



Amendments to laws other than the IPC brought about by the Criminal Laws Amendment Bill, 2013

| Issue | Code of Criminal Procedure, 1973 | Criminal Laws (Amendment) Bill, 2013 as passed by both Houses |
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| Protection against disclosure of identity of victim | Provided in case of rape, custodial rape, rape of a judicially separated wife, abuse of power to obtain consent. Punishable with imprisonment for up to 2 years. | Protection extended to victims of repeat offenders as well. |
| Identification of accused | No specific provision for special procedures to assist differentially abled persons in identification of accused. | Judicial magistrate to undertake special procedures to assist differently abled persons in identification of the accused. Identification process to be videographed. |
| Recording of information by woman officer | No special requirement for woman officers to record information about sexual offence cases. | In case of acid attack, sexual harassment, disrobing, voyeurism, outraging a woman's modesty, rape (of all kinds) information would be recorded by woman officer. |
| Recording of information in case victim is differently abled | No special requirement. | In case of acid attack, sexual harassment, disrobing, voyeurism, outraging a woman's modesty, rape information would be recorded by woman officer at a place of the victim's choice, in the presence of special educators. Required to be videographed. |
| Exception to police's power to require attendance by witnesses | Men below 15 years of age and women are not required to give evidence at a police station. Evidence to be taken from home. | Applies to men below 15 or above 65 years of age; women and differently abled persons. |
| Judicial Magistrate to record statement | No special requirement in case of sexual offences. | Judicial Magistrate to record statement of the victim immediately after the police is informed in case of acid attack, rape, sexual harassment, disrobing, voyeurism etc. In case the victim is differently abled, the assistance of interpreters has to be taken and has to be videographed. |
| Examination of victim at trial stage | No special protections to victims of sexual offences. | The statement recorded by the Judicial Magistrate will be treated as the evidence of the victim presented by the prosecutor. Protects the right to be cross-examined. |
| Protection against confrontation of victim by accused | No special protections to victims of sexual offences. | In case the victim of rape or a sexual offence is under 18 years of age care has to be taken that she is not confronted by the accused. |
| Requirement of sanction to prosecute public servant | Sanction is required to prosecute public servants in all cases, including cases of rape, outraging a woman's modesty. | Requirement of sanction removed under the Code of Criminal Procedure. Such requirement may continue under other laws. |
| Requirement of satisfaction of prima facie facts in case of rape | No such requirement. | In case of rape of a judicially separated wife by her husband, the court has to be <i>prima facie</i> satisfied of the facts constituting the offence before it takes cognizance. |
| Requirement to fast track | No requirement to fast track sexual offence cases. | Trial to be held on day to day basis. In case of rape cases, trial to be completed in 2 months of filing of charge sheet. |
| Compensation | The State government has to prepare a compensation scheme for rehabilitation of victims. The state or district legal service authority is to make compensation awards. | Compensation awarded by the State is in addition to what is payable by the accused. |
| Responsibility of hospitals | No specific provision. | In cases of acid attacks or rape, all hospitals (public and private) are required to provide free medical treatment to the victim and immediately inform the police. |

| Issue | Evidence Act, 1872 | Criminal Laws (Amendment) Bill, 2013 as passed by both Houses |
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| Previous sexual history | No specific provision barring the use of previous sexual history in rape cases. | Bars the use of past sexual history in determining consent of the victim. Bars evidence or questions in the cross-examination of the victim as to the general immoral character of the victim or past sexual history with any person. |
| Presumption of consent | Required the victim of rape to prove that she did not consent. | Shifts the onus on to the accused to prove that consent was given. |
| Special provisions for evidence by differently abled persons | No special provision. | Court to use the assistance of interpreters to take evidence of differently abled persons. Such evidence to be considered oral evidence when given in open court. Statement to be video recorded. |

| Issue | Protection of Children from Sexual Offences Act (PCSO), 2012 | Criminal Laws (Amendment) Bill, 2013 as passed by both Houses* |
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| 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 2012, the Act carrying higher punishment will prevail.

Source: The Criminal Law (Amendment) Bill, 2013 as passed by both Houses; the Indian Penal Code, 1860; Protection of Children from Sexual Offences Act, 2012; PRS.

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