

The Tamil Nadu Prohibition of Eve-Teasing Act, 1998

Act 44 of 1998

Keyword(s):

Harassment, Public Service Vehicle, Eve Teasing

Amendment appended: 39 of 2002

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 23rd December 1998 and is hereby published for general information :—

ACT No. 44 OF 1998.

TNA 39/2002
HARASSMENT OF WOMAN

AN ACT TO PROHIBIT [EVE-TEASING] 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 :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Prohibition of [Eve-teasing] Act, 1998.

(2) It shall be deemed to have come into force on the 30th day of July 1998.

Definitions.

“(a) “harassment” means any conduct or act by a man which causes or is likely to cause intimidation, fear, nuisance or assault or use of force on a woman or is intended to cause such conduct or act;”

ent conduct or act by a man which causes or is likely to cause harassment, including abusing or causing hurt or

(b) “public service vehicle” means a motor vehicle used for the conveyance of passengers in clause (35) of section 2 of the Motor Vehicle Act, 1988.

the same meaning as defined in clause (35) of section 2 of the Motor Vehicle Act, 1988.

(c) words and expressions used in this Act shall have the meanings assigned to them in the Indian Penal Code, 1860.

Central Act 59 of 1988. Central Act XLV of 1860.

Prohibition of eve-teasing.

3. [Eve-teasing] at any place is prohibited. [Whoever commits or participates in or abets [Eve-teasing] at any place in the precincts of any educational institution, temple or other place of worship, railway station, cinema theatre, park, beach, place of festival, public service vehicle or any other place shall be punished with imprisonment for a term which may extend to one year or shall be liable to fine which may extend to ten thousand rupees or both.]

Penalty for eve-teasing.

4. [Whoever commits or participates in or abets [Eve-teasing] at any place in the precincts of any educational institution, temple or other place of worship, railway station, cinema theatre, park, beach, place of festival, public service vehicle or any other place shall be punished with imprisonment for a term which may extend to one year or shall be liable to fine which may extend to ten thousand rupees or both.]

Responsibility of management of any precinct.

5. (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 or at the time of the death or that in respect of her an offence under section 24 of the Indian Penal Code, 1860, was committed or attempted to be committed, 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.”

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(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.”

Duty of crew in public service vehicles.

(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 :

Deemed abatement.

of to

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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or vessel

(2) The vehicle specified in sub-section (1) shall be confiscated unless the owner of such vehicle proves that such vehicle was used in committing eye-teasing without his knowledge.

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harassment of woman

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

Operation of other laws not affected.

9. (1) The State Government may make rules for carrying out the purposes of this Act.

Power to make rules.

(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 in 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. (1) The Tamil Nadu Prohibition of Eye-teasing Ordinance, 1998, is hereby

Repeal and saving.

the Ordinance shall be deemed to have

action taken under this Act.

(By O nor.)

A. K. RAJAN,
Secretary to Government,
Department.

Sl. No. 4. Pending for harassment of woman in or within public service vehicle, bus stop, road, railway which may extend to three years and with in.

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TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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. 59 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.
- (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, in sub-section (1), for the expression "Eve-teasing", the expression "Harassment of Woman" shall be substituted. Amendment of section 1.
4. In section 2 of the principal Act, for clause (a), the following clause shall be substituted, namely:— Amendment of section 2.
- "(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, the following section shall be substituted, namely:— Substitution of section 4.
- "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 may 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 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.

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 by reason of the act for which the accused person has been so sentenced or to her legal heir.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.