

[Translation]

SHRI DHARM PAL SHARMA: Sir, I am from Jammu & Kashmir and I have given a notice of a Calling Attention. This is an extremely serious situation. The dead line is 3 O' Clock. It involves two senior officers and the General Manager of H. M. T. So this should be considered.

[English]

MR. DEPUTY-SPEAKER: We do not allow questions after the Minister's statement in this House. If you are really worried about what is going to happen upto 3 O'Clock or after 3 O'Clock, you may please contact the Minister and the Minister may inform you. Now, I call upon Shri Harish Rawat to raise Calling Attention.

13.31 hrs.

CALLING ATTENTION TO MATTER OF
URGENT PUBLIC IMPORTANCE

**Reported increase in the incidents of
molestation of women passengers in
buses in Delhi**

[English]

SHRI HARISH RAWAT (Almora): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:-

"Reported increase in the incidents of
molestation of women passengers in
buses in Delhi"

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Mr. Deputy-Speaker, Sir, the hon'ble Minister for home Affairs is busy in the other House. He is piloting the Bill there. I have taken your special permission.

SHRI HARISH RAWAT: Sir, the Minister for Home Affairs is missing.

MR. DEPUTY-SPEAKER: The Minister for Home Affairs is in the other House. Mr. Upendra.

SHRI P. UPENDRA: Sir, On the night of 23/24th March, 1990, a married woman aged about 19 years had boarded a private bus No. DEP 2764, under DTC operation, from Maharani Bagh bus stand. The bus terminated at Lajpat Nagar and all the passengers except the lady got down. she was not aware of the lay-out of Delhi. The driver of the bus and his friend, who was also travelling inside the bus, switched off the lights and criminally assaulted her. After the assault, the accused took her to Kalyanpuri in the bus where they were checked at a road-barrier by the Police and subsequently brought to P. S. Lajpat Nagar. On the statement of the lady, a case (FIR No. 115) dated 24.3.1990 u/s 376 IPC was registered at P. S. Lajpat Nagar. She was got medically examined. The two accused were arrested and remanded to judicial custody till 6.4.1990.

In another incident on the night of 26/27th March, 1990, a 25 year old woman had boarded a private bus No. DEP-4854 at about 7.30 PM at South Extension which was going towards Raja Garden-Azadpur side. Some passengers got down at Raja Garden and the remaining except the girl at Azadpur bus stop. The driver told the girl that she would be dropped near her residence. The bus was subsequently taken to an isolated place near Haiderpur Canal and after locking the doors and the windows, the driver and conductor physically assaulted the woman. Thereafter, they took the bus towards Peera Garhi Chowk where on spotting a TSR, they dropped her asking her to take the TSR. Before leaving, they threatened that she should not report the matter to anyone and drove their bus towards Haiderpur. The girl narrated her story to the TSR driver who followed the bus. Near Mangolpuri Chowk, a PCR Van was standing and on being informed about the incident by the TSR driver, the police officials chased the

[Sh. P. Upendra]

bus and caught it near Haiderpur Chowk. The bus belongs to a private travel agency and is plying between Haridwar and Delhi. It was returning from Haridwar and had dropped all its passengers at Ashram Chowk before coming to South Extension. The driver and the conductor were arrested and are in judicial custody. A case (FIR No. 70) dated 27.3.1990 u/s 376/34 IPC has been registered at Police Station Shalimar Bagh. The bus has been impounded. The TSR driver is being rewarded for his act of bravery.

In order to curb the menace of crime against women, Delhi Police have taken a number of steps as indicated below:-

- (i) A special Cell for Crime Against Women is functioning at Police Headquarters headed by a woman DCP to look into such incidents of crime. Apart from this, women cells have also been set up in six police districts of Delhi.
- (ii) Stringent action is taken against culprits and criminal cases are registered.
- (iii) Steps like posting police personnel in uniform as well as in plain clothes at main bus stops, around girls schools/colleges and in running buses have been taken. The police control room vans also check the buses to curb this menace. Special drives are also frequently carried out. Intensive drives are launched against eve-teasing.

I take this opportunity to reiterate the Government's firm resolve to deal sternly with such cases and would like to assure the House that all possible steps are being taken and will continue to be taken in this regard.

