

CHARTING THE LEGAL DEVELOPMENTS REGARDING SEXUAL OFFENCES

-LAWYERS COLLECTIVE

INDIAN PENAL CODE

Section	Indian Penal Code, 1860	Criminal Law (Amendment) Bill, 2012 (2012 Bill)	Justice Verma Committee Recommendations (JVC)	Criminal Law (Amendment) Ordinance, 2013
100	Right of Private Defence of the body extends to causing death	No Change	Includes right to private defence in case of acid attack	Accepted
S. 166A	--	<p>New S. 166A: Public Servant disobeying directions under law which prohibits him from requiring attendance of any person or where he knowingly disobeys the law regulating the manner in which investigation will be conducted.</p> <p>Punishment: SI upto 1 year(yr) or fine or both.</p>	<p>Retained New S. 166A. New Ss. (c) - Non-recording of FIR in relation to sexual offences is made a punishable offence</p> <p>Punishment: SI upto 5 yrs and fine.</p>	<p>Retained New S. 166A with New Ss. (c) - Non- recording of FIR in relation to any cognizable offence is made a punishable offence. Particular mention of non- recording in case of sexual offences is made.</p> <p>Thus, retained as in the JVC with changes.</p> <p>Punishment: SI upto 1 yr or fine or both. Retained as in the 2012 Bill.</p>

326A	--	<p>New S. 326A: Hurt by Acid Attack- Damage or grievous hurt caused by acid.</p> <p>Punishment: Imprisonment of either description for 10 years to life and Fine upto 10 lakh rupees which will be given to the complainant.</p>	<p>New S. 326A Voluntarily causing grievous hurt through use of acid, etc.</p> <p>Amended to expand it beyond acid to any other means with similar result.</p> <p>Punishment: RI for 10 yrs to life and Compensation for medical expenses.</p>	<p>New S. 326A Voluntarily causing grievous hurt through use of acid, etc.</p> <p>Retained as in JVC.</p> <p>Punishment: Imprisonment of either description for 10 yrs to life and Fine upto 10 lakh rupees to be given to complainant. Retained as in the 2012 Bill.</p>
LAWYERS COLLECTIVE				
			<p>Explanation 1- permanent or partial damage includes female circumcision or mutilation of her genitals.</p> <p>An explanation 2 was added which stated that the damage will not be required to be irreversible.</p>	<p>Female circumcision or mutilation of her genitals was not accepted.</p> <p>No such explanation was included.</p>
326B	--	<p>S. 326B: Attempt to throw or administer acid.</p> <p>Punishment: Imprisonment of either description for 5 yrs to 7 yrs and Fine.</p>	<p>S. 326B: Voluntarily throwing or attempting to throw acid, etc.</p>	<p>S. 326B : Voluntarily throwing or attempting to throw acid.</p>

			Punishment: RI for 5 yrs to 7 years and compensation for medical expenses of victim.	Punishment : Imprisonment of either description for 5 yrs to 7 years and Fine. Retained as in the 2012 bill.
354	Assault or Criminal Force to Woman with intent to outrage her modesty.	Substantive offence not changed.	<p>New S. 354: Sexual Assault and Punishment for Sexual Assault.</p> <p>It collapsed the distinction between sections 354 and 509 and brought it within one section.</p> <p>This section includes intentional non-consensual touching of a sexual nature as well as words, acts and gestures which create an unwelcome threat of a sexual nature or result in unwelcome advance. It includes display and dissemination of pornographic material.</p>	<p>S. 354: Assault or Criminal Force to Woman with intent to outrage her modesty.</p> <p>JVC was not accepted. Retained section 354 as provided in the IPC.</p>
	Punishment: Imprisonment of either description upto 2 yrs or fine or both	Punishment: Imprisonment of either description for 1 yr to 5 yrs and Fine not less than 1000 rupees.	Punishment: Graded punishment- tactile offences are punishable upto 5 yrs RI or fine or both; non-tactile offences are punishable upto 1yr imprisonment of either description or fine	Punishment: Imprisonment of either description for 1yr to 5 yrs and fine, as in the 2012 Bill.

