

Criminal Law (Chhattisgarh Amendment) Act, 2013

CHHATTISGARH

India

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Act 25 of 2015

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Criminal Law (Chhattisgarh Amendment) Act, 2013(Act No. 25 of 2015)Last Updated 19th October, 2019[Dated 21.07.2015]An Act further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, in its application to the State of Chhattisgarh.Be it enacted by the Chhattisgarh Legislature in the Sixty-Fourth Year of the Republic of India as follows :-Chapter-I Preliminary

1. Short title and commencement.

(1)This Act may be called the Criminal Law (Chhattisgarh Amendment) Act, 2013.(2)It shall come into force from the date of its publication in the Official Gazette.Chapter-II Amendment of the Indian Penal Code, 1860 (45 of 1860)

2. Insertion of proviso to Section 211.

- In Section 211 of the Indian Penal Code, 1860 (here-in-after referred to as the Penal Code), the following proviso shall be inserted, namely:-"Provided that, if such criminal proceeding be instituted on a false charge, of an offence punishable under Section 354, Section 354A, Section 354B, Section 354C, Section 354-D, Section 354E, Section 376B, Section 376C, Section 376F, Section 509, Section 509A or Section 509B shall be punishable with imprisonment of either description which shall not be less than three years but which extend to five years and shall also be liable to fine."

3. Insertion of proviso to Section 354.

- In Section 354 of the Penal Code, the following proviso shall be inserted, namely :-"Provided that where offence is committed, under this Section by a relative, guardian or teacher or a person in a position of trust or authority towards the person assaulted, he shall be punishable with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years and shall also be liable to fine."

4. Insertion of new Section 354E.

- After Section 354D of the Penal Code, the following shall be inserted, namely :-"354E. Liability of person present who fails to prevent the commission of offence under Section 354, 354A, 354B, 354C, 354D. - Whoever, being present at the time of commission of an offence under Section 354, Section 354A, Section 354B, Section 354C or Section 354-D and being able to prevent such offence, fails to prevent the commission of such offence or not being in position to prevent the commission of such offence, fails to give information of the commission of such offence to the nearest magistrate or police officer, by any mode, with the intention of screening the offender from legal punishment, shall be liable for abetment of such offence and shall be punished with imprisonment of either description which may extend to three years or with fine or with both."

5. Insertion of new Section 376F.

- After Section 376E of the Penal Code, the following shall be inserted, namely :-"376F. Liability of person in-charge of workplace and others to give information about offence. - Whoever, being person in-charge of any work place or any other person present at such place, having knowledge that an offence under Section 376 or Section 376D, is being committed at such place and being in a position to prevent commission of such offence fails so, to prevent such offence or to give information of the commission of such offence, to any magistrate or police officer, by any mode, with the intention of screening the offender from legal punishment, shall be liable to be punished for abetment of such offence with imprisonment of either description which may extend to three years and fine and no such person shall incur any liability for giving such information. Explanation. - Work-place includes any mode of transport owned, hired or otherwise engaged by the person in-charge of the work place for the conveyance of the woman, who was subjected to such offence, to and from her residence to such work-place."

6. Insertion of new Section 509A and 509B.

- After Section 509 of the Penal Code, the following shall be inserted, namely :-"509A. Sexual harassment by relative. - Whoever, being related to a woman through blood, adoption or marriage, and not being her husband, takes the advantage of his proximity and induces, seduces or threatens such woman with intent to insult her modesty by word, gesture or act shall be punished with rigorous imprisonment which shall not be less than one year but which may extend to five years and shall also be liable to fine.

509B. Sexual harassment by electronic modes. - Whoever, by means of telecommunication device or by any other electronic mode including internet, makes, creates, solicits or initiates the transmission of any comment, request, suggestion, proposal, image or other communication, which is obscene, lewd, lascivious, filthy or indecent with intent to harass or cause or having knowledge that it would harass or cause annoyance or

mental agony to a woman shall be punished with rigorous imprisonment for a term which shall not be less than six months but may extend to two years and shall also be liable to fine."

Chapter-III Amendment of the Code of Criminal Procedure, 1973 (2 of 1974)

7. Amendment of Section 154.

- In first proviso to sub-section (1) of Section 154 of the Code of Criminal Procedure (here-in-after referred to as the Code) for the words and figure "or Section 509" the words, figures, letters and punctuations ", Section 509, Section 509A or Section 509B" shall be substituted.

