Poor conviction rate in rape cases in Maharashtra

4576. SHRI AJAY SANCHETI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the conviction rate for crimes against women especially in rape cases is low;

(b) if so, the State-wise details in this regard;

(c) the reasons for the poor conviction rate in Maharashtra;

(d) whether the Centre and the State of Maharashtra would jointly commission a study soon to ascertain the reasons for poor conviction rate in the State; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): (a) to (c) As per data available, the conviction rate of various crimes against women for the years 2009-11 is given in Statement [Refer to the Statement-I Appended to the Answer to USQ No. 4575 Part (a) to (c)]. In cases of rape the percentage of conviction is 26.9, 26.6 and 26.4 for the years 2009, 2010 and 2011 respectively.

The State-wise details of rapes *i.e.* cases registered, cases chargesheeted, cases convicted, persons arrested, person chargesheeted and persons convicted, including the State of Maharashtra for the years 2009, 2010 and 2011 respectively are given in Statement [Refer to the Statement-II Appended to the Answer to USQ No. 4575 Part (a) to (c)].

As per Seventh Schedule, 'Police' and 'Public Order' are State subjects under the Constitution, and as such the primary responsibility of prevention, detection, registration, investigation and prosecution of crimes, including crimes against women, lies with the State Governments and Union Territory Administrations. Ministry of Home Affairs has sent a detailed advisory on 4th September, 2009 to all States/UTs, wherein they have been, *inter-alia,* advised to adopt appropriate measures for swift and salutary punishment to the persons found guilty of violence against women, no delay in registration of FIRs, improve the quality of investigations, minimize delays in investigations of crime against women, especially in heinous crimes like rape, set up 'Crime against Women Cells' in districts, advised

to undertake gender sensitization of the police personnel and special women courts. Majority of the States/UTs have established 'Women Cells'. Some States/ UTs have also set up 'All Women Police stations' at district level and 'Mahila/ children help desk' at police station level.

There are various reasons, apart from the shortage of officials and inadequate training, which are responsible for low conviction rate in cases of rape. Lack of forensic infrastructure, judicial delays etc. are some major reasons for poor conviction rate.

(d) to (e) No such proposal is under consideration in this regard.

Treatment of rapists at par with murderers

†4577. DR. PRABHA THAKUR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the incidents of gang rape and rapes with minor girls are more heinous than that of murder;

(b) if so, whether to treat the offender of rape as an offender of murder is justified;

(c) whether the Government is contemplating further to award capital punishment in consonant with the public opinion in cases of gang rape, rapes with minor girls and sexual exploitation by near relatives; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) All offences of gang rape or rape of minor girls or murder are heinous crimes. These offences are dealt with under the relevant sections of the Indian Penal Code, 1860 and the Protection of Children from Sexual Offences Act, 2012 as amended from time to time.

(c) and (d) The Amendment in the Indian Penal Code, 1860 has recently been made by enacting the Criminal Law (Amendment) Act, 2013 (No. 13 of 2013). As per the newly inserted section 376D in the Indian Penal Code, 1860, the offence of gang rape is punishable with a minimum rigorous imprisonment of twenty years extendable to life imprisonment, which shall mean imprisonment for the remainder of

†Original notice of the question was received in Hindi.