

# West Bengal's Aparajita Bill

## Why In News

- **Aparajita Woman and Child Bill, 2024**, also known as the **Anti-Rape Bill** passed by the **West Bengal Assembly**, aims to strengthen current laws on rape and sexual offenses by introducing stricter rules.
- The Bill suggests changes to several national laws, including the newly passed **Bharatiya Nyay Sanhita 2023**, the **Bharatiya Nagarik Suraksha Sanhita 2023**, and the **Protection of Children from Sexual Offences Act 2012**.

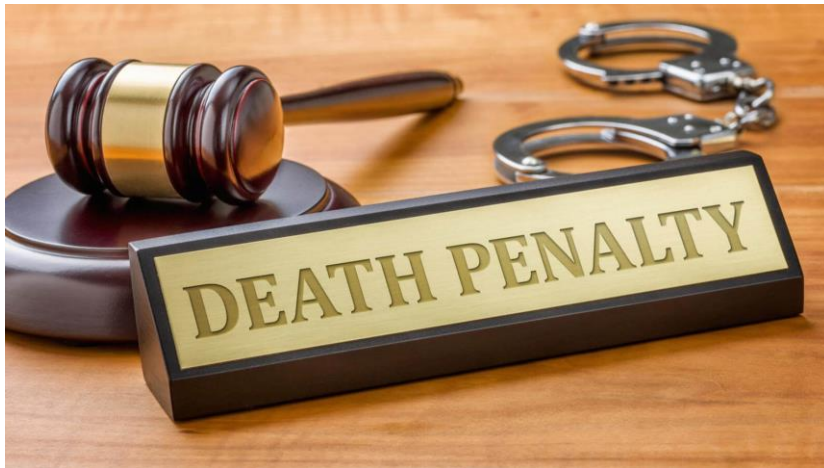


- The amendments suggested in the bill make penalties for sexual offenders more stringent. The **anti-rape bill comes** in the wake of the rape-murder of a woman medic at the state-run **RG Kar Medical College and Hospital** last month in the state capital, Kolkata.
- Following the horrific incident, massive protests emerged across the state, with many junior doctors striking work, demanding safer work conditions.

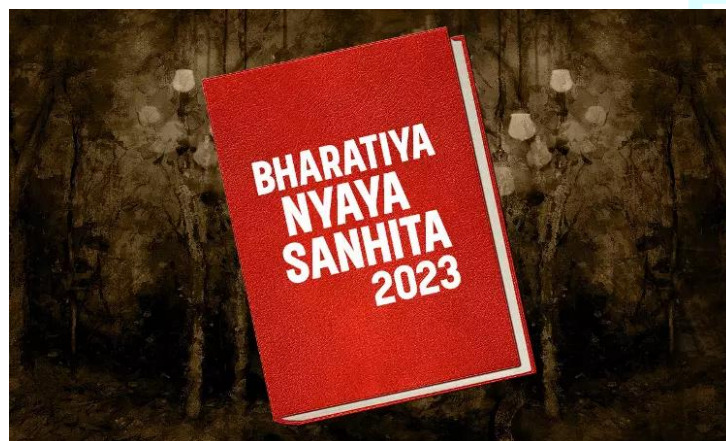
## Top 10 Key Points About Aparajita Bill

- **Death Penalty:** The Bill passed in the Assembly contains the death penalty for individuals convicted of rape in cases that the crime results in the death of the victim or a permanent vegetative state.

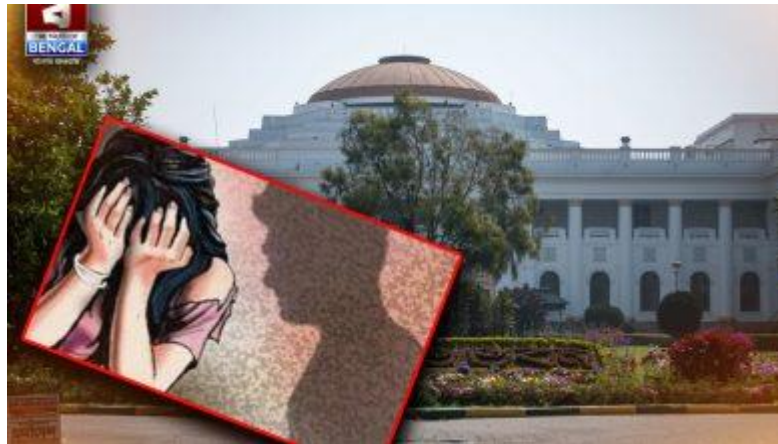
- **Life Imprisonment:** The bill also proposes life imprisonment for those accused of rape or gang rape. They will have to spend the rest of their lives in prison.
- **Repeat Offenders:** For repeat offenders, the punishment will be life imprisonment or, in severe cases, the death penalty. The individual can also be levied with a financial fine in certain situations.