SHRI. HARISH RAWAT: Mr. Deputy-speaker Sir, this is just one among many crimes against women which regularly occur in Delhi. I don't consider this a matter that

concerns the ruling party on the opposition. It is really the weakness of our existing laws that saves the perpetrators of heinous crimes like molestation of women. That is why such incidents are on the increase. This point has been raised a number of times inside and outside this House. The existing laws should be changed so that people who commit such crimes are severely punished. These people are exploiting legal loopholes to their advantage. According to existing laws the complainant has to prove that a crime has been committed against him or her. When a woman has been subjected to molestation it becomes extremely painful for her to face a cross-examination in the Court. She also fears humiliation in society if her story were to be known. Such factors discourage a woman from reporting the crime. Those who do report these crimes have problems in getting eye-witnesses to support their case and even if eye-witnesses are available the police seldom carries out detailed investigations. If you go through the old records, I don't think more than 1000 such cases are registered in Delhi. Of these not more than 100 reach the courts and ultimately there is hardly one case in which the guilty is punished. I urge the hon. Minister to initiate a discussion in the House on reforms in laws. Special courts should be set up to deal with crimes against women, such cases should be disposed off within a stipulated period and if a medical report is attached to the case, the onus should be on the accused to prove that he is not guilty. Without changing the existing laws I don't think we can remedy this situation. Sir, there has been a sharp increase in such crimes in Delhi. The hon. Minister has mentioned two cases in his statement. These cases involved private buses under D.T.C. operation. One was operating under the D.T.C. and the other....

SHRI P. UPENDRA: Both are private buses.

SHRI HARISH RAWAT: Both are private buses. May I know from the hon. Minister how these private buses were operating when all private buses in Delhi are under D. T. C. operation? The important point to not

here is that such services are being run illegally in connivance with D. T. C. officials. Agencies like the Delhi Administration, the D. T. C. and the police have chosen to ignore this fact. In both the cases the driver, conductor and other bus staff molested a woman. Luckily the victims came into contact with sound counsel which led them to report the crime. Only then did it become known that two such private buses were not being operated under the D. T. C. This means that private bus-owners are operating buses illegally in contrivance with D. T. C., Police and Delhi Administration officials. Such instances are common in the reflected areas of outer Delhi where the D. T. C. does not want to run its services. Private bus-operations are running them buses in those areas and fleecing the public. May I know from the hon. Minister if this matter has been investigated even since this incident was reported. Was the Police, D. T. C. and other officials asked to verify this thing. How many such cases have come to light? Why has the Government been so negligent in the past? The hon. Minister should have known that such questions were bound to be raised in the House. Sir, apart from this the hon. Minister's statement mentioned three steps to be taken by the Government. But I don't think these measures will suffice when it comes to controlling such crimes. Such incidents have occurred previously also.

Discussions were held in the House and plans were drawn up to take remedial steps. But what happened? Such incidents continue unabated. I don't blame the Delhi Police for the current state of affairs. Nor do I say that they are not vigilant. The policing system in Delhi is inadequate if we consider the increasing size of the city. At times there is too much pressure on the police. Whenever there is an indication that terrorists have entered the city the entire police force is engaged in flushing them out. The strength of the police force does not match the growing needs of VVIP security and handling of demonstrations and processions. The number of women police is also very low. I urge the Government to increase the strength of the women police force particularly the pa-

trolling squad of the women police. Delhi has a large number of working women many of whom have to work till late in the night. It has been seen that the public distrusts the beat constable of the police. In this situation women folk are reluctant to approach a beat constable. Will more women police be recruited for night patrolling duties and will the number of such patrolling squads be increased? There is also a need to provide these squads with the latest equipment in order to control the situation. Although a new communication system has been provided to the Delhi Police, we cannot say that it is well equipped to deal with the type of crimes being committed these days.

You may kindly tell as to what measures are proposed to be taken to make it well equipped.

In your statement you have stated nothing us regard to another incident, because you confined your reply only to the incidents of rape of women in buses. One more incident took place in the Mandir Marg area in Delhi, the news of which appeared in the newspapers also. A poor housewife of that area was kidnapped by some persons and then raped several such incidents take place frequently life such incidents should be investigated; moreover provision should be made to provide compensation to the victims of such incidents of rape, because usually these women belong to the poor section of the society. When the matter is proved by the medical report the Government should give some compensation so that they can plead their case in the court and manage whatever resources they can. Mostly it is seen that due to the lack of resources such women cannot afford to pursue their case properly, the benefit of which goes to the culprits.

Now I would like to draw your attention to an incident which accrued in the district Shivpuri of Madhya Pradesh. Though the incident has no direct relation to it yet I would like to bring it to your notice. The hon. Member Kumari Mayawati who is the member of DSY or BSP also raised the same issue in the House a few days back. The women of poor

[Sh. Hansh Rawat]

sections and hanjan women were forced to dance naked on the day of Holi festival in Madhya Pradesh, and the persons who belonging to the so called elite class, landlord etc were drunk and involved in the incident. It was a terrible incident. The Central Government should have got the fact verified by the Government of Madhya Pradesh and acquainted the house with the actual situation. But some persons sitting on the other side are so busy in their disputes that they have no time to go deep into such matters or to get them enquired. Upendra ji, I would not blame you because you are also helpless and you have to take certain steps under constraint. But I would like to submit to you that earlier too I brought the incident into your notice, you should get the facts verified from the Government of Madhya Pradesh because now the government which has come in power in the state favours feudalistic tendencies. Thus the number of rape incidents with the women belonging to scheduled castes and scheduled tribes not only in that state but also in Delhi and in the other parts of the country has been continuously increasing. When the Government identifies with haves whether it is in Centre or in a State, the women of weaker and poor sections always become victims to it, and since the present Government has come into power such offences have become an ordinary thing. Thus I would like you to get the facts verified from the Government of Madhya Pradesh to know the actual situation. Besides, the Government of that state should be directed to elect to such incidents and take stringent measures against the criminals. These days in Delhi a new class of wealthy people have developed, a new culture has developed in the Five star hotels, three star hotels and guest houses which has been encouraging prostitution. Recently Delhi Police have accomplished a commendable task, they have apprehended many gangs involved in and action is being taken against them. But that is not sufficient. What is requested is that all the big hotels should be kept under constant vigilance. How can we let our culture get polluted in this manner

