

AS INTRODUCED IN LOK SABHA

Bill No. 87 of 2018

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
BILL, 2018**

By

SHRI RAJENDRA AGRAWAL, M.P.

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BILL

further to amend the Code of Criminal Procedure, 1973.

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 Code of Criminal Procedure (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1974.

2. In the First Schedule to the Code of Criminal Procedure, 1973, under the heading “I.—OFFENCES UNDER THE INDIAN PENAL CODE”, for the entries relating to section

Amendment of the First Schedule.

354D, the following entries shall be substituted, namely:—

1	2	3	4	5	6
“354D Stalking		Imprisonment up to 3 years and with fine with for first conviction.	Cognizable	Non-bailable	Any Magistrate
		Imprisonment up to 5 years and with fine for second or subsequent conviction.	Cognizable	Non-bailable	Any Magistrate”. 5

STATEMENT OF OBJECTS AND REASONS

In the aftermath of the brutal gang rape and murder of December, 2012, Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for fast track trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee comprehensively expanded the list of crimes against women and brought stalking under the ambit of Indian Penal Code. The Committee recognized stalking as a crime and recommended it to be made a non-bailable offense. But in contrast to the Committee recommendations, in the Criminal Law (Amendment) Act, 2013, enacted subsequently, the first offense of stalking was made bailable while any subsequent offense was made non-bailable.

A bailable provision in the statute for stalking has massively diluted the deterrence. It allows the accused to obtain bail without any serious scrutiny often putting the victim at further risk of harassments and assaults. As per National Crime Record Bureau, over eighty per cent of the people accused of stalking are given bail before even the chargesheet is filed. At the same time, cases of stalking continue to rise in the country with 7132 cases registered in 2016 followed by 6266 in 2015 and 4699 in 2014.

Hence it is high time that concerns surrounding stalking be addressed urgently. In this regard, the Bill seeks to make stalking a non-bailable offense in line with the Justice Verma Committee recommendations.

Hence this Bill.

NEW DELHI;

RAJENDRA AGRAWAL

February 16, 2018.

ANNEXURE

EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973

[2 OF 1974]

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CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY

1	2	3	4	5	6
354D	Stalking	Imprisonment up to 3 years and with fine with for first conviction.	Cognizable	Bailable	Any Magistrate
		Imprisonment up to 5 years and with fine for second or subsequent conviction.	Cognizable	Non-bailable	Any Magistrate

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(*Shri Rajendra Agrawal, M.P.*)