



## **The Criminal Laws (Arunachal Pradesh Amendment) Act, 2018**

Act 3 of 2019

### **Keyword(s):**

Amendment of Central Act No.45 of 1860

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सबमेव जयते

# The Arunachal Pradesh Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 137, Vol. XXVI, Naharlagun, Tuesday, April 2, 2019, Chaitra 12, 1941 (Saka)

GOVERNMENT OF ARUNACHAL PRADESH  
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT  
ARUNACHAL PRADESH CIVIL SECRETARIAT  
ITANAGAR

## NOTIFICATION

The 2nd April, 2019

No. Law/Legn-13/2019.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Sixteenth Session of the Sixth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 26th March, 2019)

### THE CRIMINAL LAWS (ARUNACHAL PRADESH AMENDMENT) ACT, 2018

(ACT NO. 3 OF 2019)

An

Act

further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012 in its application to the State of Arunachal Pradesh .

BE it enacted by the Arunachal Pradesh Legislature in the Sixty- ninth year of the Republic of India as follows :-

#### CHAPTER - I

##### PRELIMINARY

- (1) This Act may be called the Criminal Laws (Arunachal Pradesh Amendment) Act, 2018. Short title, extent and commencement.
- (2) It shall extend to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

#### CHAPTER - II

##### AMENDMENTS TO THE INDIAN PENAL CODE

- The Indian Penal Code (No.45 of 1860) (hereafter referred to as the principal Act) shall in its application to the State of Arunachal Pradesh be amended in the manner hereinafter provided. Amendment of Central Act No.45 of 1860 in its application to the State of Arunachal Pradesh.
- In section 166A of the principal Act, in clause (c), for the words, figures and letters "section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509" the words, figures and letters "section 326A, section 326B, section 354, sub-sections (2) and (3) of section 354A, section 354B, section 354C, sub-section (2) of section 354D, section 370, section 370A, section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA, section 376E or section 509" shall be substituted. Amendment of section 166A.

- Amendment of section 228A. 4. In section 228A of the Penal Code, in sub-section (1), for the words, figures and letters "offence under section 376, section 376A, section 376B, section 376C or section 376D or section 376E", the words, figures and letters "offence under section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA or section 376E" shall be substituted.
- Amendment of section 354. 5. In section 354 of the principal Act, for the words "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine" the words "shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine" shall be substituted.
- Amendment of section 354B. 6. In section 354B of the principal Act, for the words "shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine", the words "shall be punished on first conviction with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine; and be punished on a second or subsequent conviction with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years and with fine which shall not be less than one lakh rupees" shall be substituted.
- Amendment of section 354D. 7. In section 354D of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :-
- “(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and be punished on a second or subsequent conviction with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years and with fine which shall not be less than one lakh rupees :
- Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of lesser period of imprisonment than specified minimum imprisonment.”.
- Insertion of section 376AA. 8. After section 376A of the principal Act, the following section shall be inserted, namely :-
- Punishment for rape on a woman up to twelve years of age.
- “376AA. Whoever commits rape on a woman up to twelve years of age shall be punished with death, or rigorous imprisonment for a term which shall not be less than fourteen years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine.”.
- Insertion of section 376DA. 9. After section 376D of the principal Act, the following section shall be inserted, namely :-
- Punishment for gang rape on a woman twelve years of age.
- “376DA. Where a woman up to twelve years of age, is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with death, or rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine:
- Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:
- Provided further that any fine imposed under this section shall be paid to the victim.”.
- Amendment of Central Act No.2 of 1974 in its application to the State of Arunachal Pradesh. 10. The Code of Criminal Procedure, 1973 (No.2 of 1974) (hereafter referred to as the principal Act) shall in its application to the State of Arunachal Pradesh, be amended in the manner hereinafter provided.

