

Maharashtra's Shakti Act

December 29, 2021

In news—The Maharashtra Assembly recently passed the Shakti Criminal Laws (Maharashtra Amendment) Act unanimously.

Key features of the bill-

- The bill has made **changes to the laws on rape, gangrape, acid attacks, sexual harassment under the Indian Penal Code, provisions of the Protection of Children from Sexual Offences (POCSO) Act** as well as changes in relevant provisions of the Criminal Procedure Code (CrPC).
- It **amends the existing criminal laws to include death penalty as punishment in cases of rape and gangrape**, it says that in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death.
- The existing law on rape had provisions for death penalty only in cases of repeated offences.
- The Act has also **enhanced fines and punishment for offences of sexual violence against women and minors.**
- **Under the POCSO Act too, punishment for penetrative sexual assault in heinous cases has been enhanced to death penalty.**
- The Act requires the trial in these cases to be conducted on a day-to-day basis and completed within 30 working days from the date of filing of the chargesheet.
- It also requires for the **investigation to be completed within a month of the FIR** which can be extended by another month by the concerned Special Inspector General of Police or Commissioner of Police only for specific reasons given in writing.
- **In cases of grievous hurt caused due to acid attacks**

under Section 326A, the **punishment** has been enhanced to a minimum of **15 years** which can be extended to the remainder of the natural life of the perpetrator along with fine.

- In cases of **voluntarily throwing acid or attempting to throw it**, punishment under section 326B has been enhanced to a minimum of seven years and a **maximum of ten years**.
- The fine amount in these cases will be towards medical expenses including plastic surgery and face reconstruction.
- **Section 354E has been inserted to the IPC for intimidation of women by any mode of communication, in addition to insulting modesty.**
- In the category of persons who are liable to aggravated punishment for rape, the Act has included those staffers or contractual employees who are providing security or maintenance to a building.
- **The Act has also made it mandatory for social media platforms, mobile data companies to share data sought for the purposes of investigation in cases of rape,** sexual harassment, acid attacks and relevant provisions under the POCSSO Act within three working days or face imprisonment for a maximum of three months and/or a fine of Rs 25 lakh.
- The Act has **also included a provision under for punishment between 1-3 years and a fine of up to Rs 1 lakh for any person “who makes false complaint or provides false information against any person solely with the intention to humiliate, extort, threaten, defame or harass”** in cases of rape, sexual harassment and acid attacks.
- The Act states that **bail in cases of acid attacks, rape and gangrape can be decided only by sessions court and higher courts.** Grant of anticipatory bail in such cases has also been prohibited.
- With the passage of the Bill, **it became the second state**

in India after Andhra Pradesh to approve death penalty for heinous offences of rape and gangrape.