

Bill No. XXI of 2008

THE WOMEN AND GIRL CHILD (PREVENTION OF TEASING,
STRIPPING, MOLESTATION, RAPE AND OTHER ATROCITIES)
BILL, 2008

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to prevent and prohibit the commission of atrocities and offences like teasing, stripping or parading naked, molestation, rape, outraging modesty, branding or killing as witches, forcing into prostitution offering as devadaasi etc. against the women and girl child and to provide for deterrent punishment and special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Women and Girl Child (Prevention of Teasing, Stripping, Molestation, Rape and Other Atrocities) Act, 2008.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

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

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “atrocities” includes parading naked or painting face or body black or such other similar acts, compelling or enticing to do *begar* or bonded work, or misusing

position to harass or sexually exploit, or insulting or intimidating with intention to humiliate publicly, taking pictures or video without consent, or forcing woman or girl child into prostitution;

(c) “girl child” means a female who has not attained the age of eighteen years;

(d) “Special Court” means a Court of Session specified as a Special Court in section 6 including a Fast Track Court;

(e) “Stripping” includes forcible removing or tearing of any cloth or part thereof worn by a girl child or woman with an intention of exposing the body or any part thereof of such a girl child or woman, as the case may be;

(f) “teasing” includes uttering words, song, making sound of whistle or gesture, exhibiting any object or part of the body, throwing any object or doing any act to attract the attention of the girl or woman, as the case may be, thereby intentionally harassing such girl child or woman;

(g) “woman” means a female who has attained the age of eighteen years or more;

(h) Words and expressions used but not defined in this Act and defined in the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts. 45 of 1860.
2 of 1974.

Prohibition of teasing, stripping, molestation, Rape and other atrocities on women and girl child.

3. (1) Notwithstanding anything contained in the Indian Penal Code, 1860, no person shall,— 45 of 1860.

(a) with malicious intention of taking revenge or to fulfil his lust or to outrage the modesty of any woman or girl child, as the case may be, strip publicly any woman or girl at any point of time;

(b) tease any woman or girl at any place and at any point of time;

(c) for any reason, whatsoever declare any woman or girl as a witch or offer any girl child as *devadaasi* in a temple, etc.;

(d) commit atrocity on any woman or girl child, as the case may be.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

4. Whoever contravenes the provisions of,—

(a) clause (a) of sub-section (1) of section 3 shall be liable for imprisonment, which shall not be less than five years but may extend to ten years and also with fine which may extend to ten lakh rupees;

(b) clauses (b) and (c) of sub-section (1) of section 3 shall be liable for imprisonment, which shall not be less than three years and also with fine which shall not be less than rupee two lakhs but may extend to five lakh rupees;

(c) clause (d) of sub-section (1) of section 3 shall be liable for imprisonment which shall not be less than five years but may extend to ten years and also with fine which may extend to five lakh rupees:

Provided that whoever commits the atrocity of rape on a woman or girl child, notwithstanding anything in the Indian Penal Code, shall be punished with death. 45 of 1860.

Penalty for neglect of duties.

5. Whoever, being a public servant, willfully neglects his duties required to be performed by him under this Act, shall be,—

(a) dismissed from service forthwith; and

(b) liable for imprisonment for a term, which shall not be less than one year but may extend to three years and also with fine which may extend to two lakh rupees.

6. The appropriate Government shall, with the concurrence of the concerned High Court, by notification in the Official Gazette, establish a Special Court for the purposes of this Act, for each district within its territorial jurisdiction to try offences under this Act.

Establishment of Special Courts.

2 of 1974.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

8. (1) The appropriate Government shall provide such relief to the victims under this Act by framing appropriate schemes as may be notified from time to time.

Relief and rehabilitation measures.

(2) Without prejudice to the generality of the foregoing Provisions the relief and rehabilitation measures shall include,—

(a) free of cost medical facilities;

(b) free board and lodging;

(c) recreational facilities;

(d) vocational training;

(e) employment in deserving cases;

(f) such other measures as the appropriate Government may deem necessary and expedient to initiate for the purposes of this Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

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

Act to have overriding effect.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to supplement other laws.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our society, despite reforms and awakening, it is very unfortunate that young girls and women are still most vulnerable to various atrocities and violence. Teasing and molesting them even at public places, public transport, etc. have become order of the day. The teasers have become fearless. They pass vulgar remarks, make obscene gestures and meddle hastily with them, which many a time cause bodily injury and nobody comes to the rescue of the hapless girl or woman. They are subjected to all kinds of torture in public transport, public place which more often go unreported. Many a time women are reportedly stripped and paraded naked in the Villages and streets and beaten ruthlessly to take revenge or for merry making. In some parts, the women are being branded as witches and killed ruthlessly which needs to be dealt with severely by providing deterrent punishment. Similarly, in some parts of the country, girls are offered as *Devadaasis* to deities in the temples which ultimately makes them sex workers. Similarly, young girls and women are abducted and forced into prostitution. The girl child and women are also raped or gang raped and the number of these cases increasing rapidly. Some of these girls and women are brutally killed after rape. There is no fear of law among the rapists.

Hence, it has become necessary to provide deterrent punishment for the perpetrators of atrocities against the girl child and women in order to give the women and girl child a respectable position in the society. Hopefully, these stringent measures may curb the atrocities against the girl child and women in the society.

Hence this Bill.

E.M. SUDARSANA NATCHIAPPAN

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of Special Courts. Clause 8 provide for relief and rehabilitation measures for victims by the appropriate Government. Clause 9 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees Five thousand crore may involve as recurring expenditure per annum.

A sum of rupees seven thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **12** of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill.

The rules will relate to matters of details only. The delegation of legislative power is of normal character.

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(*Dr. E.M. Sudarsana Natchiappan, M.P.*)