LAWYERS COLLECTIVE

			or both.	
Sexual Harassment	-	-	-	<p>New Section 354A on Sexual Harassment based on the guidelines given in the Vishaka judgment. Provides that unwelcome physical contact, request for sexual favors, sexually coloured remarks, forcibly showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature will be punishable.</p> <p>Punishment: It grades the punishment where offences of unwelcome physical contact and demand for sexual favors are punishable with RI upto 5 yrs or fine or both. The other offences such as making sexually coloured remarks, forcibly showing</p>

LAWYERS COLLECTIVE

				pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature are punishable with imprisonment of either description upto 1 yr or fine or both.
Assault or use of criminal force to women with intent to disrobe her.	-	-	<p>New S. 354A: Assault or use of criminal force to women with intent to disrobe her.</p> <p>Whoever assaults or uses criminal force or abets such act with the intention of disrobing a woman or compelling her to be naked in any public place will be punished.</p> <p>Punishment: Imprisonment of either description for 3 yrs to 7 yrs and Fine</p>	<p>New S. 354B: Assault or use of criminal force to women with intent to disrobe her.</p> <p>Accepted JVC in full.</p>
Voyeurism	-	-	<p>New S. 354B: Voyeurism - Watching a woman engaging in a private act when she does not expect to be observed.</p> <p>Punishment On first conviction, punishable with imprisonment of either description for 1yr to 3 yrs and</p>	<p>New S. 354C: Voyeurism- Accepted the JVC in full.</p>

LAWYERS COLLECTIVE

			<p>fine.</p> <p>On subsequent conviction, punishable with imprisonment of either description for 3yrs to 7 yrs and fine.</p>	
Stalking	-	-	<p>S. 354C:Stalking-Contacting or attempting to contact a person or monitoring the person digitally or spying on the person in a manner, which interferes with the mental peace of the person.</p> <p>Punishment: Imprisonment of either description for 1yr to 3yrs and fine</p>	S.354D: Stalking- Accepted the JVC in full.
370	Buying or disposing of any person as a slave.	No change.	<p>Replaced with Trafficking – Recruiting, transporting, harboring or receiving person by means of threat, coercion, abduction, deception, abuse of power or inducement for the purpose of exploitation is trafficking.</p> <p>Explanation 1: Exploitation includes prostitution, other sexual exploitation, forced labour, slavery, servitude, removal of organs.</p>	370: Trafficking- Accepted the JVC in full.

LAWYERS COLLECTIVE

			<p>Explanation 2: Consent of the victim is immaterial to the offence.</p> <p>Punishment: RI for 7 yrs to 10 yrs and fine</p>	
Employing of a trafficked person	-	-	<p>S. 370A: Employing of a trafficked person -</p> <p>Ss.(1) Knowingly employing a trafficked child</p> <p>Punishment: RI for 5 yrs to 7 yrs and fine.</p> <p>Ss.(2) Knowingly employing a trafficked adult</p> <p>Punishment: RI for 3 yrs to 5 yrs and fine.</p>	S. 370A: Accepted the JVC in full.
375 Rape	<p>Rape</p> <p>Perpetrator is male and victim is female</p> <p>Limited to penile vaginal penetration</p>	<p>Sexual Assault</p> <p>Perpetrator and victim are gender neutral</p> <p>Ss. (a) Penetration for sexual purpose into anus, vagina, urethra, mouth by penis or any object.</p>	<p>Rape</p> <p>Perpetrator is male and victim is gender neutral</p> <p>Ss. (a) Penetration by penis or object into anus, urethra, vagina only. Deleted penetration into mouth.</p>	<p>Sexual Assault</p> <p>Perpetrator and victim are gender neutral</p> <p>Ss. (a) Penetration by penis into anus, mouth, vagina or urethra. Deleted sexual purpose introduced in the 2012 Bill.</p>

