

**CONSOLIDATED TIMELINE FOR CHANGES IN IPC, 1860; CrPC,1973 INDIAN EVIDENCE
ACT, 1872 WRT SEXUAL ASSAULT, RAPE, DOWRY, CRUELTY PROVISIONS AND
LANDMARK CASELAWS**

1961 - Dowry Prohibition Act, 1961 came into force on 1-7-1961

1978 – *Tuka Ram & Anr. v. State of Maharashtra* (15th September 1978) [Better known as Mathura judgment which led to the 1983 Criminal Law Amendment Act. The 1983 Act discussed what constituted custodial rape, provided for enhanced punishments under S. 376(2), and brought in presumption of absence of consent in cases booked under section 376(2) IPC, 1860. This was done by bringing in an amendment in the Indian Evidence Act; section 114(A) IEA]

1981 - *State v. Subhash*, **FIR No. 2034 of 1981**. [The Satya Rani Chadda campaign contributed to the following amendments : 1. The definition of Dowry was amended in 1983; 2. Section 113A was added on the presumption of dowry death in 1986.]

AMENDMENTS IN 1983

➤ **Indian Penal Code, 1860**

1983 – S. 228A - Disclosure of identity of victim of certain offences etc., Indian Penal Code, 1860 (substituted by Act 43 of 1983)[Prescribes punishment for any person who prints or publishes the name or any other information related to the identity of a rape victim; unless such disclosure is with the consent of the victim or, in case the victim is dead/minor/unsound mind, by the next of kin of the victim, or by or under an order of the Court]

1983- S. 375: Rape, Indian Penal Code, 1860(*substituted by act 43 of 1983*)

1983-S. 376 : Punishment for Rape, Indian Penal Code, 1860 (*substituted by Act 43 of 1983*)

1983- S. 376A –Intercourse by a man with his wife during separation,Indian Penal Code, 1860 (*substituted by Act 43 of 1983*)

1983–S.376B. Intercourse with public servant with woman in his custody, Indian Penal Code, 1860 (*substituted by Act 43 of 1983*)

1983 – S. 376C. Intercourse by superintendent of jail, remand home etc., Indian Penal Code, 1860 (*substituted by Act 43 of 1983*)

1983- S.376D. Gang Rape, Indian Penal Code, 1860 (*substituted by Act 43 of 1983*)

1983 – S.498A. Husband or relative of husband of a woman subjecting her to cruelty, Indian Penal Code, 1860(*inserted by Act 46 of 1983*)

➤ **Code of Criminal Procedure, 1973**

1983-S. 327(2); 327(3). Court to be open, Code of Criminal Procedure, (*Provisions inserted by Act 43 of 1983*)[S. 327(2)In case of rape trial, in camera proceedings to be conducted; S.327(3) it shall not be lawful for any person to print or publish any matter regarding proceeding]

1983 – S. 174(3) - Police to inquire and report on suicide, etc., Code of Criminal Procedure,(*substituted by Act 46 of 1983*)[When the case relates to a woman who dies within 7 years of her marriage, the police officer shall send the body to be examined to the nearest Civil Surgeon or other qualified medical man appointed by the Government]

1983- S. 198A -Prosecution of offence under 498A of the Indian Penal Code,Code of Criminal Procedure, (*inserted by Act 46 of 1983*)

➤ **Indian Evidence Act, 1872**

1983 – S. 113A- Presumption as to abetment of suicide by a married woman, Indian Evidence Act, 1872 (*inserted by Act 46 of 1983*)

1983 –S. 114A – **Presumption as to absence of consent**, Indian Evidence Act, 1872 (*inserted by Act 43 of 1983*) [In a prosecution for rape under clause (a) or clause (b) or clause (c) or clause (d) or clause (e) or clause (g) of sub- section (2) of section 376 of the Indian Penal Code(custodial rape), where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent]

AMENDMENTS IN 1986

➤ **Indian Penal Code, 1860**

1986 - S. 304B: Dowry Death, Indian Penal Code, 1860 (*inserted by Act 43 of 1986*)

➤ **Indian Evidence Act, 1872**

1986 – S. 113B: Presumption as to dowry death, Indian Evidence Act, 1872 (*inserted by Act 43 of 1986*)

LANDMARK JUDGMENT IN 1991

➤ Case Law

1991 - *Subhash Chander And Anr. vs State* on 16 December, 1991

AMENDMENTS IN 2003

➤ Indian Evidence Act, 1872

2003—S. 146. **Questions lawful in cross-examination** (*proviso inserted by Act 4 of 2003*) [Questions as to the general immoral character of the prosecutrix shall not be put in the cross-examination of the prosecutrix in cases of rape or attempt to commit rape]