whether they use these women to entertain, the foreign tourists or for some other purposes; the question is not who is responsible for a particular matter. Rather the issue is that it brings bad name to our culture. And in this manner this profession is getting momentum, I do not blame those women who are forced to go to red areas due to their poverty and helplessness. It is the duty of the Government to rescue them. Though there are a number of women welfare centres and similar other centres (Nanniketan) but due to the inadequate facilities there, they again run away to red areas. Thus it is very necessary to improve the conditions of Nanniketans. Through this august House I would like to know from you what steps are proposed to be taken by the Government against those elements who force women to engage themselves in such evil deeds. Such evil practices have been on the increase in the recent past, and the people of the country are perturbed over it. Thus the hon. Minister may kindly share the measures being taken so that through this august House the people of the country may also know about the measures to be taken to the government.

SHRI NATHU SINGH (Dausa) Mr Deputy Speaker, Sir, it is a very sensitive issue, because such incidents have been increasing not only in Delhi but in the whole country, also and due to humiliation, leasing and molestation of women, their reaction a mixture of anger, grief and shame. The country where the concept of "Yatra Poojarte Naan, Tatra Ramante Devta", was followed, crimes on women have been increasing and Lok Sabha has been forced to have a discussion on the matter today. Though the Government have already taken certain measures yet offence this offence has become a social evil and now the Government will have to take major steps to curb this evil. It won't do by merely registering a case or by taking minor steps.

Mr Deputy-Speaker, Sir I would like to inform the House that in Delhi the number of such reported cases was 1777 in the year 1987 which increased to 2759 in the year 1988. These are only reported cases. There

will be many more cases which have not been registered, because in view of the prevailing circumstances in which women live, it is quite difficult to register a case in the police station or at any other place. If minor incidents take place in town areas no women's bother to register a case in the police station. It is only in metropolitan cities like Delhi, Bombay Calcutta etc that women register case in police station.

Mr. Deputy-Speaker, Sir, if we glance at the statistics of the whole country, we find that the total number of rape cases in the year 1986 was 7021, in 1987—7755, and in 1988—8342. The number of molestation incidents in 1986 was 16399 which decreased to 16076 in 1987, in 1988 it reached 16,631. The incidents of kidnapping in 1986 were 8906, in 1987 these were 8858 and in 1988—9424. Similarly the incidents of eve-teasing in the year 1986 were 5064, in 1987-7103 and in 1988- it increased to 10,003. These statistics reveal that such incidents have been increasing not only in Delhi but outside it also. A bill was moved in Rajya to curb all such incidents. That Bill was moved because some women registered some cases which were dealt not only by the Police but also by the court. When these cases came before the court, they too considered them to be a serious offence

Harbans Singh *versus* Punjab University, AIR-1964. Punjab High Court decided that it was a serious offence and the Government should take action on it. The case of Baba Ahmad Kabir *versus* Principal, Medical College, Kerala High Court. That court also decided that it was a serious offence and the Government should enact a law to deal with it.

MR. DEPUTY SPEAKER: You have been allotted only five minutes for your question, you have not to go into such details.

SHRI NATHU SINGH: A Bill to this effect was introduced on 24.11.79 in Rajya Sabha. Such incidents take place because the buses are crowded. The incidents of eve

teasing, molestation etc take place. I would like to know from whether the Government would make arrangements to start special buses for ladies in Delhi and other states as it is in Bombay. Similar Bill was introduced in Lok Sabha on 25.11.88 and the hon. Minister had given a statement at the time it was introduced. Mr. Deputy Speaker, I would not like to read it, I don't want to take more time of the House, rather I would prefer to narrate the gift of it. The hon. Minister had mentioned two-three things at the time of the introduction of the Bill.

MR. DEPUTY SPEAKER: You cannot go into such details. It is not a regular discussion, it is a calling Attention you have to ask pointed questions on it, which will be answered by the hon. Minister. If you regularly make long discussion, how can we go ahead.

SHRI NATHU SINGH: They had asked three questions.

MR. DEPUTY SPEAKER: You may ask your question, not their questions. If you ask questions of others, time will be over.

