

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

**UNSTARRED QUESTION NO. 694
TO BE ANSWERED ON FRIDAY, THE 26TH JULY, 2024**

DISPOSAL OF PENDING CASES

694. SMT. MALVIKA DEVI:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the steps taken to make sure that all the cases pending for many years are solved soon and justice is done;**
- (b) whether the new laws being made to make sure that child and women abuse is not taken lightly and proper punishment is given to the culprits, if so, the details thereof; and**
- (c) whether any new amendments are proposed to the Hindu Succession Act, if so, the details thereof?**

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a): The resolution of pending cases in courts is within the exclusive domain of the judiciary. However, the Central Government is committed towards facilitating an ecosystem for expeditious disposal of cases by judiciary and reducing pendency as mandated under Article 21 of the Constitution. To this end, the Government set up the National Mission for Justice Delivery and Legal Reforms in 2011, with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves improved infrastructure for courts including computerization, increase in strength of subordinate judiciary,

policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

(b): There are a number of women and child-centric changes that have been introduced in the three new criminal laws viz. Bharatiya Nyaya Sanhita (BNS), 2023, Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and Bharatiya Sakshya Adhiniyam.

Under the Bharatiya Nyaya Sanhita (BNS), 2023, the following relevant changes have been made:

- i. Offences against woman and child which were scattered in Indian Penal Code, 1860, have been **consolidated under Chapter–V** of the Bharatiya Nyaya Sanhita, 2023.
- ii. A new offence has been introduced to protect women from deceitful sexual relationships. **Section 69** of the Bharatiya Nyaya Sanhita ensures a woman's right to provide **informed consent**. Anyone who establishes a sexual relationship with a woman by suppressing his identity or making false promises of marriage, employment, or promotion will not be charged with rape, but such a breach of trust will be punishable by imprisonment of up to 10 years and a fine.
- iii. Protection against sexual intercourse by a man on his wife is now granted to all women below the age of **18 years**. Earlier this protection was only provided to girls below the age of 15 years. Now all girls under the age of 18 years, regardless of their marital status, have protection against rape. (Exception 2 of Section 63).
- iv. Age differential for minor victims of gangrape has been removed. Earlier different punishments were prescribed for gangrape on a girl below the age of 16 years and 12 years. This provision has been modified to now be gangrape on a woman below the age of eighteen years and is punishable with imprisonment of life or death. (Section 70(2)).

Under the Bharatiya Nagarik Suraksha Sanhita, 2023, the following relevant changes have been made:

- i. Section 66 – Women have been recognized as an adult member of family, on whom summons may be served on behalf of the person summoned. The earlier reference to ‘some adult male member’ has been replaced with ‘some adult member’.
 - ii. Section 176(1) Second Proviso – 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.
 - iii. Section 183(6)(a) Proviso 1 – 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.
 - iv. Section 183(6)(a) Proviso 2 – The Magistrate shall now record the statement of a witness in case of certain offences against women that are punishable with imprisonment for ten years or more or with imprisonment for life or with death.
 - v. Section 184(6) - Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within 7 days.
 - vi. Section 195(1) Proviso – Provides 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.
- (c):** At present, there is no proposal to amend the Hindu Succession Act.
