

Sexual Assaults

a fact finding report

**Peoples Union for Democratic Rights, Delhi,
March 2005**

In 2004, PUDR investigated six cases of sexual assault that were reported in the press. In five cases, the sexual assault clearly occurred in custody of an employee either of medical institutions or by policeman. These were the sexual assault of a 19 year old girl by an intern of Safdarjung Hospital, a case of sodomy of a young boy by a security guard of the same hospital, gang rape of a 22-year-old woman by six persons, including 2 constables from the Delhi armed police; the rape of a 19-year old girl by a sweeper at VIMHANS and the rape of a female resident of Kalkaji by a police constable. In one other case, the police were responsible for forcing two young boys who had been detained to have oral sex with each other.

While legal definition of custody is restricted to definitions of rapes committed by individuals who are either part of the police or are public servants or on the staff of jail, remand home or women's or children's institutions (S. 376, 2 (a,b,c), PUDR has been arguing consistently for a widening of the definition of custody. This is so for two reasons. Firstly, the term, custody is limited to the individual accused' use of his official position in the given sections and the punishment does not hold the institution culpable. Secondly, the term doesn't cover rapes committed in hospitals by employees and those in the management (S.376, 2 (d)) even though the same law recognizes the aggravated nature of the rape committed in medical institutions. The term, 'custody' needs to be widened so as to hold institutions responsible and also cover those cases of sexual assaults that occur within medical institutions. In all the given cases the culprit was an institutional employee and in none of the cases the concerned institution was held responsible for the nature of the crime committed.

Existing law has other lacuna too. The term 'rape' is inadequate to cover a wide variety of sexual assaults including cases of sexual assaults upon men. The narrow definition of

rape constitutes the crime as an individual heterosexual one in which penile penetration is necessary. There is no separate law to deal with child abuse and equally no provision to deal with instances of marital rape. The law does not have any provision which covers sexual assaults on men, custodial or otherwise. While many organizations, primarily women's groups, have been arguing against the insufficiency of the present rape laws, and even the Law Commission has made several recommendations, nothing yet has happened. PUDR's own investigations into incidents of custodial rapes (those which involve policemen) and other instances of aggravated sexual assaults in medical institutions or in the custody of the police, has led us to believe that unless the law is amended, put into practice and convictions happen, rapes and sexual assaults will be treated as ordinary crimes and hushed up. Beginning with our law makers and investigation agency (i.e. the police) the attitude to rape is one of suspicion and disbelief. The victim/survivor is routinely treated as a consenting partner and is therefore made into the guilty party. And since, the victim/survivor has to live with the fear of societal stigma and intimidation, rape trials are often marked by retractions and withdrawals of charges. The judiciary only compounds the problem by hardly awarding punishment to the guilty. What then happens is that, a serious law like rape (which was amended in the early 80s) is treated as a farcical piece of legislature.

Sexual Assault by policemen

1. Gang rape of woman by constables of the Delhi Armed Police

On the 14th of July 2004, a 22-year old married woman from Kalkaji was kidnapped and gang raped by six persons, including two constables from the Delhi Armed Police (III and IV Battalion). The victim's/ survivor's husband complained to the police the same night that his wife had been kidnapped and was being held near Ghaziabad by six persons who were demanding Rs. 15,000 for his wife's release. On 15th July, the South Delhi Police arrested all the six men. The medical examination done on the 15th of July 2004 at AIIMS proved rape.

The PUDR team visited Kalkaji Police Station and met the Addl. SHO. The SHO claimed to not remember the facts of the case. He then insisted that the woman's character was not good, implying that the case was a false one and that the police was

being unfairly blamed for not handling the case properly.

The team then met SI Krishna Kumar of Nehru Place Chowki, where the case had consequently been transferred. As per the police version, the victim was a sex worker, who on 14th July 2004 had gone to Savitri Cinema with her husband, where they apparently met one of their friends. Their friend, Kamal, invited the couple to join him and his friends on a picnic. Soon his friends arrived in two cars and the victim and her husband sat in one car and Kamal, in the other. After a while, two persons sitting with the victim and her husband in one care said that they were policemen and started demanding Rs. 15,000 from them while threatening them that they (the couple) could be put behind bars for the reason of the woman being a sex worker.

According to the police, when the couple pleaded that they did not have any money, the policemen let off the husband to arrange for the money. The victim who stayed in the car was then taken to Ghaziabad and gangraped by the men. The victim reached home and the next morning filed a case at the Kalkaji PS. Following the FIR, the police made the husband call up Kamal, whose number he had, to say that he had arranged for the money. By taking numbers from Kamal and making phone calls to the others involved, the police managed to catch the six accused.

