

THE CRIMINAL LAW (SECOND AMENDMENT) ACT, 1983

No. 46 of 1983

[25th December, 1983.]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Criminal Law (Second Amendment) Act, 1983.

Amendment of Act 45 of 1861. 2. In the Indian Penal Code, after Chapter XX, the following Chapter shall be inserted, namely:—

CHAPTER XXA

OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

Husband or relative of husband of a woman subjecting her to cruelty.

498A. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

*Explanation.*—For the purposes of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Amendment of section 174. 3. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), in section 174, in sub-section (3), for the words “When there is any doubt regarding the cause of death, or when for any other reason the police officer considers it expedient so to do, he shall”, the following shall be substituted, namely:—

“When—

(i) the case involves suicide by a woman within seven years of her marriage; or

(ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or

(iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or

(iv) there is any doubt regarding the cause of death; or

(v) the police officer for any other reason considers it expedient so to do,

he shall”.

4. In section 176 of the Code of Criminal Procedure, in sub-section (1), for the words “When any person dies while in the custody of the police”, the words, brackets and figures “When any person dies while in the custody of the police or when the case is of the nature referred to in clause (i) or clause (ii) of sub-section (3) of section 174” shall be substituted.

Amendment of section 176.

5. In the Code of Criminal Procedure, after section 198, the following section shall be inserted, namely:—

Insertion of new section 198A.

45 of 1960  
54 of 1960

“198A. No Court shall take cognizance of an offence punishable under section 498A of the Indian Penal Code except upon a police report of facts which constitute such offence or upon a complaint made by the person aggrieved by the offence or by her father, mother, brother, sister or by her father’s or mother’s brother or sister or, with the leave of the Court, by any other person related to her by blood, marriage or adoption.”

Prosecution of offences under section 498A of the Indian Penal Code.

6. In the Code of Criminal Procedure, in the First Schedule, after the entries relating to section 498, the following entries shall be inserted, namely:—

Amendment of the First Schedule.

| Section | Offence | Punishment | Cognizable or non-cognizable | Bailable or non-bailable | By what Court triable |
|---------|---------|------------|------------------------------|--------------------------|-----------------------|
| 1       | 2       | 3          | 4                            | 5                        | 6                     |

“CHAPTER XXA—OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

|      |   |  |  |              |                                 |
|------|---|--|--|--------------|---------------------------------|
| 498A | Punishment for subjecting a married woman to cruelty. | Imprisonment for three years and fine. | Cognizable if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by the offence or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the State Government in this behalf. | Non-bailable | Magistrate of the first class.” |
|------|---|--|--|--------------|---------------------------------|

Amend-  
ment of  
Act 1 of  
1872.

7. In the Indian Evidence Act, 1872, after section 113, the following section shall be inserted, namely:—

Presump-  
tion as to  
abatement  
of suicide  
by a  
married  
woman.

'113A. When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.

*Explanation.*—For the purposes of this section, "cruelty" shall have the same meaning as in section 498A of the Indian Penal Code.

45 of 1860.