



Email: [editorijless@gmail.com](mailto:editorijless@gmail.com)

Volume: 11, Issue 3, 2024 (July-Sept)

**INTERNATIONAL JOURNAL OF LAW, EDUCATION,  
SOCIAL AND SPORTS STUDIES  
(IJLESS)**

*A Peer Reviewed and Refereed Journal*

DOI: 10.33329/ijless.11.3

<http://ijless.kypublications.com/>

ISSN: 2455-0418 (Print), 2394-9724 (online)

2024©KY PUBLICATIONS, INDIA

[www.kypublications.com](http://www.kypublications.com)

**Editor-in-Chief**

**Dr M BOSU BABU**

**(Education-Sports-Social Studies)**

**Editor-in-Chief**

**DONIPATI BABJI**

**(Law)**

©KY PUBLICATIONS





---

## **A Legal Overview of Crimes Related to Women with Special Reference to the Criminal Law Amendment Act 2013 and 2018**

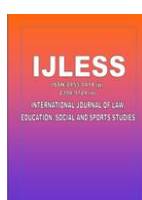
**Dr. Egalapati Sireesha**

Department of law

Acharya Nagarjuna University, Nagarjuna Nagar, Andhra Pradesh, India

[DOI: 10.33329/ijless.11.3.12](https://doi.org/10.33329/ijless.11.3.12)

---



### **ABSTRACT**

In the present research paper, Crimes Related to Women in the Special Context of Criminal Law (Amendment) Act 2013 and 2018, a legal overview has been prepared to keep in view the current context. Under this, an attempt has been made to evaluate the efforts made at the international and national level in the context of crimes against women, a brief study of the coordination approach of the Indian Parliament and State Legislatures, Law Commission, Women's Commission, Indian Judiciary, along with a systematic and in-depth study of the role played by the judiciary and other institutions and the important contribution made by them. In this effort, the presenter has adopted doctrinal and analytical research methods. An attempt has been made to evaluate the principles propounded and the instructions given in those important decisions of the Supreme Court and High Courts by studying the comprehensive amendments made in the criminal law in 2013 and 2018 regarding crimes against women by doing an analytical study of the principles propounded and the instructions given in those important decisions of the Supreme Court and High Courts. Significant advancements have occurred in recent years, including the decriminalisation of same-sex relationships, the elimination of adultery as a punishable offence, the implementation of legislation for transgender people, and the establishment of human rights protections for sex workers, among other notable changes. This article presents a concise overview of the legal framework governing sex and sexuality.

---

### **Introduction**

Without women, human creation could not have begun. Women are one of the two wheels that drive the advancement of human civilization and culture; without them, these things could not have happened. In spite of this, women have historically been denied equal respect and dignity to men across the globe, both in the social and political spheres as well as the economic and political one. From the beginning, women were viewed as weak and defenceless, and their status has always been depressing and inadequate. They were considered the object of buying and selling even in the prehistoric era, when they were gambled away. Many such cases have been discovered where, in the past, as a means of repaying loans, they were kept as mortgages or even mortgaged to moneylenders in many different

countries. The length of the mortgage was roughly determined by the amount borrowed and could last for months or years.

A husband was allowed to execute his wife under Roman law if she committed any wrongdoing. Women were mistreated and traded as commodities in ancient Greece. Women were viewed as objects of servitude by Plato, and in classical Greece, women were used as a means of gratifying lust by the wealthy, who kept dozens of women as wives. In ancient Italy there was a proverb that said a woman is tortured regardless of her actions, just as a horse, good or bad, is whipped. The birth of a girl was regarded as a bad omen in ancient Arabia. The statement "Lalaniya Sada Bharya, Tadniya Tathaiv Cha"<sup>1</sup> – which means a woman should always be loved but also has the right to harass – even appears in Shankhasmriti.