Two of the six accused - Yoginder and Yashpal - were constables of the Delhi Armed Police. The other accused were Surinder, Manish, Deepak and Kamal. A case was filed u/s 376 (2)(g), 366, 384/34, 120B and 506 IPC (See Appendix). The charge sheet was readied and the case was to start in Patiala House. In spite of efforts, PUDR could not meet the victim.

2. Custodial Rape, Kalkaji PS.

On the night of 22 December 2004, a 33 year old woman resident of Kalkaji was raped at her residence by the local beat constable of her area. The accused is in judicial custody and the investigation has been shifted to the Crimes against Women Cell. She tried to file a complaint at the Kalkaji P.S and after some effort on her part an FIR was lodged. PUDR met the survivor, the police of the Kalkaji P.S that is investigating the matter. We examined the FIR and the Medico Legal Certificate of the case.

The survivor runs a clothes boutique and lives alone in the house above, which is owned by her parents. According the victim, she was acquainted with the accused, Virender, as he was the local constable. Often in her absence, she would ask him to keep

Sexual Assault by Delhi Armed Police

In another case of sexual assault by a constable of the Delhi Armed Police that occurred in Rohini on July 20 2004 was reported in the press. The victim, a small time model and a resident of Moradabad, had come to Delhi in search of a friend. The accused, while in uniform, agreed to help her locate her friend's residence. She travelled in a three-wheeler with the accused for some distance where she was told to get off. The accused then raped her in an isolated spot. The medical examination confirmed rape and an FIR was lodged at the Bawana PS. The constable was sent to judicial custody and the matter has currently been committed to trial at the Tis Hazari court.

an eye on the shop, check on its security etc. She has 2-3 employees including tailors, who work on the shop premises. On the 22nd night, at around 9.30 p.m., he came to her house and asked for a glass of water and she asked him to wait while she fetched it. He however entered the house, locked the door and raped her after threatening her with his service revolver. He stayed in the house till 5.30 a.m. When he left he again threatened her and told her (as per her statement in the FIR) that if she complained he would plant false letters and show that she had actually been intimate with him. It appears that he was primarily indicating that he would give her a 'bad name', malign her as a woman of no 'morals', and no one would believe her account of rape.

The survivor stated that after the incident she washed and changed her clothes, and went to the Kalkaji temple in the morning as is her usual practice. As she was very disturbed she sought the advice of the mahant in the temple with whom she is aell acquainted. She did not inform him of the rape but said that a policeman was threatening her. As she lives alone he advised her to first seek the advice of her parents who live in Meerut, before taking any action. So she then called her parents and told them what had happened. They arrived by about noon, and accompanied her to the Kalkaji P.S. to file an FIR. The police refused to file an FIR. It was only after she complained to the DCP (whose office is in the same police station complex) about the partisan attitude of the police, and also contacted the media, that an FIR was filed. The police came to her boutique that afternoon to investigate. The accused Virender also came

Sexual harassment of two rag-picker boys at New Friends Colony PS.

In late July 2004, two boys, about 12 to 13 years of age and residents of Taimur Nagar were forced to perform oral sex with each other in custody of the police of the New Friends Colony Police Station within the precincts of the police station. Both the boys were rag pickers who picked up waste around Escorts Hospital. The incident, had apparently occurred around 29 July 2004. Though the boys went on to identify the constables involved, none of the three accused were prosecuted.

The incident came to light more than a month later, on 8th September 2004, at an "interface" meeting organized by Chetana, an NGO working with street children. The meeting was meant to facilitate interaction between street children, representatives from the police (ACP Nirmal Verma from the Crime Against Women and Children Cell, Delhi Police), authorities from the Child Welfare Committee (CWC and Nirmal Chaya) and representatives from the Directorate of Social Welfare. It was at this meeting that the two boys reported the incident.

On 20th July Chetana had organized a trip to the local police station to familiarize them with the working of the PS and to reduce their fear of the police. These boys had been involved in a quarrel and had also gone to the PS at that time.

On the day of the incident, the two boys got into a quarrel with another boy and hit him on the head with a bottle. When the injured boy said that he would complain to their parents, the boys decided that going to the police station to complain would be a better idea. They then trooped to the police station, still somewhat in jest. Once there, the injured boy got scared and ran away and the other two were made to wait in the PS.

