

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 20th July, 2020

No. LD/Legis-Act/334-48/2020. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 1st July, 2020 and received the assent of the President on the 10th day of July, 2020, is hereby published for general information.

(ACT XXIII OF 2020)

**AN
ACT**

further to amend the Azad Penal Code 1860, and the Code of Criminal Procedure

WHEREAS it is expedient further to amend the Azad Penal Code, 1860, (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Criminal Law (3rd Amendment) Act, 2020.
(2) It shall come into force at once.
2. **Addition of Section 377-A, Act XLV of 1860.**- In the Azad Penal Code, 1860 (Act XLV of 1860), after Section 377, following new Section 377-A shall be added:-

“377-A. Rape or Unnatural offence with minor.-

(1) Whoever commits rape or unnatural offence with a minor shall be punished with death, or imprisonment for life, or castration along with imprisonment which may extend to ten years and fine, which may extend to five million rupees but shall not be less than two million rupees:

Provided that for the purposes of this Section, minor shall be a person of either sex, who has not attained, the age of eighteen years.

(2) Surgical castration shall be performed on the convict by an authorized surgeon and where the surgeon is of the opinion that surgical castration may cause death of the convict, the chemical castration of permanent nature shall be performed.

(3) Whoever attempts to commit an offence under sub-section (1) shall be punished with imprisonment which may extend to ten years but shall not be less than five years or fine which may extend to 2 million rupees but shall not be less than one million or with both.”

3. **Amendment of Code of Criminal Procedure 1898, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, existing Section 156-A shall be renumbered as (1) and new sub-section (2) shall be added as under:-

“(2) Notwithstanding anything contained in any other law for the time being in force, no Police Officer below the rank of a Deputy Superintendent Police or Assistant Superintendent Police shall investigate the offence under Section 377-A of the Azad Penal Code.”

4. **Addition of Section 352-A, Act V of 1898.**- In the said Code, after Section 352, new Section 352-A shall be added as under:-

“**352-A** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), trial of the offence under Section 377-A of the Azad Penal Code shall be completed within a period of sixty days:

Provided that the period of trial under this Section may be extended to ninety days on reasonable ground with the permission of the High Court.”

5. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898),-

(a) in Schedule-II, in column I, after Section 377 and the corresponding entries relating thereto to in columns, 1,2,3,4,5,6,7 and 8, the following shall be inserted, namely:-

"377-A	Unnatural offences	May arrest without warrant	Warrant	Not bail-able	Not Compound-able	<p>i) With death or imprisonment for life, or castration along with imprisonment which may extend to ten years and fine, which may extend to five million rupees but shall not be less than two million rupees.</p> <p>ii) Imprisonment for ten years but not less than five years or fine which may extend to two million rupees but not less than one million or with both.</p>	Court of Sessions"
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Sd/-
(Gulfraz Ahmed Khan)
Section Officer (Legislation)