

Demand for Protection of Women

1880. SHRI BHIKU RAM JAIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of the demand voiced by large section of our population that:

(i) where the wife dies due to dowry, dispute, the death must be investigated;

(ii) if rape takes place by a public servant, the onus of proof should be on him;

(iii) women should not be kept in police custody;

(iv) the cases of divorce must be decided quickly; and

(b) if so, the reaction of Government thereto and the action proposed to be taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): (a) and (b). Government have received memoranda about these demands. The position regarding each item is indicated below:—

Item (i), Section 174 Cr. P. C. already has provisions requiring that cases in which a person is reported to have committed suicide or been killed by another or has met with an accident or has died under circumstances raising a reasonable suspicion that some other person has committed an offence should be investigated and report drawn up of the apparent cause of death.

Item (ii): The Law Commission has submitted its 84th Report on Rape and Allied Offences, wherein the Commission has also made a recommendation about the amendment of the law of evidence in re-

gard to the burden of proof. The recommendation is under consideration.

Item (iii): Guidelines have already been issued to the State Governments. A statement giving these guidelines is attached.

Item (iv): The Law Commission in their 77th report recommended that matrimonial cases by their very nature should receive prompt attention. This recommendation has been brought to the notice of all the High Courts and all Chief Justices have been requested to take suitable measures for the expeditious disposal of such cases.

Statement

Instructions issued to the State Governments and Union Territories on 14th March, 1980 regarding taking of effective steps to prevent the police from subjecting women to any indignity of misbehaviour.

In view of frequent allegations about misbehaviour with women arrested or kept for interrogation by the police, it is necessary that effective steps are taken to prevent the police from subjecting women to any indignity or misbehaviour.

2. Certain safeguards are provided in the Criminal Procedure Code and in the State Police Manuals. In the normal legitimate discharge of their duties, policemen generally come in contact with women in the following circumstances:

- (a) Search of person,
- (b) Arrest,
- (c) Detention in police lock up,
- (d) Police remand, and
- (e) Examination of women as witnesses.

3. Sections 51(2) and 100(3) of Cr. P.C. make it obligatory that a woman

should be searched by another woman, and with strict regard to decency. These provisions may be reinforced by a circular instruction that as far as possible, one of the two or more independent witnesses to the search should be a female.

4. Police officers are vested with wide discretionary powers of arrest. According to Section 46 (1) Cr. P. C. a police officer making arrest is required to actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. In case of women, their submission to the custody should be presumed unless proved otherwise, and there should be no occasion for a police officer making arrest of a woman to touch her person. It is also necessary to ensure that except in unavoidable circumstances, no woman should be arrested between sunset and sunrise. If one has to be arrested during night, the police officer must obtain prior permission of his next superior officer and furnish written reasons therefor. If the circumstances make the arrest imminent, the justification for making arrest during night should be reported to the next superior officer without delay. In some States, only police officers of the rank of Assistant Sub-Inspector or above are empowered to effect arrest of women, and also to report all such arrests to their Sub-Divisional Police Officers/District Superintendents of Police. In bailable cases, bail should be granted without delay. If the offence is non-bailable, the arrested woman should be remanded to judicial custody with utmost expedition. While being escorted to jail, a male relative should be permitted to accompany the escort party.

5. If for good and valid reasons woman has to be detained in police custody, it should be ensured that she is kept in the female lock-up at the police station, and where a separate lock-up is not provided for females, she should be kept in a separate room and not in the male lock-up. In addition,

a male or female relative of the arrested woman should be permitted to stay on the premises of the police station and the place of custody of the arrested woman should be within his/her view. If no male or female relative is available, the services of some local female should be requisitioned and if necessary, she should be paid for the services.

6. In every exceptional circumstances, police should ask for the custody of an arrested woman on remand. Before any such request is made, a gazetted police officer must satisfy himself about the grounds and the arrangements made for the safety of the arrested woman.

7. Whenever a woman is required to be examined as a witness in connection with a case, she should not be summoned to the police station as the proviso to Section 160(1) Cr. P. C. prohibits any male person under the age of 15 years of woman to appear at any place other than the place of his/her residence for the purpose of examination by the police.

8. Women police, wherever available, should be utilised for dealing with women and, in particular, for searching their person, escorting them to jail, and keeping watch on them while in police lock-up. As magisterial enquiry is mandatory into any case of death in police custody, a provision should be made in the Police Manual for prompt enquiry by a magistrate into every case of complaint of misbehaviour with women in police custody.

9. There is also the need for a change in the attitude of the police and, in particular, of the subordinate ranks, towards women. It is, therefore, suggested that there should be adequate emphasis on the status of women and the need to treat them with respect and consideration in the

various basic, 'in-service' and orientation training courses.

Decline to Industrial Growth rate

1881. SHRI JANARDHANA POOJARY: Will the Minister of INDUSTRY be pleased to state:

(a) whether the industrial growth rate has declined as compared to 'fifties' and 'sixties'; and

(b) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): (a) Based on the different series available with base 1951, 1960, and 1970 as well as based on a single series linked backward upto 1951 with base 1970, the average annual rate of growth during 1970's was lower than the average rates of growth registered both during 1950's and 1960's.

(b) The reasons for the lower rate of growth in individual years between 1950 and 1979 would differ from year to year. However, the reasons for decline in industrial production can be generally traced to shortage of power, sluggish in demand for certain commodities, paucity of basic inputs like steel, coal and non-ferrous metals, shortage of foreign exchange, transport bottlenecks and drought conditions. The lower rate of production during 1970's as compared to the fifties and sixties can also be attributed to the comparatively larger production base during the seventies.

अशोक आश्रम, देहरादून की कार्यप्रणाली में अनियमितताएँ

1882. श्री भगवान बब: क्या गृह मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार को जैनसार बाबर नामक पिछड़ी जातियों के कल्याण के लिए उत्तर प्रदेश के अशोक आश्रम

देहरादून में हो रही वित्तीय तथा दूसरी अनियमितताओं के संबंध में शिकायतें प्राप्त हुई हैं;

(ख) यदि हां, तो इस बात का पता लगाने के लिए सरकार द्वारा कोई जांच की गई है कि क्या इस संस्थान को दिए जा रहे लाखों रुपए के अनुदान को जैनसार बाबर नामक पिछड़ी जातियों के लोगों के कल्याण पर ही खर्च किया जा रहा है अथवा नहीं;

(ग) क्या सरकार ने अनियमितताओं का पता लगा लिया है और यदि हां, तो सरकार द्वारा अनियमितताओं से सम्बद्ध व्यक्तियों के विरुद्ध क्या कार्यवाही की गई है; और

(घ) यदि अभी तक कोई जांच नहीं की गई है, तो क्या सरकार का विचार अनियमितताओं को इन शिकायतों की जांच कराने तथा दोषी व्यक्तियों को सजा देने का है?

गृह मंत्रालय में राज्य मंत्री (श्री योगेन्द्र शुकवाणा) : (क) जी हां, श्रीमान ।

(ख) से (घ). सरकार इस मामले की जांच कर रही है।

Memorandum from Gourepore Containers and Closures Labour Union

1883. SHRI MOHAMMAD ISMAIL: Will the Minister of INDUSTRY be pleased to state:

(a) whether Government have received a memorandum from Gourepore Containers and Closures Labour Union;

(b) if so, what are the demands contained in the said memorandum;

(c) whether in spite of take-over by Government this company continues to be a sick unit;

(d) the reasons for this state of affairs; and