

DRAFT BILL

A BILL FURTHER TO AMEND THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE, 1973 IN THEIR APPLICATION TO THE STATE OF MAHARASHTRA.

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the "Maharashtra Shakti Act - Criminal Law Short title, extent and Commencement (Maharashtra Amendment) Act, 2020"
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may by notification, in the Gazette of Maharashtra, appoint.

**CHAPTER II
AMENDMENTS TO THE INDIAN PENAL CODE, 1860**

Introduction of Section 166-A(d) (Punishment for failure by public servant to assist investigation)

Whoever being a public servant fails to assist the investigation of under Sections 326A, 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of Indian Penal Code (45 of 1860) as required under Section 100 of the Criminal Procedure Code, 1973 shall be punished with imprisonment of either description which may extend to two years and shall also be liable to fine.

Introduction of Section 166-C (Punishment For Not Providing Services to Victim)

Whoever being in charge of a One Stop Centre, Swadhar Gruh, Ujjwala Centre or any such institution run by Central Government, the State Government, local bodies or any other person contravenes the provision of Section 357 D of the Code of Criminal procedure, 1973(2 of 1974) shall be punished with imprisonment for a term which may extend to one year or with fine or with both

Introduction of Section 175-A (Punishment for failure to share data)

Any social media platform or internet/mobile telephony data provider who fails to share data with police as requested for the purpose of investigation of offences under Sections 326A, 326B, 354, 354A, 354B, 354C, 354D, 354E, 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860), within a period of seven working days shall be liable to a fine of Rupees Ten lakhs

Introduction of Section 176-A (Punishment for failure to give notice or information)

Any person legally bound to give notice or to furnish information or to provide assistance as regards the commission of an offence or its investigation under Sections 326A, 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860), or as

is required for the purpose of preventing the commission of the aforesaid offences, or towards the investigation of the offence or in order to the apprehension of an offender, shall be punished with simple imprisonment for a term which may extend upto six months or with fine or with both.

Amendment to Section 228 A (Disclosure of identity of the victim of certain offences etc.)-
After the words "offence under" the words "Sections 326A, 326B, 354, 354A, 354B, 354C, 354D, 354E, 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E," to be added.

Amendment of Sections 326A and 326B (Attempt to and causing grievous hurt by use of acid etc)

In Section 326A after the words "shall be punished" the following shall be substituted namely, "with imprisonment for life which shall mean the remainder of the natural life of such person, or death and with fine to be payable to the victim."

In Section 326B after the words "shall be punished" the following shall be substituted namely, "with imprisonment for a period not less than fourteen years which may extend to twenty years"

After section 354D, the following sections shall be added, namely,

Introduction of Section 354E — (Harassment of Women by any mode of communication):

(1) Whoever intentionally does any act to create a sense of danger, intimidation or fear to a woman, in addition to insulting her modesty, by any act, deeds or words including:

(a) offensive communication by telephone, email, social media platforms or in or through any other electronic or digital mode or any other mode of communication in a manner which causes distress or alarm or is of lascivious or lewd nature; or

(b) threatens to use, in any form of media, a real or fabricated depiction, through electronic, film or digital or any other mode, of any part of the body of the woman, or the involvement of the woman, in a sexual act,

(c) by using social media or electronic media or any other media in any form to defame or cause disrepute to a woman; or

(d) by using any form or mode of communication or media to cause identity theft of such woman whether it results in outraging her modesty or in violating her privacy;

shall be punished with imprisonment for a term which shall be up to five years and with fine which may extend upto Rupees Five Lakhs.

(2) Whoever intentionally forces or compels any woman to respond to any romantic overtures by threatening to cause hurt or danger of any kind, if such romantic overtures are not reciprocated; shall be punishable on first conviction with imprisonment for a term which may extend to three years, and shall also be liable to fine upto Rupees One Lakh; and be punished on a second or subsequent conviction, with imprisonment for a term which may extend to five years, and shall also be liable to fine upto Rupees Five Lakhs.