It has even been said of women in Tulsi's Ramayana that "Dhol, Gavar, Shudra, animal, woman all deserve chastisement". Krishna refers to women as sinful vaginas, or sinavarna, in the Mahabharata. In the Manusmriti, Manu prescribes that a woman should never be left alone. One should be subject to her parents' authority before marriage, her husband's authority following marriage, and her sons' control following her husband's death. Compared to other nations, India is mentioned as having a fairly respectable status for women. There is proof that women enjoyed a respectable position during the Vedic period. Women have greatly aided the progress and development of knowledge, intelligence, culture, and other arts. Following the Vedic era, women's status drastically decreased. Women's status declined significantly even though they were endowed with natural virtues like love, compassion, generosity, tolerance, renunciation, and sacrifice. Women were treated with respect during the Buddha and Jain eras but were not granted the same rights as men. Women's status declined during the Muslim era and they began to be viewed as objects of luxury. Women's status was low after the Muslim era, even under British and East India Company rule. A movement against various evils, such as child marriage, discrimination against women in education, and the practice of Sati, was initiated by social reformers. Purdah, women's education, and old marriage were gradually abandoned to eradicate Sati, child marriage, and other bad customs. Prarthana Samaj, Arya Samaj, Ramakrishna Mission, Brahmo Samaj, and other social reformers led by Mahatma Gandhi started movements to end such evil practices, and the results showed a significant improvement in the status of women.<sup>2</sup>

Since ancient times, women have suffered at the hands of men. Crimes against women know no bounds. The issue of crime against women is widespread. Although women's status has undoubtedly changed over time, sexual crimes continue to rank highest among crimes specifically committed by women. Notwithstanding the national and international efforts to address crimes against women, there has been no decrease in these crimes. It is noteworthy that India's laws regarding crimes against women need to be changed over time.

The entire nation was shocked by the horrifying gang rape (also known as the Nirbhaya case) that occurred in Delhi on December 16, 2012. Because of the seriousness of this case, there was widespread rage and protest against the perpetrators of this and other rape cases across the nation, and society looked to the legal system for answers. The United Nations Entity for Gender Equality and Empowerment of Women denounced and widely protested this incident globally. The Indian government was urged to take all necessary steps to finalise radical reforms and guarantee justice.

The Central Government modified the criminal code in order to properly handle cases of sexual harassment following the events of December 16, 2012. To make recommendations, a judicial committee

---

<sup>1</sup> [https://www.bhajanganga.com/mobile\\_bhajan/lyrics/id/20282/title/kanhiya-lagla-tujha-re-chnd-mla-sang-na-bol-na](https://www.bhajanganga.com/mobile_bhajan/lyrics/id/20282/title/kanhiya-lagla-tujha-re-chnd-mla-sang-na-bol-na)

<sup>2</sup> Anima Bose, Women in Gandhi's India, India International Centre Quarterly Vol. 2, No. 4 (October 1975), pp. 280-29

headed by former Supreme Court Justice J.S. Verma and comprising Justice Leela Seth of the Delhi High Court and former Solicitor General of India Gopal Subramaniam was established. The committee held a report-presenting meeting on January 23, 2013. The laws about rape, sexual harassment, trafficking, child sexual abuse, victim medical examinations, police, elections, and education should all be changed, according to this report's recommendations. The Justice Verma Committee proposed several changes to the legislation and the introduction of an ordinance in the Parliament to put those changes into effect. Parliament passed the 2013 Criminal Law (Amendment) Act. In order to address crimes against women, this amendment made extensive changes to the Indian Penal Code 1860, the Code of Criminal Procedure 1973, and the Indian Evidence Act 1872.

Following the case of the eight-year-old girl's kidnapping, gang rape, and murder in Kathua, Jammu and Kashmir, in January 2018, protests broke out all over the nation, and strict action was demanded against the accused. Following this, the Parliament passed the Criminal Law (Amendment) Act 2018, which classified rape victims into three age groups: rape of a woman under the age of twelve, rape of a woman under the age of sixteen, and rape of a woman over the age of twelve. gang rape of a female underage victim. A requirement pertaining to equality is imposed by Article 16 with regard to public appointments. According to Article 21 of the Indian Constitution, the right to personal liberty and physical security extends beyond the mere right to life and physical security. In *the Maneka Gandhi v. Union of India case*,<sup>3</sup> the Supreme Court ruled that the right to life encompasses both the right to life and...

It was made clear that leading a life of dignity and peace is covered by the right outlined in Article 21. Once more, the Supreme Court made it clear in *Francis Coralie v. Union Territory of Delhi* that the right to life encompasses more than just the preservation of one's body and organs; rather, it also includes something else that is recognized as human dignity. The Supreme Court defined sexual harassment in the case of *Vishaka v. State of Rajasthan*<sup>4</sup>. The Supreme Court stated that proposing to establish physical relations, requesting sexual relations, molesting or performing sexual acts, and displaying pornographic literature or pictures are all considered sexual crimes against working women.