LANDMARK JUDGMENT IN 2004

➤ Case Law

2004 - *Sakshi vs Union Of India And Ors.* on 26 May, 2004

AMENDMENTS IN 2005

➤ Code of Criminal Procedure, 1973

2005 – S. 53A. Examination of person accused of rape by medical practitioner, Code of Criminal Procedure, 1973 (*inserted by Act 25 of 2005*)

2005-S.164A. Medical Examination of the victim of rape, Code of Criminal Procedure, 1973(*inserted by Act 25 of 2005*)

2005-S.176(1A); S. 176(5).Inquiry by Magistrate into cause of death, Code of Criminal Procedure, 1973 (*Provisions inserted by Act 25 of 2005*)[S. 176(1A) – In case of custodial rape inquiry will also be held by Judicial Magistrate or Metropolitan Magistrate; S. 176(5)- The person doing the inquiry will be responsible for forwarding the body for medical examination within 24 hours of the death of the person]

NEW LAW IN 2005

➤ Protection of Women from Domestic Violence Act, 2005

2005- New legislation on domestic violence, Protection of Women from Domestic Violence Act, 2005 came into force on October 26, 2006.It provided an expansive definition of domestic violence to include physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

LANDMARK JUDGMENT IN 2006

- *S.R.Batra and Another v. Taruna Batra (Smt.)*(2007) 3 SCC 169 - Supreme Court held that the wife can claim the husband's house is the matrimonial house in case of three instances - if the property was in the name of the husband; or if the husband was paying rent of the property; or if the husband was a member of a joint family and the property being undivided. In this case, since the house belonged to the mother-in-law, the claim of right of residence in the house was rejected.

AMENDMENTS IN 2009

- **Code of Criminal Procedure, 1973**

2009–S. 24(8) Proviso – Public Prosecutors, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*)[Provided that the court may permit the victim to engage an advocate of his choice to assist the prosecution]

2009 - S. 157(1) Proviso- Procedure for Investigation, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*)[in rape cases, victim's statement will be recorded at the residence or at a place of her choice]

2009 – S. 164(1) *Provisos*. Recording of confessions and statements, Code of Criminal Procedure, 1973(*substituted by Act 5 of 2009*)[Any confession or statement made will also be recorded by audio-video electronic means]

2009 –S. 173(1A); S. 173(2h). Report of police officer on completion of investigation Code of Criminal Procedure, 1973 (*inserted by Act 5 of 2009*) [S.173(1A) investigation in minor's rape case may be completed within three months from the date on which the FIR was recorded; S. 173(2)(h) –the police officer's report must state whether the medical examination report in rape cases has been attached to the police report]

2009- S. 242. *Proviso* Evidence for the accused, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*)[The Magistrate shall supply to the accused the witness' statements recorded during police investigation]

2009 – S.309(1), *Proviso*, Power to postpone or adjourn proceedings, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*)[In rape cases, inquiry shall as far as possible be completed within a period of two months from the date of commencement of the examination of witnesses.]

2009 – S. 327(2) Proviso. Court to be open, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*) [In-camera trial to be conducted by woman judge or Magistrate]

2009 – S. 357A. Victim Compensation Scheme, Code of Criminal Procedure, 1973(*inserted by Act 5 of 2009*)

LANDMARK JUDGMENT IN 2010

- *Velusamy v. Patchaiammal* AIR 2011 SC 479- It laid down the conditions that a 'relationship in the nature of marriage' must fulfil for it to get benefit under the Protection of Women from Domestic Violence Act, 2005.

NEW LAW IN 2012

2012: Prevention of Children from Sexual Offences Act, 2012, was passed [No. 32 of 2012] [An act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.]

2012 : The Nirbhaya incident occurred which led to Criminal Law (Amendment) Act, 2013 which brought about widespread changes in the rape laws.

LANDMARK JUDGMENT IN 2012(PWDVA, 2005)

- *V.D.Bhanot vs Savita Bhanot* (2012) 3 SCC 183- It was held that the Protection of Women from Domestic Violence Act, 2005 would be applicable retrospectively.

