

crore has been allocated for setting up of Morning/Evening/Shift/Special Magistrates' Courts to try petty cases so as to clear backlog of cases. An amount of Rs. 681.66 crore has so far been released to the States for the purpose. The following types of cases can be inter-alia assigned to these courts:

- (i) Cases pertaining to offences under Indian Penal Code and any other Act or rules where the punishment prescribed is non-custodial;
- (ii) Cheque bouncing cases under Section 138 of the Negotiable Instruments Act, 1881;
- (iii) Petitions for maintenance under Section 125 of the Code of Criminal Procedure, 1973;
- (iv) Criminal revision against granting or refusing to grant interim maintenance under sub-section (3) of section 125 of the Code of Criminal Procedure, 1973 or maintenance under Section 125 of the Code of Criminal Procedure, 1973;
- (v) Petty offences such as:
  - (a) Section 320 of Code of Criminal Procedure, 1973 Tables I and II excluding offence under Sections 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code;
  - (b) Sections 160, 279, 294 and 336 of the Indian Penal Code; and
  - (c) all offences under any Act which are punishable with upto 2 (two) years of imprisonment.

In addition to the cases mentioned above, the States may also assign cases, which are not usually contested and are compoundable in nature of these Courts.

On the recommendation of the Hon'ble Chief Justice of India, Central Government has decided to set up 71 additional special courts exclusively for the trial of CBI cases in different States. Of these, 62 CBI courts have started functioning.

- (c) No, Sir. There is no such proposal.
- (d) Does not arise.

#### **Complaints from MPs**

4108. PROF. ANIL KUMAR SAHANI:

DR. K. P. RAMALINGAM:

SHRI UPENDRA KUSHWAHA:

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

(a) whether the Minister and the Chief Vigilance Officer have received complaints from Members of Parliament (MPs) regarding furnishing of factually incorrect opinion by the Deputy Legal Adviser;

(b) if so, the details thereof;

(c) the action taken by the Vigilance Officer on these complaints;

(d) whether the incorrect opinion has been corrected and furnished to the concerned departments for their necessary action; and

(e) if not, reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) and (b) Yes, Sir, the Minister for Law & Justice and the Chief Vigilance Officer have respectively received letters dated 23.4.2012 and 24.4.2012 from Shri Purnmasi Ram, MP (Lok Sabha) stating that the opinion given by the Department of Legal Affairs was factually incorrect and requesting for amendment of the opinion.

(c) to (e) The opinion tendered in the month of March, 2012 was given upon a reference received from Department of Personnel & Training, and the same was returned back to that Department. As such, records of the case have been called for to enable the Department of Legal Affairs for taking a view regarding correctness of the opinion tendered earlier.

#### **Amendment in Rape law**

4109. DR. T. N. SEEMA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government intends to take steps to amend the existing rape laws with regard to Section 375 of IPC to expand definition of rape to include sexual assault by acts other than penile penetration;

(b) whether marital rape would be included as a penal offense and existing exceptions in the law;

(c) whether Indian Evidence Act would be amended by removing the provision to portray the victim as a 'women' of bad character; and

(d) whether rape and sexual abuse of young boys and sodomy would also be included under the law?