

Bill Summary

The Criminal Law (Amendment) Bill, 2018

- The Criminal Law (Amendment) Bill, 2018 was introduced in Lok Sabha by the Minister of State, Ministry of Home Affairs, Mr. Kiren Rijiju, on July 23, 2018. The Bill replaces the Criminal Law (Amendment) Ordinance, 2018. The Bill amends certain laws related to rape. Key amendments are as follows:

Amendments to Indian Penal Code (IPC), 1860:

- Enhanced punishment for rape:** Under IPC, 1860, the offence of rape is punishable with a rigorous imprisonment of at least seven years up to life imprisonment, along with a fine. The minimum imprisonment has been increased from seven years to ten years.
- New offences:** The Bill creates new offences to increase punishment for rape of minor girls.

Table 1: New offences under the IPC, 1860

Age	Offence	IPC, 1860	2018 Bill
Below 12 years	Rape	<ul style="list-style-type: none"> Minimum: 10 years Maximum: life imprisonment 	<ul style="list-style-type: none"> Minimum: 20 years Maximum: life imprisonment or death
	Gang Rape	<ul style="list-style-type: none"> Minimum: 20 years Maximum: life imprisonment 	<ul style="list-style-type: none"> Minimum: life imprisonment Maximum: life imprisonment or death
Below 16 years	Rape	<ul style="list-style-type: none"> Minimum: 10 years Maximum: life imprisonment 	<ul style="list-style-type: none"> Minimum: 20 years Maximum: no change
	Gang Rape	<ul style="list-style-type: none"> Minimum: 20 years Maximum: life imprisonment 	<ul style="list-style-type: none"> Minimum: life imprisonment Maximum: no provision
16 years and above	Rape	<ul style="list-style-type: none"> Minimum: 7 years Maximum: life imprisonment 	<ul style="list-style-type: none"> Minimum: 10 years Maximum: no change

Sources: Indian Penal Code, 1860; The Criminal Law (Amendment) Bill, 2018; PRS.

- Repeat offenders:** IPC, 1860 states that a person who commits rape for the second time may be punished with life imprisonment *or*

death. This provision has been extended to cover rape under the new offences.

- Amendments to Protection of Children from Sexual Offences Act (POCSO), 2012:** The POCSO, 2012 contains provisions for punishment of rape of minors. It states that the punishment which is higher between the POCSO, 2012 and the IPC, 1860 will apply to rape of minors. This provision has been extended to cover the new offences.

Amendments to Code of Criminal Procedure (CrPC), 1973:

- Time-bound investigation:** The CrPC, 1973 states that an investigation into rape of a child must be completed within three months. The Bill reduces the time for completion of investigation to two months. Further, the Bill extends this timeline to all offences of rape (i.e. irrespective of age of victim).
- Appeal:** The Bill states that any appeal against a sentence related to rape cases must be disposed of within six months.
- Anticipatory Bail:** The CrPC, 1973 lists conditions for grant of anticipatory bail. The Bill makes the provision of anticipatory bail not applicable to rape and gang rape of minor girls below 16 years of age.
- Compensation:** The CrPC, 1973 provides that all rape victims will be given free medical treatment and compensation by state government. This provision has been extended to cover rape and gang rape of minor girls below 16 years of age.
- Prior sanction:** The CrPC, 1973 states that prior sanction is required for prosecution of all public servants, except for certain offences, like rape. This provision has been extended to cover rape and gang rape of minor girls below 16 years of age.
- Amendments to Indian Evidence Act, 1872:** Under Evidence Act, in determining whether the act was consensual or not, past sexual experience or character of the victim is disregarded. This provision has been extended to cover rape and gang rape of minor girls below 16 years of age.

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