

Bill No. 110 of 2018

THE WOMEN AND GIRL CHILD (PREVENTION OF ATROCITIES)
BILL, 2018

By

DR. Udit Raj, M.P.

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BILL

to provide for stringent punishment to curb atrocities against girl child and women, rehabilitation measures for victims of atrocities and constitution of special courts to try cases of atrocities against women and girl child and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Women and Girl Child (Prevention of Atrocities) Act, 2018. Short title and extent.

(2) It extends to the whole of India.

5 2. (1) 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 all other cases, the Central Government;

(b) 'atrocities' includes,—

(i) parading any woman or girl child naked or painting their face or body black or similar acts;

(ii) compelling or enticing any woman or girl child to do *begaar* or bonded labour or any work without payment;

(iii) using one's position to harass any woman or girl child or sexually exploit or insult or intimidate with intention to humiliate publicly;

(iv) taking pictures or video without consent, or forcing any woman or girl child into prostitution;

(c) 'girl child' means any female who has not completed the age of eighteen years;

(d) 'stripping' means forcible removing or tearing of cloth or part thereof worn by a girl child or woman with the intention of exposing the body or any part thereof of such girl child or woman, as the case may be;

(e) 'teasing' includes uttering words, song, making the sound of whistle or gesture, exhibiting any object or part of the body, throwing any object or doing any unwanted act to attract the attention of a girl child or woman;

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

Punishment for outraging the modesty of a woman or girl child.

3. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who outrages the modesty of any woman or girl child by stripping them publicly shall be punished with imprisonment which shall not be less than five years but may extend to ten years and with fine which may extend to rupees ten lakh.

Punishment for teasing of a woman or girl child.

4. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who teases any woman or girl child shall be punished with imprisonment which shall not be less than three years and with the fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

Punishment for offering any woman or girl child as devdasi or forcing them into prostitution.

5. Notwithstanding anything contained in the Indian Penal Code, 1860, or any other Act, for the time being in force, any person who offers any woman or girl child as *devdasi* or forces them into prostitution shall be punished with imprisonment which shall not be less than three years and with fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

Punishment for committing atrocity on a woman or girl child.

6. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who commits any atrocity on any woman or girl child at any place and at any point of time shall be punished with imprisonment which shall not be less than five years and with fine which may extend to rupees five lakh.

Punishment for committing rape on a woman or girl child.

7. Notwithstanding anything contained in the Indian Penal Code, 1860, any person who commits the offence of rape on any woman or girl child shall be punished with death.

Punishment for public servant for wilfully neglecting his duties.

8. Whoever, being a public servant, is convicted of wilfully neglecting his duties required to be performed under this Act, shall be,—

(a) dismissed from service; and

(b) punished with 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 rupees two lakh.

9. The appropriate Government shall, with the concurrence of the concerned High Court, by notification in the Official Gazette, establish a Special Court in each district to try offences under this Act.

Establishment of special courts.

2 of 1974.

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

Offence to be cognizable and non-bailable.

11. (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 provision, the relief and rehabilitation measures shall include,—

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(a) free medical facilities;

(b) free boarding and lodging facilities;

(c) recreational facilities;

(d) vocational training;

(e) employment in deserving cases;

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

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

Central Government to provide funds.

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13. 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.

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14. 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.

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

Power to make rules.

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(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the 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.

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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. These teasers have become fearless. The anti-social elements pass vulgar remarks, make obscene gestures and meddle hastily with girls and women, which many a time cause bodily injury to them. No person, who witnesses these incidents, dares to come to rescue of such hapless girls or women. They are subjected to all kinds of torture in public transport, public places. Most of these cases go unreported. Many a time women are reportedly stripped and paraded naked in villages and streets and beaten ruthlessly. In some parts of the country, 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 *devdasis* to deities in the temples which ultimately makes them sex workers. Similarly, young girls and women are abducted and forced into prostitution. The number of cases of rape of girl child and women are 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 restore a respectable position to the women and girl child in the society. It is expected that such stringent measures will curb the atrocities against the girl child and women in the society.

Hence this Bill.

NEW DELHI;
February 23, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the establishment of Special Courts. Clause 11 provide for relief and rehabilitation measures for victims by the appropriate Government. Clause 12 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore will be involved as recurring expenditure per annum.

A sum of rupees seven thousand crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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