to Privacy is internationally recognized as one of the most significant Human Rights as well. However, there is currently no dedicated statute that provides a separate, all-inclusive and comprehensive legal framework for various aspects of privacy, including human body privacy, communication privacy, location privacy and data confidentiality. Right without remedy is worthless. If India enacts such a separate and comprehensive Right to privacy legislation, it will become honoured as one of the first country to do so and set an example for other countries to follow.

Although the term Voyeurism is used in the title of the Bill, the provisions of the bill are not limited to human body privacy. In the proposed Bill, overall breach of Privacy is defined as Voyeurism.

Currently, the Digital Personal Data Protection Act, 2023 provides a framework for processing digital personal data, but it is not an all-inclusive privacy law and this Act has not yet to come into force. The Criminal Law (Amendment) Act, 2013 inserted the offence of voyeurism under Section 354-C of the Indian Penal Code, 1860 after the Nirbhaya rape and murder case in Delhi. The said section provided for punishment to male offenders committing Voyeurism for a period of one to three years on first conviction and three to seven years on subsequent conviction. Before that and even today, Section 66E of the Information Technology Act, 2000 is being used to prosecute offenders of voyeurism committed with the help of digital devices with imprisonment of three years or fine of up to two lakh rupees or both. However, the cases of voyeurism are only on the rise. Even sections 77, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) have multiple limitations and need to be revised to meet the current requirements of society. Hence, all the above existing provisions are inadequate to deal with various aspects of voyeurism and privacy. Overall, there is a need for a separate, comprehensive and exhaustive preventive and remedial legislation on the Right to Privacy.

Today, the rapid technological development has led to easy availability and use of spy and web cameras, CCTVs, smartphones, computers, spying software, high-speed internet and other new instruments in the market at affordable prices and various new methods and *modus operandi* leading to an increase in voyeurism and breach of Privacy cases by unfathomable means. Smartphone and social media users are rapidly increasing. Research has demonstrated that Artificial Intelligence can easily see people through walls using Wi-Fi signals and will lead to potential problems in the near future. The misuse of artificial intelligence and deepfake technology has led to serious privacy concerns. The loss caused to the victim is irreparable due to the continuing nature of the crime of video voyeurism and its dissemination. In view of the foregoing, the following principles and observations underscore the urgent need for a comprehensive legislative framework:

1. To ascertain the duty of the State to value the dignity and privacy of every human being, guarantee full respect for human rights and ought to penalize acts that would destroy the honour and dignity of a person.
2. Currently, there is an absence of a separate, exhaustive preventive and remedial legislation against voyeurism and there exists a lacuna in our existing laws to deal with Voyeurism through digital technology. Moreover, there is an absence of a separate, all-inclusive and comprehensive legal framework on Right to Privacy of human body, communication privacy, location privacy and sensitive personal data confidentiality and related privacy issues.

3. All genders face situations of violation of their privacy, distribution of private material, etc. which may be later used to blackmail them leading to revenge porn, sextortion etc.
4. Voyeurism results in the violation of a person's human right and fundamental right to privacy life under Article 21 of the Constitution of India. The Right to Privacy is a gender-neutral right, and there is a need for a gender-neutral law on Voyeurism and Privacy that protects all genders.
5. There is a need to frame a new, improved and comprehensive definition of Voyeurism which will cover various other aspects of privacy.
6. There is a need to enact a separate and broad legal framework on the right to privacy to protect various aspects of privacy and privacy of human body, communication privacy, location privacy and data confidentiality.
7. There is a need to establish a procedure by law as per conditions stipulated in Article 21 of the Constitution of India for depriving the privacy of a person in exceptional cases and in good faith and also in view of the doctrine of necessity and fair trial.
8. The Voyeurism (Prevention, Prohibition and Redressal) Bill, 2024 is intended to prevent Voyeurism, provide protection against Voyeurism and for the redressal of complaints of Voyeurism and overall breach of privacy and matters connected therewith or incidental thereto. In the bill, overall breach of Privacy is defined as voyeurism. It, inter alia, seeks to:—
 - (i) set up mechanism to protect human body privacy, communication privacy, location privacy and data confidentiality,
 - (ii) define the rights of users and consumers seeking of privacy services,
 - (iii) bifurcate the services provided by establishments and sensitive service providers concerning privacy angles,
 - (iv) establish specialized Bureaus,
 - (v) set standards for privacy protections,
 - (vi) set the Voyeurism-Free standard mark,
 - (vii) set up mechanism for licenses and certifications,
 - (viii) establish the licencing authority for Establishments and Registrar for sensitive service providers to certify as Voyeurism-Free, Privacy-Protected and Safe to eliminate the fear in the minds of the users and consumers thereof,
 - (ix) strike down the copyright of accused and convicted persons over the Voyeuristic material,
 - (x) prevent use of nonconsensual means Voyeuristic material for publicaphic and commercial purposes,
 - (xi) set up a takedown mechanism,
 - (xii) broaden the definition of Voyeurism to make its meaning equal to overall breach of privacy,
 - (xiii) define new terms emerged out of developments in technology and new modus operandi,
 - (xiv) set up mechanism to prevents false and misleading claims and offers,
 - (xv) set up mechanism to prevent cyber voyeurism and cybercrime,

