

Bill No. LXXXVII of 2010

THE PREVENTION OF ATROCITIES ON WOMEN BILL, 2010

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to prevent atrocities against women in the country, to provide for Special Courts for the trial of such offences committed against women and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Prevention of Atrocities on Women Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may be notified in the Official Gazette, appoint.

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

Definitions.

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

(b) "atrocities" means an offence punishable under section 3;

(c) "Code" means the Code of Criminal Procedure, 1973;

(d) "employer" means,—

(i) in relation to an establishment under the control of the appropriate Government, the head of the Department or Ministry as the case may be;

(ii) in relation to an establishment under any local authority or Local Self Government, the Chief Executive Officer by whatever designation called; 5

(iii) in relation to other cases, the person or the authority who has the ultimate control over the affairs of the work place.

(e) "Special Court" means a Court of Session specified as a Special Court in section 7;

(f) Words and expressions used but not defined in this Act and defined in Code 10
or the Indian Penal Code shall have the meanings assigned to them respectively in 45 of 1860.
the Code, or as the case may be, in the Indian Penal Code.

Punishment for
Offences of
atrocities.

3. (1) Whoever,—

(i) makes any lewd remarks, gestures, signs or insinuations against a woman in office or in any public place. 15

(ii) assaults or uses force against any woman with intent to dishonour or outrage her modesty;

(iii) forcibly removes clothes from the person of a woman or parades her naked or with painted face or body or commits any similar act which is derogatory to human dignity; 20

(iv) compels or entices a woman to do '*begar*' or other similar forms of forced or bounded labour;

(v) being in a position to dominate the will of a woman and uses that position to harass or exploit her sexually to which she would not have otherwise agreed;

(vi) intentionally insults or intimidates with intent to humiliate a woman in any place within public view; 25

(vii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a woman;

(viii) takes pictures or video of a woman without her consent or knowledge by violating her privacy; 30

(ix) forces or compels any woman into prostitution;

(x) declares any woman witch or *daiyan* or by any other name called;

shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which may extend to twenty-five thousand rupees. 35

(2) Whoever, being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to the maximum punishment provided for that offence.

Punishment for
neglect of
duties.

4. Whoever, being a public servant, willfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year. 40

Special Court.

5. For the purposes of providing speedy trial, the appropriate Government shall, with the concurrence of the Chief Justice of High Court, by notification in the Official Gazette,

specify for each district a Court of Sessions to be a Special Court to try offences under this Act.

5 **6. (1)** Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under this Act, it may, by order in writing, direct such person to remove himself beyond the limits of such area, within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding one year, as may be specified in the order.

Procedure to be followed by Special Court.

10 (2) The Special Court shall, alongwith the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

15 **7.** Any person contravening an order of the Special Court made under section 6 shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend upto ten thousand rupees.

Punishment for contravention of order of Special Court.

20 **8.** A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take preventive action in such manner as may be prescribed.

Declaration of area prone to atrocities.

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

Appropriate Government to frame scheme.

30 (2) **Without prejudice to the generality of the aforesaid provision the appropriate Government shall provide free board and lodging and medical facilities to the severely affected victims of atrocities under this Act.**

10. The Central Government shall, after due appropriation made in this behalf, provide such requisite funds for being utilised for the purposes of this Act.

Central Government to provide funds.

35 **11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

40 **12.** No suit, prosecution or other legal proceeding shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

45 **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 over-riding effect.

14. 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

Women are the most vulnerable lot of our society. Every now and then, women are subjected to atrocities and violence in one form or the other. They are subjected to all kinds of torture which more often than not go unreported. At times, the administration does not respond with the kind of agility that is required on the incidents of atrocities on women. There is no dearth of incidents when women are paraded naked in many places in our country and, at times, also declared as witches or *daiyans*. This is the worst kind of treatment given to women without any fault. They are left at the mercy of their fate and no one comes to their rescue. Further, sexual harassment of women in work place is also very common and frequent. The Supreme Court of India has taken this issue very seriously. In the case of *Vishaka and Others vs. State of Rajasthan and others*, the Supreme Court has laid down norms and guidelines to be followed by employers or other responsible persons in the work places or other institutions to prevent or deter the commission of acts of sexual harassment as also to provide the procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all steps required including setting up of Complaints Committees for redressal of the complaint made by the victim. The National Commission for Women has also taken up this issue very seriously. It has, however been found that the Complaint Committees have not been formed in a number of cases. Women are mentally and sexually exploited and pushed into flesh trade. Therefore, in order to give women a respectable position in the society and save them from the tyranny of the unscrupulous employers and other persons, it is high time that a law should be framed to protect them from atrocities by providing strict punishment which will serve as deterrent for others.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause **9** of the Bill provides that the appropriate Government shall provide relief and rehabilitation to the women and children who are victims of atrocities. Further, Clause **10** provides that the Central Government shall provide requisite funds for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore will be required for the purpose. Non-recurring expenditure to the tune of rupees one crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **14** of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to the matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Vijay Jawaharlal Darda, M.P.)