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THE EFFECTIVENESS OF THE CRIMINAL LAW (AMENDMENT) ACT, 2018 IN ADDRESSING THE CRIME AGAINST WOMEN IN INDIA

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INTRODUCTION

The Criminal Law (Amendment) Act of 2018 amended the Indian Penal Code (IPC that time) now Bhartiya Nyaya Sanhita (BNS), Code of Criminal Procedure (CrPC that time) now Bhartiya Nagarik Suraksha Sanhita (BNSS), Indian Evidence Act (IEA that time) now Bhartiya Sakshya Adhiniyam (BSA) & the Protection of Children from Sexual Offence (POCSO).

It was introduced primarily as a response to the brutal sexual offences of Unnao and Kathua rape cases (2018). These horrific incidents triggered nationwide protest with the demand of public for some strict punitive laws having stringent punishment and justice for victims. Its main aim was to resolve the growing public outrage over the rising of brutal sexual assaults against minors.

Before 2018, the Criminal Law (Amendment) Act of 2013 had also strengthened the rape laws in India after the horrific rape case of Nirbhaya in Delhi (2012) which had shaken the spirit of nation. Still, the rise of crime against women and minor girl children in India showed for the need of more deterrent penalties for offenders.

This article will cover the reasons, key features, legal changes made, impact of the law on society, its advantages and shortcomings and at last the recommendations needed further.

REASONS FOR THE AMENDMENT

The major reason for the introduction and passage of this amendment is the happening of some high-profile incidents like the Kathua Rape case and the Unnao Rape case of Uttar Pradesh.

These incidents caused the widespread protest on the streets of the nation with the public outrage, media coverage and demand for some stringent laws in sexual crimes against women and children in India.

These incidents exposed the loopholes in the existing criminal law such as absence of Victim & Witness protection, Delayed Investigations, Weak Punishment and Insufficient Justice. The Criminal Law (Amendment) Act of 2013 has revised the rape laws after the incident of Nirbhaya Rape case expanding the definition of term “rape”, non-disclosure of victim identity, victim friendly process, but lacked the provisions in relation to rape of minor girl child & bail provisions, timelines of trial & investigation etc. were inadequate.

KEY PROVISIONS OF THE AMENDMENT ACT

The following are the key changes made in the criminal law through the amendment of 2018:-

1. **Changes in the Indian Penal Code (IPC):** The amendment under Section 376 raised the minimum years of punishment of rigorous imprisonment for rape from 7 years to 10 years, extendable to life imprisonment. Fines paid to victims was made compulsory in certain offences committed against them. The Amendment Act introduced as well as amends certain specific sections that covers the rape of minors under the age of 16 years and 12 years, including gang rape with stringent punishments.

In case of rape of a girl below the age of 16 years the minimum punishment of imprisonment increased to 20 years, extendable to life imprisonment. In cases of rape of a girl below 12 years of age the minimum years of imprisonment was increased to 20 years which is extendable up to life or even death sentence in some heinous cases.¹

In matters dealing with gang rape of minor girls the punishment was made stricter as life imprisonment or death penalty depending upon the seriousness of the case. In cases where the offender was previously convicted of the offence of rape of minors, the punishment inflicted may be more severe.

2. **Changes in the Code of Civil Procedure (CrPC):** The Amendment fixed the time limit for investigation, Trial and Appeal in cases dealing with rape offence of minor girls. The investigation must be completed within 2 months (mandatory) of the filing of FIR

¹ **Strengthening Punishment for Crimes Against Women: An Overview of Global and Indian Legal Frameworks**, Kale & Shinde Associates, 05 October 2025 https://kaleandshinde.com/blog/strengthening-punishment-for-crimes-against-women-an-overview-of-global-and-indian-legal-frameworks?_gl=1*1cf5ytn*_gcl_au*MTc0MDEyNzk2LjE3NTk2NTUzNTY.*_ga*MTA0NjA4NjIzLjE3NTk2NTUzNTc.*_ga_MBTGG7KX5Y*cZ3NTk2ODY2NTQkbZkZzEkdDE3NTk2ODcxMzcakjEwJGwwJGg5MTgyNTk3MjU

and the trial of the same case must be completed within 2 months of the filing of chargesheet. The appeal must be disposed within 6 months of the judgement in the same case. The amendment made the special fast track courts for speedy disposal of rape cases against the minor girls and speedy delivery of justice to the victim.

