

STEPS TAKEN TO CURB CRIME AGAINST WOMEN

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In the Bharatiya Nyaya Sanhita, 2023, for the first time, the provisions relating to crime against woman and child have been given precedence and placed under one Chapter. Strict punishments up to death sentence have been provided for the offences against women. Punishment for gang rape of a woman below the age of 18 years is life imprisonment till remainder of the convict's natural life or death. A new offence for having sexual intercourse on false promise of marriage, employment, promotion or by concealing identity, etc. has also been incorporated in Bharatiya Nyaya Sanhita, 2023. Main provisions related protection of woman in the new Criminal Laws are given in Annexure.

To significantly improve the speed, efficiency and transparency of the judicial process, provisions have been made in the new criminal laws that all trials, inquiries and proceeding including issuance, service and execution of summons and warrant, examination of complainant and witnesses, recording of evidence in inquiries and trials and appellate proceedings or any other proceeding may be held in electronic mode, by use of electronic communication or use of audio-video electronic means. In this regard, Government has also developed applications like e-Summons, e-Sakshya and Nyaya-Shruti (VC). The e-Summon facilitates delivery of summons through electronic means. The e-Sakshya enables lawful, scientific and tamper-proof collection, preservation and electronic submission of digital evidence thus ensuring authenticity and reducing delays. Nyaya-Shruti (VC) facilitates virtual appearance of accused persons, witnesses, police officials, prosecutors, scientific experts, prisoners etc. through video conferencing. The implementation of the new criminal laws through these applications by States/UTs contribute to improving the speed, efficiency, and transparency of the judicial process, thereby supporting a more effective, technology-driven, timely and citizen-friendly justice delivery system.

PROVISIONS FOR PROTECTION OF WOMEN AND CHILDREN

- i. Offences against woman and child have been given precedence over all other offences in a new chapter-V of Bharatiya Nyaya Sanhita, 2023.
- ii. In Bharatiya Nyaya Sanhita, the age differential for minor victims of gang rape has been done away with. Earlier different punishments were prescribed for gang rape on a girl below the age of 16 years and 12 years. This provision has been modified and now gang rape on a woman below the age of eighteen years is punishable with imprisonment of life or death.
- iii. Women have been recognized as an adult member of family who can receive summons on behalf of the person summoned. The earlier reference to 'some adult male member' has been replaced with 'some adult member'.
- iv. In order to provide more protection to the victim and enforce transparency in investigation related to an offence of rape, the statement of the victim shall be recorded through audio video means by police.
- v. For certain offences against woman, statement of the victim is to be recorded, as far as practicable, by a woman Magistrate and in her absence a male Magistrate in the presence of a

- woman to ensure sensitivity and fairness, creating a supportive environment for victims.
- vi. Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within 7 days.
 - vii. It is provided that no male person under the age of fifteen years or above the age of 60 years (65 years earlier) or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such male person or woman resides. In cases where such a person is willing to attend the police station, they may be allowed to do so.
 - viii. The new laws provide for free first-aid or medical treatment to victims of crimes against women and children at all hospitals. This provision ensures immediate access to essential medical care, prioritizing the well-being and recovery of victims during challenging times.
 - ix. The act of hiring, employing or engaging a child to commit an offence, is made a punishable offence under section 95 of Bharatiya Nyaya Sanhita 2023, which entails punishment of imprisonment of minimum seven years, extendable to ten years. This provision aims to deter gangs or groups from employing/hiring children for committing offence.

This was stated by the Minister of State in the Ministry of Home Affairs Shri Bandi Sanjay Kumar in a written reply to a question in the Lok Sabha.

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