- **Amendments to BNS 2023:** The Bill also proposes key changes to several sections of the Bharatiya Nyaya Sanhita (BNS) 2023. The new bill focuses on stricter punishments for rape, gang rape, and related crimes in comparison to BNS.



- **Omission of Certain Sections:** The Aparajita Bill has certain sections related to the age of offenders removed. This step will streamline the legal process and put more emphasis on the seriousness of the crime.



- **Speedy Investigations:** The Bill mandates that investigations into rape cases must be completed within 21 days, with a possible extension of up to 15 days. The extension must be justified by a senior police officer.
- **Special Task Force:** A district-level 'Aparajita Task Force,' led by a Deputy Superintendent of Police, will be established. The task force will be dedicated to investigating rape and sexual offenses.

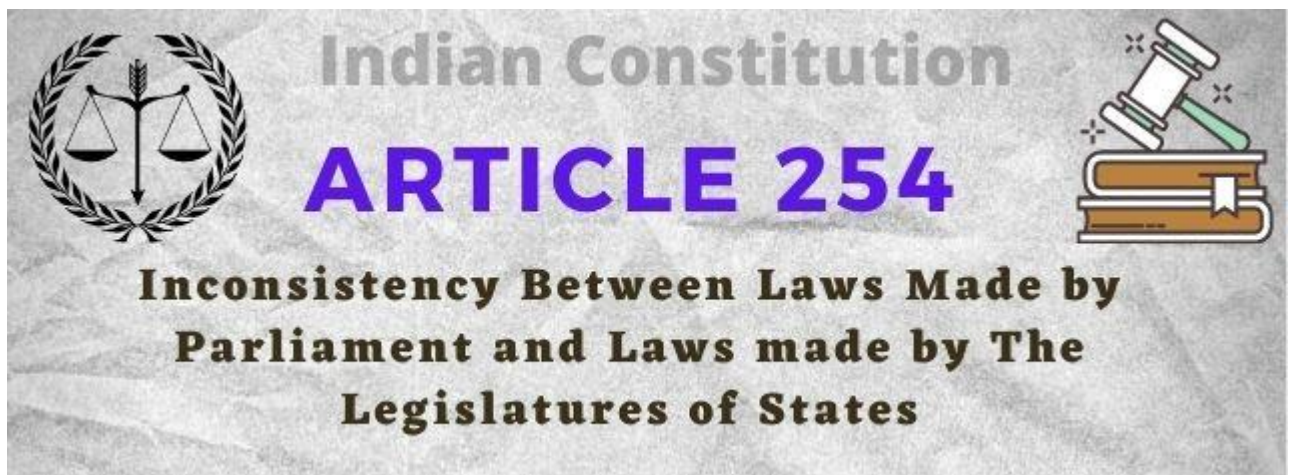


- **Specialized and Fast-Track Courts:** The Bill proposes the creation of 52 special courts to dedicatedly handle investigation teams and oversee cases of rape and sexual offenses against women and children efficiently.
- **Privacy Protections:** The Bill introduces penalties for unauthorized printing or publishing of court proceedings related to rape cases. The offenders of this rule will have to face 3 to 5 years in prison and fines.

- **Victim-Centered Approach:** The Bill aims to minimize the trauma experienced by victims and their families by ensuring swift justice and handling cases with sensitivity.

## Can States Make Amendments To National Laws

- The tabling of the Aparajita Bill in the Bengal Assembly has raised the question as to whether a state government can tweak central laws.
- Constitutional experts have noted that the states can do this under **Article 254(2) of the Constitution**. However, the law will need the assent of the President.



- **Article 254(2)** permits a state legislature to pass a law that contradicts a central law on a matter in the concurrent list, but only if the state law receives presidential assent. This means that the **state law will prevail in that state, even** if it is different from the central law as long as it has been approved by the President.