3. **Amendments in the POCSO Act:** The Amendment Act clearly stated that in cases dealing with the offences covered under POCSO & IPC, the punishment which is higher shall be provided. This was made to ensure that the offenders of such crimes should be inflicted with maximum punishment for their offences and should not get any relaxation due to any procedural or legislative technical weaknesses. The identity of the victims of POCSO should not be revealed and it was made mandatory.
4. **Amendments made in the Indian Evidence Act (IEA):** The amendment made the victim friendly evidence laws regarding their age, medical examination during the trial, protection to their identity, safety of the witnesses and the victim etc... to reduce any delay due to the evidentiary hurdles for the victims.

EFFECT OF THE AMENDMENT ACT

The Amendment Act of 2018 provided the deterrent effect. The threat of stringent punishments including death penalty in the offences of rape of minor girls has been seen as a strong deterrent. Whether deterrence has substantially increased is tough to quantify because sexual offences are still under reported in India but the law made it very clear that there is complete intolerance from the society for these crimes.

The compulsory and fixed time limit for investigation, trial and appeals in rape cases of minor girls reduced delays, obstacles and the trauma that the victim suffer from in prolonged cases. Also, the establishment of fast-track courts made it reliable for victims to seek justice. More victim-friendly procedures in evidence, clear definitions of the terms like :”rape” etc..., overlapping jurisdiction in favour of stringent punitive measures provides enough protection.

The Act made the medical examination of victim a responsible act with no revelation of her identity, compensation and rehabilitation as compulsory measures for victim in cases of rape offences. The law clarified the ambiguity in the POCSO and IPC for punishment in matters dealing with offence of rape of minors by making sure that the punishment which is higher shall be provided.

SHORTCOMINGS OF THE AMENDMENT ACT

Several legal scholars criticised the Amending Act as it lacks several features such as the gender-neutral laws in rape cases and the laws in relation to minor boy child in sexual offences. It does not cover the criteria of male child as victim of sexual abuse who can in reality also suffer from the same crime. This is a matter of concern as per gender equality under Article 14 of the constitution of India.

Further, the critiques argued that providing deaths in the matters of sexual crimes unless grievous bodily injury is caused or matter includes rare of the rarest doctrine, is an extreme step as it should be inflicted upon the accused on in cases dealing with deaths or violence causing death.

Similarly, practical challenges such as completion of investigation and trials within the prescribed time period of 2 months and the appeals within the mandatory time of 6 months is ambitious where the law makers believe that state has sufficient machinery to fulfil these procedures as per the instructions but in reality there is a lack of proper staff and trained employees in the Courts, Police stations, testing labs and in forensics. It leads to hurdle in procedure compliance, obstacle in the delivery of justice to the victim and time taking court proceedings as well as puts high burden of cases on the fast-track courts. It also sometimes leads to compromise in the thorough procedures of meeting mandatory prescribed rules by the court and its officers.

Another major shortcoming of this Amendment is that it hampers the rights of the accused as the bail provision made are restrictive in nature under this act making the innocent suffer the conditions of jail in case of false or malicious filing of cases against an innocent framing him as an accused of such serious offence.

The law increased the punishment for several sexual offences but failed to cover some serious sexual offences as well like the offence of sexual harassment, stalking etc.. it failed to address the issue of child marital rape or the exceptions available in the POCSO regarding consent-based sex between minors which needs more clarity over its jurisdiction.

COMPARISON WITH INTERNATIONAL LAWS

International laws like the UN Convention on the rights of the child (UNCRC) or the International Human Rights Laws, stress upon the rights of the child, their rights to fair trial, non-discrimination, compensation in serious offences and rehabilitation along with the

implementation which is the primary matter of UN. Indian laws are in line with these principles of international laws.