SHRI NATHU SINGH: While introducing the bill the Hon. Minister had said that they would impart Judo-Karate training to the girls in colleges. I would like to know pointedly the names of the colleges in which arrangements for Judo-Karate training has been made by the Government so far. hon. Minister had stated that lady police in plain cloth will be deployed in buses. May I know whether Judo-Karate training will be given in colleges. Secondly, the Bill was introduced and passed in Rajya Sabha but it was introduced in Lok Sabha and could not be passed. Will this government get this Bill passed in Lok Sabha and bring it out in the form of an Act and after that will issue directions to the state Governments to pass similar laws in their legislative Assemblies.

13.59 hrs

[SHRI VAKKOM PURUSHOTHAMAN *in the Chair*]

[Sh Nathu Singh]

It is a social evil. Only framing of laws will not do away with this evil. Such incidents will continue to occur until the laws in this respect are enforced. What steps have been taken by the Government for the enforcement? Will the Government introduce any such education in schools from the initial stage to check such tendencies similar to sex education? I would also like to know whether Government have made any such survey to identify of the people involved in such activities. Do they belong to the middle class or lower middle class. Are they literate or illiterate, what is their social status? May I know whether Government have made any survey to know all these things.

14.00 hrs

If any survey has been conducted then to which category they belong and what measure have been taken or are being taken to remove this evil.

Mr Chairman Sir, some persons and experts are of the opinion that this matter is related to social and economic aspects. What steps are being taken by the Government to remove social and economic difference. It has been observed that when conductors and drivers watch the ladies of high status such feelings arise in them. Have you sought the opinion of the social scientists, social reformers and psychologists to remove the social and economic disparity? What further measures can be taken to check the increase in such incidents? Kindly through eight or these points in your reply.

[English]

SHRI P. R. KUMARAMANGALAM (Salem) Mr Chairman, Sir, the matter on which we are calling the attention of the Minister of Home Affairs is not an issue that is born today or yesterday only. It is really one of much larger scope in the sense of the passage of time. In fact I think, it is relevant for me to bring to the notice of the hon. Minister of Parliamentary Affairs who, I

understand, is representing the Minister of Home Affairs. What we have sought to call the attention of the Minister of Home Affairs. What we have sought to call the attention of the Minister of Home Affairs is not only on the recent incidents of molestation of women passengers in the buses in Delhi and the steps taken by the Government to ensure their safety but generally on the whole subject also.

We have mentioned the reported increase in the incidents of molestation. Unfortunately the statement read out by the Hon. Parliamentary Affairs Minister, which was supposed to be made by the hon. Home Minister, speaks of only two incidents. I think, it is relevant for me to bring to his notice that there is statistics and data available both with the Ministry of Home Affairs as well as the Delhi Police as to how slowly and steadily offences against women have been increasing.

Mr Chairman, Sir, normally offences against women are divided into four categories. The first being eve-teasing, the very next being molestation, the third being kidnapping and the fourth being rape. Unfortunately in the years 1987-88 and 1988-89, we have seen steady increase in the number of cases that have been registered under these varieties or headings of offences against women. In fact, molestation is the maximum number of cases. In the year 1986, it was 16,400 cases, in the year 1987, it was 16,600, in the year 1988, it was 16,800 and in the year 1989, it was 16,900.

We had a steady increase in the cases of molestation. Unfortunately even though a Bill was brought into the Rajya Sabha which was called the Delhi (Prohibition of Eve-teasing) Bill and passed there around December 1988 or January, 1989, it never came to the Lok Sabha and it lapsed. It is because the demand was essentially that, why it should be restricted only to Delhi. After all, this evil is not restricted only to the metropolitan city of Delhi. It is a national fact. So, what is important is it is born out of a certain socio-economic circumstance on a

national level. It is not born out of some unnatural situation but mainly born due to the fact that women in society are still not being looked upon as equal, socially. Unfortunately, this habit of looking upon women as objects of sex is a fact that is not strongly deprecated nor other social movements strong enough to tackle this. The misfortune is that Government also and the Governmental machinery, tend to treat offences against women very lightly and even the law does not provide for the latitude that we expect must be given to the weaker sex. It is unimaginable especially when in cases of molestation and rape, the law demands that proof must be adduced beyond reasonable doubt. Every one knows that these offences do not take place in public place and in public view where one can have millions of witnesses to watch the molestation and rape, to watch even eve-teasing, the mildest of these offences against women. Unfortunately, in the law we still haven't provided especially with regard to molestation and rape.

PROF. K. V. THOMAS (Ernakulam): The Chief Minister of a State recently made a statement that "there is nothing in kidnapping and rape. it is just like taking a cup of tea." In a country like ours, if there are Chief Ministers who consider that rape is just like taking tea, how do you think that women are going to get protection? It is a very serious matter.

