

# THE CRIMINAL LAW (AMENDMENT) ACT-2013



**NIRBHAYA**  
Be Fearless



## NEW OFFENCES INSERTED IN THE INDIAN PENAL CODE:

Section	Offence	Punishment	Nature
166-A	Public servant disobeying direction under law	Imprisonment for minimum 6 months which may extend to 2 year with fine.	Cognizable, Bailable
166-B	Non treatment of victim by hospital	Imprisonment for 1 year or fine or both.	Non-Cognizable Bailable
326-A	Acid attack	Imprisonment for not less than ten years but which may extend to imprisonment for life and fine to be paid to the victim	Cognizable , non- Bailable
326-B	Attempt to Acid attack	<b>Imprisonment for not less than five years but which may extend to seven years, and with</b>	Cognizable, non- Bailable

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<b>Section</b>	<b>Offence</b>	<b>Punishment</b>	<b>Nature</b>
<b>354A</b>	Sexual harassment of the nature of unwelcome physical contact and advances or demand or request for sexual favours, showing pornography	imprisonment which may extend to 3 years or with fine or with both.	Cognizable, Bailable
	Sexual harassment of the nature of making sexually coloured remarks	imprisonment which may extend to one year or with fine or with both.	Cognizable, Bailable
<b>354B</b>	Assault or use of criminal force to women with intent to disrobe	Imprisonment not less than three years but which may extend to seven years and with fine.	Cognizable, Non-Bailable  Contd...



<b>Section</b>	<b>Offence</b>	<b>Punishment</b>	<b>Nature</b>
354C	Voyeurism	Imprisonment not less than one year, but which may extend to 3 years, and with fine for conviction.	Cognizable, Bailable
		Imprisonment not less than 3 years, but which may extend to 7 years, and with fine for second and subsequent conviction.	
354D	Stalking	Imprisonment up to 3 years with fine for 1 <sup>st</sup> conviction.	Cognizable, Bailable
		Imprisonment up to 5 years and with fine for second and subsequent conviction.	



## Sec.370 IPC is substituted by 370 & 370-A (Trafficking of person)

Section	Offence	Punishment	Notes
<b>370</b>	Trafficking of person	Imprisonment not less than 7 year, which may extend to 10 years, and with fine.	Cognizable , Non Bailable
	Trafficking of more than 1 person	Imprisonment not less than 10 year, but which may extend to imprisonment for life with fine.	Cognizable , Non Bailable
	Trafficking of minor	Imprisonment not less than 10 year, but which may extend to imprisonment for life with fine.	Cognizable , Non Bailable
	Trafficking more than 1 minor	Imprisonment not less than 14 year, but which may extend to imprisonment for life with fine	Cognizable , Non Bailable



## Sec.370 IPC is substituted by 370 and 370-A

Section	Offence	Punishment	Notes
370	Person convicted of offence of trafficking of minor more than one occasion	Imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable , Non Bailable
	Public servant or a police officer involved in trafficking of minor	Imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable , Non Bailable
370-A	Exploitation of Trafficked child	Imprisonment not less than 5 year, which may extend to 7 years and with fine.	Cognizable , Non Bailable
	Exploitation of Trafficked person	Imprisonment not less than 3 year, but which may extend to 5 years and with fine.	Cognizable , Non Bailable



## **Sec.376, 376-A, 376-B 376-C 376-D IPC substituted by following entries**

<b>Section</b>	<b>Offence</b>	<b>Punishment</b>	<b>Notes</b>
376	Rape	Rigorous Imprisonment not less than 7, but which may extend to imprisonment for life with fine.	Cognizable , Non Bailable
	Rape by Police/Public servant / member of armed forces / staff of jail/person on the management/staff of hospital/ relatives etc.	Rigorous Imprisonment not less than 10, but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and with fine.	Cognizable , Non Bailable



<b>Section</b>	<b>Offence</b>	<b>Punishment</b>	<b>Notes</b>
<b>376-A</b>	Person committing an offence of rape and inflicting injury which causes death or causes the woman to be in a persistent vegetative state	Rigorous Imprisonment not less than 20, but which may extend to imprisonment for life which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine.	Cognizable , Non Bailable
<b>376-B</b>	Sexual intercourse by husband upon his wife during separation.	Imprisonment for not less than 2 year, but which may extend to 7 years and with fine.	Cognizable , (but only on the complaint of the victim) Bailable





<b>Section</b>	<b>Offence</b>	<b>Punishment</b>	<b>Notes</b>
<b>376-C</b>	Sexual intercourse by a person in authority	Rigorous Imprisonment for not less than 5, but which may extend to 10 years with fine.	Cognizable , Non Bailable
<b>376-D</b>	Gang Rape	Rigorous Imprisonment not less than 20, but which may extend to imprisonment for life which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine to be paid to the victim.	Cognizable , Non Bailable
<b>376-E</b>	Repeat offenders	Imprisonment for life which mean imprisonment for the remainder of that person's natural life or with death.	Cognizable , Non Bailable



