

Nirbhaya Act

June 25, 2020

Criminal Law Amendment Act 2013 has been one of the most concrete steps taken by the Indian government to curb violence against women. The Act is deemed to be one of the most important changes that have been made in the existing criminal laws namely the **Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act.**

Criminal Law (Amendment) Act, 2013

- It amended as well as inserted new sections in the IPC with regard to various sexual offences. **New offences like, acid attack, sexual harassment, voyeurism, stalking** have been incorporated into the IPC.
- It **expands the definition of rape** to include oral sex as well as the insertion of an object or any other body part into a woman's vagina, urethra or anus.
- The new amendment defines 'consent', to mean an **unequivocal agreement to engage in a particular sexual act**; clarifying further, that the absence of resistance will not imply consent.
- One of the most notable omissions of the Act is its **failure to criminalize marital rape**. It is an exception to section 375, provided that the wife is not under 15 years of age.
- Earlier the offence of rape (sexual assault) was gender neutral, while now this **offence is women centric**. Only a man is assumed to be capable of committing such offence and that too against a woman only. The aspect of gender neutrality was required in following aspects:
 - When a man or transgender person is raped.
 - In a few instances, even women have carried out sexual assaults against other women.