However, Other Nation State has laws such as on the ground of sexual offences being gender neutral, inclusion of male victims in offences of rape, no death penalty for sexual crimes except in heinous offences which Indian laws lacks at large leading to imbalance in the rights of male and female as well as in the justice delivery system.

ASSESSMENT OF THE EFFECT OF AMENDMENT

A total of **4,48,211 cases** of crime against women were registered, marking an **increase of 0.7%**. The national crime rate stood at **66.2 incidents per lakh female population**

Among states, **Uttar Pradesh** reported **the highest number of cases at 66,381**, followed by Maharashtra, Rajasthan, West Bengal and Madhya Pradesh. “Majority of cases under crime against women were registered under cruelty by husband or relatives with 1,33,676 cases (29.8%), kidnapping and abduction of women with 88,605 cases (19.8%), followed by assault on women with intent to outrage her modesty with 83,891 cases (18.71%) and **Protection of Children from Sexual Offences (POCSO) Act with 66,232 cases (14.8%)**,” said the NCRB report.

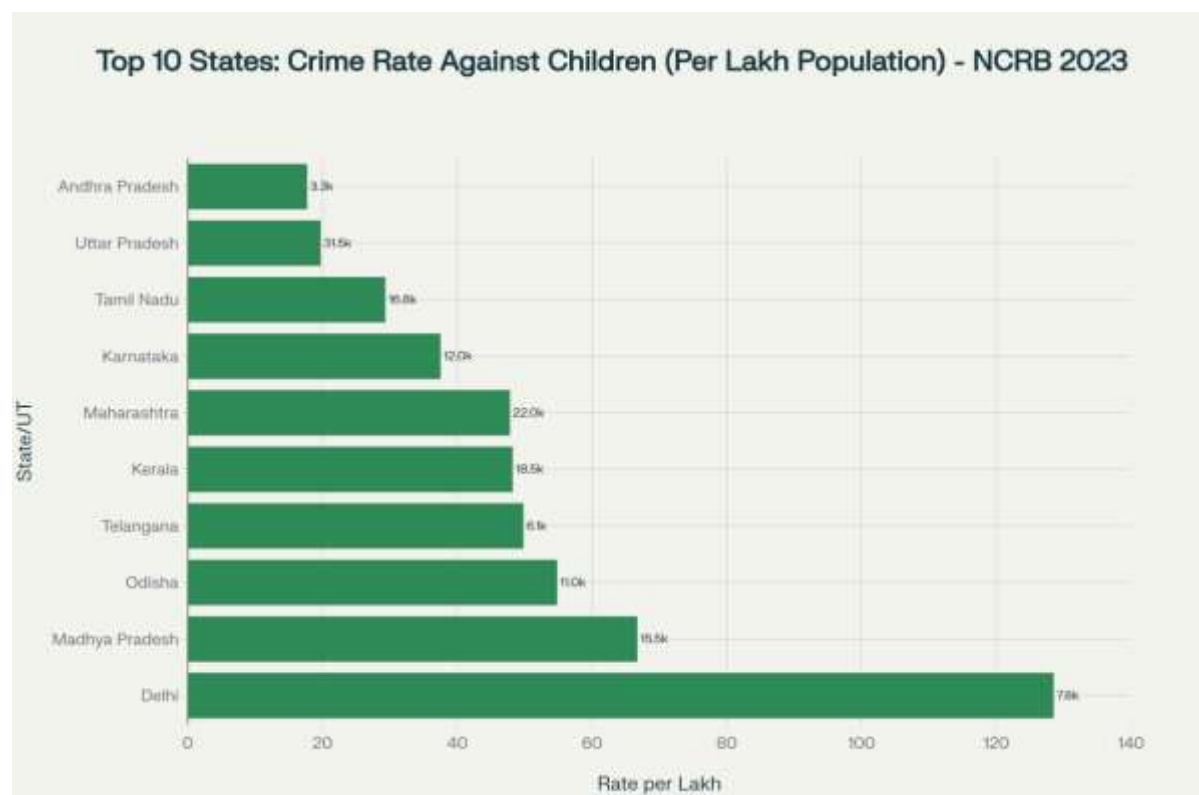
Several states also showed a decline. “Madhya Pradesh, which led in absolute numbers with 3,619 cases in 2023 (down from 3,795 in 2022), and Maharashtra with 3,970 cases (down from 4,406) saw reductions. However, Bihar reported a sharp jump from 1,052 to 1,818 cases, and the number of cases in Tamil Nadu increased from 2,607 to 2,999. Among the UTs, Delhi accounted for the bulk at 2,278 cases, down from 2,340 in 2022,” it said.²

