Before one dives into various aspects of the laws governing rape and sexual assault, it is important to know what the definitions of various terms like rape, sexual intercourse are in the Indian Penal Code (IPC).

**Q. How does the IPC define “rape”?**

Section 375 of the IPC defines rape.

A man is said to commit “rape” when sexual intercourse with a woman satisfies any of the following conditions:

1. Against her will. This means that the act is done when the woman is fully conscious and capable of giving consent and is aware of the act and objects to it.

2. Without her consent. This means that the act is committed when the woman has been threatened, coerced, intoxicated and made insensible and incapable of consent.

3. With her consent, when such consent is obtained by putting any person the woman is interested in in fear of death or hurt.

4. When the woman’s consent is obtained after the man, be deception, makes her believe that he is her husband.

5. When the woman’s consent is obtained when she is of unsound mind or when she has been administered intoxicating or stupefying substances. That is, in cases where the woman is unable to understand the nature and consequences of the act to which she gives consent.

6. With or without her consent when she is below 16 years of age.

**Q. How does the IPC define “sexual intercourse”?**

Section 375 defines sexual intercourse as well.

“Penetration is sufficient to constitute sexual intercourse necessary to the offence of rape.”

The extent of penetration by the penis is not under question. The slightest degree of penetration of the vulva by the penis with or without emission of semen is taken to be sufficient.

**Q. Under what conditions is a woman’s consent not valid?**

A woman’s consent to sexual intercourse is not considered valid under the following conditions:

- If the woman is sleeping or intoxicated

- Consent is obtained after sexual intercourse and not before

- Consent is obtained under threat to her life and safety or threat to the life and safety of people she is interested in

- Consent by a woman of unsound mind is not valid

- Consent by a woman under 16 years of age is not valid under any circumstances.

**Q. How is “marital rape” defined under the IPC?**

As of today, sexual intercourse by a man with his own wife is not rape under any condition, provided the wife is not under the age of fifteen.

Marital rape, or rape of a wife by her own husband is not considered, leave alone defined in the IPC.

**Q. How is gangrape defined?**

Gangrape is defined as the rape of a woman by one or more persons in a group of persons acting out of a common intention. In case common intention is established, each of the persons shall be deemed to have committed gang rape. For punishments, see the section on punishments.

**Q. What other sexual offences apart from rape are defined?**

For this, see the section on Other sexual offences.

--Ends