### CHAPTER - III

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

- |     |  |                           |
|-----|--|---------------------------|
| 11. | In the Code of Criminal Procedure, 1973 (hereafter referred to as the principal Act), in section 26, in the proviso to clause (a), for the words, figures and letters “offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code”, the words, figures and letters “offence under section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, 376DA or section 376E of the Indian Penal Code” shall be substituted.  | Amendment of section 26.  |
| 12. | (i) In section 29 of the principal Act, (i) in sub-section (2), for the words “ten thousand rupees”, the words “ one lakh rupees” shall be substituted ;<br><br>(ii) in sub-section (3), for the words “five thousand rupees”, the words “twenty five thousand rupees” shall be substituted.   | Amendment of section 29.  |
| 13. | (a) In the first proviso to sub-section (1) of section 154 of the principal Act, for the words, figures and letters “section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code” the words, figures and letters “section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA, section 376E or section 509 of the Indian Penal Code” shall be substituted.<br><br>(b) In the sub-proviso (a) of the second proviso to sub-section (1) of section 154 of the principal Act, for the words, figures and letters “section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code” the words, figures and letters “section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA, section 376E or section 509 of the Indian Penal Code” shall be substituted. | Amendment of section 154. |
| 14. | In the second proviso to sub-section (3) of section 161 of the principal Act, for the words, figures and letters “section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code” the words, figures and letters namely “section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA, section 376E or section 509 of the Indian Penal Code” shall be substituted.   | Amendment of section 161. |
| 15. | In clause (a) of sub-section (5A) of section 164 , for the words, figures and letters “section 354, section 354A, section 354B, section 354C, section 354D, sub-section (1) or sub-section (2) of section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code” the words, figures and letters “section 354, section 354A, section 354B, section 354C, section 354D, sub-section (1) or sub-section (2) of section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA, section 376E or section 509 of the Indian Penal Code” shall be substituted.   | Amendment of section 164. |
| 16. | In section 173 of the principal Act, in sub-section (2), in sub-clause (h) of clause (i), for the words, figures and letters “or section 376, 376A, 376B, 376C, 376D or 376E of the Indian Penal Code”, the words, figures and letters “section 376, 376A, 376AA, 376B, 376C, 376D, 376DA or section 376E of the Indian Penal Code” shall be substituted.  | Amendment of section 173. |
| 17. | In the <i>Explanation</i> to the section 197 of the principal Act, for the words, figures and letters “section 166A, section 166B, section 354, section 354A, section 354B, section 354C, section 354D, section 370, section 375, section 376, section 376A, section 376C, section 376D or section 509 of the Indian Penal Code” the words, figures and letters “section 166A, section 166B, section 354, section 354A, section 354B, section 354C, section 354D, section 370, section 375, section 376, section 376A, section 376AA, section 376C, section 376D, section 376DA or section 509 of the Indian Penal Code” shall be substituted.   | Amendment of section 197. |
| 18. | In the proviso to sub-section (1) of section 309 of the principal Act, for the words, figures and letters “section 376, section 376A, section 376B, section 376C or section 376D of the Indian Penal Code” the words, figures and letters “section 376, section 376A, section 376AA, section 376B, section 376C, section 376D or section 376DA of the Indian Penal Code” shall be substituted.   | Amendment of section 309. |

- Amendment of section 327. 19. In section 327 of the principal Act, in sub-section (2), for the words, figures and letters "section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code", the words, figures and letters "section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA or section 376E of the Indian Penal Code" shall be substituted.
- Amendment of section 357B. 20. In section 357B of the principal Act, for the words, figures and letters "section 326A or section 376D of the Indian Penal Code" the words, figures and letters "section 326A, 376D or section 376DA of the Indian Penal Code" shall be substituted.
- Amendment of section 357C. 21. In section 357C of the principal Act, for the words, figures and letters "section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code" the words, figures and letters "section 326A, 376, 376A, 376AA, 376B, 376C, 376D, 376DA or section 376E of the Indian Penal Code" shall be substituted.
- Amendment of section 437. 22. In section 437 of the principal Act, in sub-section (1), after the fourth proviso, the following proviso shall be added, namely :-  
 "Provided also that no person shall, if the offence alleged to have been committed by him against woman is punishable with imprisonment for not less than seven years, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor".
- Amendment of First Schedule. 23. In the First Schedule to the principal Act, under the heading "I.-OFFENCES UNDER THE INDIAN PENAL CODE", -  
 (i) for the entries relating to section 354, section 354B and section 354D, the following entries shall be substituted, namely :-

