

[English]

SHRI M.M. JACOB: I do not think that there is any role played by police officers in this.

[Translation]

SHRI B.L. SHARMA PREM: The Beat Constable posted in the area is supposed to know the activities going on in his area. So, please state whether any action has been taken against any Police Officer or any other officer of the area? (*interruptions*)

[English]

MR. SPEAKER: Let us not shift the responsibility from the real culprits.

(*Interruptions*)

MR. SPEAKER: This is not correct. Two hundred people have died. Let us fix the responsibility on the real culprits.

MR. SPEAKER: Let us not do like that. 200 people have died. Let us fix the responsibility on the proper person.

SHRI M.M. JACOB: The only thing that has been done is that the SHO of the area has been suspended.

SHRI CHANDRAJIT YADAV: You have rightly made an observation that this is a very serious after in which more than 200 persons have died. The answer shows that this firm did not renew its manufacturing licence after 1988. It is the Drug Controller of Uttar Pradesh and Drug Inspectors in Uttar Pradesh whose main responsibility is to see that the proper thing for which the licence has been given, is manufactured. They have totally failed in their duty. Has the Central Government taken up this matter with the Uttar Pradesh Government that those officers responsible i.e. Drug Directorate and Drug Inspectors, are also punished because they are equally guilty for the killing of these people? Has any action been taken in this regard?

SHRI S.B. CHAVAN: The question is very valid. It is true that it is the Controller of Drugs in Uttar Pradesh who is mainly responsible and the Drug Inspectors who should have gone there and seen that according to the terms of the licence things are being manufactured. We have been trying our level best to get the information from the UP Government. But somehow or the other we have not succeeded so far... (*Interruptions*) After 1988 the licence was not renewed. In spite of that, potable alcohol was also being issued to this company. The entire thing is going to be enquired into by the Commission. After the Commission gives its findings, necessary action will be taken.

SHRI SHARAD DIGHE: A Commission of Inquiry has been appointed. Over the years a number of establishments in North India have been manufacturing this sort of a medicine and people die. So this is not an isolated incident.

In September last year also 11 persons in Rishikesh died after consuming a poison called Sanjivni Sura. So the Delhi Police was also aware of the distribution of such medicines in Delhi. Therefore, my question is whether any departmental enquiry is going to be held as to why no prevention should be adopted by the Delhi Police also as far as the distribution of the ayurvedic medicines are concerned.

SHRI M.M. JACOB: It is primarily the duty of the Drug Inspectors and Drug Controllers to implement these conditions. It is upto them to see to it.

Attrocities on SCs/STs

- * 44. SHRI SHRAVAN KUMAR PATEL:
SHRI V.S. VIJAYA RAGHAVAN:

Will the Minister of WELFARE be pleased to state:

(a) the measures discussed in the two day Chief Minister' conference held last

month in New Delhi to prevent atrocities on Scheduled Castes/Scheduled Tribes;

(b) whether any State Government has taken steps to implement the proposals of the Conferences; and

(c) if so, the details thereof?

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): (a) to (c). The decision taken at the meeting of Chief Ministers, held on 4-5th October, 1991 at New Delhi are laid on the Table of the House in the form of Statement attached. These decisions have been communicated to all the State Governments and U.T. Administrations for action.

STATEMENT

Conference of Chief Ministers to Discuss Prevention of Atrocities on Scheduled Castes and Scheduled Tribes- New Delhi, 4-4 Oct 1991

General Decisions

1. The Conference agreed that this is a national question and cuts across political persuasion. It needs, therefore, be addressed as such, on the basis of national consensus.
2. It was suggested that the State Chief Ministers should themselves keep in direct touch with this matter in an intimate manner and on a continued basis in order to take effective and timely action.
3. In the posting of officers to important positions, those belonging to SC/ST should receive adequate attention.
4. Unfilled quotas of appointment to the reserved SC/ST posts should be completed at the earliest, at the latest within 31st March, 1992.

