CRIMINAL LAW (CHHATTISGARH AMENDMENT) (IPC, 1860(45 OF 1860)) ACT, 2013

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Be it enacted by the Chhattisgarh Legislature in the Sixty-Fourth Year of the Republic of India as follows .- (1) (2) CHAPTER-I Preliminary This Act may be called the Criminal Law (Chhattisgarh Amendment) Act, 2013. It shall come into force from the date of its publication in the Official Gazette. CHAPTER-11 Amendment of the Indian Penal Code, 1860 778 (5) Short title and commencement. 2. 3 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 354D, 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 may extend to five years and shall also be liable to fine. 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. Insertion proviso Section 211. Insertion proviso Section 354. of to of to 778 (6) Insertion of new Section 354Eg Insertion ot new Section 376K Insertion of new 509A Section and 509B. Amendment Section 154, of 4. 5. 6, 7. After Section 354D of the Penal Code, the following shall be inserted, namely :- 354E. Liability 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 354D 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. After Section 376E of the Penal Code, the following shall be inserted, namely :- 376K Liability of person in-charge of workplace and others to give information about offence.- Whoever, being perosn 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. After Section

509 of the Penal Code, the following shall be inserted, namely : 509A. Sexual harassment by realtive.- Whoever, being related to a woman through blood, adoption or marrige, 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 In first proviso to sub-section (l) 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. 778 (7) 8. 9. 11 12. 13, 354D, 354E9 376B, 376C, Th second proviso to sub-section (3) of section 161 of the Code, shall be substituted with the following proviso, namely :- Provided further that statement ofthe woman against whom 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 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 officer 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. 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 376F, section 509, section 509A or section 509B" shall be substituted. 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. In proviso to sub-section (l) 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. 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 herassment, outraging modesty of woman 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. In First Schedule to the code, under the heading "I.- OFFENCES UNDER THE INDIAN PENAL CODE, 1860"- Substitution proviso Section 161. Amendment Section 164. Amendment Section 164A. Amendment Section 309. Amendment Section 327. Amendment of to of of of of of First Schedule. (a) Section (1) In the entries relating to Section 21 1, the following entries shall be added, namely Offence (2) If offence charged be punishable Punishment Cognizable or Bailable or non-cognizable non-bailable (3) Imprisonment not less than (4) Non-Cognizable (5) Bailable By what Court triable (6) Magistrate of the first class. under 354, 354B, 376F, 509A 509B. Ss. 354A, 354C, 509, or 3 years which exted 5 years fine. but may to and 778 (8) 21 sari 2015 In the entries relating to Section 354, the following entries shall be added, (b) Section (1) (c) Section (1) 354E (d) Section (1) 376F namely :- Offence (2) If committed by relative of the woman. Punishment Cognizable or Bailable or non-cognizable non-bailable (3) Imprisonment not less than 2 years but which may extend to 7 years and fine. (4) Cognizable (5) Non- Bailable By what Court triable (6) Magistrate of the first class, After the entries relating ot Section 354D, the following shall be inserted, namely Offence (2) Liability of person present who fails to prevent the commission of offence under 354, 354A, 354B, 354C or354D. Punishment Cognizable or Bailable or non-cognizable non-bailable (3) Imprisonment Cognizable upto 3 years or fine or both. (5) Bailable By what Court triable (6) Any Magistrate. After the entries relating ot Section 376E, the following shall be inserted, namely Offence (2) Liability of person in-charge of any work place and others to give information about offence. Punishment Cognizable or Bailable

.or non-cognizable non-bailable (3) (4) Imprisonment Cognizable upto 3 years and fine. (5) Non- Bailable By what Court triable (6) Magistrate of first class, 21 gal* 2015 After the entries relating to Section 509, the following shall be inserted, Section (1) 509A 509B namely Offence (2) Sexual harassment by relative, Sexual harassment by electronic modes. Punishment Cognizable or Bailable or non-cognizable non-bailable (3) Rigorous imprisonment not less than I year but which may extend upto 5 years and fine. Rigorous imprisonment not less than (4) Cognizable Cognizable (5) Non- Bailable Non- Bailable By what Court triable (6) Magistrate first of class. Magistrate first of class. 6 months but which may extend upto 2 years and fine. CHAPTER-IV 14. 778 (9) Insertion of new Section 114B, Amendment of the Indian Evidence Act, 1872 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. - 2015.