

Bill Summary

The Shakti Criminal Laws (Maharashtra Amendment) Bill, 2020

- The Shakti Criminal Laws (Maharashtra Amendment) Bill, 2020 was introduced in the Maharashtra Assembly on December 14, 2020. The Bill amends the Indian Penal Code, 1860 (IPC), the Code of Criminal Procedure, 1973 (CrPC), and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) in their application to Maharashtra. It amends these laws for offences committed against women and children.

Amendments to IPC

- Enhanced punishment:** The Bill introduces the death penalty for offences such as causing grievous hurt by use of acid, rape and gang rape. It will apply where the offence is heinous in nature, there is adequate conclusive evidence, and the circumstances warrant exemplary punishment.
- The term of imprisonment for voluntarily throwing or attempting to throw acid has been increased from five to seven years, to seven to ten years.
- Under IPC, intentionally providing false information to a public servant is punishable with a jail term of up to six months, or with fine up to Rs 1,000, or both. The Bill extends the imprisonment term for providing false information related to offences against women and children up to one year.
- Disclosure of identity:** Under IPC, disclosing the identity of the victim for offences such as rape committed against women and children is punishable with imprisonment and fine. The Bill extends this provision to other offences committed against women such as sexual harassment, voyeurism, and stalking.
- Intimidating woman:** The Bill adds that intimidating a woman will be punishable with imprisonment of up to two years and fine of up to one lakh rupees. Such intimidation includes: (i) offensive communication, or (ii) threat to disseminate photos, among others.

Amendments to CrPC

- Giving information of certain offences:** Under CrPC, every person aware of the commission or intention to commit offences such as kidnapping for ransom, and robbery, should inform the nearest magistrate or police officer of such commission or intention. The Bill extends this requirement to offences committed against women and children such as sexual harassment, stalking, and rape.

- Shorter timeline:** For offences committed against women and children such as rape and gang rape, the Bill reduces the time for completion of investigation, trial and disposal of appeal as shown in Table 1.

Table 1: Shorter timeline for procedures

Procedures	CrPC, 1973	2020 Bill
Completion of investigation (excluding sexual intercourse offences by husband during separation or person in authority)	2 months	15 working days (extendable by 7 working days)
Completion of inquiry or trial from the date of filing of the charge sheet	2 months	30 working days
Period for disposal of appeal against sentence	6 months	45 days

- For acid-related offences, the Bill introduces the same timelines for completion of investigation and other related procedures.

Amendments to POCSO Act

- Enhanced punishment:** Under the POCSO Act, the offence of penetrative sexual assault of a child below 16 years of age is punishable with imprisonment of at least 20 years up to life imprisonment, along with a fine. The Bill specifies that the fine should be at least five lakh rupees. It also provides for the death penalty if the offence is heinous in nature.
- The Bill increases the term of imprisonment for certain other offences as shown in Table 2.

Table 2: Imprisonment for certain offences

Offences	POCSO, 2012	2020 Bill
Sexual assault	3-5 years	5-7 years
Aggravated sexual assault	5-7 years	7-10 years

- Failure to share data for investigation:** The Bill adds that social media platforms or telecom service providers, among others, are required to provide data requested by investigation officers. This will be applicable for investigation of specified offences against women and children under IPC and the POCSO Act. Failure to share data within seven working days would constitute an offence punishable with imprisonment of up to one month, or a fine of five lakh rupees, or both.

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