The boys had gone to the PS between 9:30 pm and 10:00 pm and were beaten by various policemen. At around midnight when the boys told the police that they were

hungry, the police taunted them. They were taken to an adjoining room and forced on the threat of beating, to have oral sex with each other. In spite of resistance from the boys, the police coerced them into the act. The boys who were crying by that time were given food. They managed to slip out from the PS after a while.

The boys also recounted that while in the PS, they saw another boy (possibly also a street child) who had allegedly been made to perform oral sex with the police as well. He told them to run away as soon as they could.

After the interface meeting, the Child Welfare Committee head, Bharti Sharma recorded their statement immediately and a more formal recording was done at Nirmal Chaya on the following day. On 10 September 2004, ACP B.R. Paul (South District, Hauz Khas) who was in charge of this case interrogated the boys in the Chetana office. The boys identified Constable Shambhu Nath as the main culprit as well as two other constables. No action was taken against any of these officials. Their punishment amounted merely to them being transferred to the District Police Lines. The FIR was lodged only on 23 September 2004 under Section 355, 342, 323, 377 and 109/34 IPC.

After the lodging of the FIR, the police went to the area where the boys stayed and tried to pressurize them into changing their statement. Chetana learnt about this and got a statement about the police's actions recorded before the CWC.

Subsequently, one of the boys has now gone missing, while the second one, in a deposition to the CWC in December 2004, denied everything. The police now claim that the allegations made against them are false and vague.

The socio-economic background of victims is often considered enough reason to abuse them. In the present case, the police felt powerful enough to freely abuse minors as they were poor rag pickers, with no fear of punishment. The frequency of such abuse and the number of policemen involved is an open question.

there again that afternoon, on the pretext of a neighbour's complaint about an overflowing water tank. The police arrested him from her shop, a fact not noted in the FIR. The FIR (no. 1191/2004) u/s 376 (2a)/ 506 IPC dated. 23.10.04 was filed by the evening at the Kalkaji P.S. The accused policeman has noticeably not been booked for misuse of his official weapon. The case was handed over for investigation to the Crimes against Women Cell at Amar Colony. The investigation is underway, and the accused has been remanded to judicial custody.

The victim was taken for a medical examination to AIIMS only at around 7 p.m. on 23rd evening. The medical examination report records four incidents of sexual intercourse. It mentions the absence of the hymen and records no injuries or swelling. As per the MLC the complainant had bathed and was wearing fresh clothes. Swabs were taken from the victim and the accused but the likelihood of their providing evidence is bleak as the victim had bathed in the interval. The victim's clothes and bed linen have been sent for forensic examination and, according to the police, will be crucial to establishing rape.

The FIR in the case curiously enough notes elaborate details of the marital history of the complainant. It notes that she is separated from her husband and the MLC records that she had not lived with him for the last six years. It records that she has two children aged 9 and 6 years who live with her parents in Meerut and that husband and in laws had been harassing her for dowry and mentally torturing her and she is fighting a legal case against them. It is indeed peculiar that in the case of rape in a first information report on the crime, the past marital and sexual history of the complainant is sought to be noted in such detail in an official document, before even a mention is made of the grievous assault that the complainant has suffered. This kind of recording reveals that the police and the government doctors completely share in the social attitudes towards rape, and towards separated, single and divorced women whose morals are always regarded as suspect due to their marital status.

The police at the CRAWC who are investigating the case however repeatedly insisted that the survivor knew the policeman 'well', that she even knew his family. Taken together with the lack of injuries, the suggestion being made by the police was that of consent. However it needs to be remembered that consent secured against the will of the woman, eg in this case

where she was threatened by the policeman with his service revolver, still constitutes rape. Consent secured through such coercion would also account for the lack of injuries.

This is where the manner in which the FIR is recorded becomes crucial. The marital history of the accused might simply be used to reconstruct her sexual life and morality. Even though the section regarding the sexual history and morality of the woman as a valid criteria for questioning the victim's testimony, has now been removed from the law, it can still be used to argue consent in cases where evidence is of a circumstantial nature. Social attitudes that bop upon the survivor as a 'divorcee' and hence of 'loose morals' living alone, away from her family' and conclude that the incident is automatically based on mutual consent permeate the police as well. Given this, the chances of the investigation being unbiased and non-partisan are slim.

Sexual Assault in Hospitals

1. Sodomy of a 16 year old boy by security guard in Safdarjung Hospital

On 5 May 2004, a security guard of Safdarjung hospital raped a 16-year-old mentally unbalanced boy sleeping in the open on the premises of the hospital. The boy had come to Delhi from Bihar in early May to see his father who was undergoing treatment at AIIMS. The victim/survivor identified the accused, a charge sheet was filed and the accused was taken into judicial custody.

