

Under construction
CrPC amendment bill

Chapter XX

S493 Cohabitation caused by a person deceitfully inducing a belief of lawful marriage :-
Every person who by deceit causes any person, who is not lawfully married to that person to believe that such person is lawfully married to the person and the to cohabit or have sexual intercourse or make such relationship public in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

S494 Marrying again during lifetime of husband or wife :-

Whoever, during subsistence of lawful marriage, knowing such fact, marries in any case in which such marriage is void by reason of its taking place during the life of such spouse, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. The aggrieved party shall be the person, with whom false marriage is committed.

S497 Adultery: - Whoever has sexual intercourse with a person who is or has reason to believe to be spouse of another person, such sexual intercourse is adultery. The spouse shall not be held guilty as abettor for such offence.

S497 whoever performs adultery shall be punished by 10 years.

S304B rescinded. Offences under S304B shall be tried as offence of murder.

S498a Cruelty :- Whoever subjects a person to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. This offence will be cognizable, bailable and compoundable.

Explanation :- For the purpose of this section, “cruelty” means

- a) Cruelty means the intentional infliction of severe pain or suffering whether physical or mental, upon a person in custody, cohabitation or acquaintance or under the control of the accused; except that torture shall not include pain or suffering arising, only from inherent in or incidental to, lawful sanction.

S509 Insult to the sexual diffidence of a person :-

Whoever knowingly and intending, to cause insult to sexual diffidence of any person, does any act shall be punished with simple imprisonment for a term which may extend to one year, or with fine or with both.

S509a Where the offender has reason to believe that the victim is a child, crippled, diseased or dead or aged the criminal liability of the offender shall be doubled for any offence, committed under criminal procedure code.

S498a

Changes

1. S498a has been brought in line with the international United Nations Convention drafted by Association for prevention of torture (www.apt.ch)
2. S498a has a wider cover beyond matrimonial relationship.
3. The harassment caused to the accused is removed by making the section bailable and compoundable.
4. The offence is cognizable as in some situations; there may not be any person to take cognizance of the matter.

S304B

Changes

1. The section only causes harassment to the innocent husband, by making presumptions that he is guilty before investigation.
2. The offence can be tried under the sections for murder, culpable homicide etc.
3. Special procedures will be drafted in IPC to handle the delicate family matter, or presumption of dowry.

S493

Changes

1. This is an offence against the person, with whom false marriage is committed.
2. It is an aggravated form of rape.
3. The consequences of such relationship, causes great mental agony to either sex. Hence the victim is of any gender.