Explanation: For the purposes of the above sub-section “romantic overtures” shall mean unwelcome advances or proposals made repeatedly either in person or through any form of communication including but not limited to electronic form, digital media or social media, to a woman despite no response or clear indication of disinterest by such woman.”

Amendment of Section 375 (Definition of Rape)

After Exception 2 under Explanation 2 the following words shall be added,

“Explanation 3 – when the acts referred to in clauses (a) to (d) above are committed in the circumstances where the parties to such acts are adults and from the conduct of such parties and from all circumstances surrounding the same, it appears that the act have been committed with consent or implied consent, it may be presumed that valid consent was given”.

Amendment of Section 376 (Punishment for Rape).

(i) In Section 376,

(a) In sub-section (1), after the words, “shall be punished with”, the words “life imprisonment or death and shall be liable for fine” shall be inserted.

(b) in sub-section (2), after clause (f), the following clause (fa) shall be inserted:

“whoever being on the management or staff of a building or complex or group of buildings or complexes, used for any purpose whether regulated by law or otherwise, commits rape on a woman; or”

after the words, “shall be punished with”, the words, “life imprisonment which shall mean imprisonment for the remainder of the natural life of such person or death and shall be liable for fine”, shall be inserted.

(c) in sub-section (3), after the words, “shall be punished with”, the words, “life imprisonment which shall mean imprisonment for the remainder of the natural life of such person or death and shall be liable for fine”, shall be inserted.

(ii) Amendment of Section 376D (Punishment for Gang Rape)

In Section 376 D, after the words, “shall be punished with”, the words, “imprisonment for life which shall mean for the remainder of the natural life of that person or with death and shall also be liable to fine upto Rupees Twenty Lakhs to be paid to the victim”, shall be inserted.

(iii) Amendment of section 376DA (Punishment for Gang Rape on woman under sixteen years of age)

In Section 376 DA, after the words, “shall be punished with”, the words, “imprisonment for life which shall mean for the remainder of the natural life of that person or with death and shall also be liable to fine upto Rupees Twenty-Five Lakhs to be paid to the victim”, shall be inserted.

(iv) Amendment of section 376DB (Punishment for Gang Rape on woman under twelve years of age)

In Section 376 DB, after the words, “shall be punished with”, the words, “imprisonment for life which shall mean for the remainder of the natural life of that person or with death and shall also be liable to fine upto Rupees Twenty-Five Lakhs to be paid to the victim”, shall be inserted.

(v) Amendment of section 376E(Punishment for repeat offenders)

in section 376 E, the words shall be punished with “imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life or with death”, shall be replaced with, “death”.

**AMENDMENTS TO THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT, 2012 (32 OF 2012)**

Amendment to Section 8: Punishment for Sexual Assault on Children:

Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall be not less than ten years but which may extend to fourteen years, and shall also be liable to fine upto Rupees Five Lakhs.

Amendment to Section 9: Aggravated Sexual Assault on Children:

(1)(a) Whoever, being a police officer, commits sexual assault on a child

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as a police officer; or

(b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child –

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the security or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant in the employment of any Government commits sexual assault on a child; or

(d) whoever being on the management or on the staff either permanent or temporary of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate or resident of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(e) whoever being on the management or staff or any person rendering any assistance to staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(g) whoever being on the management or staff of a building or complex or group of buildings or complexes used for any purpose, whether regulated by law or otherwise, commits sexual assault on a child; or

(h) whoever being entrusted with the care or protection of a child commits sexual assault on such child.