The victim/survivor had come to the Safdarjung Hospital compound to rest for a night. The accused took the boy behind the operation theatre and raped him. He kept the victim with him through the night and left him the next day at Moti Nagar. The boy was grievously injured and left for Bihar the same day.

After reaching his home at Amber Sharif in Nalanda district, Bihar, he narrated the incident to his sister. The sister informed their father, who immediately went back to Bihar and brought the injured boy with him to Delhi. A case was registered at Sarojini Nagar PS u/s 377 IPC on 15 May. The medical examination of the boy, conducted in Safdarjung hospital revealed that the injuries sustained by the victim substantiated the accusations made by him. He also had to be admitted to the hospital for a few days. The doctor who conducted the examination refused to divulge any more details. The father and son have returned to Bihar.

2. Rape of 19 year old girl by an intern of the Safdarjung Hospital

On 12th May 2004, an intern of the gynecology department raped and anally assaulted a 19-year old girl at Safdarjung Hospital. PUODR investigated the case, and helped the victim/survivor's family to engage a lawyer and in the process found gross procedural violations and omissions on the part of the police.

On 12 May the survivor visited the OPD at Safdarjung Hospital. She had been undergoing treatment at the ENT Department since September last year. According to the victim and her family, she was taken to the Doctor's Hostel by Dr. Ravi Kumar, an intern in the gynaecology department at Safdarjung Hospital under a false pretext, drugged and illegally detained there from the morning of 12th May 2004 till the afternoon of 14th May 2004, when the doctor dropped her back near her home. The family said that the victim was raped and anally assaulted by the doctor during this period.

Meanwhile, the victim's parents had lodged a missing person's complaint at the Sarojini Nagar PS. When they informed the SI of the Sarojini Nagar PS of their daughter's return on the 14th, he asked her parents to bring her to the station only on the morning of the 15th so that she could "freshen up". By the 15th, the victim had bathed and washed her clothes.

On reaching the PS the next morning, the victim and her family found the accused present there too. The SI asked them to let the accused speak to the girl and pressurized the victim to not complain. He 'advised' the family to hush up the incident and marry her off so as to avoid ill-repute or otherwise to settle the case by accepting some money.

A FIR of abduction and rape u/s. 363, 366 and 376 IPC was registered at the Sarojini Nagar PS on 15 May 2004. Tellingly, the police did not use S. 376 (2) (d) which deals with situations where a woman in hospital is raped by a member of the management or staff and for which there is a higher punishment. There are other crucial omissions as well. The victim alleged anal penetration, but S. 377 IPC, currently used in such cases, was not used. Nor was S. 328 IPC used which covers the administering of a stupefying drug to commit an offence.

A medical examination of both the victim and the accused

was done at AIIMS at about 6:00 pm on the 15th, i.e. more than 24 hours after her return home. The survivor's Medico Legal Certificate (MLC) records that her hymen was ruptured and that there was one-finger flexibility. No other corroborative evidence like injury marks were found. The MLC also records that the survivor revealed slight suicidal tendencies and recommended a psychiatric check-up. Vaginal and anal smears were taken and sent to the lab. But no physical anal examination was conducted as S.377 was not used and moreover the recording of the case in the MLC does not mention anal penetration.

During the course of the police investigation it emerged that there was prior acquaintance between the doctor and the victim. The police produced cell phone records as proof of the same. Once prior acquaintance was established, the girl's parents who had been pursuing the case with considerable zeal and exemplary courage decided to withdraw the *vakalatnama* fearing ill-repute. The survivor has since been married and has shifted to another city. The doctor is out on a bail of Rs. 30,000.

A fact finding by the National Commission for Women (NCW) resulted in the suspension of the SI of Sarojini Nagar PS and a departmental inquiry was ordered against him. The case was transferred to the Crime Against Women Cell at Vasant Vihar and the accused was remanded to judicial custody till 12 June 2004.

The Medical Superintendent's Office denied that the Hospital had any responsibility in the matter as Dr Ravi Kumar was allegedly not a hospital employee at the time. The hospital claimed that his internship got over on the evening of 11 May 2004, a day before the incident. However, the hospital records state the contrary. According to the office records, the accused was an intern with the hospital from 1 October 2003 till 13 May 2004 and his internship finished only on the evening of the 12th of May. Though the incident occurred on the hospital campus, the hospital authorities do not hold themselves responsible for the rampant misuse of the hospital quarters.

