

Criminal Procedure Code - (2 of 1974)

Historical Background

- No criminal law uniformly set
- Separate acts, mostly rudimentary in their character for the courts
- Later on, the Act in force in presidency towns were consolidated into Criminal Procedure Supreme Court Act, 1852

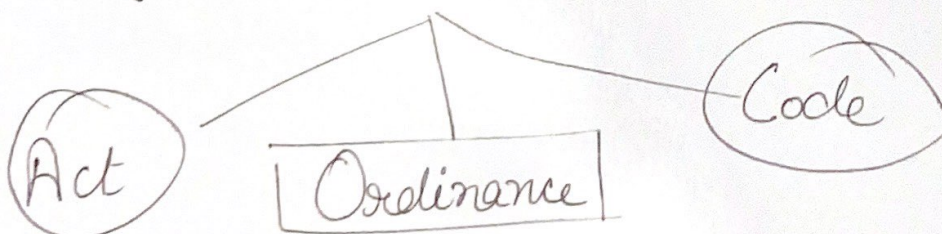
replaced by High Court Criminal Procedure Code, 1865.

⇒ Criminal Reports

- 14th report of Law Commission of India (1958)
- 37th report of Law Commission of India (1967)
- 41st report of Law Commission of India (1969)

Joint Committee on Code of Criminal Procedure Bill, 1970

Report of Expert Committee on Legal Aid Processual Justice to the people (1973)



Chapter - 37

Section - 484

Schedule - 2

Enactment - 25 January 1974

Enforcement - 1 April, 1974

Extention The Code of Criminal Procedure, 1973, which came into existence on 25 Jan 1974 & enforced on 1 April, 1974 extends to whole India except - state of Nagaland
tribal Areas of Assam } applied chapter
8, 10, 11

above objectives.

Amendment Act 13 of 2013—Statement of Objects and Reasons.—The Criminal Law (Amendment) Act, 2012 was introduced in the Lok Sabha on 4th December, 2012 in order to provide for stringent punishment for crimes against women, as also to provide for more victim friendly procedures in the trials of such cases. After the horrendous incident of gang rape, which occurred on 16th December, 2012 in Delhi, a Committee, headed by Justice J. S. Verma was set up to make recommendations on amending the various laws to provide for speedy justice and enhanced punishment for offenders in cases of sexual assault of extreme nature. The Justice Verma Committee submitted its Report on 23rd January, 2013.

2. It was felt necessary to bring the revised laws into effect as soon as possible, as any crime against women committed during the period when the law is in making will be punishable only under the existing laws. In view of the urgency of the matter, the Criminal Law (Amendment) Ordinance, 2013 was promulgated on 3rd February, 2013.

3. The Department-related Parliamentary Standing Committee on Home Affairs examined the Criminal Law (Amendment) Act, 2012 and tabled its Report in Parliament on

1st March, 2013. Keeping in view the recommendations of the Department-related Parliamentary Standing Committee on Home Affairs, the recommendations of Justice Verma Committee and the views and comments received from various quarters including women groups, the Government have drafted the Criminal Law (Amendment) Bill, 2013.

4. The Criminal Law (Amendment) Act, 2013 seeks to amend the Indian Penal Code, 1860, the Criminal Procedure Code, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012. These amendments seek to:—

(a) make specific provisions for punishment for the offences of causing grievous hurt by acid attack and also for an attempt thereof;

(b) define and prescribe punishment for the offences of stalking, voyeurism and sexual harassment;

(c) widen the definition of rape; broaden the ambit of aggravated rape; and enhance the punishment thereof;

(d) prescribe for punishment extending to the sentence of death, for an offence where in the course of commission of an offence of rape, the offender inflicts any injury which causes the death of the victim or causes the victim to be in a persistent vegetative state;

(e) punish the repeat offenders of rape with imprisonment for life (which shall mean the remainder of the person's natural life), or with death;

(f) prescribe that those convicted for the offence of gang rape shall be punished with rigorous imprisonment for a minimum of twenty years extendable to life (which shall mean the remainder of that person's natural life) and fine; to be paid to the victim to meet the medical expenses;