MR. CHAIRMAN: Yes

SHRIP. R. KUMARAMANGALAM: I am happy that my friend Prof. K. V. Thomas, the hon. Member, has brought this to the notice of the Home Minister and has gone on record. But I would only like to remind him that he is not the only Chief Minister who said it. We have heard of a former Chief Minister who has now become a very important personality in the Government who said that women's right to property should be abolished, and going to the other extent, not only the right for sanctity of normal life and dignity but even the right to inherit property should be abolished and right to bring it as a resolution of the Cabinet in a State. He is, of

course, now as all of us know, the Deputy Prime Minister whom we are all collectively very fond of. But then this is what is happening. Anyhow, individual is not the issue now. The issue that is before us is, what is it that the Government is doing? According to the Government, all that they have done is, they set up a special cell, they shall take stringent action and they take steps like posting Police personnel in uniform. Is this sufficient? Unless the law provides for automatic deterrent action where if a person commits a crime of any offence against women, he shall be given automatically, after a summary trial, strong punishment, how is it that we are going to put an end to this? It is becoming recreational pastime, almost like the Chief Minister's going around saying that it is like having cups of tea, then it is a recreational pastime. Is this how the Government is going to look upon it? Is it not time that the Government looks into it in depth to analyse all the laws sufficiently?

Is the measure that we have taken enough to quell this? The figures at the national level do not show this. They show a steady increase as the economic prosperity improves. you may find that there is an increase in the offences against women. Is this justifiable? The original argument was that women are molested because men are frustrated and unhappy because of their economic circumstances. But in direct counter to that, we see in front of us clear evidence that even in a city like Delhi, which is one of the most prosperous cities, the offences against women have increased in number and not reduced. In the foreign countries, this matter has come up not very long ago but in the middle 70s and 80s. So, New laws were brought forward on the question of sexual offences, especially against women. Whether it is the U. K., or the U. S. A. or the Europe, there they shifted the onus from the complainant to the accused. Even in the country like the United Kingdom where normally the onus of proof lies on the complainant, when it came to women, they shifted the onus because conscientiously they came to be aware of the fact history has established it beyond doubt that the woman

[Sh. P.R. Kumarmangalam]

who complains of rape or molestation, invariably is unable to prove it in a court of law. The accused escapes and the victim becomes disgraced in society. That is why today, women do not complain. We have statement of policemen and police-women who say: "We do not receive complaints. So, we cannot take action." How do you expect the women to come forward and complaint of sexual harassment or molestation or rape or even eve-teasing? They know that ultimately the offender will get away and they will be the victims. They will be the ones who will be punished in society for having undergone this trauma of molestation. So, unless it is provided in the law, it will not help. I repeat again that unless the Government provides it in law that if a woman makes a *prima facie* case in cases of offences against her either in the form of molestation or rape or even eve-teasing or kidnapping, the onus should shift to the accused. Unless such a provision is made, things will not improve. The Government could do it for dowry deaths: it could do for bride burning. Why can't the Government do it for rape and molestation? In these two instances, I am reasonably certain from what has been given in the statement that it is going to be well-nigh impossible for ladies concerned to establish that they were molested. There have to be circumstantial evidences to prove this. That would be very difficult. I would not like to take much time because I can hear the hint. I would only like to submit that my friends have already brought to the notice..

[Translation]

SHRIKESHARILAL (Ghatampur): Last year during Congress regime, a Minister of state had tried to rape a lady after confirming her in his room. Will the hon. Minister state the action taken against him?

[English]

SHRI P. R. KUMARAMANGALAM: Mr. Chairman, Sir, my friend spoke now without even requesting me to yield because he is

not quite clear about the procedure. I have yielded to him not meaning any ill-will to him. I want to make one thing clear. Whether it is a Minister, whether it is a Chief Minister or whether it is the man who is occupying the highest office of the land, when it is an offence under law, the law should take its course. That is my request. I repeat it again here. The issue before us is not what action alone has been taken against these two people. Unfortunately, the Minister has not been kind enough to supply statistical data which we require. I wish he had done it. Then he himself would have realised, without doubt, that the subject is touching, is not a mere one or two cases of molestation in a public transport system. Today if the driver and the conductor of a private bus running under DTC if I may quote 'under DTC Operation' the first bus, that is, DEP-2764, could have the courage to do it, then what is happening? They are as good as almost a public servant because they are running a public service, not a private one.

Sir, I would only appeal to the minister and the Government that if they need any cooperation from us, on this side of the bench, to bring in strict laws it does not matter even if it is draconian in the case of offences against women, you will have our full cooperation. Inaction is something which we cannot keep quiet about. It is intolerable to see that when a serious question of Calling Attention on the subject of molestation of women in public transport is brought, mere two incidents are brought to the notice of this House. No statistics, at all, is placed. And we are given a blank statement. The way the answers are given to a starred question, we have seen that. But the similar technique for Calling attention, a matter of Public importance. I can only say that we have reached a situation where even if this roof falls down, maybe, the Government would give us a two line statement saying: "We are unhappy to report to this House that the roof has just collapsed and we are investigating the matter, and, if necessary, we would put the CBI on it." Unfortunately, we have reached a stage where passing the buck has become the order of the day. That is the law. This

