

Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 9th November 2002 and is hereby published for general information :-

ACT No. 39 OF 2002.

An Act to amend the Tamil Nadu Prohibition of Eve-teasing Act, 1998

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-third year of the Republic of India as follows :-

1. (1) This Act may be called the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002.

Short title and commencement

Tamil Nadu Act 44 of 1998 (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Tamil Nadu Prohibition of Eve-teasing Act, 1998 (hereinafter referred to as the principal Act), in the long title, for the expression "eve-teasing", the expression "harassment of woman" shall be substituted.

Amendment of long title

3. In section 1 of the principal Act, Amendment of Section 1 in sub-section (1), for the expression "Eve-teasing", the expression "Harassment of Woman" shall be substituted.

4. In section 2 of the principal Act, Amendment of Section 2 for clause (a), the following clause shall be substituted, Amendment of namely:-

"(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."

5. In section 3 of the principal Act, - Amendment of Section 3
(1) in the marginal heading, for the expression "eve-teasing", the expression "harassment of woman" shall be substituted;

(2) for the expression "Eve-teasing", the expression "harassment of woman" shall be substituted.

6. For section 4 of the principal Act, Substitution of section 4 the following section shall be substituted, namely:-

"4. Penalty for harassment of woman - Whoever commits or participates in or abets harassment of woman 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 extend to three years and with fine which shall not be less than ten thousand rupees".

7. After section 4 of the principal Act, the following sections shall be inserted, namely:-

Insertion of
new sections
4-A, 4-B and
4-C.

"4-A. 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 XLV 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 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 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.

4-B 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 XLV 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.

4-C 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 woman, 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 woman 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 XLV 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 woman.

Amendment
of section 5

8. In section 5 of the principal Act, in sub-section (1) for the expression "eve-teasing" in two places where it occurs, the expression "harassment of woman" shall be substituted.

Amendment
of section 6

9. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The crew of a public service vehicle or vessel shall take such steps as they may deem fit to prevent harassment

of woman 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."

Amendment
of section 7

10. In section 7 of the principal Act,
(1) for sub-section (1), the following sub-section shall be substituted, namely:-

"(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) in sub-section (2),

(a) for the expression "vehicle" in three places where it occurs, the expression "vehicle or vessel" shall be substituted;

(b) for the expression "eve-teasing", the expression "harassment of woman" shall be substituted.

Insertion
of new
section
7-A

11. After section 7 of the principal Act, the following section shall be inserted, namely:-

"7-A. 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 be reason of the act for which the accused person has been so sentenced or to her legal heir.

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Amendment
of section 7

10. In section 7 of the principal Act, (1) for sub-section (1), the following sub-section shall be substituted, namely:-

"(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) in sub-section (2),

(a) for the expression "vehicle" in three places where it occurs, the expression "vehicle or vessel" shall be substituted;

(b) for the expression "eve-teasing", the expression "harassment of woman" shall be substituted.

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