## Amendments in the Sec-228-A, 354, 509 of IPC

Section	Offence	Existing provision	Amendment
<p><b>228-A</b> <b>Sub –</b> <b>Sec(1)</b></p>	<p>Disclosure of identity of the victim of certain offences, etc:-</p>	<p>An offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.</p>	<p>For the words figures and letters offence un376, section 376A, section 376B, section 376C or section 376D or section 376 E shall be substituted</p>



<b>Section</b>	<b>Offence</b>	<b>Existing provision</b>	<b>Amendment</b>
<b>354</b>	Assault or criminal force to woman with intent to outrage her modesty	shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.	shall be punished with imprisonment of either description for a term which shall not be less than one year which may extend to 5 years, and shall also liable to fine.
<b>509</b>	Word, gesture or act intended to insult the modesty of a woman	shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.	shall be punished with simple imprisonment for a term which may extend to 3 year, and also with fine



## NEW SECTIONS INSERTED IN THE CPC :

- **Section 154:-** Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, Section 354, Sec-A Section 354-B, Section 354C, Sec-354D, Sec-376, Sec-376A Sec-376 B Sec-376C, Sec-376D, Sec-376E or section 509 of the Indian Penal Code is alleged have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer.
- **Section 164:-** In cases punishable under Sec-354, Sec- 354A, Sec- 354B, Sec- 354AC,Sec- 354D, sub-sec (I) or sub-sec (2) of sec 376, sec-376A Sec-376 B Sec-376C, Sec-376D, Sec-376E or section 509 of the Indian Penal Code, the Judicial Magistrate shall record the statement of the person against whom such offence has been committed in the manner prescribed in sub-se (5),as soon as the commission of the offence is brought to the notice of the police

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- ❖ Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the Magistrate shall take the assistance of interpreter and the same shall be videographed.
- **Section-198B:-** “198B No Court shall take cognizance of an offence punishable under section 376B of the Indian Penal Code where the persons are in a marital relationship, except upon “ prima facie satisfaction of the facts which constitute the offence upon a complaint having been filed or made by the wife against the husband.
- **Section -273 ( Proviso):-** “Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.

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- **Section-357B:-** The compensation payable by the State Government under section-357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code.
- **Section- 376C:-** All hospital, public or private, whether run by the Central Government the State Government, local bodies or any other person , shall immediately, provide the section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the IPC, and shall immediately inform the police.



## AMENDMENTS IN THE CPC-1973

<b>Section</b>	<b>Existing provision</b>	<b>Amendment</b>
<b>26</b>	In section 26, in the proviso to clause(a), for the words, figures and letters Offence under Sec-376 and Sec-376 A to 376 D of “Indian penal code”.	the words, figures and letters “offence under Sec-376, Sec-376-A to 376B, C & D and Sec-376 E of the India Penal Code” shall be substituted
<b>160</b>	In sub-sec(1) in the proviso for the words “ under the age of 15 years or woman”	The words “under the age of 15 years or the above the age of 65 years or a woman or a mentally physically disabled person ” shall be substituted.
<b>173</b>	In sub-sec(2), in sub-clause(i) for the words, figures and letters or 376-D of the Indian Pineal Code”	“Sec-376-D or sec-376-E of the Indian Pineal Code” shall be substituted.
<b>327</b>	In sub-sec(2), for the words, figures and letters or 376-D of the Indian Pineal Code”	Sec-376 D or sec-376-E of the Indian Pineal Code” shall be substituted



## NEW SECTIONS INSERTED IN INDIAN EVIDENCE ACT 1872

- **Section 53 A:** In prosecution for an offence under section 354,354A,354B,354 C,354 D, 376,376 A,376 B,376 C,376 D,376 E of IPC , evidence of character of the victim or of such persons pervious sexual experiences with any person shall not be relevant.
- **Section 119 A :** A witness who is unable to speak give his evidence in any other manner in by writing or signs :but such writings must be written in the open court and the evidence is deemed to be oral evidence. If the witness is unable to communicate verbally the court shall take the assistance of interpreter and it should be video graph.
- **Section 146:**Provided that In prosecution for an offence under section 376,376 A, 376 B,376 C,376 D,376 E of IPC ,Shall not be permissible to adduce evidence or put questions in the cross examination of the victim as to the general immoral character.





## NEW SECTIONS INSERTED IN “POCSO” ACT 2012

**Section 42:** (Substituted) Where an act or an omission constitutes an offence punishable under this act and also U/S 166A, 354,354A,354B,354 C,354 D, 376,376 A,376 B,376 C,376 D,376 E ,509 of IPC , then, notwithstanding any thing contained in any law for the time being in force, the offence found guilty of such offence shall be liable to punishment under this act or under IPC as provides for punishment which is greater In degree.

**Section 42 A:**The provision of this act shall be in addition to and in derogation of the provisions of any other law for the time being In force and, in case of and inconsistency, the provisions of this Act shall be have overriding effects on the provisions of any such law to the extended of the inconsistency



Thank You

