

## The Criminal Law Amendment Ordinance, 2018

Security / Law / Strategic affairs

# The Criminal Law Amendment Ordinance, 2018

- The Criminal Law (Amendment) Ordinance, 2018 was promulgated on April 21, 2018. It amends certain laws related to rape of minors. The amendments are as follows:
- Amendments to Indian Penal Code (IPC), 1860:
- **Enhanced punishment for rape:** Under IPC, 1860, the offence of rape is punishable with a rigorous imprisonment of at least seven years up to life imprisonment, along with fine. The minimum imprisonment has been increased from seven years to ten years.
- **New offences:** The Ordinance introduces three new offences relate to rape of minors, and increases the penalty for one:
- **Table 1: New offences under the IPC, 1860** Sources: Indian Penal Code, 1860; The Criminal Law (Amendment) Ordinance, 2018; PRS.
- Amendments to Protection of Children from Sexual Offences Act (POCSO), 2012: Under the POCSO, 2012, for rape of minors (below 18 years), the punishment is at least seven years or life imprisonment, along with a fine. For rape of minors below the age of 12 years or for gang rape of minors, the punishment is rigorous imprisonment of at least ten years or life imprisonment, along with fine. The Ordinance amends the POCSO, 2012 to state that for all such offences, the punishment which is higher between the POCSO, 2012 and IPC, 1860, will apply.
- Amendments to Code of Criminal Procedure (CrPC), 1973:
- **Time-bound investigation:** The CrPC, 1973 states that an investigation into rape of a child must be completed within three months. The Ordinance reduces the time for completion of investigation from three months to two months. Further, the Ordinance extends this timeline to all offences of rape (including rape, gang rape, and rape of minors under the age of 12 years and 16 years).
- **Appeal:** The Ordinance states that any appeal against a sentence related to rape cases must be disposed of within six months.
- **Anticipatory Bail:** The CrPC, 1973 lists conditions for grant of anticipatory bail. The Ordinance makes the provision of anticipatory bail not applicable to rape and gang rape of minor girls below 12 years of age and below 16 years of age.
- **Compensation:** The CrPC, 1973 provides that all rape victims will be given free medical treatment and compensation by state government. This provision has been extended to cover rape and gang rape of minor girls below 12 years and below 16 years

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**Current Status: Ordinance: In force**


**Ministry: Law and Justice**

Stage	Date
Introduction	April 21, 2018

Com. Ref.  
Com. Rep.  
Lok Sabha  
Rajya Sabha

### Relevant Links

 [Ordinance Text](#) (575 KB)

 [PRS Ordinance Summary](#) (722 KB)

of age.

- **Prior sanction:** The CrPC, 1973 states that prior sanction is required for prosecution of all public servants, except for certain offences, like rape. This provision has been extended to cover rape and gang rape of minor girls below 12 years and below 16 years of age.
- **Amendments to Indian Evidence Act, 1872:** Under the Evidence Act, in determining whether the act was consensual or not, the past sexual experience or character of the victim is disregarded. This provision has been extended to the rape and gang rape of minor girls below 12 years of age and below 16 years of age.

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