

Criminal Law (Amendment) Act, 2013, Background, Key Provisions

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The **Criminal Law (Amendment) Act, 2013** was a major reform of India's criminal law framework dealing with sexual offences, crimes against women, victim protection and criminal justice procedures. It was enacted following the December 2012 Delhi gang-rape case and incorporated several recommendations of the Justice J.S. Verma Committee.

Criminal Law (Amendment) Act, 2013 Background

The **Criminal Law (Amendment) Act, 2013** was enacted following the December 2012 Delhi gang-rape case, which triggered nationwide demands for stronger laws against sexual violence and a more responsive **criminal justice system**.

- The government constituted the Justice **J.S. Verma Committee** on 23 December 2012 to examine existing laws and recommend reforms for dealing with sexual offences and ensuring faster justice.
- The Committee submitted its report on 23 January 2013, recommending changes in sexual-offence laws along with measures for victim protection, police accountability, witness protection and institutional reform.

- Since Parliament was not in session, the government promulgated the Criminal Law (Amendment) Ordinance, 2013 on 3 February 2013 to introduce immediate legal changes.
- The **Criminal Law (Amendment) Bill, 2013** was subsequently passed by the **Lok Sabha** on 19 March and **Rajya Sabha** on 21 March 2013, and received Presidential assent on 2 April 2013.
- The Act was given effect from 3 February 2013, corresponding to the date on which the Ordinance came into force.

The Justice Verma Committee's recommendations provided an important basis for the legislation, but the final Act did not adopt its entire reform agenda. In particular, the **Committee's recommendation to remove the marital rape exception was not accepted, its opposition to death penalty as a general punishment for rape was not fully reflected, and several wider recommendations on police and institutional reforms were left outside the Act.**

Laws Amended by the Criminal Law (Amendment) Act, 2013

The Criminal Law (Amendment) Act, 2013 amended four laws to strengthen the legal response to sexual offences.

- **Indian Penal Code, 1860:** Added offences such as sexual harassment, stalking and voyeurism and strengthened punishment for rape, gang rape and acid attacks.
- **Code of Criminal Procedure, 1973:** Strengthened victim-friendly procedures for recording statements, investigation and trial of sexual offences.
- **Indian Evidence Act, 1872:** Restricted the use of a victim's past sexual experience or character to establish consent and strengthened provisions on absence of consent.
- **POCSO Act, 2012:** Clarified the relationship between POCSO and IPC offences, including the applicable punishment where an act falls under both laws.

Criminal Law (Amendment) Act, 2013 Major Provisions

The Criminal Law (Amendment) Act, 2013 made major changes to India's laws on sexual offences by creating new offences, widening the definition of rape, increasing punishments and strengthening protection for victims.

New Offences Against Women

The Criminal Law (Amendment) Act, 2013 created specific offences for forms of sexual misconduct that were earlier not separately recognised under the IPC.

- **Section 354A (Sexual harassment):** Covers unwelcome sexual advances, demands for sexual favours, showing pornography against a woman's will and sexually coloured remarks.
- **Section 354B (Assault with intent to disrobe):** Punishes assault or criminal force used with the intention of disrobing a woman or forcing her to be naked.
- **Section 354C (Voyeurism):** Punishes watching, recording or sharing images of a woman engaged in a private act without her consent.
- **Section 354D (Stalking):** Punishes repeatedly following, contacting or monitoring a woman despite her clear disinterest, including through electronic communication.

Specific Law Against Acid Attacks

The Criminal Law (Amendment) Act, 2013 introduced separate offences for causing or attempting acid attacks.

- **Section 326A:** Punishes causing grievous injury through acid with at least 10 years' imprisonment, which may extend to life imprisonment, along with a fine.
- **Section 326B:** Punishes throwing or attempting to throw acid with 5-7 years' imprisonment and fine. The fine is intended to help meet the medical expenses of the victim.

Expanded Definition of Rape

The Criminal Law (Amendment) Act, 2013 substantially widened Section 375 IPC to cover different forms of non-consensual penetration. It also gave greater importance to consent, requiring consent to be voluntary and specific to the sexual act rather than assuming consent from the surrounding circumstances.

