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CHANGES MADE IN CODE OF CRIMINAL PROCEDURE THROUGH 2005 & 2008 AMENDMENT ACT: A STUDY

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ABSTRACT

This paper primarily focuses on the concept of changes made in the Criminal law, especially in Code of Criminal Procedure, through the 2005 and 2008 amendment act. This paper brings into consideration, how the time has changed and how over the period of time, the nature of crimes in the society has changed. It also takes into consideration that how with the coming up of the globalisation and privatisation, playing important roles in the so called development, the changing nature of crimes has also witnessed development and growth. This paper commences with the introduction to the concept that how with the changes in the nature of crimes, it has become need be to bring amendments and how the latest developments in the Code of Criminal Procedure through the 2005, 2008 and the 2013 Amendments. As it further moves towards its approach it talks about the history of Code of Criminal Procedure before the Independence and the Incorporation of the British Code of Criminal Procedure in India. It also then discusses about the position of the Code of Criminal Procedure, post independence. Then moving forward it also talks about the various amendments in the Code of criminal procedure brought till date and briefs them. Amendment of 2005 and its impact on the society has been further discussed with an analytical approach in the paper and incessant to this amendment of 2008 is also discussed with its impact. As, we further ascend, this also talks about the amendment of 2013 in the code of criminal procedure and gives an analytical approach. Recent judgements and case laws after the 2013 amendment has also been peeped at. Last but not the least, this paper concludes with a set of recommendations and suggestions for the better understanding of the improvements needed in the society

KEYWORDS: Criminal Law, Period of Time, Globalisation, Privatisation

INTRODUCTION

RESEARCH METHODOLOGY

Scope and Objective of the Study

The object of the study is to analyze the changes that have been made to the Code of Criminal Procedure through the 2005 and the 2008 Amendment Act and the changing dimensions of the crime and the society especially when it comes to the changing crime methodologies and the new development in the society as well as the crime. A study of the provisions of the Code of Criminal Procedure has been done. The concept of the history of the legislation of the code of criminal procedure and society is conducted to find out the types of such crimes and developments in the code and how they have had an impact on the society. Different amendments have also been taken into consideration and their impact and effects have also been deeply analysed. Then various attempts have been made to make suggestions which can bring reform in the condition of Code of Criminal Procedure so as to bring it at par with the modern development so as to enable them to be in equal line with the developments that are taking place in the country, so far as the concept of crime is

concerned. Another objective is to figure out whether the changing pace of the crime rate is in pace with the changing law of the code of criminal procedure or for that matter any other criminal law. However, the study is limited to the concept of crime and amendments made to the code of criminal procedure to be precise and clear in its approach.

RESEARCH METHODOLOGY

The methodology adopted is largely analytical and descriptive. Reliance has been placed largely on secondary sources like books and articles. Sources like the journals be it national, or international along with the online journals have been used in the formation of this article. The lectures and classroom discussion have been rich with valuable pointers and gave direction to the research.

CHAPTERIZATION

This project has been divided in chapters. It consists of following chapters, Introduction (Chapter I),Scope and Object of the Code of Criminal Procedure (Chapter II), Historical background (Chapter III), Position of Code of Criminal Procedure Post Indian Formulation in 1973 (Chapter IV), Various Amendments Made in the Code of Criminal Procedure (Chapter V), Code Of Criminal Procedure (Amendment) Act of 2005 and its Impact (Chapter VI), Code of Criminal Procedure (Amendment) Act of 2008 and its impact(Chapter VII),Code of Criminal Procedure (Amendment) Act of 2013 and its Impact (Chapter VIII), and Conclusion (Chapter IX)

RESEARCH QUESTIONS

1. How is the Code of Criminal Procedure, a code of the society and is changing according to the changing crimes and what is the scope and object of the Code of Criminal Procedure?
2. What is the historical background of the Code of Criminal Procedure and how was it incorporated in India?
3. With the changing dimensions of crime, what are the various amendments that have been made to the Code of Criminal Procedure?
4. What was the concept of the Code of Criminal Procedure (Amendment) Act, 2005 and what kind of impact, does it have on the society?
5. What was it felt to have another amendment to the Code of Criminal Procedure in 2008 and what impact did it have on the society?
6. What was the Code of Criminal Procedure (Amendment) Act, 2013 all about and how has it adapted with the changing crime rate in India?
7. How have the recent judgements and cases, reflected the amendment overall?
8. What are the conclusions drawn?

HYPOTHESIS

While attending to the concept of Crime in the Indian Society, some major issues that came into my mind is that what is the concept of the crime and society and how are they interrelated. Another important issue that arises is that how has the development in crime effected the nature of the law as time has passed by. Another issue that will be dealt by us in

the following is that what led to the formation of Code of Criminal Procedure in the Indian Society and what were the situations pre and post Independence? What are the reforms that have been introduced in the year 2005, 2008 and 2013? How are the situations now, as far as the development of the crime rate in the society and the frequent amendments of the Code of Criminal Procedure is concerned? Another issue is that whether the amendments of the various years has actually led to the development of the Criminal laws especially talking about the Code of Criminal Procedure or the crime has taken a toll over the law? This all will be dealt by us in the following paper and this paper will strictly adhere to the secondary sources of information, i.e. the books, articles, online information and the general knowledge of the author.

MODE OF CITATION

A uniform system of citation is followed throughout in the contents.

INTRODUCTION

This paper commences with the concept of crimes in the ancient society. It is not the crime that has been changing over the time, but the advancement in the technology that has been changing since the time immemorial and which has led to the advancement in the crimes as well. When we talk about the nature of crimes, it is not the basic nature of crime that has changed, it is the technology and development that has led to the change in the medium of the instrument or the tool that has led to the change in the crime overall. People usually talk about rape as a new crime but no it is not a new crime, it used to happen even in the earlier times, just that now it has become too frequent and the reason behind it, is the invention of technology and more appropriately the misuse of it. The sexual delinquency among the people has increased because of the things they see on the internet today and because of the fact that internet is easily available, these crimes happen more often. In the wake of achieving immoral and unmeasured development, people have given up on their morals and principles which is why the crime rate has increased. People have become so friendly with the technology that even for committing an offence they need the support and help of the technology, so the reliability on the technology is more than the reliability on the fellow human beings. The reason is the so called materialistic development and in the wake of achieving materialistic pleasures and attaining high standards of life, people tend to commit crime rather than work for it but the sad part is that they use technology for committing a more sophisticated crime as compared to the non sophisticated one. The level of rise in the commitment of heinous crimes has increased even more than the number of crimes committed in the ancient India. So the development we are accruing to, is another hoax in the fraudulent era or is it really a development to be considered as a development towards growth and progress of the country? The development towards which the mankind is running behind is the development only in economic terms and by this I mean that everyone is looking forward for money, money and only money. There are some days when we wake up to news of a daughter killing her father for the sake of money and news like a wife getting raped by her husband's brother or friend so as to earn money. So, is this the development we are heading towards or is it that the crimes that were considered to be heinous before are now no more heinous because of the lost morals and principles. The moral values are only to be taught in the convent schools and the rest is to be left on the growth of the individual to learn about, where an individual in his lifetime only sees his parents striving hard to earn money and have given up on the family time together. Yes, these are some of the factors why criminals become criminals because learning is a process and it happens gradually and not suddenly. The punishment for crime has always been a much debatable topic but what is the answer? How is the punishment given and where is it prescribed? When we talk about ancient India, where was the mode of punishment prescribed and how was the common

