



## THE INDIAN PENAL CODE

### CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

#### **1172.**[Sexual Offences]

#### **1259.**[s 376C] Sexual intercourse by a person in authority.

Whoever, being—

- (a) in a position of authority or in a fiduciary relationship; or
- (b) a public servant; or
- (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or
- (d) on the management of a hospital or being on the staff of a hospital,

abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

*Explanation 1.*—In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

*Explanation 2.*—For the purposes of this section, *Explanation 1* to section 375 shall also be applicable.

*Explanation 3.*—"Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

*Explanation 4.*—The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in *Explanation* to subsection (2) of section 376].

**1172.** Subs. by Act 43 of 1983, section 3, for the heading "Of rape" (w.e.f. 25 December 1983).

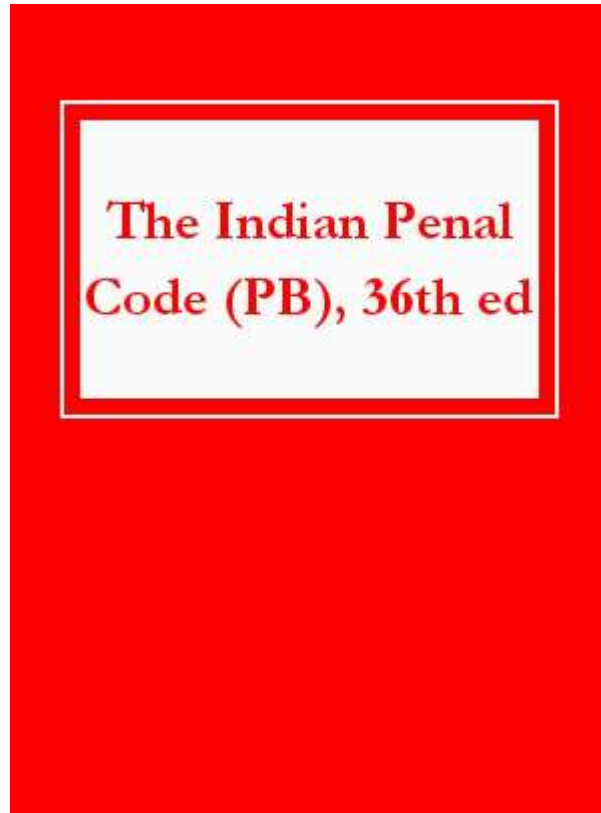
**1259.** Subs. by Act 13 of 2013, section 9, for section 376C (w.r.e.f. 3-2-2013). Earlier section 376C was substituted by Act 43 of 1983, section 3 (w.e.f. 25-12-1983). Section 376C, before substitution by Act 13 of 2013, stood as under::

"[s 376C] *Intercourse by superintendent of jail, remand home, etc.*—Whoever, being the superintendent or manager 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 induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation 1.—"Superintendent" in relation to jail, remand home or other place of custody or a women's or children's institution includes a person holding any other office in such jail, remand home, place or institution by virtue of which he can exercise any authority or control over its inmates.

Explanation 2.—The expression "women's or children's institution" shall have the same meaning as in Explanation 2 to sub-section (2) of section 376."

## **The Indian Penal Code (PB), 36th ed**



Ratanlal & Dhirajlal: Indian Penal Code (PB) / 1260. Subs. by Act 13 of 2013, section 9, for section 376D (w.r.e.f. 3 February 2013). Earlier section 376D was substituted by Act 43 of 1983, section 3 (w.e.f. 25 December 1983). Section 376D, before substitution by Act 13 of 2013, stood as under: “[s 376D] Intercourse by any member of the management or staff of a hospital with any woman in that hospital.—Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine. Explanation.—The expression “hospital” shall have the same meaning as in Explanation 3 to sub-section (2) of section 376”. [s 376-D] Gang rape.

Currency Date: 28 April 2020

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## THE INDIAN PENAL CODE

### CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

#### **1172.** [Sexual Offences]

#### **1260.** [s 376-D] Gang rape.

**Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine:**

***Provided* that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:**

***Provided further* that any fine imposed under this section shall be paid to the victim.]**

#### **COMMENT.—**

Sections 376-A–376-D inserted by the Act 43 of 1983 were sought to deal with such cases which were not covered by section 376. They have thus, been inserted to meet a situation which was otherwise not provided for under section 376. These sections now stand substituted by the [Criminal Law \(Amendment\) Act, 2013](#).

