

ACT NO. X OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March,
1891.)

An Act to amend the Indian Penal Code and
the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

XLV of 1882.
X of 1882.

Indian Penal Code.

Amendment
of section
375, Act
XLV, 1860.

1. In section 375 of the Indian Penal Code, in the clause marked *Fifthly* and in the *Exception*, the word "twelve" shall be substituted for the word "ten".

XLV of 1882

Code of Criminal Procedure, 1882.

Addition of
section after
section 560,
Act X, 1882.
Special pro-
visions with
respect to
offence of
rape by a
husband.

2. After section 560 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

X of 1882

"561. (1) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

(a) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(b) commit the man for trial for the offence:

"(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (1) of this section, no Police-officer of a rank below that of Police Inspector shall be employed either to make, or to take part in, the investigation."

3. In

XLV of
1860.

3. In Schedule II to the said Code, for the entry respecting section 376 of the Indian Penal Code, the following shall be substituted, namely:—

Amendment
of Schedule
II, Act X,
1882.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
	Rape— If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons.	Bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
	In any other case	May arrest without warrant.	Warrant .	Not bailable.	Ditto .	Ditto . .	Ditto.