

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3493**

**TO BE ANSWERED ON THE 17TH DECEMBER, 2024/ AGRAHAYANA 26, 1946
(SAKA)**

STRICT ACTION FOR CRIMES

†3493. DR. BHOLA SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any special provision has been made in the Bharatiya Nyaya Sanhita to take strict action for crimes against women;

(b) whether any special provision has been made in the new criminal law to prevent the trafficking of minor girls; and

(c) if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI BANDI SANJAY KUMAR)**

(a): In the Bharatiya Nyaya Sanhita (BNS), 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 BNS.

Main provisions related protection of woman in the new Criminal Laws are given in Annexure.

(b) to (c): The Government is committed to prevention and countering of the crime of human trafficking. Section 143 of the BNS, 2023 provides penal provisions for strict punishment upto life imprisonment for offence of human trafficking. Where the offence involves the trafficking of a child, it shall be punished with imprisonment not less than 10 years, but which may extend to imprisonment for life, and fine. 'Beggary' has been introduced as a form of exploitation for trafficking and is punishable under section 143 of the BNS, 2023. In addition, section 144 (1) of the BNS provides for strict punishment for the offence of sexual exploitation of trafficked children. The minimum punishment for such offences is five years extendable to life imprisonment.

PROVISIONS FOR PROTECTION OF WOMAN

- i. Offences against woman and child have been given precedence over all other offences in a new chapter-V of BNS.**
- ii. Various offences against women and children have been made gender-neutral in BNS, covering all victims and perpetrators regardless of gender.**
- iii. In BNS, the age differential for minor victims of gangrape has been done away with. Earlier different punishments were prescribed for gangrape on a girl below the age of 16 years and 12 years. This provision has been modified and now gangrape on a woman below the age of eighteen years is punishable with imprisonment of life or death.**
- iv. 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'.**
- v. 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.**
- vi. 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.**
- vii. Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within 7 days.**

- viii. 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.**
- ix. 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.**