Despite legal prohibitions on sexual relations, there is still room for reduction in sexual crimes. It was not possible. Given that sexual desire is a human biological predisposition. It applies to everyone in the same way, regardless of gender, wealth, or level of education. But depending on the person, this desire may or may not be more intense. As a result, crimes against women occasionally take on different forms. As time goes on, discrimination against women is evolving as well. The number of sexual crimes is rising, and national and international efforts to protect women appear to be having less of an impact.

Human rights and women's rights organizations have criticized the Criminal Law (Amendment) Acts 2013 and 2018 for not implementing some of the Verma Committee's recommendations. Among these recommendations are changes to the Armed Forces (Special Powers) Act and the designation of marital rape as a crime.

Given this context, the researcher will try to conduct a thorough analysis of the legislative changes made possible by the aforementioned Acts, critically evaluating their provisions and suggesting actions that could be taken to improve the effectiveness of the law in particular and the status of women in general.

Prior research on criminal law and sentencing consistently demonstrates that eliminating judicial discretion for an offense leads to a decrease in the rate of convictions. In his analysis of sentencing systems worldwide, Andrew Ashworth observes that mandatory minimum sentences rarely produce

---

<sup>3</sup> 1978 AIR 597, 1978 SCR (2) 621

<sup>4</sup> AIR 1997 SUPREME COURT 3011, 1997

the intended outcomes and frequently clash with fundamental principles of considering individual sentencing factors when determining sentencing outcomes. Considering sentencing as a component of the broader criminal justice system, the author observes that prosecutors and judges frequently exert considerable effort to redirect cases away from mandatory minimum sentences that they perceive as excessively severe in general or specific instances. Research on jury nullification has demonstrated that juries frequently absolve defendants, even with compelling evidence of guilt, due to their convictions of justice and fairness and the belief that the defendant is undeserving of punishment. William Stuntz observed<sup>5</sup> that jury nullification arises when juries are stripped of their authority, leaving them with no choice but to acquit when they believe that the punishment is excessively severe for the crime.

In cases of sexual offences, mandatory minimum sentences have rarely yielded favourable outcomes in the process of adjudication. Kristina Scurry Baehr's analysis of a decade's worth of data on mandatory minimum sentencing for sexual violence in South Africa revealed a correlation with increased disparities in sentencing for various sexual offences. In India, similar patterns have been observed in instances of custodial rapes, where the implementation of harsher punishments has not led to an increase in the number of complaints or convictions. This can be attributed to the limitations of the existing legal system. Feminist groups that presented their demands to the Verma Committee have also recognized the soundness of this argument while condemning the use of capital punishment. Mrinal Satish contends that in the Indian context, implementing mandatory minimum punishments would transfer decision-making power from the judiciary to the police. Furthermore, even in prosecuted cases, judges would likely absolve the accused considering the aforementioned factors. However, this research was disregarded, and the extensive body of criminal law research conducted in various jurisdictions was ignored when advocating for the implementation of mandatory minimum sentences and the elimination of judicial discretion for rape in India.

#### **Research Objective of the research of the problem:**

This study's primary aim is to critically analyse the effects of the Criminal Law (Amendment) Acts of 2013 and 2018 on women's security<sup>6</sup>. This research aims to examine how women's status has changed over time in Indian society, identify the major categories of crimes that women in India currently face and the factors that have contributed to their rise, as well as the specific protections afforded to them by both international and Indian constitutional law. The research examines the historical context of the Criminal Law (Amendment) Acts of 2013 and 2018 and evaluates the modifications made to the current criminal laws. to evaluate the Supreme Court's and the High Court's perspectives on sexual offences against women. additionally, to research how the government is acting to support women.

#### **Subject Area of Study:**

This study's scope extends to studying women's status in India and how it has changed over time. Apart from this, it is also limited to a brief analysis of the existing laws available to deal with sexual crimes committed against women in our country and various national and international laws and efforts made to establish gender justice.

#### **Hypothesis:**

This research paper is based on the following hypotheses-

- Even after the enforcement of the Criminal Law (Amendment) Act 2013 and 2018, there has been no reduction in crimes against women.

---

<sup>5</sup> 23-370 Erlinger v. United States (06/21/2024)

<sup>6</sup> [https://www.law.cornell.edu/women-and-justice/resource/the\\_criminal\\_law\\_\(amendment\)\\_act\\_2013](https://www.law.cornell.edu/women-and-justice/resource/the_criminal_law_(amendment)_act_2013)

- How effective is the Criminal Law (Amendment) Act in the present situation?
- Prevention of Crimes against Women (Amendment) Act
- What is the social attitude when sexual crimes occur against women?
- How many successful efforts have been made at the international and national levels to curb crimes against women?
- What efforts are made by government and non-government organisations to prevent crimes against women?