(i) whoever commits gang sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such persons shall be liable for that act in the same manner as if it were done by him alone; or

(j) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance or intoxicant; or

(k) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(l) whoever commits sexual assault on a child, which

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (1) of section 2 of the Mental Health Care Act, 2017 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) inflicts the child with Human Immunodeficiency Virus (HIV) or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated or mentally ill to perform regular tasks

(m) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(n) whoever commits sexual assault on the child more than once or repeatedly; or

(o) whoever commits sexual assault on a child below twelve years; or

(p) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(q) whoever, being in the ownership or management or staff, of any institution providing services to the child of whatsoever nature, commits sexual assault on the child in such institution; or

(r) whoever, being in a position of trust or authority or being custodian of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

- (s) whoever commits sexual assault on a child knowing the child is pregnant; or
- (t) whoever commits sexual assault on a child and attempts to murder the child; or
- (u) whoever commits sexual assault on a child in the course of communal or sectarian violence or during any natural calamity or in any similar situations; or
- (v) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (w) whoever in the commission of sexual assault on a child makes such child to strip or parade naked in public; or
- (x) whoever persuades, induces, entices or coerces a child to get administered or administers or directs anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity;

is said to commit aggravated sexual assault.

Amendment to Section 10 on Punishment For Aggravated Sexual Assault

(2) Whoever, commits aggravated sexual assault, shall be punished with imprisonment of either description for a term which shall be not less than fourteen years but which may extend to life imprisonment, and shall also be liable to fine upto Rupees Ten Lakhs.”

Amendment to Section 4(1) on Punishment For Penetrative Sexual Assault

After the words, “not be less than” the following words shall be added, “fourteen years but which may extend to imprisonment for life and shall also be liable to fine which may extend to Rupees Ten Lakhs.”

Amendment to Section 4(2) on Punishment For Penetrative Sexual Assault

After the words, “not be less than” the following words shall be added, “twenty years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of the natural life of that person or death and shall also be liable to fine which may extend to Rupees Twenty Lakhs.”

Amendment to Section 5 For Aggravated Penetrative Sexual Assault

(1)(a) Whoever, being a police officer, commits penetrative sexual assault on a child

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

- (iii) in the course of his duties or otherwise; or
- (iv) where he is known as, or identified as, a police officer; or
- (a) whoever, being a member of the armed forces or security forces, commits penetrative sexual assault on a child –
 - (i) within the limits of the area to which the person is deployed; or
 - (ii) in any areas under the command of the security or armed forces; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where he is known or identified as a member of the security or armed forces; or
- (c) whoever being a public servant in the employment of any Government commits penetrative sexual assault on a child; or
- (d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate or resident of such jail, or remand home, or protection home, or observation home, or other place of custody, or care and protection; or
- (e) whoever being on the management or staff or any person rendering any assistance to staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or
- (g) whoever being on the management or staff of a building or complex or group of buildings or complexes used for any purpose whether regulated by law or otherwise, commits penetrative sexual assault on a child; or
- (h) whoever being entrusted with the care or protection of a child commits penetrative sexual assault on such child.
- (i) whoever commits gang penetrative sexual assault on a child.

Explanation.—when a child is subjected to penetrative sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for this act in the same manner as if it were done by him alone; or

- (j) whosoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or intoxicant

- (k) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (l) whoever commits penetrative sexual assault on a child, which
- (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (1) of section 2 of the Mental Health Care Act, 2017 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
 - (ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;
 - (iii) inflicts the child with Human Immunodeficiency Virus (HIV) or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated or mentally ill to perform regular tasks
 - (iv) causes death of the child; or
- (m) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or
- (n) whoever commits penetrative sexual assault on the child more than once or repeatedly; or
- (o) whoever commits penetrative sexual assault on a child below twelve years; or
- (p) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or
- (q) whoever, being in the ownership or management or staff, in any institution providing services to the child of whatsoever nature, commits penetrative sexual assault on the child; or
- (r) whoever, being in a position of trust or authority or custody of a child, commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or
- (s) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or
- (t) whoever commits penetrative sexual assault on a child and attempts to murder the child or
- (u) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence or during any natural calamity or in any similar situations; or
- (v) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (w) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public; is said to commit aggravated penetrative sexual assault.

Amendment to Section 6(1) on Punishment For Aggravated Penetrative Sexual Assault
After the words, “not be less than” the following words shall be added, “imprisonment for life which shall mean imprisonment for the remainder of the natural life of that person or death and shall also be liable to fine which may extend to Rupees Twenty Five Lakhs.”