8. Substitution of proviso to Section 161.

- The second proviso to sub-section (3) of Section 161 of the Code, shall be substituted with the following proviso, namely :-"Provided further that statement of the woman against whom an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 354-D, Section 354E, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E, Section 509, Section 509A or Section 509B of the Indian Penal Code, is alleged to have been committed or attempted, shall be recorded, as far as possible, by woman police office and shall also be recorded by audio-video means, as far as possible, and it shall be the duty of such police officer to take all such steps as are necessary to protect the identity of the woman."

9. Amendment of Section 164.

- In clause (a) of sub-section (5A) of Section 164 of the Code, for the words and figures "or Section 509" the punctuation, words and figures ", Section 376E, Section 509, Section 509A or Section 509B" shall be substituted.

10. Amendment of Section 164A.

- In Section 164A, except explanation clause, of the Code, for the words "registered medical practitioner", where it occurs for the first time, the words "female registered medical practitioner" shall be substituted.

11. Amendment of Section 309.

- In proviso to sub-section (1) of Section 309 of the Code, for the words, figures and letters "Section 376, Section 376A, Section 376B, Section 376C or Section 376D", the words, figures and letters "Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 354E, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E, Section 376F, Section 509, Section 509A or Section 509B" shall be substituted.

12. Amendment of Section 327.

- In sub-section (2) of the Section 327 of the Code, for the words, figures and letters "or an offence under Section 376, Section 376A, Section 376B, Section 376C, Section 376D or Section 376E of the Indian Penal Code", the words, figures, letters and punctuations "sexual harassment, outraging modesty of women or an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 354E, Section 376, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E, Section 376F, Section 509, Section 509A or Section 509B of the Indian Penal Code" shall be substituted.

13. Amendment of First Schedule.

- In First Schedule to the Code, under the heading "1.-OFFENCES UNDER THE INDIAN PENAL CODE, 1860"-(a)In the entries relating to Section 211, the following entries shall be added, namely :-

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
...	If offence charged be punishable under Ss. 354,354A, 354B, 354C, 354D, 354E, 376B, 376C, extend to 376F, 509,509A or 509B.	Imprisonment not less than 3 years but which may5 years and fine.	Non-cognizable	Bailable	Magistrate of the First Class.

(b) In the entries relating to Section 354, thefollowing entries shall be added, namely:-

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
...	If committed by relative of the woman.	Imprisonment not less than 2 years but which mayextend to 7 years and fine.	Cognizable	Non-Bailable	Magistrate of the First Class.

(c) After the entries relating to Section 354D,the following shall be inserted, namely:-

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
354E	Liability of person present who fails to prevent the commission of offence under Ss. 354, 354A, 354B, 354C or 354D. (d) After the entries relating to Section 376E, the following shall be inserted, namely:-	Imprisonment upto 3 years or fine or both.	Cognizable	Bailable	Any Magistrate.

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
376F	Liability of person in-charge of any workplace and others to give information about offence. (e) After the entries relating to Section 509, the following shall be inserted, namely	Imprisonment upto 3 years and fine.	Cognizable	Non- Bailable	Magistrate of the First Class.

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
(1)	(2)	(3)	(4)	(5)	(6)
509A	Sexual harassment by relative.	Rigorous imprisonment not less than 1 year but which may extend upto 5 years and fine.	Cognizable	Non- Bailable	Magistrate of the First Class.
509B	Sexual harassment by electronic modes.	Rigorous imprisonment not less than 6 months but which may extend upto 2 years and fine.	Cognizable	Non- Bailable	Magistrate of the First Class.

Chapter-IV Amendment of the Indian Evidence Act, 1872 (1 of 1872)

14. Insertion of new Section 114B.

- After Section 114A of the Indian Evidence Act, the following shall be inserted, namely :-"114B. Presumption as to offences committed under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 509, Section 509A or Section 509B of the Indian Penal Code, 1860. - When the question is whether a person has committed an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 509, Section 509A or Section 509B of the Indian Penal Code and if the victim deposes before the court that she has been subjected to sexual harassment or her modesty was outraged or she was disrobed or she was stalked or her privacy was intruded or she was sexually harassed by any means, as the case may be, the court may, unless contrary is proved, presume that such offence has been committed by that person."