Government only says and I only hope the hon. Minister does not say later, "look, we were not involved in the molestation." Do not tell us that. That would be the extreme. We wish some responsibility, some reaction from them. They should take the matter seriously. My friend Shri Harish Rawat has specifically asked you to increase the number of women personnel in police. We would like to have the reply to that. He has specifically brought forth the fact that, at one time, in DTC buses and private buses under DTC operation, where women often used those routes, there were police posted in the buses to ensure that this does not happen. If there was a policeman in either of these buses, would this have happened? Would two women have lost their fundamental dignity? I am pained that this subject has been treated so casually. I mean no personal allegation against the hon. Home Minister, his daughter is like our sister. When she was kidnapped, all of us were worried and all of us were upset. We raised the hue and cry nationally. There is no doubt about it. But when it comes to some odd woman in a poor family, is this the way to treat it? (*Interruptions*) I feel very sorry. (*Interruptions*)

His absence is relevant. If you do not realise the absence, then I understand your value-systems are poor. People know that a Chief Minister behaved like that. Mr. Chairman, Sir, I have not yielded to him. If he wants to sit down let him sit down. Otherwise, he must know that there are rules.

I would like to conclude only by requesting that the Government take immediate steps to solve this problem. If they do not take immediate steps to solve this problem, there will be, unfortunately, continuing increase of these offences. And ultimately, the women of this country will protest even if we men do not. Thank you

SHRI JANARDHANA POOJARY (Mangalore): According to the statement of the hon. Minister, the accused have been charged under Section 376 of the IPC. That means these are two rape cases. We have

been hearing not only inside the Parliament but outside also—and the Press also have been reporting that thousands of molestation cases are taking place in buses. Obscene gestures are made to young girls and also married women.

It is not a question of two rape cases. It is a question of the system that is prevailing in Delhi which is the capital of the country. About 80 lakhs of people are residing in Delhi. Among these people the culprits are the bus drivers and conductors sometimes, passengers sometimes and even the police officials sometimes.

When it is going on like this every day what steps are being taken by the Government? Whether it is by the present Government or by the earlier Government is not pertinent here; but the point is whether we have been serious about it.

I would like to read out a quotation.

"What is a rape after all? In America there is a rape every minute. It is as common as drinking tea. One drinks a tea and commits a rape."

This has been stated and recorded by the Press. And the Press was shocked when it was stated by the Chief Minister of a State of India who is expected to protect the lives of the people and also is expected to protect the dignity and honour of women in this country. It is from the Kerala Chief Minister. It is deplorable. This Houses as the supreme body will have to condemn it without going into whether it is from this party or from that party. I expect the hon. Minister also to deplore this type of attitude from the Chief Minister—whether he is from this particular party or from that particular party.

Further, I come to responsibility of politicians. Even if some politicians are going in for rape or molestation of women, there also we should be very serious—whether those politicians belong to this side or that side. Law should take its own course. If it is done

[Sh. Janardhana Poojary]

by the politicians strict action should be taken against such people.

I would like to know why the prosecutions are failing. I want to know from the hon. Minister the number of cases ended in conviction and also the number of acquittals for the last three years in such cases.

It is stated that women are not coming forward to lodge complaints. I can submit that all these offences are cognizable offences. If the hon. Minister wants action to be taken, even if a person in the bus makes an indecent gesture, it is sufficient and it becomes a cognizable offence. Immediately he could be arrested without warrant. In those cases, the Government should be very serious. Hundreds of cases could be booked against the culprits every day in buses alone, and it could be stopped. When the prosecution is taking place in the Courts of Law, what is the responsibility of the prosecuting agency? Attempts are being made to turn the witnesses hostile. What action has been taken against this? It is done sometimes at the instance of the police, with the connivance of the police. So, the prosecution fails. I would like to know whether in such cases, the Government is going to take action and also it is going to give accountability not only against the police agency, but also against prosecutor. If the cases fail, it should be seen as to why the cases have failed. And then, we have to see whether the cases have failed due to some deficiencies. Even then, there is a case for appeal and in such cases, I would like to know as to what steps the Government are going to take. I would like the hon. Minister to come up with his suggestions and concrete steps.

So far as I am concerned, I want to make one suggestion. The former Government had started imparting—particularly in Delhi—training in martial arts to girls who are studying in the colleges; not physical training which is of less use. So, I would like to know whether it will be extended to all the colleges and whether all the girl students would be

trained in such martial arts? Further, I want to know whether this Government is going to strengthen the Women Police Force. We had been doing good job, detected a number of cases and booked a number of cases also.

Sir, if the hon. Minister is very serious in curbing this criminal activity, he can strengthen the Women Police Force in the Police Department.