(xvi) set up procedure for protecting privacy rights during search and seizure of a smartphone and computer by the State,

(xvii) protect the privacy rights of vulnerable populations and soft targets including a woman, child, orphan, foreign tourist, person belonging to third gender, blind, person with disability, sex workers etc.,

(xviii) set up procedure for sting operation, as per conditions stipulated in Article 21 of the constitution of India for depriving the privacy of a person in exceptional cases and in good faith and also in view of the doctrine of necessity and fair trial,

(xix) set provisions against sadistic Voyeurism,

(xx) set up a hassle-free administrative mechanism for victims to compensate them,

(xxi) set up preventive and remedial law which will serve justice to all parties rather only punishment to an offender, as loss caused to a sufferer is almost irreparable,

(xxii) protect the privacy rights of accused during inquiry, investigation, arrest and trial as well,

(xxiii) make consumer-centric law as a consumer is considered as a king pin of economy,

(xxiv) boost tourism industry and government revenue,

(xxv) set up Application Programming Interface (API) for online services,

(xxvi) provide provisions for film makers and content creators,

(xxvii) designate a court of sessions to be a Special Court for the trial of Voyeurism and related Privacy offences,

(xxviii) set up a separate and all-inclusive statute on Right to Privacy.

The Bill seeks to achieve the aforesaid objectives.

Hence, this Bill.

SYED NASEER HUSSAIN

FINANCIAL MEMORANDUM

Clause 8 of the Bill seeks to establish an Anti-Voyeurism Bureau of India, to be known as the National Bureau, having jurisdiction extending to the whole of India to exercise the powers conferred upon and assigned to it under this Bill and for its composition as well as its headquarters and other regional offices, as deemed necessary. Clause 10 provides for salaries and allowances of members of the National Bureau. Clause 12 of the Bill seeks to establish Anti-Voyeurism Bureau for each State, to be known as the State Bureau, having jurisdiction extending to the whole of that State to exercise the powers conferred upon and assigned to it under this Bill and its composition as well as its headquarters and other offices, as deemed necessary. Clause 14 provides for salaries and allowances of members of State Bureau. Clause 16 of the Bill seeks to establish Anti-Voyeurism for each district in the States, to be known as the District Bureau, having jurisdiction extending to the whole of that District to exercise the powers conferred upon and assigned to it under this Bill and its composition and well as its headquarters and other offices, as deemed necessary. Clause 17 of the Bill provides for the officers and other employees and staff of the District Bureaus as well the salaries and allowances payable to them and their terms and conditions of service. Clause 144 provides that the Central and State Governments shall provide grants to the Bureaus and accredited NGOs, as may be deemed necessary for carrying out the purposes of this Act.

The Bill, therefore, if enacted, would involve expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 (4) of the Bill provides that the State Government shall make rules to provide for the qualifications and experience, method of recruitment, procedure for appointment, expenditure, term of office, salaries and allowances, resignation and removal from office, promotions, and other terms and conditions of the employees of the District Bureau. Clause 51 of the Bill provides that the Ministry of Labour of the Central and State Governments along with the Ministry of Home Affairs of the State Government may, in collaboration with the National and State Bureau, make rules for character verification by Police, framing privacy policy, etc. and frame a code of conduct and ethics for sensitive service providers and the Ministry of Information Technology of the Central and State Governments may, in collaboration with the National and State Bureau, make rules for verification by the cyber security experts, framing of privacy policy, etc. and frame a code of conduct and ethics for sensitive service providers and that the Central and State Governments may make rules for other prescribed categories of sensitive service providers, if any. Clause 71 of the Bill empowers the National and State Bureaus to make regulations, with the previous approval of the Central and State Governments respectively, for carrying out the purposes of this Bill. Clause 145 of the Bill empowers the Central and State Governments to make rules for carrying out the purposes of the Bill. Clause 159 of the Bill empowers the appropriate Government to make such provisions, as may be considered necessary or expedient, to remove any difficulty that may arise in giving effect to any of the provisions of the Bill.

The matters in respect of which rules or regulations or orders may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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BILL

*to provide an all-inclusive legal framework to protect the Fundamental
Right to Privacy of humans, prevent Voyeurism, provide consumer
centric law and for matters connected therewith
or incidental thereto.*

(Dr. Syed Naseer Hussain, M.P.)