### **Methodology of the research study:**

This thesis critically analyses various national and international laws related to gender justice and crimes against women. Hence, the methodology adopted is theoretical and non-empirical in nature. The study proceeds by structurally analysing all the concepts, first critically analysing the law and then discussing the judiciary's perspective. After that, social and legal suggestions are made based on a detailed analysis of the laws' effectiveness and shortcomings in light of the prevailing social conditions.

### **Discussion**

The Criminal Law (Amendment) Act 2013 was implemented to enhance the effectiveness of preventing sexual offences through deterrence. In addition, the Criminal Law (Amendment) Act, 2018 was passed to establish more severe penalties, including the death penalty, for the rape of girls under the age of 12. The Act also requires, among other things, that investigations in rape cases be concluded and charge sheets be filed within a period of 2 months. Additionally, trials for these cases must also be concluded within 2 months.

The Criminal Law (Amendment) Act of 2013 was enacted in response to the Nirbhaya case, in which a female student was gang-raped in December 2012. The Act amended several provisions of the Indian Penal Code, the Indian Evidence Act, and the Criminal Procedure Code. This amendment to the Indian Penal Code added several new offences, including acid attack (Sections 326 A & B), voyeurism (Section 354C), stalking (Section 354D), attempting to disrobe a woman (Section 354B), sexual harassment (Section 354A), and sexual assault resulting in death or injury that causes a person to be in a persistent vegetative state (Section 376A). The Act also revised existing offences to make them more stringent. Significantly, the scope of rape, as defined in Section 375, was expanded to include actions other than penetration. Section 370 was also replaced by Section 370A, which added another provision. The revised section included the UN Trafficking Protocol's definition of trafficking but excluded the term "forced labour." Please see the Criminal Law (Amendment) Act 2018 for additional changes to offences involving rape and sexual violence.

### **Justifications for the implementation:**

The widespread public anger and shock caused by the brutal gang rape and subsequent death of the physiotherapy intern in India's capital city, New Delhi, was the main catalyst for the enactment of the Criminal Law (Amendment) Act, 2013. This legislation aimed to modify the existing laws about sexual offences in India. The Act is considered a significant revision to the current criminal laws, specifically the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act.

The Nirbhaya Case, also known as the 2012 Delhi Gang Rape Case: The 2012 Delhi gang rape case pertained to a heinous incident that took place on 16 December 2012 in Munirka, a district situated in the southern region of New Delhi. A 23-year-old female physiotherapy intern was subjected to severe physical assault and sexual violation in a privately-owned bus, while a male friend accompanied her. The victim subsequently succumbed to her injuries. The incident sparked extensive national and

international media attention and received widespread condemnation, both within India and internationally. Following that, there were public demonstrations in New Delhi against the Government of India and the Government of Delhi due to their failure to ensure sufficient security for women. During these protests, thousands of demonstrators engaged in clashes with security forces. Comparable demonstrations occurred in prominent urban centers nationwide, advocating for more stringent legislation and expeditious dispensation of justice.

Contrasting perspectives on the use of the death penalty as a form of punishment for rape: The Ordinance modifies the Indian Penal Code (IPC) to authorize the imposition of capital punishment as a penalty for the rape of girls under the age of 12 years. Although there is a broader debate regarding the permissibility of capital punishment, our focus here is specifically on the issue of implementing the death penalty for the crime of rape.

During the examination of the punishment for the crime of rape, the Justice Verma Committee (2013) discussed whether the death penalty should be given. The Committee recognized that rape is a heinous crime. Still, it emphasized the importance of ensuring that the punishment is commensurate with the offence, considering the possibility of rehabilitating the survivor. The Committee endorsed the implementation of stricter penalties, including the possibility of life imprisonment, for the crime of rape, while excluding the option of imposing the death penalty. The Law Commission (2015) noted that courts have exhibited inconsistency in imposing the death penalty in cases involving the rape and murder of underage boys and girls. In March 2013, the Criminal Law (Amendment) Act, 2013 was enacted by Parliament to modify the Indian Penal Code (IPC) in order to authorize the imposition of capital punishment exclusively in instances of rape where the associated violence results in the victim's death or leaves them in a permanent vegetative state, as well as in cases involving repeat offenders.