Introduction of Section 20A of POCSO Act, 2012

Any person who comes across any material or object which is sexually exploitative of the child (including pornographic, sexually related or making obscene representation of the child or children) on any medium shall provide such information to the Special Juvenile Police Unit or the local police, as the case may be.

Introduction of Section 21(4) of POCSO Act, 2012

Any person who fails to report the commission of an offence under Section 20A shall be punished with imprisonment for a term which may extend to six months or with fine or with both. .

**CHAPTER IV
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973**

Introduction of Section 37A (Data sharing by social media platforms etc.)

Social media platforms and other internet/mobile telephony data providers shall share data in their possession with police to assist in investigation of offences, especially those registered under Sections 326A, 326B, 354, 354A, 354B, 354C, 354D, 354E, 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860) or any offences punishable under Protection of Children from Sexual Offences Act, 2012.

Amendment of Section 39 (Public to give information of certain offences)

(i) in section 39, in sub-section (1), clause (v) shall be amended as follows :

“(va) Sections 326A and 326B (that is to say, offences related to attempt to or grievous hurt by use of acid etc)

(vb) Sections 354 to 354E (that is to say, offences related to assault to outrage modesty, sexual harassment, disrobe, voyeurism, stalking, harassment of woman by different means,)

(vc) Sections 375 to 376E, both inclusive (that is to say, offences which are related to rape, gang rape, etc.)”

Amendment of Section 100 (Person in charge of closed place to allow search)

Addition of sub-section (4A) after sub-section (4) the following sub-section 4-A shall be added:
“In case of offences under Sections 326A, 326B, 376, 376A, 376AB, 376C, 376D, 376DA, 376DB, or 376E of the Indian Penal Code (45 of 1860), and the offences under POCSO Act

before making a search or seizure under this Chapter, the officer or other person about to make it shall, call upon two Public Servants who are available in the locality in which the place to be searched is situate. Such Public Servants would be legally bound to assist the Police towards the investigation in the aforesaid offences. Where such Public Servants are not available despite diligent efforts to be recorded in writing by such investigating officer, procedure under the foregoing sub-section (4) shall be followed.”

Amendment of Section 151 (Arrest to prevent commission of cognizable offence)

The following sub-section shall be added:

“When a police officer comes to know of a design to commit any offence under Sections 326A, 376, 376A, 376AB, 376D, 376DA, 376DB, or 376E of the Indian Penal Code (45 of 1860), and if it appears to such police officer that the commission of the offence cannot be otherwise prevented, such police officer either by himself or through the police officer who is in charge of the concerned police station shall direct that the person who is likely to commit such offences under Sections 326A, 376, 376A, 376AB, 376D, 376DA, 376DB, 376E, of the Indian Penal Code (45 of 1860) shall be detained for a period not exceeding fifteen days.”

Provided that such arrested person shall be produced before the nearest Judicial Magistrate together with a report in writing stating the reasons for the continued detention of such person for a period longer than twenty four hours.

Addition of sub-section

“After release of such person under above sub-section , he shall within seven days of such release execute a bond before the Executive Magistrate/Special Executive Magistrate having territorial jurisdiction over the place of residence or work of such person, to keep the peace with two suitable sureties failing which the procedure under Section 122 of this Code shall be invoked against such person.”

Amendment of Section 164 (5-A) (Recording of confessions and statements)

After the words “under sections” the following words shall be added “Sections 326A, 326B,”

Amendment of Section 173 (Report of police officer on completion of investigation)

(ii) in section 173, after sub-section (1A), the following sub-section shall be added namely, “(1B) In relation to offences under Sections 326A, 376, 376A, 376AB, 376D, 376DA, 376DB, 376E, of the Indian Penal Code (45 of 1860), the investigation shall be completed within a period of fifteen working days from the date on which the perpetrator/s or accused/s in such offence are arrested in the said offence.

Provided that if it is not possible to complete the investigation within the prescribed period of 15 working days, then the reasons for such inability shall be recorded in writing by the concerned investigating officer; such instances may include the inability to reasonably identify the perpetrator/accused of such offences; whereupon the period for completion of investigation shall be extended upto further 7 working days on such report being made to the concerned Special Inspector General of Police/Commissioner of Police (both words as defined in the Maharashtra Police Act, 1951) showing the progress of the investigation and the specific reasons for such delay.