man aware about the punishments? What was the mode of punishing the criminal offences when the statutes like the Indian Penal Code and the Code of Criminal Procedure were not even present? Who had the right to punish the offender and were there proper jails before then? All these questions will be dealt in detail in the following chapter of the Historical Background.

For the introduction purpose, if we see what was the punishment given in the ancient times, so even in the ancient times the nature of punishment was based on the nature of crime and hence punishment was given according the crime and therefore, it is not a new concept. Arguments will be substantiated further in the research paper. Also, the reason why the crimes committed in the ancient time was not frequent is because the nature of the punishment was very harsh or say practical enough for the offenders or accused to learn from the crime committed. It was only after a certain period of time, when the British took over the administration of the country, that the criminal laws came to be codified and then the punishments were given to the accused according the codified laws. The British administration in India was for almost about two hundred long years and that seemed to be never ending and in this period of time the British, witnessed some loopholes in the administration of the criminal justice and therefore, set up a proper criminal justice system in India through their codified laws but the question that arises is, that British and India were two different entities and both of then had their own cultures and customs and different scenarios all together, so will their law work in our country ? The answer is that to some extent their law worked in our country or we can also say that it was made to work in our country. It was later on after 1947 after the eve of independence that the leaders of our country codified the laws of our country which was derived from the Constitutions of the world. It was not merely a copy paste but an intelligent piece of work combining various constitutions together according to the Indian scenario and adding few of our own, to make it one of the most beautifully drafted constitutions of the world. It was also after that the civil laws and the criminal laws were differentiated and codified which will be seen in the chapter relating to the Historical background.

SCOPE AND OBJECT OF THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT

In this chapter, we mainly discuss about the scope and objective of the main code i.e. the Code of Criminal Procedure (Amendment) Act as a whole. We need to study the scope and objective because we need to know the reason and purpose of the Code that why it is formulated and why it has been into existence. In this chapter we will be mostly dealing with the reasons of the existence of the code and followed by this we will be dealing with the historical background of the Code.

The object, purpose or design of all procedural law is to further the ends of justice which means expand the arena of justice as it is meant to be and not to frustrate them by the introduction of endless technicalities. The object of the Code is to ensure that an accused person gets a full and fair trial along certain well established and well understood lines that accord with notions of natural justice[1]. Where an accused is tried by a Court, the court must have the authority vested with them, which must be given by the law and the court must also look at the jurisdiction that they imbibe with them. The accused must be told the nature of the crime committed and tried under and also the nature of the punishment that the crime beholds. Then the plea of the accused is recorded and provided with full and flair opportunity to defend him against

[1] Munir Ahmad Mughal on the What is the Object and Purpose of The Code of Criminal Procedure,1898? https://www.academia.edu/1261803/What_is_the_Object_and_Purpose_of_the_Code_of_Criminal_Procedure_1898, accessed on 20th day of July at 7:00 p.m.

the charge and where the accused alleges and shows substantial prejudice caused to him the compliance of law is not substantial. In the former case, if there is an error or omission in the trial it is called a curable irregularity which does not vitiate the trial. Where the trial is vitiated, Justice is said to be done and not denied[2].

There are certain basics in the Criminal law in Toto and also, there are certain basic principles of the Criminal Justice System as a whole. The culture of crime does not develop overnight and it is something gradual and has dimensions attached to it. To eradicate any evil in the society, proper awareness and education about the same is required and it is in the cooperation between the members of the society. A dynamic and progressive approach in the application and enforcement of the criminal law is the need of the hour to eliminate the evil of our society. Courts are a system of administration through which justice can be enforced but it is through the members of the society that the real evil should be eliminated. Some of the basic principles of the Criminal Justice are:-

- Law is to define the offences and its punishment
- Fair investigation is the right of both the victim and the accused
- Charge is to be clearly stated
- No man is to be condemned unheard
- Law must treat all equally
- Prosecution is to stand on its own legs
- Benefit of Doubt is to go to the accused
- Accused has the right to engage a counsel
- Both the prosecution and the accused are to be given full opportunity of evidence[3].

HISTORICAL BACKGROUND

When we talk about History of the Criminal Administration of Justice, we must notice that the history is vast and therefore it is divided into phases. These phases particularly refer to different time periods in the ascending order and define the evolution of the criminal justice system in India. The phases are as follows :-

- Vedic or Pre Sutra Period
- Dharma Sutra Period
- The Post Smriti Period
- Muslim Period
- British Period
- After Independence

[2] Ibid.
[3] Ibid.

You might notice one thing, that the phases of the Criminal Justice system are starting or commencing from the Vedic period and not from the Indus valley civilisation because the traces of the criminal justice administration system cannot be found before the Vedic Period.

Vedic Period

The ancient Indian people did not have lawyers and judges with them to represent them in the courts and have a proper legal system but it all began with the writing of rules on the palm leaves, terracotta, carving pictures on walls and other such methods. During the early Vedic period the customs and the traditions were taken as the law of the land[4]. This means that what was followed was not the codified law but the law of the land what in modern day is known as the principles of natural justice. In the primitive days, what was considered to be the best punishment was on the tit for tat basis. Such fines were levied as a compensation to the females of the victim and the fines were derived from the accused.