Conversely, some argue that implementing the death penalty for rape crimes could serve as a deterrent and consequently decrease the occurrence of such offences. Moreover, the imposition of the death penalty enables the victims to obtain retributive justice.[6] Throughout the years, multiple court rulings have restricted the use of the death penalty to only the most exceptional and uncommon cases, and have established specific criteria to assess whether the accused should be sentenced to death. Consequently, courts are authorized to impose the death penalty for rape only in extraordinary situations, such as when it is not feasible to reform and rehabilitate the offender.

When the Verma Committee sought input from the public on revising laws pertaining to sexual violence, feminist organizations perceived it as a chance to promote the implementation of legal changes that are not influenced by traditional beliefs about women's sexuality. However, the aforementioned data clearly demonstrate that these stereotypes still have an impact on the way rape cases are decided, even after the implementation of the CLA 2013. Indeed, feminist groups were just one group involved in the Verma Committee's discussions, and their input was not the only factor that influenced the passing of the CLA 2013. It is worth noting that several recommendations made by the Verma Committee, particularly those related to social and governance reform, were not incorporated into the new law. Nevertheless, despite the implementation of a mandatory minimum and the utilization of punitive criminal law as a platform for advocating pro-women reform, feminist groups did not effectively involve themselves in in-depth discussions and research on criminal justice and sentencing policy. This section contends that feminist groups' inadequate attention to criminal justice and sentencing issues revealed inconsistencies in their perception and comprehension of sexual violence. Specifically, it highlights a lack of coherence in their approach to punishing rape. The CLA 2013 serves as a clear example of the unintended outcomes that arise from feminist involvement with the government, which is indicative of governance feminism. Consequently, this emphasizes the challenges associated with employing criminal law as a platform for feminist reformation.

**Analysis of judgements reveals the relationship between the Criminal Law Amendment Act (CLA) of 2013 and the process of determining guilt or innocence in rape cases.**

An analysis of judicial rulings demonstrates the impact of the Criminal Law Amendment Act (CLA) 2013 on the process of determining guilt or innocence in cases of rape. Unlike their American counterparts, the Indian Women's Movement (IWM) has consistently voiced concerns about carceral projects that enhance the power of the corrupt, post-colonial government. Nevertheless, both IWM activists and other feminists in India have not entirely disassociated themselves from the state's incarceration initiatives. Feminists actively participated in the Verma Committee's endeavors to enforce legal reforms targeting sexual violence, ultimately resulting in the enactment of the CLA 2013.

The CLA 2013, which incorporated a range of Verma Committee recommendations, responded to longstanding demands from feminist organizations for legislation addressing sexual violence. This encompassed acknowledging and meting out consequences for a broad spectrum of non-penetrative sexual transgressions committed against women.<sup>6</sup> However, although the IWM expressed doubts about government-led prison initiatives, feminist organizations that submitted requests to the Verma Committee showed a lack of careful deliberation and engagement in the matter of determining appropriate sentences and punishments for sexual violence.<sup>7</sup> For instance, although they strongly oppose the death penalty, they support the idea of life imprisonment without the possibility of parole or early release (LWOP), which, similar to capital punishment, has been widely criticized by experts in the field of criminal justice.<sup>8</sup> Furthermore, despite facing significant resistance, feminist organizations actively supported the removal of judicial discretion and the establishment of a mandatory minimum prison sentence of seven years for cases of rape. This request was ultimately incorporated into the CLA 2013. This section provides a concise overview of the assessments made on the judgments regarding rape cases that were pronounced by the trial courts in Delhi from 2013 to 2018. The analysis commences by monitoring alterations in the outcomes of rape cases, subsequently scrutinizing the factors contributing to acquittals, the attributes of resolved cases, and the handling of non-peno-vaginal rapes by the CLA 2013. Although the CLA 2013 had the noble aim of granting women greater sexual autonomy and dignity, it ultimately did not succeed in achieving the desired enhancements in the handling of rape cases. Undoubtedly, it resulted in unintended outcomes, including a reduction in the number of successful convictions for rape.

Cyber threats, ransomware, and other cyber offenses have recently increased in frequency, and we have realized that legislation is needed to tackle these complex crimes. Several sections of the Indian Penal Code (IPC), the Code of Criminal Procedure (Cr.P.C.), and the Protection of Children from Sexual Offences (POCSO) Act are set to be amended by the Criminal Law Amendment Bill 2018 in 2018. Taking the victim's age into account, it also aims to raise the minimum sentence for rape.