Stronger Punishment for Rape

The Criminal Law (Amendment) Act, 2013 strengthened punishment for rape and introduced separate provisions for serious forms of sexual violence.

- **Section 376:** Prescribed imprisonment of at least 7 years, extendable to life imprisonment, with fine.
- **Section 376A:** Applies when rape results in the death of the woman or leaves her in a persistent vegetative state.
- **Section 376B:** Deals with sexual intercourse by a husband with his wife during separation.
- **Section 376C:** Covers sexual intercourse by a person in authority.
- **Section 376D:** Specifically deals with gang rape.
- **Section 376E:** Provides enhanced punishment for certain repeat offenders, including imprisonment for the remainder of natural life or death.

Accountability of Public Servants

The Criminal Law (Amendment) Act, 2013 made certain failures by public servants in sexual-offence cases punishable.

- **Section 166A IPC:** Penalises specified failures by public servants, including failure to record information relating to certain sexual offences or disobedience of specified legal directions. This aimed to improve police accountability and proper handling of complaints.

Accountability of Hospitals

The Criminal Law (Amendment) Act, 2013 also created responsibility for hospitals dealing with victims.

- **Section 166B IPC:** Penalises hospitals for failing to provide treatment to victims of specified sexual offences. This aimed to ensure that victims receive timely medical treatment.

Victim-Friendly Criminal Procedure

The Criminal Law (Amendment) Act, 2013 introduced safeguards to make the investigation and trial process more sensitive to victims.

- Victims' statements in specified cases could be recorded through special procedures, including by women police officers.
- Additional safeguards were provided for women and persons with physical or mental disabilities.
- Procedures for recording statements before a Magistrate were strengthened.
- Trials in specified sexual-offence cases could be held in camera to protect privacy.
- The amendments also aimed to make the investigation and trial of rape cases faster.

Protection of Victims in Evidence Law

The Criminal Law (Amendment) Act, 2013 restricted the use of a victim's past sexual behaviour to question her consent.

- **Section 53A:** Restricted the use of evidence about a victim's previous sexual experience or character in determining consent.
- **Section 114A:** Strengthened the presumption of absence of consent in specified rape cases.
- **Section 146:** Restricted questions about a woman's character or previous sexual experience when used to establish consent.

Changes Relating to POCSO

The Criminal Law (Amendment) Act, 2013 also amended the **POCSO Act**, 2012 to clarify cases where the same conduct could attract both POCSO and IPC provisions.

- **Section 42:** Where an act constituted an offence under both POCSO and specified IPC provisions, the offender would face the greater punishment.
- **Section 42A:** Clarified that POCSO operates alongside other laws and prevails over inconsistent provisions to the extent of such inconsistency.

Criminal Law (Amendment) Act, 2013 Significance

The Criminal Law (Amendment) Act, 2013 marked a major shift in India's response to sexual violence by combining new offences, stronger punishments and victim-sensitive procedures.

- **Broader criminalisation:** Recognised sexual harassment, stalking, voyeurism and assault with intent to disrobe as specific offences.
- **Stronger deterrence:** Enhanced punishment for rape, gang rape, aggravated rape and certain repeat offenders.
- **Victim protection:** Strengthened procedural and evidentiary safeguards during investigation and trial.
- **Institutional accountability:** Created criminal liability for specified failures by public servants and hospitals.
- **Protection of dignity:** Restricted the use of a victim's previous sexual history to establish consent.
- **Child protection:** Strengthened coordination between the IPC framework and POCSO.

Criminal Law (Amendment) Act, 2013 Limitations

The Criminal Law (Amendment) Act, 2013 strengthened the legal framework, but effective protection against sexual violence also depends on implementation and institutional capacity.

- **Implementation gap:** Strong laws require effective policing, investigation, prosecution and judicial processes.
- **Police capacity:** Delays in investigation and forensic evidence collection can weaken criminal cases.
- **Judicial capacity:** Case pendency and inadequate trial infrastructure can undermine speedy justice.
- **Marital rape:** The statutory exception remained despite the Justice Verma Committee's recommendation.
- **Institutional reforms:** Several broader police and institutional reforms recommended by the Committee were not incorporated into the Act.

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