Criminal Law (Amendment) Bill

Why in news?

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Lok Sabha has passed the Criminal Law (Amendment) Bill, 2018.

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What is Criminal Law (Amendment) bill?

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- In April 2018, Union government promulgated the Criminal Law (Amendment) Ordinance providing for the death penalty for the rape of girls below age 12.
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- Recently the Ordinance has been replaced by the Criminal Law (Amendment) Bill, 2018.
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- The Criminal Law (Amendment) Bill 2018 will amend relevant Sections of the IPC, CrPC and also POCSO Act.
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- The Criminal Law (Amendment) Bill 2018 enhances the minimum sentence for offence of rape against girl children of all three age categories (0-12, 12-16, 16-18).
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- Under new law, if the victim is under 12 years of age, the culprit faces minimum sentence of 20 years, up from 10 years previously and the maximum punishment is death penalty.
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What is the significance of this bill?

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- In the cases of Gang rape of child under 12, the minimum punishment is life sentence (earlier 20 years) while the maximum is death penalty.
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- POSCO was gender-neutral while the new law pertains to girls specifically.
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- Under this bill repeat offenders will be punished with life imprisonment or death.
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- The Bill provides for time-bound investigation in cases of rape of girl children. The investigation into rape of a child must be completed within two months.
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- The case is to be tried in a fast track court and any appeal against a sentence by the trial court must be disposed of within six months.
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- Accused is not entitled to anticipatory bail, under new law, in offences of rape of child less than 16 years of age.
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What is the implementation status of such bill?

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- Courts in at least two states have already sentenced four convicts to death under the provisions of the Ordinance.
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- These states are Madhya Pradesh and Rajasthan, both of which had also passed their own laws with the same provision.
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- Besides these, there have been four more death sentences in rape cases in Madhya Pradesh this year.
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What is state government’s plan on Criminal Law?

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- The Madhya Pradesh Assembly unanimously passed its Dand Vidhi (Madhya Pradesh Sanshodhan) Vidheyak on December 2017.
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- It has proposed amendments to sections of the IPC and CrPC, and was waiting for the President’s assent when the Centre passed the Ordinance.
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- This month, courts in the state have passed two death sentences under provisions of the Ordinance.

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- The Rajasthan government had passed its Criminal Laws (Rajasthan Amendment) Bill in March. It introduced sections 376AA (rape for girls up to age 12) and 376DD (gangrape for girls up to age 12), with both offences punishable with death.
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- Haryana and Arunachal Pradesh too had passed their Bills in March, with similar provisions.
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- After the Ordinance came, Haryana informed the Centre that the state was adopting the law.
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Source: Indian Express

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