CRIMINAL LAW AMENDMENT ACT 2013

- **Indian Penal Code, 1860**

2013 – S.166A Public Servant disobeying direction under law, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 166B Punishment for non-treatment of victim, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 354 Assault or Criminal Force to Woman with intent to outrage her modesty, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 354A Sexual Harassment and Punishment for Sexual Harassment, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 354B Assault or use of criminal force to women with intent to disrobe her, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 354C : Voyeurism, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 354D : Stalking, Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 375: Rape, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013 –S. 376 : Punishment for Rape,Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013 – S. 376A : Punishment for causing death or persistent vegetative state due to rape,Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013 –S. 376B-Sexual Intercourse by husband upon his wife during separation, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013 –S.376C -Sexual Intercourse by a Person in Authority, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013- S. 376D – Gangrape, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

2013- S.376E- Punishment for repeat offenders,Indian Penal Code, 1860 (*inserted by Criminal Law (Amendment) Act, 2013*)

2013– S. 509 -Word, Gesture or Act intended to insult the modesty of a woman, Indian Penal Code, 1860 (*substituted by Criminal Law (Amendment) Act, 2013*)

➤ **Code of Criminal Procedure, 1973**

2013 – S. 154(1) Proviso- Information in cognizable cases, Code of Criminal Procedure, 1973(*inserted by Criminal Law (Amendment) Act, 2013*)[In case of sexual offences and acid attack, the statement will be recorded by a woman police officer or a woman officer]

2013 –S. 161 Provisos- Examination of Witnesses by Police, Code of Criminal Procedure, 1973(*inserted by Criminal Law (Amendment) Act, 2013*) [The statement may be audio-video recorded; statement of a victim for cases of sexual assault and rape will be recorded by a woman police officer or a woman officer]

2013 – S.164(5A), Recording of confessions and statements,Code of Criminal Procedure, 1973(*inserted by Criminal Law (Amendment) Act, 2013*) [Judicial Magistrate shall record the statement of the victim of an offence under S. 354, 354A, S. 354B, S. 354C, S. 354D, S. 376, S. 376A, S. 376B, S. 376C, S. 376D, S. 376E of the Indian Penal Code, 1960, in the manner prescribed under S. 164(5) of the Code of Criminal Procedure, 1973 as soon as the commission of such offence is reported]

2013 – S, 197, Explanation-Prosecution of Judges and Public Servants,Code of Criminal Procedure, 1973(*inserted by Criminal Law (Amendment) Act, 2013*). [no sanction is required in case of public servant committing a sexual offence]

2013 –S. 198B. Cognizance of Offence, Code of Criminal Procedure, 1973(*inserted by Criminal Law (Amendment) Act, 2013*)[Spousal rape cases under S. 376B can only be filed by the wife]

2013 – S. 273. Proviso, Evidence to be taken in presence of accused, (*inserted by Criminal Law (Amendment) Act, 2013*)[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.]

2013 – S.309(1), Power to postpone or adjourn proceedings, Code of Criminal Procedure, 1973 (*substituted by Criminal Law (Amendment) Act, 2013*) [The trial in rape cases must be conducted daily and shall as far as possible be completed within 2 months]

2013- S. 357B, Compensation to be in addition to fine paid under S. 326A or S. 376D of IPC., Code of Criminal Procedure, 1973 (*inserted by Criminal Law (Amendment) Act, 2013*) [Medical practitioner has to mandatorily inform police]

2013-S. 357C, Treatment of victims, Code of Criminal Procedure, 1973 (*inserted by Criminal Law (Amendment) Act, 2013*) [Immediate first-aid or medical treatment will be provided free of cost by all hospitals to the victims of any offence covered under S. 326, S. 376, S. 376A, S. 376B, S. 376D, S. 376E of the Indian Penal Code, 1860; medical professionals are required to immediately report the crime to the police which is not in the interest of the survivor who may not want to report the crime]

➤ **Indian Evidence Act, 1872**

2013 – S. 53A, Evidence of character of previous sexual experience not relevant in certain, Indian Evidence Act, 1872 cases (*inserted by Criminal Law (Amendment) Act, 2013*) [In a prosecution of sexual offences, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent]

2013 – S. 114A, Presumption as to absence of consent in certain prosecution for rape (*substituted by Criminal Law (Amendment) Act, 2013*) [Absence of consent shall be presumed in cases of aggravated rape given under clause (a), clause (b), clause (c), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k), clause (l), clause (m), clause (n) of sub-section (2) of S. 376 of the Indian Penal Code, 1860]

2013 – S. 146, Proviso- Questions lawful in cross-examination (*substituted by Criminal Law (Amendment) Act, 2013*) [In the prosecution for commission of offences or attempt to commit offences under 376 to 376E, where the consent of the victim is the issue, neither evidence nor questions in cross-examination can be put to the victim, regarding her immoral character or her previous sexual experience.]