

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1434

ANSWERED ON:21.08.2012

AMENDMENT IN LAW RELATING TO CRIME AGAINST WOMEN

Khair Shri Chandrakant Bhaurao;Mahajan Smt. Sumitra;Pandurang Shri Munde Gopinathrao;Ramshankar Dr. ;Singh Shri Ganesh;Thomas Shri P. T.

**Will the Minister of HOME AFFAIRS be pleased to state:**

(a) whether the Government has any proposal to make amendment in the existing laws relating to crime against women to make it more effective in order to check the crime against women;

(b) if so, the details thereof;

(c) whether the Government has set up Special Courts to ensure speedy trials along with relief and rehabilitation of rape victims and victims of criminal injuries like burns and acid attacks on women in the country; and

(d) if so, the details thereof and the total number of Special Courts set up so far in the country, State-wise including Maharashtra?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

(a) to (d): A High Powered Committee (HPC) constituted under the chairmanship of Union Home Secretary examined the recommendations of all concerned including Ministry of Women and Child Development, Ministry of Law and Justice and has prepared the draft Criminal Law (Amendment) Bill 2012. Approval of the cabinet has been sought for introduction of the said bill in Parliament. The highlight of the Bill inter-alia include to substitute of the sections 375, 376, 376A and 376B by replacing the existing sections 375, 376, 376A, 376B, 376C and 376D of the Indian Penal Code 1860, replacing the word 'rape' wherever it occurs by the words 'sexual assault', to make the offence of sexual assault gender neutral and also widening the scope of the offence sexual assault. The age has been raised from 16 years to 18 years in sexual assault with or without consent of other person. However it is proposed that the sexual intercourse by a man with own wife being under sixteen years of age is not sexual assault. Enhancement of punishment under sections 354 and 509 of IPC. Insertion sections 326A and 326B in the IPC for making acid attack a specific offence.

At present, there is no proposal to set up Special Courts to ensure speedy trials along with relief and rehabilitation of rape victims and victims of criminal injuries like burns and acid attacks on women in the country.

A new section 357A has been inserted in the Code of Criminal Procedure 1973 through the Code of Criminal Procedure (Amendment) Act 2008 which provides for compensation to victims of crime. Under this, a Victim Compensation Scheme is required to be framed by the State Governments in co-ordination with the Central Government.

The Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 6319/2008 has directed vide its order dated 12.07.2010, that the States of Punjab, Haryana and the UT of Chandigarh to frame a VCS in co-ordination with Central Government and implement the VCS in their respective States. The State Governments of Arunachal Pradesh, Bihar, Chattisgarh, Karnataka, Manipur, Mizoram, Rajasthan and Sikkim have notified their VCS, wherein they are providing compensation for sexual offences.

The Hon'ble Supreme Court has directed in respect of W.P. (Criminal) No. 129 of 2006 in the case of Laxmi (minor) to provide compensation to acid attack victims. An advisory dated 27.04.2011 has been issued to all State Governments advising them to keep in view the direction of the Hon'ble Supreme Court.

As per Seventh Schedule, 'Police' and 'Public Order' are State subjects under the Constitution, and as such the primary responsibility of prevention, detection, registration, investigation and prosecution of crimes, including crimes against women lies with the State Governments and Union Territory Administrations. However, the Union Government attaches the highest importance to the matter of prevention and control of crime against women. Ministry of Home Affairs has sent a detailed advisory dated 4th September, 2009 on crimes against women to all State Governments/ UTs. The advisory on women have inter-alia, advised State Governments to adopt appropriate measures for swift and salutary punishment to the persons found guilty of violence against women, set up Fast Track Courts and Family Courts, improve the quality of investigations, minimize delays in investigations of crime against women, set up 'Crime against Women Cells' in districts, to undertake gender sensitization of the police personnel and set up special women courts. Majority of the States/UTs have established 'Women Cells'. Some States/UTs have also set up 'All Women Police stations' at district level and 'Mahila/children help desk' at police station level.