

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:5
ANSWERED ON:02.12.2003
AMENDMENT OF IPC
M. JAGANNATH;NEDURUMALLI JANARDHANA REDDY

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has suggested that Parliament should amend the Indian Penal Code to enhance the punishment for those who sexually assault a mentally challenged women;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the Government have received representations from NGOs and women organizations for amending the law relating to the offence of rape;
- (d) if so, the details thereof;
- (e) whether the Government have any proposal under consideration to bring a comprehensive law before Parliament for giving stringent punishment to the persons who indulge in acts of rape; and
- (f) if so, the details thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SWAMI CHINMAYANAND)

(a) to (f): A statement is laid on the Table of the House.

Statement referred to in reply to Parts (a) to (f) of Lok Sabha Starred Question No. 5 for 2.12.2003 by Shri N. Janardhana Reddy and DR. Manda Jagannath regarding amendment of IPC.

(a) & (b): The Supreme Court in its judgment dated 27th October, 2003 in the Criminal Appeal No. 298 of 2003-Tulshidas Kanolkar Vs. the State of Goa has observed, inter alia, that, when the mental age of the victim of rape is below 12 years, prescribing a higher minimum sentence be considered.

Section 376 IPC provides stringent punishment for rape. This section, inter alia, provides that whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine.

(c) to (f): After detailed discussions with various NGOs such as Sakshi, Interventions for Support, Healing and Awareness (IFSHA), All India Democratic Women's Association (AIDWA) and the National Commission for Women (NCW), the Law Commission in its 172nd Report on `Review of Rape Laws` has recommended changes for widening scope of the offence in section 375 and to make it gender neutral. Various other changes have been recommended in sections 376 and 376A to 376D and insertion of a new section 376E dealing with unlawful sexual contact, deletion of section 377 IPC and enhancement of punishment in section 509 of IPC.

State Governments have been requested for their views on the recommendations of the Law Commission of India as the Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India.