The Criminal Law Amendment Act of 2018 is a direct consequence of the heinous events that deeply affected the conscience and moral values of the entire nation. The interest in strengthening rape laws has been growing due to numerous incidents of youth assault. The infamous Kathua rape case and the Unnao rape case sparked this interest, marking a significant turning point in 2018. Following the modification or rectification, Section 376 deals with three categories of punishment for sexual assault, including assault of women by police officers, public servants, members of the military, etc. This is due to implementing the 2018 Criminal Law (Amendment) Legislation, which amended four key Acts.

Several human rights and women's rights organizations have strongly criticized the Criminal Law (Amendment) Act, 2013 for failing to incorporate specific recommendations made by the Verma Committee Report. These recommendations include the criminalization of marital rape, lowering the age of consent, and amending the Armed Forces (Special Powers) Act to eliminate the requirement of sanction for prosecuting armed force personnel accused of crimes against women. The Government of



India responded by stating that it has not outrightly dismissed the suggestions, but is open to making changes after thorough deliberation.

The Criminal Law (Amendment) Act of 2013 is widely recognized as a significant measure implemented by the Indian government to address and reduce incidents of violence against women. The Act made significant revisions to the Indian Penal Code, expanding the scope of certain offences and introducing new offences, such as acid attacks, which previously did not have a specific provision or definition in the Code.

The 2013 Act should be considered as a temporary measure in the ongoing fight against sexual and gender-based violence in India. The most daunting challenge is the complete transformation of existing beliefs about rape and sexual offences in a society that is supposedly struggling with moral "confusion." This is because economic modernization requires extensive changes in gender roles, while social attitudes continue to be deeply rooted in moral conservatism and misogyny.

There are already abundant laws that prescribe severe punishment to discourage crimes committed against women. What is needed is a specific and comprehensive legislation. This goal was partially accomplished by enacting the Criminal Law (Amendment) Act, 2013. The aim is to foster sensitivity, comprehension, and most importantly, a mindset among police officers and executives to enforce the laws with a focus on their true intent rather than just their literal interpretation. Only then can deterrent punishment be imposed for crimes against women.

On March 15, 2014, the Supreme Court issued a stay of execution for two individuals, Pawan and Mukesh Gupta, until March 31. The High Court of Delhi has affirmed the death sentence. Entered the most exceptional and uncommon category.

Critics of the 2013 Act come from various political and ideological backgrounds. An important omission of the Act is its failure to criminalize marital rape, despite the recommendation of the Verma Committee. This puts India in the same category as a few other countries, such as China, Pakistan, and Saudi Arabia. During the intense discussion leading up to the passing of the 2013 Act, those against criminalizing marital rape argued that it would undermine the institution of marriage and enable women to falsely accuse their spouses of rape, as it was considered challenging to provide evidence of rape within marriage. The proposed solution advocated by those who claim to be experts in saving marriages is either divorce or legal action for acts of cruelty, but not for cases of rape. Nevertheless, these "justifications" fail to acknowledge the precise and distinct harms caused by the crime of rape. Rape infringes upon a woman's physical integrity and sexual autonomy by compelling her to engage in unwanted sexual intercourse.

#### **Rationale for Criminal Amendment Act, 2018<sup>7</sup>**

India has been ranked as the most perilous nation for women by a report from the "Thomson Reuters Foundation" due to its high incidence of sexual violence, human trafficking, child labor, child marriage, and female foeticide. The National Record Crime Bureau (NRCB) reported approximately 24,923 rape cases in India in 2012, according to its annual report for that year. In 98% of cases, the perpetrator was discovered to be a family member of the victim. The per capita rate of assault is typically underreported. However, the occurrence of rape cases such as the Kathua rape case and the Unnao rape case has incited and spread intense animosity among the general public. The sensation of condemnation leads to media coverage and public demonstrations advocating for justice. This phenomenon has resulted in a heightened inclination to report instances of rape, prompting the Indian government to enact amendments to the current penal legislation. Therefore, the Criminal Amendment Act was necessary.