In the later Vedic period the justice was given in accordance with the law that is where actually the administration of criminal justice starts i.e. the Vedic Period. The law in this period could not be even violated by the kings. These laws were mentioned in the Rig Veda and the other Vedas which included crimes such as the Theft, Burglary, Robberies etc. and also the Smritis enumerated the eighteen clauses of disputes between the people which were civil in nature and some were criminal in nature such as theft etc[5]. While studying this concept we also came across a fact that the person accused of theft had to prove their innocence by taking oath or the ordeal or both and the Manusmriti mentions two kinds of ordeal i.e. the fire and the water[6]. Among the other crimes mentioned the theft or the 'Steya' was the most common and the Rig Veda also mentioned about the 'Steya' or the 'Tayu' or in other words 'Theft and the theives' in several hymns[7]. This implies that the prevalence of crimes such as the theft, robbery existed even during the Vedic period and they are not new or modern crimes.

Dharma-Sutra Period

The Dharma-Sutra period was basically the period which was governed by the Dharma ideology. This was also mentioned during the Vedic period and this is evident through the Rig Veda, as there is a mention of a thief rested with the very person wronged[8]. It was eventually and over the period of time that the individual revenge gave way to group revenge as the man could not have grown and survived in complete isolation and for his very survival and existence it was necessary to live in groups. Group life necessitated consensus on ideals and the formulation of rules and regulations of behaviour or conduct that was to be followed and accepted by its members or the members of the society who were subject to such formulation. These rules defined the appropriate behaviour and the action that was to be taken when members did not obey the rules and the regulations [9]. This means that even when there were no rules that were codified or that were written or in other words there was no official law, there were certain unofficial rules that were made and followed by the people of the society and these rules were basically made of the principles of the natural justice. The code of demeanour

[4] Raychoudhary SC. Social, Cultural and Economic History of India. New Delhi: Surjeet Publications; 2007. p. 36
[5] Tripathi RS. History of Ancient India. Delhi: Mothilal Banarsidass Publication; 1967. p. 79.
[6] Majumdar RC, editor. The Vedic Age. Bombay: BharathiyaVidya Bhavan; 1965. p. 439.
[7] Rai K. Ancient India. Allahabad: KitabMahal. 1992. p. 34.
[8] Choudhuri, Dr. Mrinmaya, Languishing for Justice, (quoting Keith, A. Berriedale: "The Age of the Rig Veda" in The Cambridge History of India, edited by J. Rapson, Vol. I, p. 87).
[9] Choudhuri, Dr. Mrinmaya, Languishing for Justice, (quoting Keith, A. Berriedale: "The Age of the Rig Veda" in The Cambridge History of India, edited by J. Rapson, Vol. I, p. 4-5).

that governed the behaviour of the society was not the codified law but the Dharma ideology or the law at that time.

"There was neither kingdom nor the King; neither punishment nor the guilty to be punished. People were acting according to Dharma; and thereby protecting one another"[10].

This clearly states that the people of that era were not governed by any authority but the Dharma or the principles of natural justice was the law at that time and there was no codified law. When it comes to speaking of Dharma, as already stated it was not something different, it was a part of the Vedas which was discovered a little later. The Dharma Sutras, Srmritis and the Puranas were the other important sources. The nibandhs and the shlokas play an important role in determining the role of the dharma at that time and they also become an important source of interpretation of law and became supplements to the law whereas the main Vedas were taken to be as the authorities[11].This implies that there was no common law to which all were subjected to, it was the Hindu law that was ruling over the rest.

The Post-Smriti Period

The post Smriti period or the Smriti period itself focussed on one of the most important functions of the King. The administration system has now changed from the fiduciary one to the authoritative one. Now, they have a king to govern them and who decides the administration of the state. The smritis stressed that the very object with which the institution of kingship or the position of king was discovered and brought into existence was for the enforcement of Dharma. Now, there is a point to be noticed, that every stage of the history of the criminal administration system is linked to one another, before when dharma was alone the dominating one, in the other phase a dominating character was introduced to enforce the already dominating one, therefore the King became the superior authority to enforce the law. Now, the question in force was, who was superior, the King or the Dharma ? What has already been discovered is that the institution of Kingship was introduced to enforce law i.e. the Dharma and the king could also punish the wrongdoers of the Dharma and to give protection and relief to those who were subjected to injury of their rights. The Smritis emphasises that it was the responsibility of the king to protect the people through proper and impartial administration of justice and that he could alone bring the peace and prosperity to the King himself and to the people as well[12]. The King's court has the highest court of appeal as well as an original court in cases of vital importance to the State. Ashoka for instant entrusted Mahamatras with the task of invigilation of the town judiciary by means of periodical tours[13].

Muslim Period

There was a period or a phase before this period when the Hindu rulers were ruling but then towards the end of the 11th Century began the downfall of the Hindu rule. Local Hindu rulers were attacked and defeated by foreign invaders of the Turkish race. Gradually, old Hindu kingdoms began to disintegrate[14]. The Muslim polity was already based on the legal sovereignty of the Sharia or the Islamic Law which was codified enough. The political theory laid emphasis on the fact that all Muslims formed once congregation of the faithfuls and it was necessary for them to unite closely in the form of

[10] Jois, op. cit., p.576,quoting Mahabharata, Shanti Parva, 59-14: Naiv rajyam na raja-assinnh dando na cha dandikah; Dharmenaiv parjah sarva rakshanti sma parsparam.)
[11] Jois, op. cit., p. 8, quoting Manu VIII-15: Dharma ev hato hanti dharmo rakshti rakshita,Tasmadharmo
[12] Jois, op. cit., p. 489, quoting Manu VIII-15.
[13] The Gazetteer , Vol.II, p.153.
[14] Kulshreshtha, op. cit., p.14.

an organised community. An attempt to break away from the organised community was condemned by the religion[15]. The Muslim rulers were the protectors of the Sharia. During the reign of Akbar, he introduced many reforms in the administration of justice such as he created a common citizenship and a unanimous system of justice for all. Apart from all this he also prohibited slavery, repealed the death penalty clause for criticising Islam and prohibited the forcible practice of Sati. Whereas rulers such as Jahangir established the system of appeal. Aurangzeb on the other hand also codified the Muslim criminal law which was entitled as Fatwa-i-Alamgiri[16].