LAWYERS COLLECTIVE

		<p>Ss. (b) Penetration by any part of the accused's body into vagina, anus, urethra, mouth caused by manipulation of body of the complainant.</p> <p>Ss.(c)Engages in cunnilingus or fellatio.</p>	<p>Deleted</p> <p>Ss. (c) Engages in cunnilingus or fellatio</p>	<p>Ss. (b) Penetration by object into anus, vagina, urethra, mouth.</p> <p>Ss. (c) Penetration by any part of the accused's body into vagina, anus, urethra, caused by manipulation of body of the complainant.</p> <p>Deleted cunnilingus or fellatio. New Ss (d) - applies his mouth to the vagina, urethra, anus, penis of another person or makes the other person do so to him.</p> <p>Ss.(e) Touching vagina, anus , breast, penis of the complainant or making the complainant touch the accused's vagina, anus, penis, breast or that any of any other person.</p>
<p>LAWYERS COLLECTIVE</p>				
		<p>Exception for medical or hygienic purpose added for penetration by any part of the body as well as object.</p>		

LAWYERS COLLECTIVE

		No change		Exception for medical or hygienic purpose made for all the above.
	<i>Fourthly</i> talks about rape committed by accused by impersonation of husband	<i>Sixthly</i> amended to increase the age of consent to eighteen	Exception for medical or hygienic purpose made only for penetration by object.	JVC rejected. Retained <i>fourthly</i> as contained in IPC, which states impersonation by accused of husband.
	<i>Sixthly</i> states that the age of consent is sixteen	Marital Rape exemption retained	<i>Fourthly</i> amended. Rape committed by impersonation expanded to include impersonation by accused of anyone to whom the complainant would have consented.	Retained as in the 2012 Bill. Thus, <i>Sixthly</i> amended to increase the age of consent to eighteen years
	--		Deleted age of consent from the definition of rape, and introduced a new section on underage rape.	JVC accepted. New <i>seventhly</i> for cases where person is unable to communicate consent.
			Introduced new <i>sixthly</i> for cases where the person is unable to communicate consent, expressly or impliedly	Marital rape exemption is retained.

	Marital Rape Exemption retained		Marital rape exemption deleted Positive definition for consent to mean unequal voluntary agreement, introduced. Explanation III and IV: Existing marital relationship or lack of physical resistance will not amount to consent.	retained. Positive definition of consent, of JVC, retained. New Proviso: Lack of physical resistance will not amount to consent as per JVC, retained.
376(1) Punishment for rape	Imprisonment of either description for 7 yrs to life or upto 10 yrs and fine	Imprisonment of either description for 7 yrs to life and fine.	RI for 7 yrs to life and compensation for medical expenses.	Imprisonment of RI of either description for 7 yrs to life. Payment of compensation dropped. Retained fine as per IPC and 2012 bill.
376(2) Punishment for aggravated sexual assault	Ss. (a) Rape by police officer of a woman.	Ss. (a) Rape by Police Officer -Amended to make perpetrator and victim gender neutral.	Ss. (a) Rape by Police Officer - Amended it to include situations when the police officer is not on duty provided other conditions are met such as rape being committed within the premises of the police station or station house et al.	Subsection (a) Rape by police officer retained as in the 2012 Bill.

