

Instructions regarding treatment to women under arrest

*237. SHRIMATI HAMIDA:

HABIBULLAH:

SHRI PRAKASH

MEHROTRA:

SHRI SAWAISINGH

SISODIA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Central Government have recently issued any instructions to the State Governments regarding treatment to be meted out to women who are arrested or taken for interrogation to police stations; and

(b) if so, what are the details in this regard?

THE MINISTER OF HOME AFFAIRS (GANI ZAIL SINGH): (a) Certain guidelines on this subject have been sent to the State Governments.

(b) A Statement is laid on the Table of the House.

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 OR 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, an arrested 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 or 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.

Setting up of industries in the Central sector in Orissa

*238. SHRI DHANESHWAR MAJHI:

SHRI LAKSHMANA MAHAPATRO:

SHRI PATITPABAN PRADHAN:

Will the Minister of INDUSTRY be pleased to state:

(a) what are the various industries proposed to be established in the Central Sector in Orissa during the period from 1977 to 1982 alongwith estimated outlay and the schedule of construction of each of them; and

(b) what is the progress of each of those projects and what are the reasons for the deviations from the original proposals?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): (a) and (b) The information is being collected and will be laid on the Table of the House.

*239. [Transferred to the 25th March, 1980].

रक्षा विकास संगठन द्वारा विकसित तकनीकी जानकारी

240. श्री सुदर सिंह भंडारी :

श्री जगदीश प्रसाद माथुर :

श्री हरी शंकर भाभड़ा :

क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार कम खर्च वाले औद्योगिक विकास के संबंध में देश की आवश्यकताओं