The omissions by the police right from the registering of the FIR, to the medical examination are of crucial significance. Noticeably, the police have not filed criminal charges against the SI despite his being responsible for the destruction of crucial evidence in the form of semen, hair and blood samples from the victim's clothes and person.

The police has proved zealous in this case not in finding out the truth of the matter but only in casting doubt on the testimony of the victim. The fact that the accused was a doctor, one who had been sent to Sadarjung Hospital on the recommendation of the Medical Council and one who could afford to hire IU Khan, a leading criminal lawyer, clearly accounted for some of the police's attitude.

3. Rape of 19-year old girl by employee at VIMHANS

On 18th October 2004, a 19-year old girl attending to a patient in the general ward of VIMHANS was raped by a sweeper of the hospital at about 11:00 pm. While the police have been prompt in taking action in this case, the manner in which the hospital tried its best to cover up the incident is shocking. PUDR met the investigating officer of the case, Sub Inspector Har Pal of the Srinivaspuri PS, and also contacted the placement agency with whom the victim was registered. The agency was extremely supportive and got the FIR registered as well as appointed a lawyer to fight her case.

The victim/survivor was tending to a patient suffering from mental illness at VIMHANS. Both the victim and the patient were to be employed as domestic servants and were attached to the same placement agency. On the day of the incident, the victim had replaced a male attendant from the same placement agency as the patient required a female attendant.

As per the statement of the victim, the sweeper Dharampal entered the ward where she was sitting with the patient, locked the door of the ward from inside, dragged her towards the toilet at one end of the ward, gagged her and then raped her. There was no one else in the ward.

She came out as soon as she was able to and informed two of her acquaintances from the same placement agency waiting outside the hospital. They complained to the security guard present. The Class IV employees of the hospital were rounded up and she identified the accused. The hospital authorities refused to lodge a complaint and did not allow her acquaintances to make a phone call to the police. By the time the police had been called up from outside the hospital (at around 2:00 am) and arrived, the accused had escaped. The police lodged an FIR u/s 376(2)(d) and 342 IPC. Medical examination confirmed rape. The accused was caught several days later by the police from his village in Bulandshahar and is presently in judicial custody.

The team met PRO and Hospital Coordinator Pramod Tripathi who said that the hospital staff had contacted the police and fully cooperated with them, while maintaining that '*aisa incident kahin bhi ho sakta hai*'. He claimed that the rape could not have taken place in the said ward, with nurses, security personnel and attendants present nearby. He further claimed that no one heard any sound at the time of the alleged rape. He went to the extent of claiming that the victim must have consented. The hospital thus seems to have pronounced its judgement even before the investigation is over. This attitude of the hospital would prove to be adverse to a proper investigation in this case. The hospital has also displayed the standard response in rape cases, that is, to doubt the testimony of the victim, which in this case, also serves the purpose of absolving the hospital of any blame.

Also, that the accused managed to escape after being identified by the victim would not have been possible without the collusion of the hospital authorities, especially given the tight security arrangements claimed by the management. The hospital employed 20 security personnel. It was a failure on the part of the hospital's security that such an incident occurred in the first place. In addition, the hospital authorities tried to cover up the incident and shield the accused. The PUDR team was also not allowed to see the site of occurrence.

It is unclear whether VIMHANS has any institutional mechanism such as a Complaints Committee to deal with sexual harassment cases. The culpability of the hospital in this case lies first in its failure to report the incident to the police promptly, and, second, in allowing the accused to flee. The hospital authorities are now trying to give the impression that the rape charge was false.

CONCLUSION

Custodial rapes and sexual assaults show that state authorities and the institutions where such abuse occurs are never held criminally accountable. Such abuse is an assertion of existing unequal power relations in society. The power of the office of the accused, however high or low, is a common factor in these cases. This abuse of institutional authority is not just confined to the act of sexual assault but also has a bearing on the police investigation as well as the rape trial. What clearly

emerges in all given cases is the pitfalls of rape being treated as a crime committed by an individual, without any institutional accountability whatsoever. Though authorities are directly responsible for the crime occurring on their premises, they escape scot-free.