LAWYERS COLLECTIVE

		<p>Ss. (b) Rape by public servant is amended to make it gender neutral for perpetrator and victim</p> <p>Ss. (c) Management or staff of jail, remand home or other place of custody Retained the IPC section.</p> <p>Ss. (d) Management or staff of hospital commits sexual assault on person in the hospital</p> <p>New Ss. (e) Sexual Assault by relative of, or person in position of trust or authority.</p>	<p>Ss. (b) Rape committed by armed forces, introduced.</p> <p>Ss. (c) Rape by public servant, retained as in the 2012 Bill, with some marginal changes.</p> <p>Ss. (d) Management or staff of jail remand home or other place of custody. Retained the IPC section.</p> <p>Ss. (e) Management or staff of hospital commits rape on patient in the hospital. Retained, as in the 2012 Bill with minor changes.</p> <p>Ss. (g) Amended to Rape by relative, guardian, teacher, person in position of trust or authority.</p>	<p>Ss. (c) Rape committed by armed forces, as in the JVC.</p> <p>Brought in the 2012 Bill version as Ss. (b).</p> <p>Ss. (d) Management or staff of jail remand home or other place of custody. Retained the IPC section.</p> <p>Ss. (e) Management or staff of hospital commits sexual assault on person in the hospital. Retained as in the 2012 Bill.</p> <p>Ss. (f) Sexual assault by Relative, guardian, teacher, person in position of trust or authority, retained as in JVC.</p>
	<p>Ss. (b) Rape by public servant</p> <p>Ss. (c) Management or staff of jail, remand home or other place of custody</p> <p>Ss. (d) Management or staff of hospital takes advantage of his official position</p> <p>-</p>	<p>Ss. (b) Rape by public servant is amended to make it gender neutral for perpetrator and victim</p> <p>Ss. (c) Management or staff of jail, remand home or other place of custody Retained the IPC section.</p> <p>Ss. (d) Management or staff of hospital commits sexual assault on person in the hospital</p> <p>New Ss. (e) Sexual Assault by relative of, or person in position of trust or authority.</p> <p>Ss. (f) Sexual Assault of pregnant woman. Reframed as sexual assault.</p> <p>Ss. (g) Sexual Assault on person who is under 18 yrs of age</p>	<p>Ss. (b) Rape committed by armed forces, introduced.</p> <p>Ss. (c) Rape by public servant, retained as in the 2012 Bill, with some marginal changes.</p> <p>Ss. (d) Management or staff of jail remand home or other place of custody. Retained the IPC section.</p> <p>Ss. (e) Management or staff of hospital commits rape on patient in the hospital. Retained, as in the 2012 Bill with minor changes.</p> <p>Ss. (g) Amended to Rape by relative, guardian, teacher, person in position of trust or authority.</p>	<p>Ss. (c) Rape committed by armed forces, as in the JVC.</p> <p>Brought in the 2012 Bill version as Ss. (b).</p> <p>Ss. (d) Management or staff of jail remand home or other place of custody. Retained the IPC section.</p> <p>Ss. (e) Management or staff of hospital commits sexual assault on person in the hospital. Retained as in the 2012 Bill.</p> <p>Ss. (f) Sexual assault by Relative, guardian, teacher, person in position of trust or authority, retained as in JVC.</p>

LAWYERS COLLECTIVE

LAWYERS COLLECTIVE

	<p>Ss.(e) Rape of pregnant woman</p> <p>Ss.(f) Rape of woman when she is under 12 yrs of age.</p>	<p>Ss.(h) Changed gang rape to “having common intention in the furtherance of the intention commits sexual assault”</p> <p>-</p>	<p>Ss.(f) Rape of Pregnant Woman. Reframed as rape.</p> <p>Introduced new section S. 376B. Removed underage rape from S.376(2).</p>	<p>Ss.(g) Sexual Assault of pregnant woman. Reframed as sexual assault.</p> <p>Ss. (h) Sexual Assault on a person when the person is under eighteen years of age, retained as in the 2012 Bill. Proviso on marital sex with underage person being a punishable offence, as in the JVC deleted.</p>
	<p>Ss.(g) Commits gang rape</p> <p>-</p>	<p>Ss.(i) Sexual Assault by a person in a position of economic or social or political dominance</p> <p>New Ss. (j) Sexual Assault on person suffering from mental or physical disability</p> <p>New Ss. (k) Sexual Assault which causes grievous</p>	<p>New S. 376D: Gangrape. Removed gangrape from S. 376(2)</p> <p>New Ss.(h) Rape on person incapable of consenting due to fear of death or hurt; intoxication or unsoundness of mind; or someone</p>	<p>New S. 376D: Gangrape. Removed gangrape from S. 376(2)</p> <p>New Ss.(i) Sexual Assault on person incapable of giving consent. Retained the JVC with changes.</p>