Amendment of Section 309 (Power to postpone or adjourn proceedings)

(iii) in section 309, after sub-section (1), the following sub-section shall be added namely,

“(1 A) When the inquiry or trial relates to an offence under Sections 326A, 376, 376-A, 376-AB, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860), after the charge sheet is filed under section 173 (IB), the trial shall be completed on day to day basis, within a period of thirty working days from the date of filing of the charge sheet.”

Amendment of Section 327 (2) (Court to be opened)

After the words “offence under”, the words “Sections 326A, 376, 376-A, 376-AB, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860)” to be added.

At the end of Section 327(2) the following words shall be added :

“Provided further that the proceedings in cases of offences under Sections 326A, 376, 376-A, 376-AB, 376-C, 376-D, 376-DA, 376-DB, 376-E, of the Indian Penal Code (45 of 1860) shall be held in camera for recording the evidence of victims and such other witnesses who are vulnerable on account of their relation to such victim, age, health, psychological and physical or on any other grounds to be recorded in writing by the presiding officer .

“Provided further that in camera proceedings shall be held in the chamber of the presiding officer recording the evidence or through Video Conferencing and every effort shall be made by such presiding officer to make the victim or vulnerable witness feel comfortable and such satisfaction shall be recorded in the evidence”

Introduction of Section 357 –D (Institutional Services to Victims)

All institutions set up for providing shelter, relief ,rehabilitation etc to victims of offences under Sections 326A, 326B, 376, 376A, 376AB, 376 B, 376C, 376D, 376DA, 376DB,or 376E of the Indian Penal Code (45 of 1860) or of Sections 4 to 10 of POCSO Act, 2012 by the Central Government or State Government or local bodies or any other person shall immediately provide shelter, relief and rehabilitation including but not limited to services and facilitation for medical or psychiatric treatment, psychiatric counselling, legal aid and financial aid and any other service required for the same to the victims of the aforesaid offences within twenty four hours of the victim approaching the said institution by self or other means

Amendment of section 374(4) (Appeals from convictions)

After the words, “a sentence passed under”, the words shall be added, “Sections 326A”, to be added and after the words, ‘disposed of, ’, “within a period of sixty days”, shall be inserted in place of “within a period of six months,” prior to the words, “from the date of filing of such appeal.”

Amendment of section 377(4) (Appeal by State Government against sentence)

After the words, “a sentence passed under”, the words shall be added, “Sections 326A”, to be added and after the words, ‘disposed of, ’, “within a period of sixty days”, shall be inserted in place of “within a period of six months,” prior to the words, “from the date of filing of such appeal.”

Amendment of Section 438(4) (Direction for grant of bail to person apprehending arrest)

In Section 438(4) after the words, "under sub section", the words, "Sections 326A, 326B, 376 (2)," and after the words, "sub section (3) of Section 376, the words, "Section 376-A", to be added and after the words, "or Section 376-AB", the words, "Section 376-D and Section 376-DA" to be added, and after the words, "Section 376-DB," the words, "376E" shall be added before the words, "of the Indian Penal Code (45 of 1860)."

Amendment of Section 439 (Special powers of High Court or Court of Session regarding bail)

In Section 439 (IA), after the words, 'bail to the person', the following words shall be added, "Sections 326A" and after the words, 'Section 376-DB,' the following words shall be added, "376E of the Indian Penal Code (45 of 1860)."

Maharashtra Amendment of First Schedule.