---

<sup>7</sup> Criminal Law Amendment Act, 2018, July 29, 2019

The Ministry of Law and Justice presented the Criminal Law Amendment Bill 2018 in the Lok Sabha on July 23, 2018. The Lok Sabha approved it on July 30 and by the Rajya Sabha on August 6. This bill seeks to address the concerns of victims who have experienced sexual assault and to establish the death penalty as punishment for individuals found guilty of raping a girl under the age of 16 or 12. The new legislation superseded the presidential ordinance issued in April and made necessary modifications to the Indian Penal Code of 1860, the Code of Criminal Procedure of 1973, the Evidence Act of 1872, and the Protection of Children from Sexual Offences (POCSO) Act of 2012.

This section, inserted immediately after Section 376A, stipulates that anyone who engages in sexual intercourse with a female under the age of 12 will be subject to a minimum of 20 years of rigorous imprisonment. The maximum punishment can extend to life imprisonment, reflecting the gravity of the offense and serving as a reminder that such actions are completely illegal and morally wrong. Additionally, the offender may be fined or face the death penalty. Furthermore, the responsible party is obligated to provide compensation, which should be fair and appropriate, to cover medical costs and aid in the rehabilitation of the victim. Section 376DA was inserted after Section 370D, which states that if a woman under the age of sixteen is raped by a group of people or if they collectively commit an act with a common intention, each person involved will be considered to have committed the offense of rape. The punishment for this offense is life imprisonment, which implies that the act is completely illegal and morally wrong. In legal terms, it serves as a reminder that the person responsible will spend their entire life in prison, and may also face a fine or the death penalty. Furthermore, the individual is responsible for providing compensation, which should be fair and appropriate, to cover medical costs and aid in the rehabilitation of the victim. This section stipulates that if a woman under the age of 12 is raped by a group of people acting together, each individual involved will be considered to have committed the crime of rape. The punishment for this offense is life imprisonment, which signifies that the act is completely illegal and morally wrong. In legal terms, it serves as a reminder that the perpetrator will spend the rest of their life in prison, and may also face a fine or the death penalty. Furthermore, the responsible party is obligated to provide compensation, which must be fair and appropriate, to cover medical expenses and aid in the rehabilitation of the victim. Section 166A of the law pertains to the act of a public servant disobeying directions and consists of three clauses. Clause (c) is replaced by sections 376AB, 376B, 376C, 376D, 376DA, and 376DB. Section 228A pertains to the disclosure of the victim's identity in specific criminal offenses. Subsection 1 of this section has been replaced by Section 376AB, 376B, 376C, 376D, 376DA, and 376DB. Section 376 of the law addresses the penalties for the crime of rape. Sub-section 1 of this section has been replaced with the following provision: "Anyone who commits the offense of rape shall be sentenced to a minimum of 10 years in prison, or possibly life imprisonment, in addition to a fine." The amendment to section 376 has repealed sub-section 1, clause (a) of sub-section 2.

Following sub-section 2 of section 376, a new sub-section, namely "3", has been added. This sub-section states that anyone who commits the crime of rape with a woman under the age of sixteen will be sentenced to rigorous imprisonment for a minimum of 20 years, and may also face life imprisonment. This provision serves as a clear indication that such actions are completely illegal and unacceptable. In legal terms, it serves as a reminder that the offender may spend the rest of their life in prison or face a fine or even the death penalty. Furthermore, the individual is responsible for providing compensation, which should be fair and appropriate, to cover medical costs and aid in the rehabilitation of the victim. Furthermore, any payments made by the accused under this section will be directed to the individual in question, who is the victim.

After reviewing multiple revisions and newly added sections in the Indian Penal Code (IPC), the Code of Criminal Procedure (Cr.PC), the Indian Evidence Act, and the Protection of Children from Sexual Offences (POCSO) Act. The Criminal Amendment Act of 2018 aims to provide protection to women against the heinous crime of sexual assault. As the incidence of sexual assault has increased, so

has the severity of the perpetrators' actions. In the majority of rape cases, incidents often go unreported due to a combination of factors such as the absence of legal validity and social barriers, which impede the victim's ability to seek justice. However, in light of recent incidents such as the Kathua rape and Unnao rape cases, the Government of India has recognized the urgent need to make necessary amendments to the penal laws. The aim is to ensure the welfare and safety of all women, considering the distressing circumstances that have arisen. These cases have created a deplorable situation where women no longer feel secure even within the confines of their own homes. It is alarming to note that in many instances, the perpetrators are either relatives or acquaintances of the victims. Therefore, there is an absolute necessity for legislation pertaining to the safety of women and children.

