

Section 375 IPC and Section 124A IPC

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What is section 375 of IPC?

- Section 375 of IPC pertains to the **criminal offence of raping**, defines rape as 'sexual intercourse with a woman against her will, without her consent, by coercion, misrepresentation or fraud or at a time when she has been intoxicated or duped, or is of unsound mental health and in any case if she is under 18 years of age.
- Under 375, consent is defined as **clear and voluntary communication** given by a woman for a given sexual act. As long as the woman is above the age of 18, **marital rape is a clear exception to giving consent** since marital rape is not a crime under the Indian Penal Code.
- **Nirbhaya Act, 2013** altered the legislation to define acts such as penetration of penis into vagina, urethra, anus or mouth, or any other object or any other body part to any extent into a woman's body parts (or facilitating any other person to do it), to constitute the offence of sexual assault. The amendment also classified acts such as applying mouth or touching the private parts as offences of sexual assault. **It ruled out earlier ambiguities and created room for stricter punishment.**

What is section 124A of IPC?

- In recent times, there has been an increase in the instances in which sedition charges were pressed against intellectuals, human rights activists, filmmakers, university teachers, students, and journalists.
- The Indian Penal Code defines sedition (Section 124A) as an offence committed when "any person by words, either

spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India”.

- Disaffection includes disloyalty and all feelings of enmity. However, **comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.**
- Sedition is a **non-bailable offence**. Punishment under the Section 124A ranges from imprisonment up to three years to a life term, to which fine may be added.
- SC has claimed that dissent is the safety valve of democracy. It said, dissent against the government should not be curbed. Patriotism should not be imposed, it should be a voluntary expression, The Law Commission has also recommended removal of Sec124A relating to sedition.