5. The house being built for the SC's/ST's are inadequate. They should be enlarged with higher outlay. It is necessary to improve the housing conditions of SC's/ST's.
6. The State Governments will identify areas where incidence of atrocities has been found to be high and which are more tension-prone. These will have special provisions and administrative measures to counter the atrocities, as detailed below.
7. Since land is one of the main causes of tension, distribution of surplus land under the Land Ceiling laws should be completed by 31st March, 1992.
8. The Conference noted that Special Courts have been specified/ set up in different States and Union Territories under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989. The Government of India will ensure that the provisions of the Act regarding the setting up specifying the special Courts will be complied with in all the States and Union Territories.
9. The following recommendation made by the Sub-Committee appointed by the Conference were accepted for appropriate action:-
 - (i) *Prima facie* the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, were adequate as Section 4 provides for imprisonment for a term not less than six months for wilful neglect of duties by a public servant. This Act had come into effect only in 1990 and modifications therein

- can be considered after some time in the light of experience gained of its implementations.
- (ii) Wherever considered necessary, the work pertaining to Scheduled Tribes may be entrusted to a separate administrative set up.
- (iii) In sensitive districts which have past history of large scale atrocities against Scheduled Castes/Scheduled Tribes, an existing post of additional District Magistrate may be designated as exclusively in charge of matters pertaining to Scheduled Castes/Tribes. In suitable cases, even a full time post of additional District Magistrate may be created. He would be responsible for overseeing the schemes and programmes for the welfare of Scheduled Castes and Scheduled Tribes as also for taking such actions for protecting the interests of the weaker sections of society. He may be assisted in the task of follow up action such as investigation of offences and atrocities against Scheduled Castes/Scheduled Tribes by appropriate level officers headed by an additional superintendent of Police.
- (iv) Whenever an incident of atrocities against Scheduled Castes/Scheduled Tribes takes place, the local officers must be made responsible to visit the place of crime at the earliest and start the legal process expeditiously. Senior officers such as Deputy Superintendent of Police should also personally pay visits in cases of serious atrocities within 24 hours to 48 hours of the occurrence.
- (v) To ensure greater transparency in the investigations of cases and the follow-up action thereon, a vigilance and Monitoring Committee comprising District Magistrate as Chairman, and Superintendent of Police, District Welfare Officer and other concerned District officer, as also five members of the public as members, should be appointed. Of these the majority should be of Scheduled Castes/Scheduled Tribes. Additional District Magistrate (Scheduled Caste/Scheduled Tribe), wherever designated or appointed, should be the Member-Secretary of the Committee. This Committee would have the responsibility to see that the cases of atrocities against Scheduled Castes/Scheduled Tribes are pursued vigorously and brought up before the Court.
- (vi) To ensure speedy investigation into the cases involving atrocities against Scheduled Castes/Scheduled Tribes, particularly in sensitive districts, special investigation cells may be created at the circle/district level.
- (vii) Government should pursue the cases in the Courts diligently and every effort should be made to have these cases heard by the Courts on a day-to day basis as in Session trials to ensure that such cases are disposed of quickly.
- (viii) Several atrocities against Scheduled Castes and Scheduled Tribes arise from land disputes. Methods must, therefore, be found for securing speedy disposal of land cases. Similarly, cases pertaining to land disputes pending in various courts should be followed up expeditiously.
- (ix) Generally, the responsibility for investigation of case of atrocity

should vest in the normal police machinery and should be closely supervised by the Vigilance and Monitoring Committee, under the chairmanship of District Magistrate.

- (x) In suitable cases, the Committee should have the authority to recommend proceeding against a public servant for wilful neglect of his duties as prescribed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In such cases in particular, the investigation of the case may be entrusted to an investigating agency, other than the district police, such as vigilance Bureau, Anti-Corruption Branch, State CIL etc. so as to inspire confidence that the quality shall not be shielded.
- (xi) A separate penal of prosecutors may be appointed by the State Government for prosecuting such cases.

SHRI SHRAVAN KUMAR PATEL: Mostly it has been noticed that atrocities against SC and ST are essentially directed against women involving sex crimes, for instance, the recently committed atrocities in Hoshingabad District of Madhya Pradesh. May I know whether the Government are taking steps to make the penal laws more rigorous and deterrent particularly when it involves crimes against innocent women and when the perpetrators of crime are people belonging to the Government, particularly the Police Department and the Forest Department officials.

[*Translation*]

SHRI SITA RAM KESRI: Sir, so far as the question of atrocities committed on the scheduled Castes and Scheduled Tribes is concerned, the hon. Prime Minister had convened a conference of All-State Chief

Minister in this regard. It was decided therein that all the Chief Ministers should exercise the special powers vested in them in their respective States and check the atrocities on Harijans, Adivasis and Women, by 31 March, 1992.

