**New Amendments in Rape Law**

Seeing the indignation over rape the Union Cabinet Chaired by PM Narendra Modi has given approval to the promulgation of the Criminal Law (Amendment) Ordinance, 2018 for emphatic deterrence against the commission of Rape. The ordinance amends Indian Penal Code, Code of Criminal Procedure, Indian Evidence Act, and Protection of Children from sexual Offences. It has also been decided to put in place a number of measures for speedy investigation and trial of Rape cases.

The changes comes against the backdrop of the alleged of **Kathua rape and murder case** and **Surat** district recently. Here are the changes made to the present Rape law in place:

**Amendment to IPC:**

* Section 376; Minimum punishment for Rape increased from seven years to Ten Years but the maximum punishment remains the same; Life Imprisonment.
* Section 376(c) has been added, which prescribes the Minimum punishment has been increased from 10 years to 20 Years extendable to imprisonment for rest of life, which shall mean imprisonment till that person’s Natural Life, to a person committing rape on a woman under 16 years of Age.
* A new Section 376AB has been inserted, which prescribe the minimum punishment of 20 years stringent imprisonment to a person committing Rape on a women less than 12 Years of age or imprisonment for rest of Life or with death.
* Section 376DA provides minimum punishment of life imprisonment for persons involved in gang rape of woman aged less than 16 years.
* Section 376DB provides minimum punishment will be imprisonment for rest of life or death sentence for persons involved in gang rape of woman aged less than 12 years and such a person can be awarded Death Penalty as well.
* It is also provided in these sections, that such fine shall be imposed which shall be just and reasonable to meet the medical expenses and rehabilitation of the victim and the fine imposed is to be paid to the victim.
* Section 376 (2) (a), the sentence “within the limits of the police station to which such police officer is appointed” has been omitted. This omission implies, no matter where a Police officer commits rape, he is to be punished with rigorous imprisonment.

**Amendment to CrPC**

* The investigation in relation to in all Rape cases may be completed within three months from the date on which the information was recorded by the officer in charge of the police station.
* The provisions of Code of Criminal Procedure have also been amended to insert a subsection which prescribes six months times to dispose of an appeal in rape cases.
* No Anticipatory bail can be granted to a person accused of rape of girls of age less than 16 Years.
* New Sub Section has been added to Section 439 which mandates presence of informant or any person authorized by him at the time of hearing application for bail to a person accused of rape of girls of age less than sixteen years.

**Amendment to POCSO**

* Section 42 of the POCSO Act has been also amended to include newly inserted IPC provisions section 376AB, section 376DA, and section 376DB.

**Amendment to Evidence Act**

* Section 53A of the Evidence Act that deals with evidence of character or previous sexual experience not relevant in certain cases and Section 146 of the Act that deals with evidence of character or previous sexual experience not relevant in certain cases, has also been amended to include newly inserted IPC provisions section 376AB, section 376DA, section 376DB.

**Speedy Investigation and Trial**

* While proposing stricter punishment for Rape in the Criminal Law (Amendment) Ordinance, 2018, the Union government has sought to speed up the delivery of justice in rape cases by prescribing a time limit for investigation, trial and appeal. Time limit for investigation of all rape cases has been prescribed, which has to be mandatorily completed within 2 months.
* Time limit for completion of trial of all rape cases has also been prescribed and it has to be necessarily completed in 2 months.
* 6 months’ time limit for disposal of appeals in rape cases has also been prescribed.
* To speed up the process, the government also plans to provide dedicated manpower for investigation of rape cases. Each state will get a dedicated forensic lab to process evidence in rape cases.
* Special forensic kits for rape cases will also be provided to all police stations and hospitals.
* The government also plans to set up new fast-track courts in consultation with states, Union Territories (UTs) and high courts. It also plans to create new posts of public prosecutors and related infrastructure.

**Restrictions on bail**

* It has been prescribed that there will be no provision for anticipatory bail for a person accused of rape or gang rape of a girl under 16 years.
* It has also been provided that court has to give notice of 15 days to Public Prosecutor and the representative of the victim before deciding bail applications in case of rape of a girl under 16 years of age.