Sir, the hon. Minister has stated that some action would be taken against those people who indulge in such activities. The hon. Members who spoke before me have asked as to whether there will be any amendment to the Criminal Procedure Code or Evidence Act. I would say that there are decisions of the Supreme Court to the effect that on the basis of uncorroborated evidence by the prosecution which were accepted by the Courts—no corroboration is required—and judgements were given, convicting the accused, in such cases. I would like to know whether the hon. Minister would come before the House with amendment to give effect to such as observation in the Supreme Court. These are my pointed questions, Sir.

[*Translation*]

AN HON. MEMBER: We are not being given an opportunity to speak.

[*English*]

MR. CHAIRMEN: It is a Calling Attention; what can I do?

SHRI P. UPENDRA: Mr. Chairman, Sir, I thank the hon. Members Shri Harish Rawat, Shri Nathu Singh, Shri P.R. Kumaramangalam and Shri Janardhana Poojary for raising a discussion on a very important matter. It is a very big social evil right now. This is a matter of shame that such incidents have been occurring in a civilised society, particularly in the capital of the nation, apart from some metropolitan cities. This is not only a matter which requires attention by the Government but it is also a law and order prob-

lem where we have to take necessary steps to rouse the social consciousness and awareness of the people. I am happy that Mr. Harish Rawat has said that it is not a political issue and all of us from all sides are seriously concerned about it. He mentioned that there is hesitation in reporting the cases as questioning the affected persons by the police leads to lot of harassment. Therefore, many women hesitate to appear and report before the officers. This is the reason why all the constituencies of Delhi have been equipped with women cells in charge of a lady officer of a DCP rank. All the officers in the cells are women. These cells have an independent control room functioning round the clock to attend to such crimes. I do not know whether or not we can go in for an amendment of the Evidence Act to cast a responsibility on the accused to prove his innocence before the prosecution. There was a suggestion to this effect earlier but opinions different. There is also a suggestion that the time taken for the disposal of the cases must be reduced. The Delhi Police acts against eve-teasing. Such kinds of cooperation enable the court to dispose of the cases very quickly. But under IPC-509, courts take time to dispose of the cases. Sometimes, complaints rescind. I do not think than the Government can do anything immediately in the matter except through judicial reforms. He also asked as to how many private buses are running in Delhi. Under the contracts issued by the State Transport Authority, nearly 400 contract buses are running in Delhi. Both the incidents which were narrated in my statement occurred in private buses, one of which is owned by a travel agency. The licences of the permits of both the buses have been cancelled apart from action taken against the concerned persons. In addition to these buses, DTC is running 340 Ladies Specials in the city routes to enable women to travel from place to place. Mr. Rawat also mentioned about the inadequacy of women police. There is a constant attempt to augment the women police force not only here but in other metropolitan cities also. Modern equipments are being supplied in all the police stations. He also mentioned about patrol vans. There are about 300 patrol vans which

are moving continuously in the city. They are being augmented further. You have to remember one thing, i.e., even though patrolling is effective, probably incidents of this nature cannot be controlled by the patrol vans alone.

He also mentioned about incidents which occurred. I gave the position about the latest incident only. We have the statistics available for the last three years and I can give it to the House.

In 1988, 3127 cases of rape were reported—not in buses alone in total—and out of them persons arrested were 194. In 1989 there were about 152 rape cases and persons arrested were 212. In 1990, up to the 31st March, there were 45 cases leading to the arrest of 54 persons. Out of all these cases only in 1988 two persons were convicted and the cases relating to 1989 are still in progress.

About molestation of women, in 1988, 130 cases of molestation were reported, five were convicted and 167 persons were arrested. In 1989, as Shri Kumarmangalam rightly pointed out, there was an increase in the number of cases. There were about 159 cases out of which 202 persons were arrested. In the first three months of this year, about 39 cases of molestation of women have been reported leading to the arrest of 41 persons.

Eve teasing is very wide spread. In 1988 there were 2941 cases, out of which 2851 persons were convicted. Conviction was very effective because, as I said, Delhi Police Act provides for on-the-spot punishment. In this, 4583 persons were arrested. In 1989, there were 2414 cases; in 2313 cases conviction was there and the arrest was made of 3847 people. In the first three months of this year, there were 490 cases, 476 cases were convicted and 790 persons were arrested. So, these are the statistics for the last three years.

He also mentioned about some cases in Madhya Pradesh. As you know Sir, Law and

[Sh P. Upendra]

order is a State subject. But the Centre has been continuously drawing the attention of the State Government against atrocities against the weaker section and women and has been asking them to take stringent action. It has also been suggested that Special courts may be appointed to deal with such cases.

He also referred to some cabaret shows etc. in the State. Several times the police took action and arrested them. But many times they stay orders from the courts. It is a problem which is to be tackled.

