

The Tamil Nadu Prohibition Of Harassment Of Women Act, 1998

TAMILNADU

India

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Act 44 of 1998

- Published in Gazette 44 on 21 December 2016
- Assented to on 21 December 2016
- Commenced on 21 December 2016
- [This is the version of this document from 21 December 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 Act No. 44 of 1998 An Act to prohibit Harassment of Women in any place in the State of Tamil Nadu. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth year of the Republic of India as follows:—

1. Short title and commencement.—

(1) This Act may be called THE TAMIL NADU PROHIBITION OF HARASSMENT OF WOMEN ACT, 1998. (2) It shall be deemed to have come into force on the 30th day of July 1998.

2. Definitions.—

In this Act, unless the context otherwise requires,—(a) "harassment" means any indecent conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force; (b) "public service vehicle" shall have the same meaning as defined in clause (35) of Section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988); (c) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Indian Penal Code, 1860 (Central Act 45 of 1860).

3. Prohibition of harassment of women.—

Harassment of women at any place is prohibited.

4. Penalty for harassment of women.—

Whoever commits or participates in or abets harassment of women in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival, public service vehicle or vessel or any other place shall be punished with imprisonment for a term which may extend to three years and with fine which shall not be less than ten thousand rupees.

4A. Harassment death.—

(1)Where the death of a woman is caused by bodily injury or occurs otherwise than under normal circumstances and if it is shown that soon before her death, she was subjected to harassment or that in respect of her an offence under Section 294, 354 or 509 of the Indian Penal Code (Central Act 45 of 1860) was committed, such death shall be called harassment death.(2)Notwithstanding anything contained in Section 4, whoever commits harassment death and if the act by which the death is caused,—(i)is done with the intention of causing death or of causing such bodily injury as is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees;(ii)is done with knowledge that it is likely to cause death but without any intention to cause death or such bodily injury as is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to ten years and with fine which shall not be less than fifty thousand rupees;(iii)is rash or negligent, shall be punished with imprisonment of either description for a term which may extend to ten years and with fine which shall not be less than twenty-five thousand rupees.

4B. Harassment suicide.—

(1)If any woman commits suicide and it is shown that soon before her death, she was subjected to harassment by any person or that in respect of her an offence under Section 294, 354 or 509 of the Indian Penal Code (Central Act 45 of 1860) was committed, such suicide shall be called the harassment suicide and such person shall be deemed to have abetted the suicide.(2)Notwithstanding anything contained in Section 4, whoever abets harassment suicide shall be punished with imprisonment of either description for a term which may extend to ten years and with fine which shall not be less than fifty thousand rupees.

4C. Presumption as to harassment death and abetment of harassment suicide.—

When the question is whether any person had caused harassment death or abetted harassment suicide of a women, the court shall, unless the contrary is proved, presume that such person had caused the harassment death or abetted the harassment suicide, as the case may be, when it is shown that before her death, such women had been subjected to harassment or, in respect of her an offence was committed under Section 294, 354 or 509 of Indian Penal Code (Central Act 45 of 1860)

and bodily injury was caused in furtherance of such harassment or commission of the said offence by or at the instance of that person and it resulted in death or suicide, as the case may be, of that women.

5. Responsibility of management of any precinct.—

(1)Any person who is incharge of educational institution, temple or other places of worship, cinema theatre or any other precinct shall, —(2)Any person who fails to take action under sub-section (1) shall be liable to fine which may extend to two thousand rupees.

6. Duty of crew in public service vehicle.—

(1)The crew of a public service vehicle or vessel shall take such steps as they may deem fit to prevent harassment of women in the vehicle or vessel. Where such harassment is committed in public service vehicle, the crew of such vehicle shall, on a complaint made by the aggrieved person, take such vehicle to the nearest police station and give information to the police.(2)Any crew who fails to take steps under sub-section (1) shall be liable to fine which may extend to one thousand rupees.

7. Deemed abetment.—

(1)Where any vehicle or vessel is used in the commission of any offence punishable under Section 4, 4-A or 4-B, the driver of such vehicle or vessel shall, unless the contrary is proved, be deemed to have abetted the offence under Section 4, 4-A or 4-B, as the case may be, and shall be punished with imprisonment for a term which may extend to three years and with fine which shall not be less than five thousand rupees.(2)The vehicle or vessel specified in sub-section (1) shall be confiscated unless the owner of such vehicle or vessel proves that such vehicle was used in committing harassment of women without his knowledge.

7A. Order to pay compensation.—

The court may, when awarding a sentence under Section 4, 4-A or 4-B, order the accused to pay, by way of compensation, such amount as may be specified in the order, to the person who has suffered any loss or injury or disability or mental agony by reason of the act which the accused person has been so sentenced or to her legal heir.

8. Operation of other laws not affected.—

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

9. Power to make Rules.—

(1)The State Government may make Rules for carrying out the purposes of this Act.(2)All Rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.(3)Every Rule made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such Rule, or the Assembly decides that the Rule should not be made, the Rule shall thereafter have effect only on 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.

10. Repeal and saving.—

(1)The Tamil Nadu Prohibition of Eve-teasing Ordinance, 1998 (Tamil Nadu Ordinance 4 of 1998) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance shall be deemed to have been done or taken under this Act.