The situation for children presents equally disturbing trends. **Delhi again leads with the highest crime rate against children at 128.5 per lakh child population**. The capital reported **7,769 crimes against children** in 2023, including **1,757 cases under the POCSO Act**.

Telangana’s data reveals particularly concerning patterns. The state recorded **6,113 crimes against children**, marking an **8.02% increase** from 2022. Most alarmingly, **3,154 cases were registered under the POCSO Act**, with kidnapping and abduction accounting for **1,753 cases**.

² Rise in cybercrime, most crimes against women in UP: How to read NCRB’s 2023 Crime in India report, *The Indian Express*, 05 October 2025 <https://indianexpress.com/article/explained/rise-cybercrime-women-up-ncrb-report-2023-10283715/>

What disturbs me most is Telangana's dubious distinction of recording **76 cases of procurement of minor girls** under Section 366A—**38 times more than Kerala** and **15 times more than Karnataka**.



Top 10 Indian states by crime rate against children per lakh population in 2023, based on NCRB data

Metropolitan areas present concentrated pockets of violence that demand special attention. **Delhi consistently ranks highest across multiple crime categories**, reporting **13,366 crimes against women** and **7,769 crimes against children** in 2023.

Mumbai follows with 6,025 crimes against women and 3,110 crimes against children, while **Bengaluru recorded 4,870 crimes against women and 1,982 crimes against children**. These figures underscore how urbanization, while bringing opportunities, has also created new vulnerabilities and crime patterns.

In Delhi, rape cases under POCSO saw an **18% increase**, rising from **890 cases in 2022 to 1,052 in 2023**. This trend particularly troubles me because it suggests that despite increased awareness and legal frameworks, the protection of children in urban areas remains inadequate.

The persistence of domestic violence remains India's most shameful open secret. **Cruelty by husband or relatives** continues to dominate crime statistics, representing **29.8% of all crimes**

against women. In my analysis, this category alone accounts for more cases than all other violent crimes combined.

The geographical distribution of domestic violence cases reveals interesting patterns. While UP reports the highest absolute numbers, states like Telangana show disproportionately high rates when adjusted for population. **Telangana recorded 10,518 cases of cruelty by husband or relatives** in 2023, contributing significantly to its high overall crime rate.

Rape cases totalled 29,670 in 2023, with 28,821 involving women aged 18 and above and 849 involving minors. What concerns me most is the age distribution: **708 rape survivors in Delhi were between 18-30 years**, highlighting the vulnerability of young women.

Assault on women with intent to outrage modesty recorded 83,891 cases nationwide with a rate of **12.4 per lakh women.** In metropolitan cities, Delhi led with **1,791 cases**, followed by Mumbai with **1,672** and Bengaluru with **1,163**.³

CONCLUSION

The Criminal Law (Amendment) Act of 2018 is a significant step in strengthening the legal provisions for women and girl child who are victims of sexual crimes. It was a response to the social demand of the public after the shocking criminal offences. It was introduced to remove the shortcomings in existing laws by increasing punishment, mandatory speedy trial & investigations aligning IPC (now BNS) & POSCO.

The amendment is a reflection of both judicial activism and political responsible governance in India but like the earlier, its major shortcoming is its implementation.

³ NCRB DATA OF 2025: "ANALYSIS OF STATEWISE CRIME AGAINST WOMEN AND CHILDREN IN India", *TGNNS*, 05 October 2025 <https://www.tgnns.com/news/ncrb-data-2025-analysis-of-state-wise-crime-against-women-and-children-in-india/2025/10/04/>