He also mentioned about obscene posters and hoardings. The Minister of Information and Broadcasting, had taken very serious action in this matter. People in the film industry have been called for a meeting. We have warned them about the menace of hoardings and obscene posters. They have come forward with a voluntary scheme of appointing a Film Council in various parts of the country particularly in film producing centres so that all the publicity material like posters, hoardings, newspaper advertisement design will be submitted to the Council before they are printed. Only after obtaining a clearance certificate from the Film Council, censorship certificate will be issued to a particular film. Subsequently also, if we find that they produce such publicity material—violating the code—the censorship certificate will be withdrawn. This action has also been taken by my Ministry.

Mr. Nathu Singh referred to the necessity for providing Judo and Karate training for girls in schools and colleges. It is a good suggestion. In 1989 itself, eight thousand girls were given this training in schools and colleges of Delhi. We will continue to encourage training in these two fields because that will provide them self-confidence apart the art of self-defence.

Mr. Kumaramangalam also mentioned about these cases and all that. He alleged that this subject has been casually treated. I

can assure him and other Members of the Hon. House that I will take serious notice of this problem.

MR. CHAIRMAN: Mr. Upendra, one of the very relevant points which was raised by Mr. Kumaramangalam is whether the onus of proof can be shifted to accused. It is because the general principle in the Criminal Law is that even if 99 real culprits escape from conviction, one innocent person is not to be convicted. He should not be convicted. The benefit of doubt has been given to him in almost all the cases.

MR. P. UPENDRA: As you know, the Evidence Act has to be amended for this purpose.

MR. CHAIRMAN: I think, without amending the Evidence Act, we can make a provision in the law itself.

SHRIP. UPENDRA: That also requires an Amendment. That we can consider it. But it depends upon the legal luminaries as to what extent it can be done. The point regarding innocent people who suffer in certain cases will be taken note of.

Lastly, I would again repeat that this is a very serious matter and all of us should be ashamed of such incidents are taking place before our own eyes, in the Capital city.

I assure the House that the Government will take stringent measures to arrest this evil.

SHR. JANARDHANA POOJARY: What is your reaction about the statement of the Chief Minister?

SHRIP. UPENDRA: I will answer for the Government of India and not for the Kerala Government. (*Interruptions*)

SHRI NATHU SINGH: What has happened to that Bill?

SHRIP. UPENDRA: That has elapsed. We will again bring a Bill in course of time.

SHRIP.R. KUMARAMANGALAM: Sir, I congratulate the hon. Minister for Parliamentary Affairs for standing in for the Home Minister any replying to the points made here.

14.43 hrs.

MATTERS UNDER RULE 377

[English]

(i) **Need to give clearance to the Shivasamudram Seasonal Power Scheme of Karnataka**

SHRIG.S. BASAVARAJ (Tumkur): The Shivasamudram Seasonal Power Scheme proposes construction of a small diversion weir on the right limb of Cauvery and an underground power house on the right bank. The scheme is contemplated as an improved replacement scheme to the existing Shivasamudram Power House on the left bank. The Scheme is designed as a 'run of the river scheme' without any storage. The installed capacity of the Scheme is 270 MW and average annual energy generation is 1590 MW.

The clearance of the project has been held up by the Government of India only because of objection by Tamil Nadu Government. However, the flows into Mettur reservoir in Tamil Nadu will not be affected in any way since waters for power generation is non-consumptive in nature.

Sir, Tamil Nadu Government have sought clearance from CEA for Bhavani-Kattalai Scheme, with an installed capacity of 90 KW, also as a 'run of the river scheme' (with a nominal storage). The Government of Karnataka will have no objection to the clearance of their scheme if along with it, the Karnataka project is also cleared.

The proposed scheme is very attractive

as the cost of generation is very low, i.e. 22 paise only—and no submergence of forest land is involved nor any rehabilitation required.

Hence, I urge the hon. Minister to look into the matter and give clearance to the scheme.

(ii) **Need to reconsider the present Environment Policy for enabling the Speedy development of tribal areas**

SHRI UTTAM RATHOD (Hingoli) I.T.D.P. was introduced for the development of the Tribal areas. The present environment policy of the Government makes it difficult to take up construction of roads, carry electric and telephone lines to these areas. Even construction of irrigation projects and canals have become difficult due to environment policy of the Government. The Government are requested to reconsider the policy enabling the speedy development of the Tribal areas.

(iii) **Need for an electronic telephone exchange in Kottayam**

SHRIRAMESH CHENNITHALAL (Kottayam): The people of Kottayam are demanding an electronic telephone exchange (E-10-B) for quite a number of years. This will cost Rs. 10 crores. Five thousand new connections can be provided in the new electronic exchange. The building construction was over several months ago. The total cost of construction is more than Rs. 1 crore. The decision was to start the new electronic exchange on March 31, 1990. Now the decision is changed, without any tangible reason, and the priorities altered. Equipments for the exchange are not yet available. One-thousand-two hundred existing lines in Kottayam exchange are very old, and efficiency is very poor. The total lines in the existing two exchanges in Kottayam are 5,700. The waiting list number is very high. I request the Government to take urgent steps to start the electronic exchange in Kottayam.