

13 MAY 2005

Bill No. 58 of 2005

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2005

By

SHRI ABDULLAKUTTY, M.P.

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BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2005.

Short title and
commencement.

(2) It shall come into force at once.

45 of 1860.

2. In section 375 of the Indian Penal Code, 1860, in the *Sixthly* description, for the words, "sixteen years", the words, "eighteen years" shall be substituted.

Amendment
of Section
375.

STATEMENT OF OBJECTS AND REASONS

Incidents of rape are increasing day by day. Since there is not enough evidence in majority of the cases, the guilty are never brought to book. Moreover, due to social stigma, the victims do not come forth to give evidence in courts.

There is a provision in the Indian Penal Code that any sexual intercourse with a woman under sixteen years of age, whether with or without her consent would be treated as rape. But according to law, a person who has attained at least eighteen years of age is considered as an adult and the same should be the age prescribed so far as definition of rape is concerned. In a recent case in Kerala, an accused was set free in a rape case as the victim was seventeen years old *i.e.* one year more than the age as is specified in the Indian Penal Code, 1860.

Therefore, it is proposed to provide that any sexual intercourse with a woman with or without her consent upto eighteen years of age would be treated as rape.

New Delhi;
March 29, 2005.

ABDULLAKUTTY

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860.

[Sexual offences]

• • • • •
375. A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:— Rape.

- First- • • • •
 - Secondly- • • • •
 - Thirdly- • • • •
 - Fourthly- • • • •
 - Fifthly- • • • •
 - Sixthly- With or without her consent, when she is under sixteen years of age.
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further to amend the Indian Penal Code, 1860

(Shri Abdulkatty, M.P.)