(vi) In the First Schedule to the Code of Criminal Procedure, under the heading "I-OFFENCES UNDER THE INDIAN PENAL CODE",

(v) After Section 166-A IPC, the following sections with corresponding entries, shall be inserted, namely:

1	2	3	4	5	6
166-A(d)	Failure by Public Servant to assist investigation.	Imprisonment of either description upto 2 years and fine.	Cognizable	Bailable	JMFC
166-C	Failure to provide services to victim	Simple Imprisonment upto 1 year or fine or both	Cognizable	Bailable	JMFC
175-A	Failure to share data by social media platforms and internet/mobile telephony service providers	Fine of Rupees Ten Lakhs.	Cognizable	Bailable	Court of Sessions
176-A	Failure to furnish information or assist investigation.	Simple imprisonment upto six months or fine or both.	Cognizable	Bailable	JMFC
326A	Voluntarily causing Grievous hurt by acid etc.	Imprisonment for life which shall mean the remainder of the natural life of such person, or death and with fine to be payable to the victim.	Cognizable	Non-bailable	Court of Session
326B	Voluntarily throwing or attempting to throw acid	Imprisonment for a period not less than fourteen years which may extend to twenty years.	Cognizable	Non-bailable	Court of Session
354E	Harassment of Woman by any mode of communication	Imprisonment for a term up to five years and shall also be liable for fine up to Rupees Five Lakhs.	Cognizable	Non-Bailable	Court of Session
354 E(2)	Harassment by forcing to respond to romantic	Imprisonment for a term which may extend to three years, and shall also be liable to fine upto	Cognizable	Non-Bailable	Court of Session

	overtures by physical or electronic or digital means	Rupees One Lakh; and be punished on a second or subsequent conviction, with imprisonment for a term up to five years, and shall also be liable to fine upto Rupees Five Lakhs			
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(vi) For the entries relating to sections 376, 376D, 376DA, 376DB and 376E, the following entries shall be substituted, namely:

1	2	3	4	5	6
376(1)	Rape	Life imprisonment or death and shall be liable for fine.	Cognizable	Non-Bailable	Court of Session
376(2)	Rape by persons in authority or trust etc.	Life imprisonment which shall mean imprisonment for the remainder of the natural life of such person or with death and shall be liable for fine.	Cognizable	Non-Bailable	Court of Session
376(3)	Persons committing offence of rape on a woman under 16 years of age	Life imprisonment which shall mean imprisonment for the remainder of the natural life of such person or with death and shall be liable for fine.	Cognizable	Non-bailable	Court of Session
376D	Gang Rape	Rigorous imprisonment for life which shall mean for the remainder of the natural life of that person and shall also be liable to fine upto Rupees Twenty Lakhs to be paid to the victim or with death	Cognizable	Non-Bailable	Court of Session
376DA	Gang rape on a woman under 16 years of age	Rigorous imprisonment for life which shall mean for the remainder of the natural life of that person and shall also be liable to fine upto Rupees Twenty-Five Lakhs or	Cognizable	Non-Bailable	Court of Session

		with death			
376DB	Gang rape on a woman under 12 years of age	Rigorous imprisonment for life which shall mean for the remainder of the natural life of that person and shall also be liable to fine upto Rupees Twenty-Five Lakhs or with death	Cognizable	Non-Bailable	Court of Session
376E	Punishment for repeat offenders	Death	Cognizable	Non-Bailable	Court of Session

STATEMENT OF OBJECTS AND REASONS

- The Offences against women, especially sexual offences have increased many fold. The perpetrators continue their inhuman acts on innocent and helpless women and children, despite changes in Law.
- In order to effectively control the heinous sexual offences against women and children, it is necessary to complete the investigation and the trial of these cases within a time frame, which may deter the perpetrators from committing such offences. Stringent punishment, including heavy fines and death penalty, needs to be prescribed.
- Recently, such inhuman acts have taken place in the State of Maharashtra in which women were subjected to rape, burning alive and murder in incidents which are shocking to the social conscience. These circumstances require immediate amendment to the existing laws i.e, the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860 and The Protection of Children from Sexual Offences Act, 2012.
- In this context the Government of Maharashtra felt it necessary that such cases shall be investigated and tried expeditiously with provisions for heavy fines and / or death penalty and this requires amendments to the Criminal Law in this regard.
- Accordingly, the Government has decided to amend certain sections of the above Acts, suitably.
- The Bill seeks to give effect to the above objective