(g) enhance punishment under sections 354 and 509 of Indian Penal Code;

(h) amend sections 54-A, 154, 160, 161, 164, 198-B, 273, 309 and 327 of the Code of Criminal Procedure, 1973 for providing for women friendly procedures; greater sensitivity to the requirement of physically and mentally disabled persons, underaged children and old persons in the course of investigation and trial; for speedy trial of rape cases, and better recording of evidence;

(i) provide that all hospitals shall immediately provide first aid and/or medical treatment, free of cost, to the victims of acid attack or rape; and provide for punishment for contravention thereof;

(j) provide that the compensation payable by the State shall be in addition to the payment of fine to the victim;

(k) amend the Indian Evidence Act, 1872 by way of inserting sections 53-A, 114-A, substitution of section 119 and amendment of section 146 to protect the dignity of women;

(l) amend the Protection of Children from Sexual Offences Act, 2012 so as to harmonise the said Act with the provisions of the Act.

5. The Bill seeks to achieve the above objectives.

CHAPTER I

2013 Amendment Act -

- Justice Verma Committee Submitted report on 23 Jan 2013.
- Provisions for acid attack
- Punishment for Stalking, Voyeurism & Sexual Harassment
- substituted definition of rape.
- life Imp & death for repeat offenders of rape
- 20 years punishment for Gang rape
- Enhance punishment for 354 & 509

**THE CRIMINAL LAW (AMENDMENT)
ACT, 2018***
(22 of 2018)

[11th August, 2018]

An Act further to amend the Indian Penal Code, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Statement of Objects and Reasons.—Recent incidents of rape and gang rape on women under the age of sixteen years and twelve years have shaken the conscience of the entire Nation. Therefore, the offences of rape and gang rape on women under the age of sixteen years and twelve years required effective deterrence through legal provisions of more stringent punishment. Some of the incidents in recent years have been marked by increased brutality and violence perpetrated on minor girls. This has fueled demands from various sections of the society to make the penal provisions more stringent and effective, immediate arrest of the accused and ensure speedy trial in such cases.

2. As the Parliament was not in session and immediate action was required to be taken in this regard to make necessary amendments in the Indian Penal Code, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012, the President promulgated the Criminal Law (Amendment) Ordinance, 2018 on 21st April, 2018.

3. It is, therefore, proposed to introduce the Criminal Law (Amendment) Bill, 2018 to replace the Criminal Law (Amendment) Ordinance, 2018, which, *inter alia*, provides for:—

(a) punishment for the offence of rape from the minimum imprisonment of seven years to ten years, which is extendable to imprisonment for life; 7-10

(b) punishment for the offence of rape on a woman under sixteen years of age shall be rigorous imprisonment for a term not less than twenty years but may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and shall also be liable to fine;

(c) punishment for the offence of rape on a woman under twelve years of age shall be rigorous imprisonment for a term not less than twenty years but may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and with fine or with death;

(d) punishment for the offence of gang rape on a woman under sixteen years of age shall be imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and with fine;

(e) punishment for the offence of gang rape on a woman under twelve years of age shall be imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and with fine or with death;

(f) investigation in relation to all rape cases shall be completed within a period of two months from the date on which the information recorded by the officer-in-charge of the police station;

(g) completion of inquiry or trial relating to the offence of rape, within a period of two months;

(h) dispose of an appeal against a conviction or a acquittal in rape cases within a period of six months from the date of filing of the appeal;

(i) the provisions of anticipatory bail shall not be applicable in cases of rape or gang rape of woman under sixteen and twelve years of age;

(j) consequential amendments in the Indian Penal Code, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012 relating to the cases of rape, gang rape of the woman below the age of sixteen years, twelve years, repeat offenders, to extend the applicability of compulsory registration of FIRs, fine imposed to be paid to victim, facilitate better recording of evidence and protect the dignity of rape survivor and treatment free of cost in hospitals.

4. The Bill seeks to achieve the above objectives

Criminal Trial

