

Sexual offences — current sentences vs. our demands

A citizens' petition for justice for survivors of sexual violence in India.

Harassment & assault

1. Groping / assault to outrage modesty

Physical touching or force on a woman intending to outrage her modesty

BNS s.74

Now: 1–5 years + fine

Our demand: Minimum 1 year, up to 5 years

Bail ask: Non-bailable

2. Sexual harassment

Unwelcome physical contact, demanding sexual favours, showing pornography against her will

BNS s.75(1)(i)–(iii)

Now: Up to 3 years and/or fine

Our demand: Minimum 1 year, up to 3 years

Bail ask: Non-bailable

3. Sexually coloured remarks (eve-teasing)

Lewd comments, catcalling, sexual remarks

BNS s.75(1)(iv)

Now: Up to 1 year and/or fine

Our demand: Minimum 1 year, up to 3 years

Bail ask: Non-bailable

4. Insulting modesty by word/gesture/act

Obscene gestures, sounds, showing objects, intruding on privacy

BNS s.79

Now: Up to 3 years + fine

Our demand: Minimum 1 year, up to 3 years

Bail ask: Bailable

5. Assault to disrobe

Assault or force intending to strip a woman

BNS s.76

Now: 3–7 years + fine

Our demand: Life imprisonment

Bail ask: Non-bailable

6. Voyeurism

Watching or recording a woman in a private act

BNS s.77

Now: 1st: 1–3 yrs; repeat: 3–7 yrs + fine

Our demand: First offence: minimum 1 year, up to 5 years

Repeat offence: minimum 5 years, up to 10 years

Bail ask: First offence: Bailable

Repeat offence: Non-bailable

7. Stalking

Following, repeatedly contacting, or monitoring online despite disinterest

BNS s.78

Now: 1st: up to 3 yrs; repeat: up to 5 yrs + fine

Our demand: First offence: minimum 1 year, up to 5 years

Repeat offence: minimum 3 years, up to 7 years

Bail ask: First offence: Bailable

Repeat offence: Non-bailable

8. Obscene acts in public

Currently used for public masturbation / flashing — no specific offence exists

BNS s.296

Now: Up to 3 months and/or fine

Our demand: Minimum 1 year, up to 3 years

Bail ask: Non-bailable

9. Acid attack

Throwing or attempting to throw acid causing injury

BNS s.124

Now: 10 years to life + fine to victim

Our demand: Life imprisonment

Bail ask: Non-bailable

10. Disclosing victim identity

Naming or revealing a rape survivor's identity

BNS s.72

Now: Up to 2 years + fine

Our demand: Minimum 6 months, up to 3 years

Bail ask: Bailable

Rape

11. Rape

Non-consensual penetration of a woman or girl

BNS s.64(1)

Now: 10 years to life + fine

Our demand: Death penalty

Bail ask: Non-bailable

12. Aggravated rape

By police, public servant, armed forces, relative, guardian, doctor, jail/hospital staff, etc.

BNS s.64(2)

Now: 10 years to life (remainder of natural life)

Our demand: Death penalty

Bail ask: Non-bailable

13. Rape of girl under 16

BNS s.65(1)

Now: 20 years to life

Our demand: Death penalty

Bail ask: Non-bailable

14. Rape of girl under 12

BNS s.65(2)

Now: 20 years to life, or death

Our demand: Death penalty

Bail ask: Non-bailable

15. Rape causing death / vegetative state

BNS s.66

Now: 20 years to life, or death

Our demand: Death penalty

Bail ask: Non-bailable

16. Gang rape

BNS s.70(1)

Now: 20 years to life + fine

Our demand: Death penalty

Bail ask: Non-bailable

17. Gang rape of girl under 18

BNS s.70(2)

