

Significance of AP's Disha Bill 2019

Why in news?

The Andhra Pradesh Legislative Assembly has passed the Andhra Pradesh Disha Bill, 2019.

What is the background of Disha bill?

- Disha is the name given to a veterinarian who was raped and murdered in Hyderabad on November 27.
- She was allegedly abducted by four men who offered to help her fix her bike's flat tyre.
- The four accused were arrested amid widespread protests across the nation seeking justice for the victim, and were killed in an encounter.
- Following the incidents, Andhra Pradesh government promised to table legislation in the ongoing assembly session to ensure stronger punishment and speedy disposal of cases, especially in cases of crimes against women.
- Recently the Disha bill which is also known as Andhra Pradesh Criminal Law (Amendment) Act 2019 was passed.

What are the highlights of the bill?

- The bill provides for awarding death sentence for offences of rape and gang rape and expediting trials of such cases to within 21 days.
- The Act envisages the completion of investigation in seven days and trial in 14 working days, where there is adequate conclusive evidence, and reducing the total judgment time to 21 days from the existing four months.
- The AP Disha Act also prescribes life imprisonment for other sexual offences against children and includes Section 354 F and 354 G in IPC.
- In cases of harassment of women through social or digital media, the Act states two years imprisonment for the first conviction and four years for second and subsequent convictions.
- For this, a new Section 354 E will be added in IPC, 1860.

How Disha Act is different from existing legislations?

- **Women and children offender registry** - The government of India has

launched a National Registry of Sexual offenders but the database is not digitized and is not accessible to the public.

- In the Andhra Pradesh Disha Act, 2019, the Andhra Pradesh government will establish, operate and maintain a register in electronic form, to be called the 'Women & Children Offenders Registry'.
- This registry will be made public and will be available to law enforcement agencies.
- **Death penalty for rape crimes** - At present, provision for punishing an offender in a rape case is a fixed jail term leading to life imprisonment or the death sentence.
- The Disha Act 2019 has prescribed the death penalty for rape crimes where there is adequate conclusive evidence.
- Provision is given by amending Section 376 of the Indian Penal Code, 1860.
- **Reducing the judgment period to 21 days** - The existing judgment period as per the Nirbhaya Act, 2013 and Criminal Amendment Act, 2018 is 4 months (two months of investigation period and two months of trial period)
- As per the Andhra Pradesh Disha Act 2019, the judgment will now have to be pronounced in 21 working days from date of offence in cases of rape crimes with substantial conclusive evidence.
- The investigation shall be completed in seven working days and trial shall be completed in 14 working days.
- For this, amendments have been made to Section 173 and Section 309 of the Code of Criminal Procedure Act, 1973 and via the introduction of additional clauses in the act, The same has been done in cases involving minors.
- **Reducing appeal to 3 months for disposal of rape cases** - At present, the period for disposal of appeal cases related to rape cases against women and children is six months.
- In the Andhra Pradesh Disha Act, 2019, the period for disposal of appeal cases has been reduced to three months.
- Amendments are being made in Section 374 and 377 of Code of Criminal Procedure Act, 1973.
- **Stringent punishment for sexual offences against children** - In cases of molestation/sexual assault on children under the POCSO Act, 2012, punishment ranges from a minimum of three years to maximum of seven years of imprisonment.
- In the Andhra Pradesh Disha Act 2019, apart from rape, the Government of Andhra Pradesh prescribes life imprisonment for other sexual offences

against children.

- New Sections 354F and Section 354G 'Sexual Assault on Children' is being inserted in the Indian Penal Code, 1860.
- **Punishment for harassment of women through social media** - At present, no such provision exists in the Indian Penal Code.
- In the AP Disha Act, 2019, in cases of harassment of women through email, social media, digital mode or any other form, the guilty shall be punishable with imprisonment
- The imprisonment will be for a term which may extend to two years on first conviction and with imprisonment for a term which may extend to four years on second and subsequent conviction.
- A new Section 354E 'Harassment of Women' is being added in Indian Penal Code, 1860
- Establishment of exclusive special courts - In the AP Disha Act, 2019, the government will establish exclusive special courts in each district to ensure speedy trial.
- These courts will exclusively deal with cases of offences against women and children including rape, acid attacks, stalking, voyeurism, social media harassment of women, sexual harassment and all cases under the POCSO Act.
- The state government has introduced the 'Andhra Pradesh Special Courts for Specified Offences against Women & Children Act, 2019'.
- **Constitution of special Executives** - There is no such provision in existing laws.
- In the Andhra Pradesh Disha Act, 2019, the government will constitute special police teams at the district level to be called District Special Police Team to be headed by DSP for investigation of offences related to women and children.
- The government will also appoint a special public prosecutor for each exclusive special court.

Source: Indian Express