- **Inadequacy of definition.** The existing legal definition recognizes only vaginal penetration by the penis as rape, not taking into account a wide range of assaults that are sexual in nature (e.g., sexual assault of children). The present definition of rape does not even cover sexual assault on men. In the Safdarjung sodomy case the accused was charged under the highly retrogressive and archaic S.377 IPC that makes no distinction between consensual and non-consensual sex. In the case of the intern at Safdarjung Hospital assaulting the 19-year-old girl, this section wasn't applied at all though the victim alleged anal assault.

- **Refusal to use relevant or aggravated sections.** There is reluctance on the part of the police to apply the section on aggravated rape (376(2) IPC). When this section is used, non-consent on the part of the survivor is legally assumed u/s 114 A of the Indian Evidence Act. When this section is not applied, the accused has the option of arguing in court that the victim had in fact consented to sex. In the case of sexual assault that occurred in Safdarjung hospital by the intern, the police have not used S.376 (2)(d) that deals with situations where a member on the management or staff of a hospital commits rape.

- **Non accountability of Institutions.** The existing definition of custodial rape (S. 376 (2(a, b, c, d))) has no provision to penalize the institution to which the aggressor belongs, the punishment is awarded only to the individual offender. Where the power of the accused is derived from their/ his official position in a particular institution, there is a need to hold the institution responsible as well. Institutional culpability is completely lacking in all cases whether police or medical institutions. In 2003, even though the NCW held Shanti Mukund Hospital responsible for the rape of a private nurse by its employee and asked for the cancellation of the hospital's license, nothing came of it. In present cases, no questions have been raised regarding the culpability of VIMHANS and Safdarjung Hospital.

- **The issue of consent.** In rape cases the establishment of guilt or innocence depends on consent/non-consent of the victim.

Both the investigation and the rape trial often end up reinforcing dominant prejudices about the character and conduct of the woman, despite the amended S.114A of the Indian Evidence Act. Thus tragically and invariably, in the implementation of the law, the investigation and the prosecution, the victims of sexual assault are transformed into accomplices in a consensual act. In fact in the cases of the gang rape by constables of the Delhi Armed Police, the rape by a sweeper of VIMHANS and the sexual assault by an intern of Safdarjung Hospital, the effort of the authorities was to try and show consent. In all cases, the victim is treated by the institution as either a consenting partner or a liar. The issue of prior acquaintance is also viewed in society as enough reason to assume that the victim consented to a sexual encounter.

- **Denial of Justice.** The denial of justice for victims however does not end here. Delays in enquiries, the accused tampering with evidence or threatening witnesses, and an excessive dependence on the police for information, pose severe problems for the victim, who is in turn vulnerable to harassment and intimidation by both the police and the accused. The investigations carried out by the police on their own 'deviant' accused personnel in most cases do not lead to stringent punishments. In fact punishments and convictions are rare and often only extend to the suspension or transfers of the policemen to sinecure postings. The victim of sexual assault is marginalized at every stage in the struggle for justice. Legal remedies are rare, with victims often being forced by adverse circumstances to withdraw their statements against the accused.

PUDR demands that due procedure be followed in the course of registration of FIR, investigation and prosecution. We demand that institutions be made criminally accountable for abuse on their premises and made to compensate the victim.

While there is a need to strengthen the legal position of the victim, even more necessary is the need to question the unrestrained abuse of power by those in uniform, so that incidents of custodial sexual assault are not viewed as mere acts of individual deviancy, but are seen as manifestations of patriarchy and existing power relations that lead to the violation of people's democratic rights.

Appendix

Relevant Sections

34. Acts done by several persons in furtherance of common intention – when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for the act in the same manner as if it were done by him alone.

109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment – Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this code for the punishment of such abetment, be punished with the punishment provided for the offence.

120 B. Punishment of criminal conspiracy – (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in the Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

323. Punishment for voluntarily causing hurt – Whoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

342. Punishment for wrongful confinement – whoever wrongfully confines any person, shall be punished with imprisonment of either description which may extend to one year, or with fine may extend to one thousand rupees or, with both.

355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation – Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

363. Punishment for kidnapping – Whoever kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may

extend to seven years, shall also be liable to fine.

366. Kidnapping, abducting or inducing a woman to compel her marriage etc - shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine...

376. Punishment for rape - S2 reads as follows: “whoever

(a) being a police officer commits a rape -

i. Within the precincts of a police station to which he is appointed;

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 position and commits rape on a woman in his custody as such a public servant or in the custody of public servant subordinate to him; or

(c) being on the management or on the staff of a jail etc; or

(d) being on the management or on the staff of a hospital; or

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

(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.

377. Unnatural offences- Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

384. Punishment for extortion- whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

506. Punishment for criminal intimidation- Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

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