LAWYERS COLLECTIVE

	--	<p>harm or disfiguring or maiming or endangering the life of the person</p> <p>New Ss.(l) Persistent sexual assault</p> <p>Punishment: RI for 10 yrs to life and Fine.</p> <p>Court's discretion to impose a reduced sentence deleted.</p>	<p>who is unable to communicate.</p> <p>Deleted in the JVC.</p>	<p>Ss.(j) Sexual Assault by a person in a position of economic or social dominance. Retained , social or economic dominance but deleted political dominance as in the 2012 bill.</p> <p>New Ss. (k) Sexual Assault on person suffering from mental or physical disability. Retained as in the 2012 Bill.</p>
	--		<p>No separate section on disabilities. However it is covered in ss.(l)</p>	
	--		<p>Ss. (i) Rape which causes grievous harm or disfiguring or maiming or endangering the life of the person. Retained as in the 2012 Bill.</p>	<p>Ss.(l) Sexual Assault which causes grievous harm or disfiguring or maiming or endangering the life of the person. Retained.</p> <p>Ss.(m) Persistent Sexual Assault.</p>
	--		<p>Ss.(j) Persistent Rape.</p>	<p>Punishment: Retained as in the 2012 Bill - RI of 10 years to life and</p>

	<p>Punishment: RI for 10 yrs to life and Fine.</p> <p>Provided that courts may for adequate reasons impose a lesser sentence of either description.</p>		<p>Punishment: RI for 10 yrs to life and Compensation for medical expenses of victim.</p> <p>Court's discretion to impose a reduced sentence deleted.</p>	<p>Fine. Court's discretion to impose a reduced sentence deleted.</p>
<p>Punishment for causing death or persistent vegetative state due to rape.</p>	-	-	<p>New S. 376(3) Rape resulting in vegetative state or causing death.</p>	<p>Section 376A: Sexual Assault resulting in vegetative state or causing death.</p>
LAWYERS COLLECTIVE				
			<p>Punishment: RI for 20 yrs to life, without parole.</p>	<p>Punishment: RI for 20 yrs to life, without parole or death penalty.</p>
<p>Rape/Sexual Assault by a husband upon his wife during separation</p>	<p>S. 376A Rape by a husband on wife during separation.</p> <p>Punishment: Imprisonment of either description upto 2 yrs and Fine.</p>	<p>S. 376A Sexual Assault by a husband upon his wife during separation. Retained substantive provision, as in the IPC.</p> <p>Punishment: Imprisonment of either description for 2 yrs to 7 yrs and Fine.</p>	<p>Deleted</p>	<p>S. 376B Sexual Assault by a husband upon his wife during separation. Retained substantive provision, as in the IPC.</p> <p>Punishment: Imprisonment of either description for 2 yrs to 7 yrs and Fine.</p>
<p>Sexual</p>	<p>S. 376B</p>	<p>S. 376B Sexual Intercourse</p>	<p>S. 376A</p>	<p>S.376C Sexual</p>

<p>Intercourse by a person in Authority.</p>	<p>Intercourse by a Public Servant with a Woman in his custody</p> <p>--</p>	<p>by a person in authority.</p> <p>Ss.(a) Persons being in a position of authority</p> <p>Ss. (c) Superintendent or manager of jail, remand home or other place of custody established by law, or women's and children's institution</p> <p>Situations which will be considered punishable- "takes advantage of the position and induces or seduces any person either in the first mentioned person's custody or under the first mentioned person's charge or present in the premises"</p>	<p>Intercourse by a person in authority, public servant etc.</p> <p>Ss.(a) Persons in position of authority or in a fiduciary relationship.</p> <p>Ss. (c) Superintendent or manager of jail, remand home or other place of custody established by law, or women's and children's institution, observation homes, beggar homes, or any institution for the reception and care of women or children</p> <p>Situations which will be considered punishable - "abuses such position or fiduciary relationship to induce any person in their custody to have sexual intercourse with them"</p>	<p>Intercourse by a Person in Authority</p> <p>Ss.(a) Persons in position of authority or in a fiduciary relationship, retained as in the JVC.</p> <p>Ss. (c) Retained as in the 2012 Bill.</p> <p>Situations which will be considered punishable - "abuses such position or fiduciary relationship to induce or seduce any person in the first mentioned person's custody or under the first mentioned person's charge or present in the premises"</p>
--	--	---	--	---

