

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:6646  
ANSWERED ON:07.05.2013  
CRIME AGAINST WOMEN BY ARMED FORCES  
Gowda Shri D.B. Chandre

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

- (a) whether the Justice Verma Committee has suggested that the crimes against women committed by the personnel of the armed forces be tried under ordinary criminal law;
- (b) if so, the details thereof; and
- (c) the reaction of the Government thereto?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH)

(a) & (b): Yes, Madam. The Justice Verma Committee had suggested the following amendments to the Section 6 of the Armed Forces (Special Powers) Act, 1958:

"No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

Provided that, no sanction shall be required if the person has been accused of committing an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 376(a), Section 376(2), Section 376(3), Section 376A, Section 376B, Section 376C, Section 376D, Section 376D or Section 376E of the Indian Penal Code, 1860".

(c): Sec. 197 of Cr. PC states that no Court should take cognizance of an offence committed by a Judge or a public servant without the previous sanction of the Government, if the offence alleged has been committed while acting or purporting to act in the discharge of his official duty. Commission of an offence of rape by a public servant cannot under any stretch of imagination be considered to be acting or purporting to act in the discharge of his official duty and hence no sanction from the Government is required to prosecute him. Amendments to the IPC have been done in the Criminal Law

(Amendment) Act, 2013 and rape committed by a member of the armed forces under circumstances described in section 376(2) is punishable with rigorous imprisonment for a term which shall not be less than 10 years and which may extend up to imprisonment for life. In addition, an explanation to section 197 Cr. PC has been inserted in the Criminal Law (Amendment) Act, 2013 which clarifies the matter regarding the requirement of sanction of Government for prosecution which is as follows: "Explanation:- For the removal of doubts it is hereby declared that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed u/s 166A, 166B, 354, 354A, 354B, 354C, 354D, 370, 375, 376, 376A, 376C, 376D or section 509 of the Indian Penal Code".