[*English*]

SHRI SHRAVAN KUMAR PATEL: Sir, I wanted to know about more stringent penal provisions.

MR SPEAKER: As far as the law is concerned, we have a different procedure to follow. We do not put it in the Question Hour.

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, as a follow up of the 16 hour discussion held here and in pursuance of the assurance given by the hon. Prime Minister in this regard, the Chief Minister's conference was convened so as to take action to stop such atrocities with a special reference to Tsunder incident. The above 16 hour discussion was allowed particularly for the Tsundur incident. The Government had said categorically that orders had been issued to constitute special courts in the State. It had also been said that the special courts were functioning there. The hon. Minister also said in his reply that special courts would be constituted under the provisions of the Prevention of Atrocities Act, 1989. I would like to know from him whether special courts which is said to have already been constituted there are functioning? If so, what is their progress?

SHRI SITA RAM KESRI: It is not the Tsundur incident alone which has been included. There are other incidents of atrocities also and this Conference was convened to check all these incidents. His question is correct. In the conference it was decided that wherever such incidents of brutal murders or atrocities on Adivasis, Harijans or weaker sections take place, stern action would be taken under provisions of the Prevention of Atrocities Act, 1989, and in order to intensify

this move we have instructed all the Chief Ministers to established Special Courts In their respective States. So far as I know, the Andhra Pradesh government has set up special courts, I will give you its progress report after collecting the same from the State Government.

SHRI RAM VILAS PASWAN: Mr. Speaker , Sir, I seek your protection. My question is very short. The incident took place on 6th August and we reached there on 7th October. Shri V.P. Singh had also gone there. Till that date no special court had been set up there. Only they can say what do they mean by special court. If there is no difference between a general court and a special court, then it is meaningless. It would not serve any purpose. Moreover, there is a great difference between the act and facts. No doubt, several laws have been enacted for protecting the Scheduled Castes and other weaker sections but what has been done for their implementation and to what extent their interests have been protected? It is a matter of assessment only. The hon. Home Minister is present here. If he does not have the figures with him, let him obtain it from his officers and state whether special courts are functioning there or not? I would like to tell the hon. Minister that no special court is functioning there and reply given by him to this House is not correct. If any such special court might be functioning, it is in his office only. So, he is requested to find out the truth... (*Interruptions*)...

MR. SPEAKER: Not like this He has replied. There is no need to repeat the same.

(*Interruptions*)

SHRI SITA RAM KESRI: We are here to serve them only. It would not be proper if we cannot give a proper reply here. It will also not be a good message for them. I will investigate into the matter as he is saying that no special court has yet been established there. Secondly, even if there is no such court or it is not functioning there, then too it does not matter because in the Chief Minister's Conference held on 5th October a

decision to this effect has already been taken and we are competent to implement that decision. we will ask the State Governments to give us a report about the functioning of the courts. If we find from the report that the courts are not working, then we may further ask the concerned States to take action to implement the decision taken in the conference, immediately. If nothing is done even after this, we shall see later as to what could be done.

[*English*]

SHRI MUKUL BALKRISHNA WASNIK: Sir, in the reply given by the hon. Minister, it has been categorically stated that the unfilled quota of reserved posts in the Central Government and State Government services would be completed by 31st march, 1992. May I, therefore, know from the Hon. Minister the latest figures of backlog in the Central and State Government services which the Government propose to fill by the 31st of March, 1992? Secondly, the Government has also stated that section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is adequate enough to take action against those officers who have wilfully neglected their duty to protect the Scheduled Castes and Scheduled Tribes. This Act is under implementation since 1990. I would like to know how many officers have been prosecuted under this Act in these two years.

MR. SPEAKER: This involves statistical information. If the Minister has the information, he may give it.

[*Translation*]

SHRI SITA RAM KESRI: Sir, it has been decided in that conference that backlog would be completed by 31 March, 1992. I would like to inform the hon. Members that in the Chief Minister's conference a sub-committee was constituted. The Chief Ministers of Bihar, Madhya Pradesh, Maharashtra and others are there in the sub-committee. We will have to rely on its decision.