**1172.** Subs. by Act 43 of 1983, section 3, for the heading "Of rape" (w.e.f. 25 December 1983).

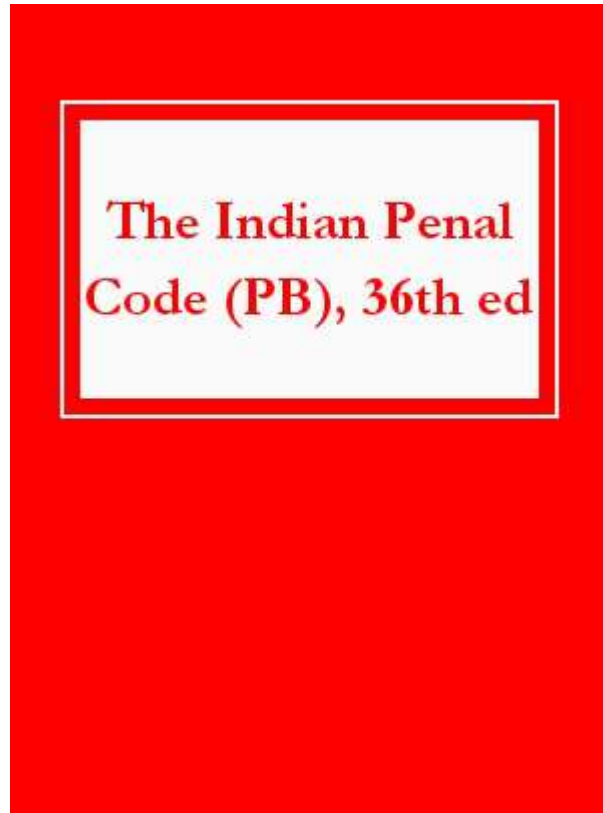
**1260.** Subs. by Act 13 of 2013, section 9, for section 376D (w.r.e.f. 3 February 2013). Earlier section 376D was substituted by Act 43 of 1983, section 3 (w.e.f. 25 December 1983). Section 376D, before substitution by Act 13 of 2013, stood as under:

*"[s 376D] Intercourse by any member of the management or staff of a hospital with any woman in that hospital.—Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.*

Explanation.—The expression "hospital" shall have the same meaning as in Explanation 3 to sub-section (2) of section 376".



**The Indian Penal Code (PB), 36th ed**



Ratanlal & Dhirajlal: Indian Penal Code (PB) / 1261. Ins. by Act 22 of 2018, section 6 (w.r.e.f. 21 April 2018).  
[[s 376DA] Punishment for gang rape on woman under sixteen years of age.

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### CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

#### **1172.**[Sexual Offences]

#### **1261.**[[s 376DA] Punishment for gang rape on woman under sixteen years of age.

Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine:

*Provided* that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

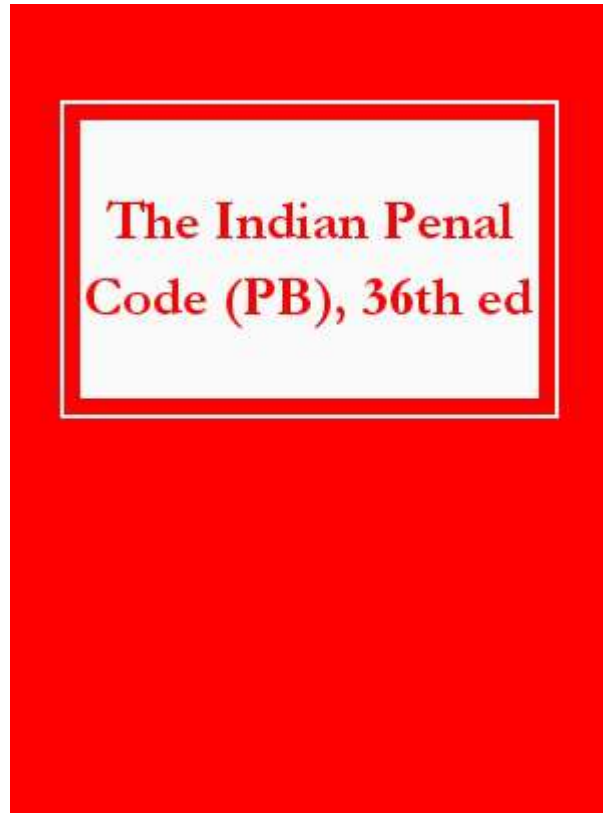
*Provided further* that any fine imposed under this section shall be paid to the victim.]

**1172.** Subs. by Act 43 of 1983, section 3, for the heading "Of rape" (w.e.f. 25 December 1983).

**1261.** Ins. by Act 22 of 2018, section 6 (w.r.e.f. 21 April 2018).



**The Indian Penal Code (PB), 36th ed**



Ratanlal & Dhirajlal: Indian Penal Code (PB) / 1262. Ins. by Act 22 of 2018, section 6 (w.r.e.f. 21-4-2018). [[s 376DB] Punishment for gang rape on woman under twelve years of age.

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### CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE

#### **1172.** [Sexual Offences]

#### **1262.** [[s 376DB] Punishment for gang rape on woman under twelve years of age.

Where a woman under twelve years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for

the remainder of that person's natural life, and with fine, or with death:

*Provided* that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

*Provided further* that any fine imposed under this section shall be paid to the victim.]

**1172.** Subs. by Act 43 of 1983, section 3, for the heading "Of rape" (w.e.f. 25 December 1983).

**1262.** Ins. by Act 22 of 2018, section 6 (w.r.e.f. 21-4-2018).