

THE CRIMINAL LAW (TEMPORARY PROVISIONS) ACT, 1957.)

[ACT NO. LXI OF 1957.]

It is hereby enacted as follows :—

1. (1) This Act may be called the Criminal Law (Temporary Provisions) Act, 1957.

(2) It shall remain in force until such date as the President of the Union may, by notification, direct that it shall no longer be in force ; and the provisions of Section 5 of the Burma General Clauses Act as respect the repeal of an enactment shall have effect when this Act ceased to be in force by virtue of such notification.

2. The Penal Code shall have effect as if *after* Section 364, the following were *inserted* as Sections 364A and 364B, namely :—

“ 364A. Whoever forcibly carries or entices away any person from any place with intent to hold him to ransom is said to commit the offence of kidnapping for ransom.

Kidnapping for ransom.

364B. Whoever commits the offence of kidnapping for ransom shall be punished with transportation for life if the person forcibly carried or enticed away returns, or with death if such person does not return.”

3. The Penal Code shall have effect as if *for* Section 376, the following were *substituted* as Sections 376, 376A and 376B, namely :—

“ 376. Whoever commits rape shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and where the woman raped is under fourteen years of age, such offender shall be punished with rigorous imprisonment for a term of not less than five years and shall also be liable to fine, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, and with fine.

Punishment for rape of woman under 14 years of age.

376A. When two or more persons are jointly concerned in the commission of rape on the same woman, every one of those persons shall be punished with rigorous imprisonment for a term of not less than five years.

Rape by two or more persons.

376B. Whoever being under any obligation or duty to take care of, or protect any woman or being in a position to dominate the will of a woman commits rape on such woman shall be punished with rigorous imprisonment for a term of not less than five years.”

Rape by person under obligation or duty to take care of, or protect.

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4. The Penal Code shall have effect as if *for* Section 396, the following were *substituted* as Sections 396 and 396A, namely :—

“ 396. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of these persons shall be punished with death.

Dacoity with
murder.

396A. If any person in committing robbery, commits murder, such person, and any other person jointly concerned in committing such robbery, shall be punished with death.”

Robbery with
murder.

5. The Second Schedule to the Code of Criminal Procedure shall have effect as if *after* the entries in respect of Section 364 in the table the following entries in respect of Section 364B were *inserted*, namely :--

Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
" 364 B	Kidnapping for ransom	May arrest without warrant.	Warrant ...	Not bailable...	Not compoundable.	Death or transportation for life.	Court of Session."

6. The Second Schedule to the Code of Criminal Procedure shall have effect as if for the entries in respect of Section 376 in the table the following entries in respect of Sections 376, 376A and 376B were substituted, namely :—

Section. (1)	Offence. (2)	Whether the police may arrest without warrant or not. (3)	Whether a warrant or a summons shall ordinarily issue in the first instance. (4)	Whether bailable or not. (5)	Whether compoundable or not. (6)	Punishment under the Penal Code. (7)	By what Court triable. (8)
	RAPE						
376	If the sexual intercourse was by a man with his own wife not being under 12 years of age.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session or District Magistrate.
	If the sexual intercourse was by a man with a woman under 14 years of age.	May arrest without warrant.	Warrant ...	Not bailable	Ditto ...	Rigorous imprisonment of not less than 5 years.	Court of Session.
	If the sexual intercourse was by a man with his own wife being under 12 years of age.	Shall not arrest without warrant.	Summons ...	Bailable ...	Ditto ...	Transportation for life or imprisonment of either description for 10 years and fine.	Ditto
	In any other case ...	May arrest without warrant.	Warrant ...	Not bailable	Ditto ...	Ditto	Ditto
376A	Raped by two or more persons on same woman.	Ditto	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment of not less than 5 years.	Ditto
376B	Raped by persons under obligation or duty to take care of, or protect a woman.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto."

7. The Second Schedule to the Code of Criminal Procedure shall have effect as if *for* the entries in respect of Section 396 in the table the following entries in respect of Sections 396 and 396A were *substituted*, namely:—

Section. (1)	Offence. (2)	Whether the Police may arrest without warrant or not. (3)	Whether a warrant or a summons shall ordinarily issue in the first instance. (4)	Whether bailable or not (5)	Whether compoundable or not. (6)	Punishment under the Penal Code. (7)	By what Court triable (8)
396	Murder in abetment ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death ...	Court of Session.
396A	Murder in robbery ...	Ditto	Ditto ...	Ditto ...	Ditto	Ditto	"Ditto."