

## LS passes Bill on rape punishment

Kiren Rijiju

The Lok Sabha on Monday passed the Criminal Law (Amendment) Bill, 2018, that provides for the death sentence for raping girls aged under 12 and enhances the minimum punishment for rape of a woman from seven years to 10.

The Bill amends the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act and the Protection of Children from Sexual Offences Act. The Bill, once passed by the Rajya Sabha, will replace the Criminal Law (Amendment) Ordinance promulgated in April 2018, following the outcry over the Kathua rape case. The minimum punishment for the rape of a girl under 12 will be 20 years of rigorous imprisonment, the maximum being the death sentence or life imprisonment. Earlier, the punishment was rigorous imprisonment ranging from 10 years to life imprisonment, Minister of State for Home Affairs Kiren Rijiju told the House in his reply to the debate on the Bill. For gang rape of a girl below 12, the punishment will be life imprisonment or death.

The minimum punishment for rape of a girl under 16 will be 20 years of rigorous imprisonment, extendable to life imprisonment. The punishment in such cases earlier was 10 years of rigorous imprisonment. In the case of gang rape of a girl below 16, the punishment will be life imprisonment.

The minimum punishment under the Bill for the rape of a girl over 16 is 10 years, extendable to life (under Section 376, IPC). The minimum punishment earlier was seven years and the maximum, life imprisonment.

The Bill also provides for investigation of rape cases within two months from the registration of an FIR, Mr. Rijiju said. While there was no timeline earlier for disposal of an appeal after conviction in a lower court, this would now have to be done within six months.

He said there was no longer any provision for anticipatory bail in the case of rape of a girl below 16. He said the government would set up fast track, special courts for rape cases.

He said the “character” of the victim would not be relevant to the question of consent.

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