| Section | Offence   | Punishment   | Cognizable or non-cognizable | Bailable or non-bailable | By what court triable           |
|---------|---|--|------------------------------|--------------------------|---------------------------------|
| 1       | 2   | 3  | 4                            | 5                        | 6                               |
| "354.   | Assault or use of criminal force to a woman with intent to outrage her modesty. | Imprisonment of not less than 2 years but which may extend to 7 years and with fine.   | Cognizable                   | Non-bailable             | Magistrate of the First Class   |
| 354B.   | Assault or use of criminal force to woman with intent to disrobe                | Imprisonment of not less than 3 years but which may extend to 7 years and with fine on first conviction.   | Cognizable                   | Non-bailable             | Magistrate of the First Class   |
|         |   | Rigorous imprisonment of not less than 7 years but which may extend to 10 years and with fine of minimum 1 lakh rupees on second or subsequent conviction. | Cognizable                   | Non-bailable             | Magistrate of the First Class   |
| 354D.   | Stalking  | Imprisonment which may extend to 3 years and with fine on first conviction.  | Cognizable                   | Bailable                 | Magistrate of the First Class   |
|         |   | Imprisonment of not less than 3 years but which may extend to 7 years and with fine of minimum 1 lakh rupees on second or subsequent conviction.           | Cognizable                   | Non-bailable             | Magistrate of the First Class"; |

(ii) after entries relating to section 376A, the following entries shall be inserted, namely :-

| Section | Offence  | Punishment   | Cognizable or non-cognizable | Bailable or non-bailable | By what court triable |
|---------|--|--|------------------------------|--------------------------|-----------------------|
| 1       | 2  | 3  | 4                            | 5                        | 6                     |
| "376AA. | Person committing an offence of rape on a woman up to 12 years of age. | Death, rigorous imprisonment of not less than 14 years but which may extend to imprisonment for life which shall mean imprisonment for remainder of that person's natural life, and with fine. | Cognizable                   | Non-bailable             | Court of Session".    |

(iii) after entries relating to section 376D, the following entries shall be inserted, namely :-

| Section | Offence                                    | Punishment   | Cognizable or non-cognizable | Bailable or non-bailable | By what court triable |
|---------|--|--|------------------------------|--------------------------|-----------------------|
| 1       | 2  | 3  | 4                            | 5                        | 6                     |
| "376DA. | Gang rape on a woman up to 12 years of age | Death or rigorous imprisonment of 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, and with fine. | Cognizable                   | Non-bailable             | Court of Session".    |

#### CHAPTER - IV

##### AMENDMENTS TO THE INDIAN EVIDENCE ACT, 1872

24. In section 53A of the Indian Evidence Act, 1872 (hereafter referred to as the principal Act), for the words, figures and letters "section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code" the words, figures and letters "section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA or section 376E of the Indian Penal Code" shall be substituted. Amendment of section 53A.
25. In the proviso to section 146 of the principal Act, for the words, figures and letters " section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code" the words, figures and letters " section 376, section 376A, section 376AA, section 376B, section 376C, section 376D, section 376DA or section 376E of the Indian Penal Code" shall be substituted. Amendment of section 146.

#### CHAPTER - V

##### AMENDMENT TO THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

26. In section 42 of the Protection of Children Act, 2012 for the words, figures and letters "sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the Indian Penal Code" the words, figures and letters "sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376AA, 376C, 376D, 376DA, 376E or section 509 of the Indian Penal Code" shall be substituted. Amendment of section 42.

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