

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 1675**

TO BE ANSWERED ON THE 02nd JULY, 2019/ ASHADHA 11, 1941 (SAKA)

ORDINANCE ON CHILD RAPE

1675. SHRI PRASUN BANERJEE:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has promulgated an ordinance regarding death penalty for child rape;**
- (b) if so, the details and present status thereof; and**
- (c) whether the Government will implement the ordinance with retrospective effect and if so, the details thereof?**

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)**

(a) Yes, Sir.

(b) The Criminal Law (Amendment) Ordinance, 2018 was promulgated on 21.04.2018 which was subsequently replaced by the Criminal Law (Amendment) Act, 2018 (No.22 of 2018). The provisions of the Act came into effect from 21.04.2018 i.e. the date of promulgation of the Ordinance. The law as amended through this Ordinance/ Act *inter alia* provides for:

- (i) enhancement of the minimum punishment of 7 years imprisonment in rape cases to 10 years;**
- (ii) enhancement of the minimum punishment for the offence of rape of a girl child under 16 years of age from 10 years rigorous imprisonment to 20 years of rigorous imprisonment, extendable to imprisonment for rest of convict's life;**

- (iii) stringent punishment upto death sentence have also been provided in cases of rape of a girl child under 12 years of age;**
- (iv) minimum punishment of imprisonment for the rest of convict's life or death for the offence of gang rape of a girl child below 12 years;**
- (v) mandatory completion of the investigation of all cases of rape within two months and the trial of all rape cases to be completed in two months. Six month time limit for disposal of appeals in all rape cases;**
- (vi) withdrawal of the provision of anticipatory bail to the person accused of rape or gang rape of a girl under 12 years/ 16 years of age;**
- (vii) notice of 15 days to the Public Prosecutor before deciding the regular bail application of the accused by the High Court or the Court of Sessions, where presence of a person authorized by the victim is mandatory.**

(c) No, Sir.
