

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.369
TO BE ANSWERED ON 03.02.2017

CRIMINALIZATION OF MARITAL RAPE

369. SHRI KUNWAR PUSHPENDRA SINGH CHANDEL:
SHRI JAYADEV GALLA

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) the details of complaints received/ reported in regard to marital rape and rape/ sexual harrassment of women by their relatives during each of the last three years and the current year, State/UT-wise;
- (b) whether the Government proposes to make criminalization of marital rape and if so, the details thereof;
- (c) whether any consultations have been held with the stakeholders and States/UTs in this regard, if so, the details and the outcome thereof;
- (d) whether the Law Commission has also studied the issue, if so, the details thereof and the recommendations made by it; and
- (e) the present status in regard to criminalization of marital rape?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI KRISHANA RAJ)

- (a) As per National Crime Records Bureau (NCRB), details of cases registered under rape (section 376 IPC) in which offenders were Relatives of the victims during 2013-2015 and cases registered under rape (section 376 IPC) in which Offenders were Live in Partner or Separated Husband during 2015 is at **Annexure-I**
- (b) to (e) Ministry of Home Affairs has informed that the Law Commission of India, while making its 172nd Report on "Review of Rape Laws" in March, 2000 did not recommend criminalization of marital rape. However, the Justice J.S Verma Committee, while giving its Report on "Amendments to Criminal Laws" in January 2013, recommended that law ought to be amended to delete the marital rape exception. The Department – Related Parliamentary Standing Committee on Home Affairs presented its 167th Report on their Criminal Law (Amendment) Bill, 2012 in the Rajya Sabha on 1st March, 2013. While giving its report the Department-Related Parliamentary Standing Committee on Home Affairs, inter alia, considered both the 172nd Report on Review of Rape Laws given by the Law Commission of India, and the Report of the Justice J.S. Verma Committee. The Committee deliberated the amendments to section 375 of IPC including the issue of marital rape and observed that if the marital rape is brought under the law, the entire family system will be under great stress and the Committee may perhaps be doing more injustice.

The Ministry of Home Affairs has requested the Law Commission to deliberate upon the subject of marital rape during the course of its comprehensive review of Criminal Justice System.

Annexure referred to in reply to Part (a) of the Lok Sabha Un-Starred Question No. 369 for 3.2.2017 regarding Criminalization of Marital Rape

State/UT-wise cases registered under rape (section 376 IPC) in which offenders were relatives of victims during 2013-2015

SL	State/UT	Rape in which offenders were relatives of victims			Rape in which Offenders were Live in Partner or Seperated Husband
		2013	2014	2015	2015
1	Andhra Pradesh	161	97	114	13
2	Arunachal Pradesh	6	6	13	1
3	Assam	107	53	2	27
4	Bihar	32	84	0	10
5	Chhattisgarh	85	206	175	10
6	Goa	13	9	9	1
7	Gujarat	61	105	63	12
8	Haryana	111	100	121	21
9	Himachal Pradesh	12	45	26	0
10	Jammu & Kashmir	0	27	16	2
11	Jharkhand	125	101	82	2
12	Karnataka	90	194	67	6
13	Kerala	146	158	208	8
14	Madhya Pradesh	302	477	377	126
15	Maharashtra	281	435	401	134
16	Manipur	2	0	6	1
17	Meghalaya	31	10	7	0
18	Mizoram	14	29	15	0
19	Nagaland	1	3	0	0
20	Odisha	94	71	124	26
21	Punjab	67	133	73	5
22	Rajasthan	307	352	330	23
23	Sikkim	0	4	1	0
24	Tamil Nadu	104	85	46	2
25	Telangana	0	103	201	2
26	Tripura	8	10	19	0
27	Uttar Pradesh	230	309	272	143
28	Uttarakhand	16	14	21	6
29	West Bengal	213	173	60	21
30	A & N Islands	3	11	5	0
31	Chandigarh	10	8	11	0
32	D&N Haveli	0	1	0	2
33	Daman & Diu	0	0	0	0
34	Delhi UT	221	443	299	101
35	Lakshadweep	0	0	0	0
36	Puducherry	1	1	3	0
	TOTAL	2854	3857	3167	705