

**A BILL FURTHER TO AMEND THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE, 1973 IN THEIR APPLICATION TO THE STATE OF ANDHRA PRADESH.**

Be, it enacted by the Legislature of State of Andhra Pradesh in the Seventieth year of Republic of India as follows:

**CHAPTER I  
PRELIMINARY**

Short title,  
extent and  
Commence  
ment.

1. (1) This Act may be called the "Andhra Pradesh Disha Act - Criminal Law (Andhra Pradesh Amendment) Act, 2019"
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may by notification, in the Andhra Pradesh Gazette, appoint.

**CHAPTER II  
AMENDMENTS TO THE INDIAN PENAL CODE, 1860**

Central Act  
45 of 1860

2. In the Indian penal Code, 1860,-

Addition of  
new sections  
354E, 354F  
and 354G.

After section 354D, the following sections shall be added, namely,-

**"354E - Harassment of Woman:**

- (i) Whoever annoys or causes distress, a sense of danger or alarm, intimidation, fear, insult, shame or embarrassment to a woman by any act, deeds or words including:
  - (a) by abusing or causing or threatening to cause hurt;
  - (b) by seeking to establish contact by personally approaching or contacting a woman by telephone, email, social media platforms or in or through any other digital mode;
  - (c) by sending any unwanted or offensive communication in any form;
  - (d) by using social media or electronic media in any form to defame or cause disrepute to a woman; or

(ii) Whoever forces or compels any woman to respond to any romantic overtures by threatening to cause hurt or danger of any kind if such romantic overtures are not reciprocated; shall be punishable on first conviction with imprisonment for a term which may extend to two years, and shall also be liable to fine upto Rs.1 (one) lakh; and be punished on a second or subsequent conviction, with imprisonment for a term which may extend to four years, and shall also be liable to fine upto Rs.5 (five) lakhs.

**Explanation:** For the purposes of the above sub-section "romantic overtures" shall mean **unwelcome** advances or proposals made repeatedly either in person or through any form of communication including electronic form, digital media or social media, to a woman despite a clear indication of disinterest by such woman."

**354 F : Sexual Assault on Children:**

(1) Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis or anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

(2) Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall be not less than ten years but which may extend to fourteen years, and shall also be liable to fine."

**354 G: Aggravated Sexual Assault on Children:**

(1) (a) Whoever, being a police officer, commits sexual assault on a child-

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as a police officer; or

(b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child--

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the security or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(g) whoever commits gang sexual assault on a child.

*Explanation.*-- when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits sexual assault on a child, which-

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Care Act, 2017 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or



(ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(l) whoever commits sexual assault on the child more than once or repeatedly; or

(m) whoever commits sexual assault on a child below twelve years; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or

(p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits sexual assault on a child knowing the child is pregnant; or

(r) whoever commits sexual assault on a child and attempts to murder the child; or

(s) whoever commits sexual assault on a child in the course of <sup>1</sup>[ communal or sectarian violence or during any natural calamity or in any similar situations]; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public; or

(v) whoever persuades, induces, entices or coerces a child to get administered or administers or direct anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity; is said to commit aggravated sexual assault.

(2) Whoever, commits aggravated sexual assault, shall be punished with imprisonment of either description for a term which shall be not less than fourteen years but which may extend to life imprisonment, and shall also be liable to fine.”

Amendment  
of section  
376.

(i) In Section 376,-

(a) In sub-section (1), after the words, “extend to”, the words, “death or”, shall be inserted.

(b) in sub-section (2), after the words, “extend to”, the words, “or death”, shall be inserted.

(c) in sub-section (3), after the words, “extend to”, the words, “or death”, shall be inserted.

Amendment  
of section  
376D.

- (ii) In Section 376 D, after the words, "extend to", the words, "or death", shall be inserted.

Amendment  
of section  
376DA.

- (iii) In Section 376 DA, after the words, "punished with", the words, "death or", shall be inserted.
- (iv) in section 376 E, the following proviso shall be added, namely-

Provided that whoever commits offences under sections 354 F, 354 G, 376, 376 A, 376 AB, 37 6D, 376 DA, 376 DB or 376 E of the Indian Penal Code, which have the characteristic of being heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, he shall be punished with death.

### CHAPTER III

#### AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment  
of section 39.

- (i) in section 39, in sub-section (1), after clause (va), the following clause shall be inserted-

"(vb) Sections 375 to 376E, both inclusive (that is to say, offences which are sexual in nature)."

Amendment  
of section  
173

- (ii) in section 173, after sub-section (1A), the following sub-section shall be added namely,-

"(1B) In relation to offences under Sections 354F, 354G, 376, 376A, 376AB, 376D, 376DA, 376DB or 376E of the Indian Penal Code; offences which have the characteristic of being heinous in nature and where adequate conclusive evidence is there, the investigation shall be completed within a period of seven working days from the date on which the information was recorded by the officer-in-charge of the police station."