British Period

The Muslim Period also saw its diminish after the rule of Aurangzeb. It was the time when even the other Hindu rulers were not able to handle the administration of the state and the State of Bombay was being captured by the Portuguese. Illbert describes the circumstances, which made the application of the Muslim criminal law inevitable and the compulsions which rendered the change of the criminal law a must in the folloing said words:

"The object of the East India Company was to make as little alteration as possible in the existing state of things. Accordingly, the country courts were required, in the administration of criminal justice, to be guided by Mohammedan law. But it soon appeared that there were portions of the Mohammedan law, which no civilized government could administer. It was impossible to enforce the law of retaliation for murder, of stoning for sexual immorality or of mutilation for theft, or to recognize the incapacity of unbelievers to give evidence in cases affecting Mohammedans."[17]

However, this was not the only reform that was brought in, as it was followed by other major reforms in the criminal administration by Warren Hastings, Lord Cornwallis and Hastings. These reforms were elaborative in nature and also turned the face of the Indian Law upside down and the law was now well formulated and codified. However, in the wake of codification, they always tried and experimented several things on the Indian society and kept the reforms that suited their needs to the best. The point to be criticised here is that, they were making laws for the administration of the Indian people but were looking for the laws that complied more to their needs than to the needs of the Indian people. It took a long time for the Indians to understand the divide and rule policy that was going on and to fight their independence back with themselves.

Post Independence or After Independence

India was fighting for its independence since 1857 and that revolt of 1857 was considered as the first fight for independence. In the last decade of the 18th century, Lord Cornwallis made changes in the criminal justice system and the British judges replaced their Indian counterparts in Fauzdari adalats. As the Raj expanded, the courts were established in the different parts of the country. The code of the criminal procedure was enacted for the first time in 1861 as a part of the series of criminal law reforms undertaken by the Raj in the wake of the 1857 mutiny. That the 1861 Code of Criminal Procedure was designed to rein in rebellious natives and leaders and it was evident from the mutiny it conferred on the whites from the criminal jurisdiction of district courts. Only High courts could then try european British subjects. In an incremental reform the next reform of the CrPC came up in 1872 that provided that the magistrate could try a European British subject if he himself was one. The next reform came up in 1882 CrPC which empowered Indian magistrates too to

[15] Kulshreshtha, op. cit., (quoting Quran, III,192; XLII).
[16] Singh, Dr. D.R., "Evolution of Criminal Justice", Indian Journal of Public Administration, July-Sep.
[17] Jois, op. cit., pp. 53-54

exercise a jurisdiction over the whites but they could do this only in the presidency towns i.e. the Bombay, Calcutta and Madras High Courts. The CrPC that next came up in 1898 was applicable to the whole of India. The British Legacy in this respect was carried on by the Independent India till CrPC again came up in the year 1973, after independence yielding the present code[18].

POSITION OF CODE OF CRIMINAL PROCEDURE POST IT'S INDIAN FORMULATION IN 1973

The Code of Criminal Procedure, as it is popularly known was not a new act passed by the Indian legislature but it was an incessant to the already existing act of the British in 1861. The problem with the act of the 1861 was that it was completely a British Act to Indian society which was completely different from that of the British. Now, after Independence, the Constitution was being framed and the laws were being codified, therefore even the penal laws had to be codified. The Penal laws had to be codified because without codification, the Indian society now could not run merely on the concept of Dharma and self realisation.

The Code of Criminal Procedure, 1973 was enacted in 1973, first time after the Indian Independence and it came into force on the 1st day of April, 1974. The Code can therefore be called the first Code of Criminal Procedure for Indians after Independence. The Code provides for the machinery for punishment of offenders under the substantive criminal law, which is the Indian Penal Code and other statutes. It contains the whole of the procedure starting from the filing of the complaint against a person to the conviction or acquittal of that person[19]. This means that no matter what crime you commit, from the very first stage of the criminal case, the Code of Criminal Procedure provides for every detail, be it from filing a complaint and then an FIR to the acquittal or conviction of that person.

It was before the Indian independence that the British established a framework of the judicial administration in the country. They had the Supreme Courts of India, established in the Presidency States of the Calcutta, Madras and Bombay as per the Regulating Act of 1773. These Supreme courts did not have own Indian law, rather were the base for the British to rule and worked completely on the British law. They initially did not even try the Indian subjects instead trying only the subjects of the Crown, therefore it can be said that they were using the Indian Territory for the establishment of the British Courts which could try over only the British subjects. Soon after the decline of the English East India Company and the coming up of the Crown administration in India, the British Parliament passed the Code Of Criminal Procedure in 1861[20]. Even after the Indian independence, this code was followed till the time our own Indian Code of Criminal Procedure was amended first in 1961 which eventually did not work out and it was finally replaced by the Code of Criminal Procedure in 1973.

So, discussing main stream about the Code of Criminal Procedure 1973, the code is applicable to the whole of India except the State of Jammu and Kashmir other than the chapters VIII,X and XI, no other provision will be applicable to the State of Nagaland and the Tribal areas. It consists of 484 sections, 2 schedules and 56 forms[21]. The sections have been divided into 37 chapters.

[18] Times of India, "CrPC was enacted after the 1857 Mutiny", dated May 5,2008 at 5:36 am IST http://timesofindia.indiatimes.com/city/hyderabad/CrPC-was-enacted-after-1857-mutiny/articleshow/3010641.cms
[19] Referred to http://lawyerslaw.org/the-code-of-criminal-procedure-1973/ dated 17 July,2017 at 10:30 am.
[20] Ibid.
[21] See also, Ratanlal and Dhirajlal, The Code of Criminal Procedure ,21st Edition.

Now, there are stages in a criminal case, the first of all being filing a complaint. The filing of the complaint has to be done or made under the Magistrate. Under the Code, there are a few different types of offences. Section 2(a), for instance, shows us the meaning of the bailable offences and non bailable offences. It also defines that bailable offences, a bail may be claimed as a matter of right, whereas for non bailable offences, it is the discretion of the court, whether to grant the bail or not. This means that the court will decide whether to give bail to the accused or not. Other type of offences also include the Cognizable offences and the non cognizable offence, the classification of which is based on the fact that whether the police can arrest the person with the warrant or without the warrant. In a cognizable offence the police has the authority to arrest without a warrant but reverse happens in the case when the offence is non cognizable[22].

Then there are different types of courts which have been mentioned in the code which talks about which court to approach first and what authority does the kind of court has. Other than a High court and any other court established under any law at that time being, there should be a court of Sessions, Judicial Magistrate of First Class and Judicial Magistrate of second class and Executive Magistrate. The Code also mentions the extent of punishment that each different court can award in the type of crime. For instance, if the court of Sessions passes a death sentencing order, it is upon the discretion of the High Court to accept it or decline it. Thus, the permission of the High Court is needed in order to give death sentence to someone whose case is in trial before the court of sessions. The discretion of the High Court depends solely on the matter of facts and other legal technicalities which the court will look into.