LAWYERS COLLECTIVE

				Retained all situations of abuse of power as envisaged in the 2012 bill and the JVC.
Rape of an underage Person	S. 375 <i>Sixthly</i> Rape of a woman with or without her consent when she is under sixteen years of age.	S. 375 <i>Sixthly</i> Sexual Assault on a person with or without the person's consent when such other person is under eighteen years of age	New S. 376B (1) Rape of an underage person- If a man has sexual intercourse with a person below sixteen years of age with or without that person's consent	S. 375 <i>Sixthly</i> Sexual Assault on a person with or without the person's consent when such other person is under eighteen years of age. Rejected JVC.
Intercourse by superintendent of jail, remand home etc.	Section 376C	Deleted Section 376C, however already included in Section 376(2)(c)	Deleted Section 376C, however already included in Section 376(2)(c)	Deleted S. 376C, as included in S. 376(2)(d).
Intercourse by member of management of staff of hospital	Section 376D	Deleted Section 376D, however already included in S. 376	Deleted Section 376D, however already included in S. 376.	Deleted Section 376D, however already included in S. 376.
Gang rape	S. 376(2)(g)	S. 376(2)(h)	New S. 376C. Gang Rape Punishment: RI for 20 yrs to life and compensation for medical expenses.	New S. 376D Sexual Assault by Gang. Punishment: RI for 20 yrs to life and compensation for medical expenses. Retained JVC.
Gang rape causing death or persistent vegetative state	--	--	New S. 376D. Gang Rape followed by death of a persistent vegetative state. Punishment: Life without parole	Not accepted
Punishment for repeat offenders	--	--	New S. 376E. Punishment for Repeat Offenders. Punishment: Life without parole	New S. 376E. Punishment for Repeat Offenders. Punishment: Life without

				parole or death penalty.
Breach of Command Responsibility	--	--	New S. 376F Public servant in command, control or supervision of police or armed forces or assuming control lawfully or otherwise and unable to prevent sexual offences committed by persons who are under his or her supervision, command or control.	Deleted.
S.509: Word Gesture or Act intended to insult the modesty of a woman	S. 509 Word, Gesture or Act intended to insult the modesty of a woman. Punishment: SI upto 3 yrs or Fine or both	No change in the substantive section. Punishment: SI upto 3 yrs and Fine not less than Rs.1000.	Deleted, as offences brought under new S. 354	Retained S. 509, as in 2012 Bill. Punishment: SI upto 3 yrs and Fine. Did not quantify the amount of fine to be imposed.

CODE OF CRIMINAL PROCEDURE, 1973

Section	Code of Criminal Procedure, 1973	Criminal Law(Amendment) Bill, 2012	Justice Verma Committee Recommendations	Criminal Law(Amendment) Ordinance, 2013
39(1)	Public to give information of certain offences	--	Expanded to include newly created offences such as acid attacks.	Not accepted
40A	Duty of officers employed in connection	--	Made it mandatory on officers in connection with village affairs	Not accepted

	with the affairs of a village to make certain report		and persons connected to village panchayats to communicate information to Magistrate or police officer regarding sexual offences	
54A	Identification of Person arrested	--	Added a proviso stating that if a disabled person is identifying the accused, the identification will take place in a manner the person is comfortable with under the supervision of a magistrate. Similarly, if the person arrested is disabled, the identification will be videographed.	Accepted the JVC in full.
154	Information in cognizable cases	New Proviso: in case of sexual offences, where the informant is the woman, the information will be recorded by a female a police officer	Amended the proviso : In case of sexual offences, where informant is given by the complainant woman, the information will be recorded by a female police officer and the woman will get legal assistance and the assistance of a healthcare worker and/or a women's organization.	Accepted the JVC in full.

