

injury which causes death or persistent vegetative state get the punishment of not less than 20 years which may extend to imprisonment of life which is cognizable and non bailable.

376B: Sexual assault by a husband on his wife during separation: imprisonment of two years which may increase to 7 years with fine which is cognizable and nonbailable.

376C: Sexual intercourse by a person in authority: rigorous imprisonment of not less than 5 years but which may extend to 10 years with fine which is cognizable and non bailable

376D: Sexual assault by gang: rigorous imprisonment of not less than 20 years but which may extend to imprisonment of life with compensation to the victim which is cognizable and non bailable

376E: Repeat offenders: imprisonment of life which is cognizable and non bailable.

Trafficking 370: Trafficking is Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

Punishment:

- For trafficking of a person, imprisonment of not less than 7 years which may extend to 10 years, with fine which is cognizable and non bailable.
- For trafficking of more than one person, imprisonment of not less than 10 years which may extend to life imprisonment which is cognizable and non bailable.



NATIONAL ALLIANCE OF WOMEN, ODISHA CHAPTER

N6/474, IRC Village, Nayapalli, Bhubaneswar -15

Ph.: 0674-2553094, Fax : 0674-2360945

E-mail: nawo_orissa@rediffmail.com

nawoodisha@gmail.com, obrodisha@gmail.com



More teeth to Laws on Violence against women



Concept of Gender-Based Violence: The UN General Assembly, defines gender-based violence as “any act of violence that results in physical, sexual, or psychological harm or suffering to women because they are women; including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life”. Women are vulnerable to this violence at all stages of life. They are threatened by female feticide, infanticide, incest, child prostitution, rape, partner violence, psychological abuse, sexual harassment and harmful traditional practices such as forced marriage.

In the wake of the brutal gang rape in Delhi on 16 December 2012, the Government of India had constituted the Committee on Amendments to Criminal Law to look into possible amendments of the Criminal Law to provide for quicker trial and enhanced punishment for criminals committing sexual assault of extreme nature against women.

According to **The Criminal Law (amendment) Act 2013** the meaning and punishment of some gender based violence are as follows:

Voyeurism: 354(C) It means watching or capturing images a woman engaging in private act and disseminates the materials to the third person. The private act includes where the victim’s genitals, buttocks or breasts are exposed or covered only in underwear. For example the women engage in the following activities:

- Sexual activity
- Undressing
- Taking bath

Punishment:

- For the first conviction imprisonment of not less than 1 year but which may extend to 3 years and with fine which is non- cognizable and bailable
- For the second or subsequent conviction, imprisonment 3 to 7 years with fine which is cognizable and non-bailable
- **Stalking: 354(D)** It means to follow a person and contact or attempt to contact such person to encourage personal interaction repeatedly or monitor the internet, email or any other forms of electronic media that person involves

Punishment:

- **For the first conviction** imprisonment of not less than 1 year but which may extend to 3 years and with fine which is non- cognizable and non bailable.

Sexual Harassment: 354(A) The sexual harassment can be defined as

- Unwelcome sexual physical contact, verbal, non verbal conduct of sexual nature
- Demand or request for sexual favours
- Forcibly showing pornography

Punishment: imprisonment of not less than 1 year but which may extend to 5 years or with fine or with both which is non- cognizable and non bailable.

Sexual Assault: A person is said to commit “sexual assault” if that person do the following things against the other person’s will, without consent:

- Penetrates his penis, into vagina, mouth, urethra or anus of another person or makes the person to do so with him or any other person.
- Insert any object or a part of the body into vagina, the urethra or anus.
- Manipulates any part of the body of another person to cause penetration.
- Applies his mouth to the penis, vagina, anus of another person.
- Touches or makes the person touches the vagina, penis, anus, or breast of a person

Punishment: 376:

- Rigorous imprisonment of not less than 7 years and which may extend to life imprisonment with fine, which is cognizable and non bailable.
- Sexual assault by a police officer or a public servant or Member of armed forces or on the staff of a jail, remand home or other place of custody or women’s or children’s institution or by a person on the management or on the staff of a hospital, of trust or authority towards the person assaulted or Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine. Cognizable non bailable

376A: A person committing an offence of sexual assault and inflicting