If a person is not happy or in other words we can also say not contended with the decision of the High court or any other court, a right of appeal is given to them in such cases. An aggrieved person has the right to file an appeal. Section 375 and 376 lays down the conditions where the appeal may not be granted. The courts also have the power to refer the cases to the High Court under section 395. In most of the cases the burden of proof lies on the prosecution. That is, it is not upon the defendant but on the prosecution to prove that the defendant is guilty beyond the rational doubt and doubt is resolved in the favour of the defendant.

Also, section 397 of the Code, empowers a High Court or a Sessions Judge to revise the judgement or lower court in case of doubts of legality and the regulation of the proceedings. A Court may also transfer cases or appeals to the another court if it deems fit according to section 406 of the Code[23].

VARIOUS AMENDMENTS MADE IN THE CODE OF CRIMINAL PROCEDURE

Crime has its various dimensions over the time. It's not that crime did not existed in the ancient times. It is just that the crime did not have that level of science and technologies added to it as it have in now a day. Every other civil society has a governing law and people who commit crimes are supposed to be punished by that very law. Like in every civilised society, in India too, a criminal justice system has evolved over the time. Socio-economic and political factors prevailing during different phases of the history of India influences its evolution. Accordingly, the objectives of the criminal justice and methods of its administration changed from time to time and from one period to another period of the magnificent history. To suit the changing circumstances the rulers introduced new methods and techniques to enforce law and administer justice. In early society the victim had himself to punish the offender as there was absence of a superior or

[22] Referred to http://lawyerslaw.org/the-code-of-criminal-procedure-1973/ dated 17 July,2017 at 10:30 am.
[23] Referred to http://lawyerslaw.org/the-code-of-criminal-procedure-1973/ dated 17 July,2017 at 10:55 am.

an authority over the people and this was done through retaliatory and revengeful methods; this was naturally governed by chance and personal passion [24]. This means that the practice of revenge and retaliation to something wrong was acceptable and committing another crime for a crime already done was no sin. This system of administration was prevalent in some point of time in the history as it has already been discussed in the previous chapter. So, to match the changing needs of time and to match the development of the crimes, amendments of the existing laws is necessary. There are various amendments that have been made in the Code of Criminal Procedure since its inception. But we, in this paper will be stating the amendments made to the Code only after the Indian Independence, so there will be a presumption that the Amendments mentioned herein after, are the ones after the Indian Independence.

So, The List of Amendments is Mentioned Below:-

- Code of Criminal Procedure (Amendment) Act,1978
- Code of Criminal Procedure (Amendment) Act, 1980
- Code of Criminal Procedure (Amendment) Act, 1983 (43 of 1983)
- Code of Criminal Procedure (Amendment) Act, 1983 (46 of 1983)
- Code of Criminal Procedure (Amendment) Act, 1988 (32 of 1988)
- Code of Criminal Procedure (Amendment) Act, 1990 (10 of 1990)
- Code of Criminal Procedure (Amendment) Act, 1991 (43 of 1991)
- Code of Criminal Procedure (Amendment) Act, 1993 (40 of 1993)
- Criminal (Law Amendment) Act 1993, (42 of 1993)
- Code of Criminal Procedure (Amendment) Act, 2001 (50 of 2001)
- Code of Criminal Procedure (Amendment) Act, 2005 (25 of 2005)
- Code of Criminal Procedure (Amendment) Act, 2005 (6 of 2006)
- Code of Criminal Procedure (Amendment) Amending Act, 2006 (25 of 2006)
- Code of Criminal Procedure (Amendment) Act, 2008 (5 of2009)
- Code of Criminal Procedure (Amendment) Act, 2010 (41 of 2010)
- Code of Criminal Procedure (Amendment) Act, 2013

These were the sixteen amendments that were made to the Code of Criminal Procedure till date after the Indian Independence. Now, the question that arises is, why are we even interested in so many amendments. The answer to this is that though our legislature is working very hard and bringing in new amendments, still we find that lacunae in our law which is not able to curb the crime rate. For that matter, the crime rate in the country has increased manifold after 2013. So, we in this paper, will be dealing with the most effective and strong amendments that really made a considerable change

[24] Choudhuri, Dr. Mrinmaya, Languishing for Justice, p. 4.

in the law of crimes. The most important of the amendments are those of the 2005 and 2008, but we will also be studying the 2013 amendment for it is the latest one and will give us an insight into the legal system of today.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT OF 2005 AND IT'S IMPACT

The Code of Criminal Procedure (Amendment) Act of 2005, basically focuses on the human perspective of the Code. The Code basically focuses on the more humane, moral and integral aspect rather than the stiff, rigid and more scrutinised act. This act was also aimed at making the amendment act more effective and scientific in its approach and so to make it more effective and practical in the modern day, this amendment bill was passed in the parliament and therefore, after that, the Amendment act came into being. Specifically, to quote the Home minister, this Amendment Act was passed to make the law more humane, effective and scientific[25]. However, the Act got Presidential assent, the implementation of these amendments have been deferred indefinitely by the government amidst the nationwide protests by the lawyers, and the objections by the Bar Council Of India against some of the provisions which according to them, adversely affects the interests of the accused. So, this actually means that the Act was not getting passed initially but it got insisted by the protests of the lawyers and other legal authorities that this Amendment got really passed and implemented. The lawyers protested in a way as if they were protesting for the accused to be arrested. The amendment played an importance so much so that even unaware people, the common public knew what the amendment was all about.

There are certain provisions that were proposed and nobody objected the amendment of these provisions. Some of these provisions have been stated below:-

- Section 51 of the Code of Criminal Procedure (Amendment) Act, 2005 says that the any person in the custody of the police has the right to inform any one person relating to him regarding his arrest, so that he can arrange for adequate assistance during his trial and investigation. In the case of Joginder Kumar v. State of U.P.[26], and in a few recommendations of the Law Commission in its 152nd report on custodial crimes[27] and in both of them, certain guidelines were given which were followed by the legislature while making this amendment bill into the amendment act. National Police Commission has also observed that the most corruption in police department happens during the stage of arrest in a criminal case[28]. One of the main reasons for the police corruption is that the powers of the police is worded in the Code of Criminal Procedure under several sections such as the Section 41 and section 42 which state the following :-
- Section 41 of the Code of Criminal Procedure : Under this section several conditions are mentioned as to when the Police can arrest, even without a warrant.
- Section 41(1) Any police officer may without an order from Magistrate and without a warrant, arrest any person :-
    - Who has been concerned in any of the cognizable offence, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.