### **Conclusion**

The Criminal Law (Amendment) Act of 2018 and 2013 were responsible for significant modifications in the country's criminal legislation. The proposed modifications aim to enhance the severity of anti-rape legislation to decrease the incidence of the crime. If the investigation and appeal timeline is implemented correctly, it will reduce the crime rate. To achieve overall successful outcomes, it is imperative to supplement such reforms with additional enhancements to the criminal justice system.

### **References**

- [1]. B S, Pooja & Guddattu, Vasudeva & Rao, K.. (2024). Crime against women in India: district-level risk estimation using the small area estimation approach. *Frontiers in Public Health*. 12. 10.3389/fpubh.2024.1362406.
- [2]. Bhattacharyya, Rituparna. (2013). Criminal Law (Amendment) Act, 2013: Will it ensure women's safety in public spaces?. *Space and Culture, India*. 1. 13-27. 10.20896/saci.v1i1.11.
- [3]. Cherukuri, Suvarna. (2021). Sexual Violence against Women, the Laws, the Punishment, and Negotiating the Duplicity. *Laws*. 10. 27. 10.3390/laws10020027.
- [4]. The Criminal Law (Amendment) Act, 2013 available at [http://www.ycce.edu/admin/pdf/Anti-rape\\_bill\\_2013.pdf](http://www.ycce.edu/admin/pdf/Anti-rape_bill_2013.pdf); accessed on 13.02.2014
- [5]. Dayal, Bhawana & Singh, Neetu. (2014). crimes against womens and societal ills: an overview. *international journal of advanced scientific and technical research*. 3. 44-56.
- [6]. [https://mha.gov.in/sites/default/files/CSdivTheCriminalLawAct\\_14082018\\_0.pdf](https://mha.gov.in/sites/default/files/CSdivTheCriminalLawAct_14082018_0.pdf)
- [7]. [https://www.washingtonpost.com/news/worldviews/wp/2018/06/27/india-ranked-worlds-most-dangerous-place-for-women-reigniting-debate-about-womens-safety/?noredirect=on&utm\\_term=.45a37141fd60](https://www.washingtonpost.com/news/worldviews/wp/2018/06/27/india-ranked-worlds-most-dangerous-place-for-women-reigniting-debate-about-womens-safety/?noredirect=on&utm_term=.45a37141fd60)
- [8]. <https://www.lawctopus.com/academike/criminal-law-amendment/>
- [9]. Jha, M.K. & Majumder, B.C. & Bose, T. & Bhullar, D.S. & Oberoi, S.S. & Sandhu, S.S. & Garg, A.. (2013). Rape law-latest trends: Criminal law (amendment) act 2013 and supreme court on right to privacy. 13. 45-48.
- [10]. Report of the Committee on Amendments to Criminal Law, 2013, January 23, 2013.
- [11]. Report No. 262: The Death Penalty, Law Commission of India, August 2015.
- [12]. Report No. 35: Capital Punishment, Law Commission of India, September 1967.
- [13]. Report Summary: Report of the Justice Verma Committee on Amendments to Criminal Law, 2013" available at <http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/>
- [14]. Sandeep Joshi, "Verma Committee moots severe punishment for voyeurs, stalkers" available at <http://www.thehindu.com/news/national/verma-committee-moots-severe-punishment-for-voyeurs-stalkers/article4369797>
- [15]. Sarkar, Sukanta. (2024). Crime against Women in States of Southern Region of India: Reality vs. Government Policies. *International Journal of Management Public Policy and Research*. 3. 10.55829/ijmpr.v3i2.219.

- [16]. Sheokand, Uma. (2017). "Crime Against women; Problems and Suggestions: A Case Study of India". *International Journal of Management and Social Sciences*. 5. 218 to 223.
- [17]. *State v. Ram Singh and Ors.*, Date of judgement: 10-09-2013
- [18]. Suvir Raghuvansh, Criminal Law Amendment Act,2013 Analysis, *International Journal of Law and Legal Jurisprudence Studies*.

Thakur, P & Yadav, Jayanti & Arora, Arneet. (2015). Criminal Amendment Act 2013 and Issue of Age. *Journal of Indian Academy of Forensic Medicine*. 37. 422. 10.5958/0974-0848.2015.00108.6.

The Criminal Law (Amendment) Bill, 2013 - A Critical Analysis" available at <http://rostrumlegal.in/the-criminal-law-amendment-bill-2013-a-critical-analys>