SHRI RAM VILAS PASWAN: Let us know what is their decision and that of the Central Government?

SHRI SITA RAM KESRI: Their decision is the decision of the Central Government also. The decision of completing it by 31 March 1992 taken in the Chief Minister's conference under the chairmanship of the Prime Minister is equally applicable to all. So it will be completed by 31 March, 1992.

SHRI RAM VILAS PASWAN: How will it be completed when the hon. Minister does not know how much is the backlog.

SHRI SITA RAM KESRI: I know it. I can say it just now. (*Interruptions*).....Please do not create confusion through your interruptions on such an important issue. Through the hon. Speaker, I would like to say that all the backlog will be completed by 31 March, 1992.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, you are the judge. Please tell us how can it be completed by 31 March, 1992 when more than 1 lakh posts are vacant? How will they fill them suddenly? Recruitment to these posts will be made only after inserting advertisements. Is there a magic by which all the posts will be filed in within a moment?

SHRI SITARAM KESRI: Sir, it is some magic. You will have to wait till 31st March 1992. After 31st March 1992 you may ask that the Government had made many promises but the Chief Minister did not fulfil them. You are certainly going to say this. Sir, through you, I want to pass this message also. The provisions of 1989 describes the persons who are to be punished under the law. The hon. Member asked whether any officer has been punished till date. I will definitely give the information in this regard; but I would like to point out that, if necessary, by making an amendment in it, atrocities can be contained.

SHRI RAM VILAS PASWAN: What about the legislation in respect of the re-

served people? During the course of the last session you had said that you would enact a legislation.

[*English*]

SHRIMATI MALINI BHATTACHARYA: Sir, recently the report of the special Commission on the Ujan Maidan incident in Tripura, of 1988, has come out. The allegation of certain women's organisations that Adivasi women of Ujan Maidan were raped by Jawans of Assam Rifles has been proved to be true. I want to know from the Government whether this subject came up for discussion at the Chief Ministers' Conference and whether it has been decided as to what action will be taken against the culprits?

SHRI SOMNATH CHATTERJEE: If not discussed, why was it not discussed? (*Interruptions*)

[*Translation*]

SHRI SITARAM KESRI: This entire matter was raised in the Chief Minister's conference. There was no individual case. As such we want to point out that no particular case came up but if you inform us we will take action accordingly.

[*English*]

SHRIMATI MALINI BHATTACHARYA: I would request the Minister and the Government to take action in this regard.

[*Translation*]

SHRI NANDI YALEYA: Just now, our hon. Minister has informed us that a Chief Minister's Conference was called recently in connection with the prevention of atrocities on Scheduled Castes and Scheduled Tribes. I would like to know from the hon. Minister about the suggestions given in the Chief Minister's Conference to curb atrocities being committed in every state.

SHRI SITARAM KESRI: Whatever

decision was taken in the Chief Minister's Conference is before you.

[*English*]

SHRI BUTA SINGH: Sir, first of all I want to congratulate the Government, and particularly the hon. Prime Minister, for having followed the memorandum which was submitted to the Government through the Rashtrapatiiji. About 106 Members of Parliament had signed the memorandum and the Government had taken it up with all seriousness. The Chief Ministers' Conference was held and very important decisions were taken. The House was also assured by the hon. Prime Minister that the National Integration Council will also consider this issue. Unfortunately that issue has not been discussed in the National Integration Council. As and when the next meeting takes place... (*interruptions*)

I am coming to that. I am sure that as and when the next meeting takes place this issue concerning the atrocities on harijans, Scheduled Caste and Scheduled Tribe, will also be taken up. In this connection I want to ask a specific question. The hon. Minister has just now informed the House that by March, 1992 the backlog in the quota will be fulfilled and also strict application of the Atrocities Act of 1989 will be made. May I request the hon. Minister to enlighten the House as to what methodology that has been adopted by the Government and upto what extent action has already been taken by the Government? Will he enlighten the House that such and such steps have been taken in this regard?