[25] Asish Agarwal, CrPC (Amendment) Bill passed in the Lok Sabha, Political News, www.onlypunjab.com,5-10-2005
[26] (1994) 4 SCC 260
[27] See 152nd Report on Custodial Crimes, para 149,p.1772. Available at www.lawcommissionofindia.nic.in.
[28] Third Report of the National Police Commission, para22-23, p. 30-31 (1980).

- Who has in his possession without lawful excuse, the burden of proving which excuse shall lie on the such person, any implement of house breaking; or
- Who has been proclaimed as an offender either under the Code or by order of the State Government; or
- In whose possession anything is found which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing; or
- Who obstructed a police officer while in execution of his duty, or who has escaped or attempts to escape from the lawful custody; or
- Who is reasonably suspected of being a deserter from any of the Armed forces of the Union; or
- Who has been concerned in or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists, of his having been concerned in any act committed at any place out of India, would have been punishable as an offence and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or
- Who being a released convict, commits a breach of any rule made under the sub section (5) of section 356 of the Act; or

For whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specified the person to be arrested and the offence or other cause for which the arrest is to be made and it appears there from that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

- Section 41(2) states that any officer in charge of a police station may in like manner, arrest or cause to be arrested any person, belonging to one or more of the categories off persons specified in section 109 or section 110 of the Code.

This section clearly states the power of the police to arrest the persons without even the warrant, so sometimes these powers are a helpful aid to the police while some of the times these powers aid negatively to them because they get a chance to misuse the power they possess.

- Also, Section 42 of the Code which expressly states that, if a person commits an offence in the presence of the police officer or where he has been accused of committing a non cognizable offence and refuses, on demand being made by the police officer to give his name, residence or gives false name or residence, such person may be arrested but such arrest shall be only for the limited purpose of ascertaining his name and residence. After such ascertaining he shall be released on executing a bond with or without sureties, to appear before a magistrate if so required. In case the name and residence of such person cannot be ascertained within 24 hours from the date of arrest or if such a person fails to execute a bond as required, he shall be forwarded to the nearest magistrate having jurisdiction.

There were certain changes in the code to protect the rights of the women. Section 46 of the Code of Criminal Procedure (Amendment) Act, 2005 says that no woman can be arrested before the sunrise and after the sunset, except in certain cases where a woman police officer does so, with the permission of the Magistrate. As far, as this amendment

section is concerned, we believe that it is laudable as far as the safety of woman is concerned. This provision ensures that women are given protection and that no one is able to take advantage of her modesty in the police station. Critically analyzing at the local level, what if woman is a serial killer and considering the fact that woman officers are less than the male officers, we believe that the woman is allowed to run away just because she is a woman. The gender decides the time of arrest and not the crime. This is a loophole in this amendment.

As per the fourth report provided by the National Commission of Police, the amendment to section 176 of the Code of Criminal Procedure, provides for the mandatory judicial inquiries in the cases of the custodial deaths and rapes[29]. This would enable the victims to narrate their unfortunate stories. What happened, before the amendment was that the police officers were required to enquire about the crimes that were done by their own colleagues, thereby suspecting the efficacy of the investigation done and the nature of the treatment done towards the complainants. The example for this is :- Suppose that you are a police officer and your friend has committed a rape inside the custody of the police station and now you are authorised to investigate on the matter, no matter what some kind of bias will prevail which will lead to an inefficient report given to the magistrates and ultimately will lead to a failure in the departure of Justice. So, this amendment brings out new dimensions to the law restricting the powers of the police and bringing in the judicial persons in between.

Apart from these provisions, one thing that can be inferred from the changes brought were that one of the most important laws relating to the rapes of women, has been amended which means that the crime of rape by this time has been increased since the past and the law in order to cope up with the situation, is amending itself to the conditions. The point is what can the rape laws do, when the accused still has the audacity to rape another women and particularly talking about today when the rapists are in a position to rape multiple women and still be free ? The root cause of the rapes is the sexual delinquency among the people, and it cannot be stopped by any other way than the law. If the crime can be heinous as to its application and its effect, then why does law take into consideration the human rights and moral principles, once it has already been proved and substantially established that the person is accused of the rape of the victim. The point is will it ever stop, in an era where a man can even rape a pregnant dog and be satisfied with it ?

The impact of this amendment however, did not stop people from committing such crimes and it can be noted that the crime of rapes, to be specific has increased manifold after this amendment and the amendments yet to be discussed. So, it is basically not the law that is at fault, but the generation of today and the media that is readily accessible, which is the most rooted cause of the commitment of such crimes. The Amendment however, contained the best of the provisions as compared to the earlier version of the code and it can also be said that the advancement in the technology, the advancement of the nature of crimes and the advancement in the kinds of crime committed is increasing at an alarming rate while on the other hand when we talk about the laws that exist, they fail to cope with the quality of the crimes and therefore, the crimes are not decreasing in any form, be it electronic, manual or any other prevalent form, instead increasing gradually. The rate of development in crime as compared to the development in law is much more than it is even expected. The growing materialism has led people to indulge into these sort of activities and crimes that are a shame on the humanity.

[29] The violence in the police custody is at unprecedented rise and this amendment is capable of checking this menace. It is alarming that the Home ministry reported that nationwide, deaths in the custody has increased from 1349 to 2001 to 1462 by the end of 2003. Source : Shankar Raghuraman on the Rape: A Conspiracy of the Silence, Times News Network, 8-05-2005.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2008 AND ITS IMPACT

The Code of Criminal Procedure (Amendment) Act,2008 basically focuses on the reforms related to the right of the prisoner and the rights that they should be given and the ones that should not be given to them. It especially focuses on the compensatory jurisprudence on the plight of crimes. The main theme of the code of criminal procedure was that comepensation should be given to the victims and the scope and objective of the Code of Criminal Procedure (Amendment) Act,2008 was discussed in its wider ambit by the MAdurai Bench of the Madras High Court which has reiterated the Apex Court judgement in the Delhi Domestic Working Women's Forum in a recent case of Sathyavani Ponrani v. Samuel Raj[30], Hon'ble Mr. Justice M.M. Sundresh categorically held that a victim is entitled to be heard and has the right to take part in a criminal proceeding. It was further observed on the participatory role of a crime victim that "A perusal of the said objects and reasons would ememplify that the said proviso has been introduced in order to help the victims to give a more active role in the dispensattion of criminal justice. In other words, the purpose of the proviso is to have active participation of the victim in the justice delivery system. Afterall, it is he who sets the criminal law into motion and it is he who is the affected party".

