



Bill Summary

The Criminal Laws (Amendment) Bill, 2012

- The Criminal Laws (Amendment) Bill, 2012 was introduced in the Lok Sabha on December 4, 2012 by the Minister of Home Affairs, Mr. Sushil Kumar Shinde. The Bill seeks to amend the Indian Penal Code, 1860 (IPC), the Code of Criminal Procedures, 1973 (CrPC), and the Evidence Act, 1872.
- The Bill introduces three new offences under the IPC. First, it penalises public servants who knowingly disobey an order that prohibits them from conducting investigation or requiring the attendance of a person for the purpose of the investigation. The Bill provides a punishment of imprisonment for up to one year and a fine.
- Second, the Bill introduces an offence related to acid attacks. It penalises the act of intentionally causing damage to the body of a person, or burning or maiming a person by throwing acid with imprisonment for minimum of 10 years that may extend up to life imprisonment and a fine of Rs 10 lakh. It penalises the attempt to cause harm by throwing acid with minimum of five and maximum of seven years of imprisonment.
- Third, the Bill replaces the existing offence of rape with that of sexual assault. Under the IPC, rape is defined as sexual intercourse with a woman without her consent. The Bill seeks to criminalise the following acts when committed without the consent of the other person: (a) penetration of a person’s vagina, anus, urethra or mouth with any part of the body including the penis, or any other object for a sexual purpose; (b) manipulation of a body part of another person so as to cause penetration of the vagina, anus, urethra or mouth by any part of the other person’s body; (c) cunnilingus and fellatio.
- The IPC provides a punishment of minimum of seven years and a maximum of life imprisonment and a fine for the offence of rape. It allows the court to impose a lower sentence. The Bill retains the punishment specified but takes away the power of the court to lower the sentence.
- The Bill increases the age of consent from 16 years to 18 years. It penalises the commission of the above mentioned acts if the person is below 18 years of age, irrespective of whether the acts were committed with consent. Under the IPC, sexual intercourse by a man with his wife who is more than 12 years old but below 15 years of age was punishable with 2 years imprisonment. For sexual assault by a husband upon his wife below 16 years of age, the Bill provides a punishment of a minimum of seven years and a maximum of life imprisonment.
- Under the IPC, there is an exception to the offence of rape when sexual intercourse is committed without the consent of the wife if she is above 15 years of age. The Bill increases this age to 16 years.
- Under the IPC, rape by a husband of his a wife during judicial separation is punishable with maximum two years imprisonment and fine. The offence is non-cognizable and bailable. The Bill provides a punishment of up to seven years and fine for sexual assault during judicial separation. It also changes the nature of the offence to a cognizable and non-bailable offence.
- The IPC provides a punishment of up to five years for public servants who engage in sexual intercourse with a woman in his custody. The Bill increases the punishment to a minimum of five and a maximum of 10 years.
- The Bill seeks to amend the Evidence Act to provide that in case it is proved that there was sexual intercourse between the accused and the victim in the accused’s custody, it would be presumed that it was without consent. It also states that evidence of the victim or of his or her previous sexual experience shall not be relevant on the issue of consent or the quality of consent.
- The Bill also increases the punishment for use of criminal force to outrage the modesty of a woman from up to two years with fine to up to five years with fine.
- The Bill amends the CrPC to require that a woman police officer records evidence if evidence is being given by a woman who is a victim of sexual assault or assault to outrage her modesty.
- The CrPC requires that all evidence in the course of trial be taken in the presence of the accused. The Bill seeks to create an exception for evidence of a victim of sexual assault who is below 18 years of age. It allows the court to take appropriate measures to ensure that the victim is not confronted with the accused.

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