Amendment  
of section  
309.

(iii) in section 309, after sub-section (1), the following sub-section shall be added namely,-

“(1A)When the charge sheet is filed under section 173 (1B), the inquiry or trial shall be completed within a period of fourteen working days from the date of filing of the charge sheet.”

Amendment  
of section 374

(iv) in section 374, for sub-section (4), the following shall be substituted, namely,-

“(4) When an appeal has been filed against a sentence passed under section 376B or section 376C of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal and when such appeal has been filed against a sentence passed under Sections 376, 376A, 376AB, 376D, 376DA, 376DB or 376E of the Indian Penal Code, the appeal shall, be disposed of within a period of three months from the date of filing of such appeal.”.

45 of 1860

Amendment  
of section  
377

(v) in section 377, for sub-section (4), the following shall be substituted, namely,-

“(4) When an appeal has been filed against a sentence passed under section 376B or section 376C of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal and when such appeal has been filed against a sentence passed under Sections 376, 376A, 376AB, 376D, 376DA, 376DB or 376E of the Indian Penal Code, the appeal shall, be disposed of within a period of three months from the date of filing of such appeal.”.

45 of 1860

Amendment  
of First  
Schedule.

(vi) In the First Schedule to the Code of Criminal Procedure, under the heading “I-OFFENCES UNDER THE INDIAN PENAL CODE”,-



(a) After section 354D, the following sections with corresponding entries, shall be inserted, namely:-

1	2	3	4	5	6
354E	Harassment of Woman	shall be punishable on first conviction with imprisonment for a term which may extend to two years, and shall also be liable to fine upto Rs.1 (one) lakh; and be punished on a second or subsequent conviction, with imprisonment for a term which may extend to four years, and shall also be liable to fine upto Rs. 5 (five) lakhs	Cognizable	Non-Bailable	Court of Session
354F	Sexual Assault on Children	shall be punished with imprisonment of either description for a term which shall be not less than five years but which may extend to seven years, and shall also be liable to fine	Cognizable	Non-Bailable	Court of Session
354G	Aggravated Sexual Assault on Children	Shall be punished with imprisonment of either description for a term which shall be not less than fourteen years but which may extend to life imprisonment, and shall also be liable to fine	Cognizable	Non-Bailable	Court of Session



	Persons committing offence of rape on a woman under sixteen years of age.	Rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life or with death and with fine.	Cognizable	Non-Bailable	Court of Session
376D	Gang Rape	Rigorous imprisonment for not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life or with death and with fine	Cognizable	Non-Bailable	Court of Session
376DA	Gang rape on a woman under sixteen years of age.	imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death and with fine	Cognizable	Non-Bailable	Court of Session

## **STATEMENT OF OBJECTS AND REASONS**

- The Offences against women, especially sexual offences have increased many fold. The perpetrators continue their inhuman act on innocent and helpless women and children, inspite of changes in Law.
- In order to effectively Control the sexual offences against women, it is necessary to complete the investigation and the trial of those cases within a time frame, which may deter the perpetrators from committing such heinous offences against women and children. Stringent punishment, including death penalty, need to be prescribed.
- Recently, such inhuman act has taken place in the State of Telangana, in which a woman "Disha" was subjected to inhuman act of gang rape and killed. These circumstances require immediate amendment to the existing laws, i.e., the Code of Criminal Procedure, 1973 and Indian Penal Code 1860.
- In this context the Government of Andhra Pradesh felt it necessary that such cases shall be investigated and tried expeditiously with provisions for death penalty and it needs amendment of criminal law in this regard.
- Accordingly, the Government have decided to amend certain sections to the above Acts, suitably.
- The Bill seeks to give effect to the above decisions.

**MEKATHOTI SUCHARITA  
MINISTER FOR HOME & DISASTER MANAGEMENT**



## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 1 (3) of the Bill authorizes the Government to issue notification in respect of the matters specified therein and generally to carry out the purposes of the Act.

As such the notification issued, which is intended to cover matters mostly of procedural in nature is to be laid on the table of both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

**MEKATHOTI SUCHARITA**  
**MINISTER FOR HOME & DISASTER MANAGEMENT**

**MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE  
AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH  
LEGISLATIVE ASSEMBLY.**

The Criminal Laws (Andhra Pradesh Amendment) (Disha) Bill, 2019, after it is passed by the State Legislature, may be reserved by the Governor for consideration and assent of the President under article 254(2) of the Constitution of India.

**MEKATHOTI SUCHARITA  
MINISTER FOR HOME & DISASTER MANAGEMENT**