This means that through this amendment of 2008 of the code of criminal procedure, the judges made it very clear the principle of Audi Altrem Partem and that the other party has the right to be heard and that the judgement cannot be given listening to only one side of the case. This means that as the victim will have the right to be heard and that the victim will not be punished based on only the pleadings of the defence, and that he will also be represented by the prosecution lawyer. Justice M.M. Suresh was of the opinion that the victim has also the right of participation in the criminal justice system and that in the process of criminal proceedings. The reason why the victim has to be involved in the criminal proceedings will help in dispensation of justice which will be fair and reasonable. The affected party is the victim, so if the victim is not involved in the criminal justice system then how will the justice be dispensed. This was the main objective of the amendment of Code of Criminal Procedure (Amendment) Act,2008.

The compensatory relief for the victims in the criminal justice system was something expressed in other cases as well. The compensatory method was not a new invention of the court, rather a look back to the olden times when they referred to the compensatory relief of the victims. They are as follows :-

In the landmark judgement of the case of Rudal Shah v. State of Bihar[31], the Supreme Court through Chief Justice Y.V. Chandrachud evolved the concept of compensatory jurisprudence and observed :

"One of the ways in which the violation of the Right to Life and Liberty can reasonably be prevented and cue compliance with the mandate of Article 21 secured, is to punish its violators through the payment of monetary compensation. There must be direct and proximate nexus between the complaint and the arrest of the award of compensation under section 358 of the Code of Criminal Procedure. Any person is entitled to compensation for the loss or injury caused by the offence and it includes the wife, husband, parent and children of the deceased victim"

The above cited paragraph means that Justice Chandrachud was focussing more on the constitutional aspects as covered under Article 21 of the Indian Constitution. He said that to be entitled to the compensation, the time gap between

[30] 2010 (2) MWN (Cr) 273.
[31](1983) 4 SCC 141. See also *Sebastian M. Hongray v.Union of India* AIR 1984 SC 1026

the complaint and the arrest must be a reasonable one and there must be a direct nexus between the two. In this case specifically the person who was accused of a normal theft was forgotten inside the jail for 14 years and then he was awarded compensation to the amount equal to a normal man's salary today.

In Sarrwan Singh v. State of Punjab[32], the Supreme Court has expressly highlighted that thee court has to take into consideration of various factors in awarding compensation to the victim of crime, such as capacity of the accused to pay, the nature of the crime, the nature of injury suffered and the other relevant factors. Power to award compensation to victims should be liberally exercised by the courts to meet the ends of justice. The quantum of compensation must be reasonable depending upon the the facts, circumstances, the nature of crimes, the justness of the claim of the victim and the capacity of the accused to pay. If there are more than the justness of the claim of the victim and the capacity of the accused to pay. If there are more than one accused, the quantum may be divided amongst them unless their capacity to pay considerably varies. The accused should be given time for payment of compensation and if necessary, it may be ordered to be paid in instalments.

In the above mentioned case the court said that the victim should get the compensation from the accused and if at all in the crime committed there are more than one accused, then the compensation amount to be paid to the victim may be divided amongst them, unless both of the accused differ in their capacity to pay. The court also said that the, compensation amount or the quantum of the compensation amount awarded depends on the nature of the crime committed and few other factors such as the age of the accused etc.

In another case of the Supreme Court, in Balraj v. State of Uttar Pradesh[33], the court held that power to award compensation under section 357(3) of Code of Criminal Procedure is not ancillary to other sentences, but in addition thereto. The compensation for illegal arrest and detention is an area which unearthed new doctrines pertaining to the compensatory jurisprudence in India.

The Code of Criminal Procedure (Amendment) Act,2008 is also therefore known as an attempt to locate the victim in the criminal justice system. Prior to this amendment, victim was not only seen as an informant or complainant, who sets the wheel of justice into motion by informing police about the occurrence of the cognizable offence or by approaching a magistrate with his complain, but he was also seen as the vital aspect of the criminal justice system to whom the monetary compensation has to be awarded for the harm he has suffered.

This amendment was brought into existence keeping in view the recommendations of the Law Commission and by the Malimath Committee. The concern for the victims right was duly addressed in the statement Of Objects and the Reasons of the Amendment Act in the following words :

"....At present, the victims are the worst sufferers in a crime and they do not have much role in the court proceedings. They need to be given certain rights and compensation, so that there is no distortion of the criminal justice system"[34].

[32] AIR 1978 SC 1525
[33] AIR 1995 SC 1935
[34] *Neeraj Tiwari, Research Fellow, National Judicial Academy, Bhopal, on* Legislative Framework and Judicial Response to the Victim's Right of Appeal at Madras Law Journal 2013 1 MLJ 19

So, when we talk about the impact of the Code of Criminal Procedure (Amendment) Act,2008, it can be said that with the emergence of the victimology as an offshoot of criminologythe attention of the judiciary is not only confined to the punishment of the offenders but also to the victims of the crime, who were hitherto a neglected people in the traditional criminal justice system in India. This means a one more step towards the substantial justice whereas it is not only in the procedural aspects that the concept of rule of law and justice is being implemented but in the real sense that the concept of Justice is being followed.

CODE OF CIRMINAL PROCEDURE (AMENDMENT) ACT, 2013 AND IT'S IMPACT

The Code of Criminal Procedure (Amendment) Act, 2013 was mainly focussed on the crimes against women particularly talking about the Rape of women. This amendment is also known as the Anti-Rape Bill which was passed after the rape of Nirbhaya in the national capital on December 16, 2012. This was not a joke that a student of paramedical studies got so brutally raped that she was forced to die even when she wanted to live. She died just after 13 days when she was taken to Singapore for her medical treatment. The Bill came into force on April 3, 2013 when the then President Pranab Mukherjee signed the bill and showed his assent towards it. The brutality of the crime shocked the nation and the people of India demanded this legislation to come into force for the security of the women of the nation and also strict and stringent laws to punish the accused. Justice PS Verma committee was set up to ensure the advent of the stringent laws for the protection of women in India.

There were certain key points of this amendment act which helped this act to be a better legislation than the previous ones. They were as appended below:-

- The law maintains life imprisonment for rape as the maximum sentence, yet sets down the provision of death penalty for repeat offenders and those whose victims are left in a "vegetative state"
- It also expands the meaning of the term rape so as to include the penetration of the mouth, anus, urethra and vagina, with the penis or any other object without the consent of the woman.
- It also defines stalking and voyeurism as crimes with punishment up to seven years.
- Gang rape has been recognised as an offence, while sexual harassment has been redefined to include unwelcome advances with sexual overtures and showing pornography without consent.
- The age of sex of consent has been kept at 18 years.
- The law also punishes the police and the hospital authorities with the imprisonment of up to two years if they fail to register a complaint or treat a victim.

