

Bill No. VIII of 2010

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2010

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BILL

further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2010.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 45 of 1860.

2. In sub-section (2) of section 376 of the Indian Penal Code, 1860, for the words "shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine", the words "shall be punished with death or imprisonment of life, and shall also be liable to fine" shall be substituted.

Amendment of
section 376.

STATEMENT OF OBJECTS AND REASONS

Incidents of rape of most heinous type are constantly occurring in the country and the law enforcing agencies obviously, considering the nature of the offence are unable to prevent occurrence of such offences.

Vigilance by State law enforcing agencies in the country has been increased within the limitations of their resources, especially at the hot spots of the tourists destinations. However, vigilance with an objective of preventing such crimes has its own limitations. Recourse to deterrent methods, therefore, remains to be the best available alternative. With this objective, it is proposed that more stringent punishment should be provided for the offence of committing rape by certain categories of persons mentioned under section 376 of the Indian Penal Code. The maximum punishment at present is imprisonment for a term which shall not be less than ten years. The Bill seeks to enhance the punishment by death penalty or imprisonment for life.

Hence this Bill.

SHANTARAM LAXMAN NAIK

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

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376. Punishment for rape—

(1) **

(2) Whoever,—

(a) being a police officer commits rape—

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or

(b) being, a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or

(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) being, on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or

(e) commits rape on a woman knowing her to be pregnant; or

(f) commits rape on a woman when she is under twelve years of age; or

(g) commits gang rape,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment of either description for a term of less than ten years.

Explanation 1—Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

Explanation 2— "Women's or children's institution" means an institution, whether called an orphanage or a home for neglected woman or children or a Widows' home or by any other name, which is established and maintained for the reception and care of woman or children.

Explanation 3—"Hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring, medical attention or rehabilitation.

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(Shri Shantaram Laxman Naik, M.P.)