Now: Life or death

Our demand: Death penalty

Bail ask: Non-bailable

18. Repeat offender

Previously convicted of rape
BNS s.71

Now: Life or death

Our demand: Death penalty

Bail ask: Non-bailable

19. Sex by person in authority

Police, jail, hospital, public servant abusing position (short of rape)

BNS s.68

Now: 5–10 years + fine

Our demand: Life imprisonment

Bail ask: Non-bailable

20. Sex by deceit / false promise of marriage

BNS s.69

Now: Up to 10 years + fine

Our demand: Life imprisonment

Bail ask: Non-bailable

21. Sex by husband during separation

BNS s.67

Now: 2–7 years + fine

Our demand: Minimum 5 years, up to 10 years

Bail ask: Non-bailable

Children

22. Penetrative sexual assault on child

POCSO s.4

Now: Min 10 yrs (min 20 if under 16) to life

Our demand: Death penalty

Bail ask: Non-bailable

23. Aggravated penetrative assault on child

By police, family, teacher, gang, etc.

POCSO s.6

Now: Min 20 years to life, or death

Our demand: Death penalty

Bail ask: Non-bailable

24. Sexual assault on child (non-penetrative)

Sexual touching

POCSO s.8

Now: 3–5 years + fine

Our demand: Life imprisonment

Bail ask: Non-bailable

25. Aggravated sexual assault on child

POCSO s.10

Now: 5–7 years + fine

Our demand: Life imprisonment

Bail ask: Non-bailable

26. Sexual harassment of child

Sexual remarks, gestures, showing body parts, following

POCSO s.12

Now: Up to 3 years + fine

Our demand: Minimum 10 years, up to life imprisonment

Bail ask: Non-bailable

27. Using child for pornography

POCSO s.14

Now: Min 5 years; repeat min 7

Our demand: Life imprisonment

Bail ask: Non-bailable

Online

28. Capturing/sharing private images

Photographing or sharing someone's private areas without consent

IT Act s.66E

Now: Up to 3 years and/or fine up to ₹2 lakh

Our demand: Minimum 1 year, up to 3 years

Bail ask: Bailable

29. Publishing obscene material online

IT Act s.67

Now: 1st: up to 3 yrs; repeat: up to 5 yrs

Our demand: First offence: minimum 1 year, up to 3 years

Repeat offence: minimum 5 years, up to 10 years

Bail ask: First offence: Bailable

Repeat offence: Non-bailable

30. Publishing sexually explicit material / revenge porn

IT Act s.67A

Now: 1st: up to 5 yrs; repeat: up to 7 yrs

Our demand: First offence: minimum 3 years, up to 5 years

Repeat offence: minimum 5 years, up to 10 years

Bail ask: Non-bailable

New laws

31. Rape of transgender persons ^[NEW LAW]

Only covered weakly under Transgender Persons Act s.18

NEW OFFENCE

Now: 6 months–2 years

Our demand: Death penalty

Bail ask: Non-bailable

32. Public masturbation / flashing ^[NEW LAW]

Dedicated offence instead of the 3-month obscenity charge

NEW OFFENCE

Now: Up to 3 months (via s.296)

Our demand: Minimum 1 year, up to 3 years

Bail ask: Non-bailable

33. Marital rape ^[NEW LAW]

Currently an exception to rape (BNS s.63 Exception 2)

NEW OFFENCE

Now: Not an offence

Our demand: Death penalty

Bail ask: Non-bailable

34. Deepfake / AI-generated sexual images ^[NEW LAW]

Morphed or AI nude images of a real person

NEW OFFENCE

Now: Only general IT Act provisions

Our demand: First offence: minimum 3 years, up to 5 years

Repeat offence: minimum 5 years, up to 10 years

Bail ask: Non-bailable

35. Online sexual harassment / cyberflashing [NEW LAW]

Sending unsolicited explicit images or messages

NEW OFFENCE

Now: Partly s.75 / IT Act

Our demand: Minimum 1 year, up to 3 years

Bail ask: Non-bailable