These were the main provisions that were made to this amendment and to explain them further the following paragraphs have been used.

- The first main provision says that the "law maintains life imprisonment for rape as the maximum sentence, yet sets down the provision of death penalty for repeat offenders and those whose victims are left in a "vegetative state". So to say this it means that rape is not considered as a crime for which the death sentence can be given

whereas, no matter what the victim suffers through her entire lifetime, no matter how the victim dies daily in the light of the event happened to her, but the accused will not get punishment beyond 14 years i.e. the life imprisonment just because the law cannot do so. The accused will only be given death punishment when the victim dies or in a "Vegetative state" which means that the law itself is not doing justice and is allowing the rapists to rape and they will not be given death sentence until the victim dies. The woman or the victim that dies out of pain, is the only case where the law says that death penalty will be given to the rapists? Is this even an amendment to be considered? According to the authors, this is not what Justice is. Justice for them is having these rapists to be killed or given death penalty for having committed such a grave offence, otherwise it is only for 14 years that the accused goes to jail, and comes back, and the victim suffers for the entire life especially in the Indian society.

- The second most important amendment in this act has been the inclusion of penetration of mouth, urethra, anus and vagina of the penis or any other object as against the wish of the woman as the rape. An important thing to notice is that if before this amendment rape did not mean this then what did it mean ? Rape should include any kind of ejaculation or penetration or even masturbation as its elements because this is something heinous in nature and should not be tolerated by any of the women.

- Another provision says that the Gang rape has been included as an offence, which means that the legislature of India was ignorant to this kind of crime in India, whereas it was not the scene. Gang rape is not a new concept too, even in the Mahabharata, Draupadi's clothes were being removed by a larger group of men, so if Mahabharata served as a law in the ancient times, then our legislature should have taken into consideration the concept of the Gang rapes and including it as an offence would not help much until the punishment is made as stringent as the pain to the victim is. It also says that showing pornography is also a crime if it is done without the consent, but the point is that now-a-days people see porn together for fun, and it is not the 15th Century generation that would do away with the idea of porn. It may sound bad or immoral to the extent that some of the readers might even judge the authors based on these sentences, but it is the harsh reality of today, that even a child of 14 years is aware of what the concept of porn is all about. So, it is not through sex education that the generations are becoming aware but because of the technology so advanced. It is the sexual delinquency among the people that leads to the commitment of such crimes and the crime of gang rape is recognised not way back when the act was formulated but in the 21st century when the crime has already happened. So the question that arises is, when history is admissible in the court of law, then why not the legislatures took into consideration the history of India and made out that the crime is possible even in the future and when the crime happened, then the legislatures are making law.

- Another controversy that arises out of the fact that in 2013 they included the punishment for the doctors and hospital authorities that failed to treat the victims of rape and the police authorities that failed to register their complaint as only for two years. This is so imprudent of their act, that if a doctor fails to treat the victim of crime, she may also die and give up upon her life because of someone who raped her and also for the police that fails to register the complaint, it gives the encouragement to the rapists to rape even more people because the police will not file a case itself, so they would not have to go through the punishment procedure at all. This is like the breach

of the public trust towards the doctors and the policemen who take oath of serving the people to their best level of abilities.

CONCLUSIONS

So many amendments have been made to the Code of Criminal Procedure yet the crime rate in the country has not depleted even through the latest amendment. In the wake of the development of the country and that too focussing on the economic development our people have failed to understand that it's not only the law that is responsible for the management of the country, but also the common public that is even more responsible for their actions. The government for example is not responsible for the behaviour of the people or for that matter the executive is not responsible for the behaviour of the country. When it comes to the implementation of law, the executive is responsible for the same, but corruption is so rampant in the country in today's date that no organ of the society is left untouched by it. From a child to an age old everyone is deeply indebted to corruption for their earnings and their demands. The Code of Criminal Procedure (Amendment) Act, 2013 though brought new changes in the law but the changes in the society is much more faster than the changes in the law and society changes every day. Everyday there is some or the other advancement in the society that every day the law cannot change and that is the reason why the interpretation of the law is an important task that is performed by the judiciary. Coming to the topic that we have so far discussed, it is pretty evident that the crime is not a new development in the society, it is there since the Vedic society and that we know because the Pre Vedic period, evidences are not traceable. So, laws were there even in the Vedic period but they were not codified and with the flow of time, from Vedic to Dharma sutras and then to the British Period of rule, the laws became codified. Only after the codification of the laws, the separation of that codification of laws took place in the Post British period after the Indian Independence. Then the Code of Criminal Procedure, 1973 came into being and thereon the process of Criminal Justice System advanced in its approach. Along with the Code of Criminal Procedure, even the Indian Penal Code played an important role in the Criminal Justice Administration. Years after years as the technology advanced, the nature of crimes and the advancement in the crime also took place according to which the amendments to the Code of Criminal Procedure (Amendment) Act, 1973 came up in the consecutive years. The amendment was made as desired and not as a process to keep a check on the working of the law into the society or a loophole in the law. The most important amendments that were made to the code were the amendments of the 2005, 2008 and 2013. There are several dimensions attached to each of these amendments and they have been dealt with us elaborately in the paper. When it comes to speaking about the amendment of 2008 of the Code of Criminal Procedure, one of the most important amendments were the powers that were given to the police under section 41 and 42 of the Code of Criminal Procedure. It gave powers to the police to arrest even without a warrant, so that the criminal does not run away or hide away from the criminal administration system and when it comes to talking about the 2013 Amendment of the Code of Criminal Procedure, it can be said that the rape laws of India have been modified to an extent of identification of crimes like the Gang rape but the question that arises we do we need another amendment as of the present times of 2017? The answer to this is yes according to me, because the crime of rape has taken so many twists and turns in itself that just thee identification of the crime of gang rape is not justified, therefore some stringent laws as to the punishment of the accused or wrongdoers or the commissioners of such acts should be introduced in the new amendment to come. It is however easy to say that women can use pepper spray for their protection and all such things but the point is, how many of us will not get afraid seeing a man approaching towards us and how many of us will have the wit to use the pepper spray when somebody will be forcing their physical attachment to you or we should rather

refer to it as when somebody is trying to satisfy their sexual delinquency through us?

Last, but not the least, we, the authors, through this paper, intends to analyse and help the readers open up their minds regarding how far the amendments have been working in the society and what changes need to be made thereon. We wish that the readers of this paper have gained some knowledge through this paper.

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