[*Translation*]

SHRI SITARAM KESRI: I have been informed by the State Governments that wherever these incidents of massacre took place, they have taken stern action in the matter. According to the new schemes, a Committee consisting of District Magistrate, S.P. or Incharge of Welfare of the area would be constituted in sensitive areas where such type of incidents are likely to occur, so that

whenever there is any possibility of such incidents immediate precaution may be ensured. I am not claiming that the collectors, S.P. or a II Government employees posted in these places are not secular. Such officers as are free from religious fundamentalism or social affiliations should be recruited so that they can take the right action. This is a clear provision under the rulers. Wherever such incidents take place, the local Government takes necessary action in the matter.

(*Interruptions*)

SHRI SITARAM KESRI: What has the Government done about the backlog.

SHRI SITARAM KESRI: ...(*Interruptions*)... I assure you that no backlog shall remain and if necessary, a legislation will be brought to clear this backlog... (*Interruptions*)...I do not have the figures with me right now but I shall send the same later on.

[*English*]

SHRI BUTA SINGH: Sir, we do not want to have a debate on this issue. We are sure, we are confident, and we have every hope that the hon Minister will succeed. But I wanted to know from the hon. Minister the concrete steps taken by the Government of India to wipe out the backlog by the year 1992.

[*Translation*]

SHRI SITARAM KESRI: The Prime Minister's conference with the Chief minister is an evidence as to how serious the Central Government is to clear the backlog. This is a clear evidence...(*Interruptions*)

[*English*]

SHRI BUTA SINGH Sir, with folded hands I want to seek your protection. (*Interruptions*). My question is very different. My question is that the Government of India is the biggest employer; what steps have the

Government of India taken themselves for—about the State Governments, we know you will pull them up, but, sir, what steps has the Government of India taken to wipe out the backlog?

[*Translation*]

MR. SPEAKER: Buta Singhji he has pointed out at it will be dealt on the Prime Minister's level.

SHRI CHANDRAJIT YADAV: Mr. speaker, Sir, I respect the sentiments and intentions of the hon. Ministr. But the question is that despite having good sentiments and excellent intentions, the vacant posts are not being filled. The former Prime Minister late Shri Rajiv Gandhi had identified before 1989, that 76 thousand posts reserved for SC/S.Ts had not been filled. He had said that he wanted to fill the vacant posts but the same has not been fulfilled till date. I would like to know from the Government whether it will make necessary recruitments and issue necessary instructions to the State Governments to make special recruitments of these categories. It cannot be implemented in three to four months through normal procedure.

SHRI SITARAM KESRI: I have made it clear in the House that time limit has been fixed upto 31st Mach and by that time if it is not completed we can also think of brining a resolution to clear the backlog.

Babri Masjid and Ram Janambhoomi Issue

*45. SHRI P.C. THOMAS:
SHRI RABI RAY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) Whether the structure of Babri Masjid in Ayodhya was damaged on 30 October, 1991 by some persons;

(b) If so, the details of the incident; and

(c) the steps taken or proposed to be taken by the Union Government for protection of the Masjid structure and to solve the Babri Masjid-Ram Janambhoomi issue amicably?

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): (a) to (c). According to information available with the Home Ministry, on 31.10.1991 some persons going for 'darshan' of the deities caused some damage to the outside of the outer wall of the Ram Janam Bhoomi-Babri Masjid structure. The damages were reported be done through 'Trishuls' carried by these persons. Following this incident, the State Government tightened the security regulatory measures. The Central Government's concern regarding the protection of the disputed structure has been brought to the notice of the State Government with the request that suitable arrangements be made for its safety. This matter was also discussed at length in the meeting of the National Integration Council held on 2.11.1991. The Chief Minister of Uttar Pradesh gave a categorical assurance to the Council that the State Government would hold itself fully responsible for the protection of the Ram Janma Bhoomi-Babri Masjid structure.

SHRI P.C. THOMAS: Sir, the party of the Uttar Pradesh Chief Minister openly declared during the by-elections that they would construct the temple in place of the Masjid, even after the assurance of the Uttar Pradesh Chief Minister. The structure cannot be maintained as such when temple is constructed. I would like to know from the hon. Home Minister as to what action the government proposes to take if this assurance is not adhered to.

SHRI S.B. CHAVAN: Sir, what the hon. Chief Minister of Uttar Pradesh had said during the election speeches, the Government is not aware of the fact. It is not only to the National Integration Council this assurance was given by the Chief Minister of Uttar Pradesh, but even the affidavit filed by the Uttar Pradesh Government in the Supreme Court also confirms this position. That is why