The Indian Penal Code lays down harsh punishment in rape cases and also specifies punishment in case the offence is committed by a person holding some form of authority - say a caretaker of a remand home or a jailer.

**Q. What is the maximum sentence for rape?**

Article 376 of the IPC lays down the punishment for rape. The accused, if found guilty, can be imprisoned for at least 7 years. This may be extended the life imprisonment or 10 years. The court may even impose a fine on the guilty.

The article reserves harsher punishment for in certain other conditions:

- Rape of a woman knowing her to be pregnant

- Rape of a woman under twelve years of age

- Gangrape. This is defined in a separate section. See the “Definitions” section.

In the above three cases, the guilty will be punished with rigorous imprisonment of at least 10 years which may be extended to life imprisonment. A fine may also be levied on the guilty. The court may reduce the sentence to less than ten years, in which case the reasons for doing so would need to be recorded in the judgement.

**Q. Are there any exceptions to the above punishments?**

Yes. In case a man rapes his own wife (who is above twelve years of age), he can be punished with a maximum imprisonment of two years, a fine or both.

The court may also sentence the guilty to imprisonment of less than seven years, in which case the reasons for doing so must be recorded clearly in the judgement.

**Q. Is marital rape defined in the IPC?**

No. Sexual intercourse between a married man and woman is a given and rape in such a relation is not defined. However, sexual intercourse without consent by a man with his wife when they are separated constitutes rape. The guilty can be sentenced to imprisonment of two years and a fine may also be levied.

**Q. What about punishments for officials who abuse their position?**

Section 376(2) of the IPC lays down punishments for officials who abuse their power.

- A police officer who commits rape:

- in any police station - irrespective of whether he was appointed to it.

- when a woman in his custody or that of an officer subordinate to him is raped

- A public servant commits rape taking advantage of his position

- Staff member of the management of a jail, remand home, women’s or children’s institution, hospital commits rape on an inmate of such institution

In the above cases, the guilty will be punished with rigorous imprisonment of at least 10 years which may be extended to life imprisonment. A fine may also be levied on the guilty. The court may reduce the sentence to less than ten years, in which case the reasons for doing so would need to be recorded in the judgement.

- Sexual intercourse by a public servant with a woman in his custody

- Sexual intercourse by superintendent of jail, remand home or women’s or children’s institution etc. with an inmate

- Sexual intercourse by a member of the management or staff of a hospital with any woman in that hospital

Even if sexual intercourse in the above cases does not amount to rape it is liable to be punished with imprisonment of five years and a fine.

--Ends