



Comparison between the Criminal Laws Amendment Bill, 2013 and existing laws with regard to change in punishment for various offences.

Offence	Existing law	Criminal Law (Amendment) Bill, 2013 as passed by both Houses
Indian Penal Code, 1860		
Punishment for gang rape	10 years to life imprisonment and fine.	20 years to life imprisonment (rigorous imprisonment) and fine payable to the victim that is reasonable to meet medical expenses.
Rape upon judicially separated wife	Maximum 2 years imprisonment.	Punishable with 2 to 7 years imprisonment and fine. Courts to take cognizance if there is <i>prima facie</i> evidence of offence.
Rape by armed personnel	No specific provision. Public servant includes armed personnel. Punishment: 10 years to life imprisonment and fine.	Specific offence. SA by armed personnel within the area they are deployed in. Penalty remains same.
Rape resulting in death or vegetative state	Rape and murder dealt with as two separate offences. Rape: 7 years to life imprisonment; Murder: imprisonment for life or death.	Specific offence. Punishment 20 years rigorous imprisonment or life imprisonment or death.
Touching	Outraging a woman's modesty. Punishment: imprisonment for maximum 2 years and fine.	Outraging a woman's modesty: 1 to 5 years imprisonment and fine. Physical contact involving unwelcome and explicit sexual overtures: up to 3 years imprisonment and/or fine.
Use of words or gestures to insult a woman's modesty.	Punishment: 1 year imprisonment and/or fine. Non Bailable.	Punishment: up to 3 years imprisonment and fine. Non Bailable. Showing pornography: up to 3 years imprisonment and/or fine. Bailable.
Assault to disrobe a woman	No specific offence. Outraging a woman's modesty is punishable with imprisonment for maximum 2 years and fine.	Specific offence. Punishable with 3 to 7 years imprisonment and fine.
Acid attack	No specific provision. Covered under grievous hurt. Punishment: up to 7 years imprisonment.	Specific offence. Punishable with 10 years or life imprisonment and reasonable fine amount to meet medical expenses.
Consensual sex by a person in authority	Provision exists in relation to public servant's abuse of position with women in his custody. Punishable with 5 years imprisonment.	Extended to cover circumstances of fiduciary relationship, management or staff in hospitals. Punishable with 5 to 10 years rigorous imprisonment of either description.
Trafficking	Covered under slavery, abduction and kidnapping for purposes of prostitution. Also provided for under the Immoral Trafficking Prevention Act, 1956.	Penalises recruitment, transfer, transport, harbouring a person for the purpose of prostitution, forced labour, organ removal by use of threats or inducement. Punishment: 7 to 10 years imprisonment. Punishment for employing a trafficked person for sexual exploitation: 5 to 7 years.
Information Technology Act, 2000		
Voyeurism	Information Technology Act protects both men and women. Punishment: up to 3 years and/or fine up to Rs 2 lakh.	Only protects women. Punishment: 1 to 3 years imprisonment and fine. Second offence with 3 to 7 years.

SC/ST Prevention of Atrocities Act, 1989

Disrobing	Protects both men and women. Offence need not take place at public place. Punishment: 6 months to 5 years.	Only protects women. Punishable when committed at public place. Punishment: 3 to 7 years.
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Protection of Children from Sexual Offences (PCSO) Act, 2012*

Punishment for rape	7 years to life imprisonment and fine.	10 years to life imprisonment and fine.
Gang rape of child	10 years to life imprisonment and fine.	20 years to life imprisonment and fine.
Disrobing	3 years and fine.	3 to 7 years imprisonment and fine.

* The Criminal Laws Amendment Bill 2013 states that for offences that are punishable under both IPC and the PCSO Act, the Act carrying higher punishment will prevail.

Source: The Criminal Law (Amendment) Bill, 2013 as passed by both Houses; the Indian Penal Code, 1860; Information Technology Act, 2000; SC/ST Prevention of Atrocities Act, 1989; Protection of Children from Sexual Offences Act, 2012; PRS.

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