LAWYERS COLLECTIVE

			<p>Added another proviso stating that</p> <p>1) in case the complainant is disabled the information will be recorded at a place convenient to the complainant, in the presence of a special educator or interpreter as the case maybe.</p> <p>2) the recording of information will be videographed</p> <p>3) the recording will be done by a judicial magistrate as per new section 64(F)(a)</p>	
160/161	Police Officer's Power to require attendance of witnesses. Proviso – “no male person under the age of fifteen years or women” will be required to attend except in his or her place of residence	Police Officer's Power to require attendance of witnesses. Added in the proviso that “no male under the age of eighteen years or above the age of sixty five years or woman or physically or mentally disabled person” will be required to attend except in his or her place of residence	Police Officer's Power to require attendance of witnesses. Retained the change brought in, in the 2012 Bill	Retained as in the 2012 Bill.
161: Examination of	--	Proviso added after ss. 3: In case of sexual offences, the	Not retained in JVC.	Proviso added after ss. 3 as in the 2012 Bill

witnesses by Police		statement shall be recorded by a woman police officer.		
164: Recording of confessions and statements	-	-	Amended Section 164, where it added new sections 164(5)(a) and (b) – In cases of sexual offences, a Judicial Magistrate shall record the complainant’s statement as soon as it is brought to the police’s notice in the manner set out in ss. (5). Provisos for assistance of special educators and interpreters in case of mentally or physically disabled complainant. Ss. (b) Statement recorded of disabled person to be used in lieu of examination –in-chief, as specified in S. 137 of Indian Evidence Act, 1872.	Accepted the JVC and brought both subsections under 164(5A)
197(1) Prosecution of judges and public servants		-	Amended - In case of sexual offences , sanction of the government will not be needed for prosecuting judges ,	Not accepted

LAWYERS COLLECTIVE

			magistrates or public servants.	
Cognizance in case of marital rape	-	-	New S. 198B : Cognizance in case of marital rape - Complaints of marital rape can only be brought by the wife against the accused husband.	New S. 198B- Cognizance of offence - Complaints of marital rape under S. 376B can only be brought by the wife against the accused husband. Thus, retained the marital rape exemption and the new section 198B introduced in the JVC for separated couples.
273	Evidence to be taken in presence of accused	Added a proviso before Explanation- Where the evidence of a person below 18 years who has been subjected to sexual assault or sexual offence is being recorded, the court will ensure that the person will not be confronted by the accused.	Retained the proviso, and specified the sections containing the sexual offences.	Retained the proviso, as in the 2013 Bill. Thus limited it to offences of sexual assault only.
327	Court to be open, except in rape cases where proceedings will be conducted in camera	Retained as in IPC. Reframed as sexual assault.	Expanded the exceptions where the trial is conducted in camera to include not only rape but all sexual offences	Restricted camera proceedings to sexual assault cases only.
357	Order to pay compensation	-	New Ss. 4 - The court when imposing sentence on rape or acid attack will order the	Did not accept the JVC.

			convicted person to pay compensation for medical expenses of accused.	
--	--	--	---	--

INDIAN EVIDENCE ACT, 1872

Section	Indian Evidence Act, 1872	Criminal Amendment Bill, 2012	Justice Verma Committee Recommendations	Criminal Law (Amendment) Ordinance, 2013
S. 53A Evidence of character of previous sexual experience not relevant in certain cases	-	New S. 53A: Where consent is in question in the case of sexual assault, evidence of character of victim or her/his previous sexual experience will not be relevant	New S. 53A: Expanded the section to include all sexual offences besides rape.	Accepted the JVC in full.
114A	Presumption as to absence of consent in certain cases of rape.	Amended to include newly introduced sections on sexual assault	Retained change as in the 2012 Bill. Thus, amended to include newly introduced sections on rape	Retained.
119	Dumb Witnesses	-	Substituted dumb witness for “persons who are unable to communicate verbally”	Retained, as provided in the JVC.
146	Questions lawful in cross examination. It has a proviso which says that no question will be allowed	Addition to the proviso - “no question will be allowed on the general immoral character of the prosecutrix or	Amended the provision of the 2012 bill - “ it shall not be permissible to adduce evidence or to put questions in the cross examination of the victim as to his or her general moral character, or as to his	Retained as in the 2012 Bill.

	on the general immoral character of the prosecutrix	as to his or her previous sexual experience for proving such consent or the quality of consent”	or her previous sexual experience with any person”	
--	---	---	--	--

LAWYERS COLLECTIVE