

India in five years and is she also aware that because of the schemes not being finalised, hardly any progress has been made and you are coming to a pilot stage. Will this Government be able to ensure a slum free India by 1914, as was promised, and if not, why?

KUMARI SELJA: Sir, may I point out that while on the one hand the slums, colonisation of land is solely with the State Government, on the other hand, Government of India has taken great initiatives. As I said, we took the initiative of Jawaharlal Nehru National Urban Renewal Mission and now, when the President in her speech — at the beginning of this Government's tenure — spoke of slum free India it also entails, let us not forget, that we need active cooperation of the States and it was also said that those States which are willing to assign property rights to its people, to the slum dwellers, only there we will be able to achieve success. Here Government of India is willing to help the State Government and I would like to set the record straight, Sir, let there not be any misgivings on this account because State Governments are cooperating, State Governments are going ahead with the surveys. You will appreciate that without data on the ground it is very difficult to deal with these subjects and especially when it comes to dealing with the poor, when you don't even know the exact data. So, we are undertaking surveys, we are undertaking all kinds of preparatory work so that the poor people actually become participants in this great initiative which has been promised by not only our Government but also the State Governments because they will have to be active participants in this and the States will have to cooperate and the money will not be found wanting.

DR. CHANDAN MITRA: How can you say that this Government...

MR. CHAIRMAN: Q. No. 304.

Rising crimes against minorities

*304. SHRI JESUDASU SEELAM: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware of the rising crimes against Christians and other minorities, particularly in the States of Karnataka, Odisha, Madhya Pradesh and Gujarat; and

(b) if so, the details thereof and the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) It is not true that crimes against Christians and other minorities are rising in the country, particularly in the States of Karnataka, Odisha, Madhya Pradesh and Gujarat. As per

information available, the number of communal incidents in these States has gone down from 204 in 2010 (upto October) to 170 during the corresponding period in 2011.

(b) "Public Order" and "Police" being State subjects as per the Constitution of India, the State Governments are primarily responsible for registration, investigation of crime and maintenance of law and order.

To maintain communal harmony in the country, the Central Government assists the State Governments/Union Territory Administrations in a variety of ways like sharing of intelligence, sending alerts messages, sending Central Armed Police Forces, including the composite Rapid Action Force created specially to deal with communal situations, to the concerned State Governments on specific requests and in the modernization of the State Police Forces. In addition, the Central Government sends advisories in this regard from time to time. The Central Government has also circulated revised Guidelines to promote communal harmony, to the States and Union Territories in 2008.

SHRI JESUDASU SEELAM: I am happy that the hon. Minister said that the number of crimes have come down. But, Sir, I am sure this is not the actual representation because there are certain crimes which are not reported and even if they are reported they are not recorded and not registered.

SHRI RUDRA NARAYAN PANY: *

MR. CHAIRMAN: Panyji, please sit down. ...*(Interruptions)*... Will you please sit down? Sit down.

SHRI JESUDASU SEELAM: I think, Sir, that should be removed from record. It is unauthorised and kindly see that it does not go on record.

MR. CHAIRMAN: It does not go on record. Please go ahead with the question.

SHRI JESUDASU SEELAM: Sir, it is not only entrusted in three to four States. I am talking about the country as a whole. What the hon. Minister has...

श्री रामदास अग्रवाल : नॉन-कांग्रेस गवर्नमेंट वाले राज्यों में ...*(व्यवधान)*...

श्री विजय कुमार रूपाणी : आपकी intention खराब है ...*(व्यवधान)*...

MR. CHAIRMAN: Please ask the supplementary question.

SHRI JESUDASU SEELAM: Sir, I am saying that crimes are taking place in all the States. In every State, it is happening. Let me correct myself. ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, the hon. Home Minister has mentioned various police measures. But I would like to say, Sir, that there are preventive measures, punitive

*Not recorded.

measures and deterrent measures. Those details have not been furnished here. I would like to ask, Sir, that similar to NIC recommendations, are there any peace committees at various districts, especially the crime-prone districts, as could be proved from records for the last 10 years? Those measures are important for a long-lasting peace because this country cannot afford to ignore the crimes against the microscopic minorities in some States. It is a heinous crime.

MR. CHAIRMAN: Question, please.

SHRI JESUDASU SEELAM: Sir, I would request the hon. Home Minister to kindly elucidate as to what are the preventive measures, punitive measures and the deterrent measures to stop these crimes against the helpless minorities in this country. ...*(Interruptions)*...

श्री रुद्रनारायण पाणि : सर ...*(व्यवधान)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Please. Panyji, don't come into the well. ...*(Interruptions)*... पाणि जी, आप यहां well में नहीं आएंगे। ...*(व्यवधान)*... Please do not come into the well. ...*(Interruptions)*...

SHRI V. HANUMANTHA RAO: Sir, action should be taken. ...*(Interruptions)*...

श्री तारिक अनवर : इनको बांधकर रखिए, ये हमेशा well में चले आते हैं। ...*(व्यवधान)*...

MR. CHAIRMAN: Please. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Sir, the Government has always been very deeply concerned about the attack on minorities. ...*(Interruptions)*... The minorities, in India, are entitled to protection. ...*(Interruptions)*...

MR. CHAIRMAN: Please. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: This country believes in secularism and this country will never bow down to a majoritarian or authoritarian regime. ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruption)*... Please sit down. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: As far as guidelines are concerned, in June, 2008, the Government of India issued revised guidelines on communal harmony. ...*(Interruptions)*... I am willing to place a copy of this on the Table of the House. ...*(Interruptions)*... This details the preventive measures, the administrative measures, the personnel policy, the participation of the stakeholders, ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: ... and monitoring of cases. ...*(Interruptions)*... This details the measures to be taken for relief and rehabilitation. ...*(Interruptions)*...

MR. CHAIRMAN: Sit down, please. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: But anyone who subscribes to the secular interests ...*(Interruptions)*... in this country will condemn the atrocities on minorities. ...*(Interruptions)*... The State Governments, I hope, will implement these measures in order to protect the minorities in this country. ...*(Interruptions)*...

SHRI JESUDASU SEELAM: I am happy, Sir, that the hon. Minister has clearly stated the administrative measures, the various preventive measures and the various deterrent measures that are there, and he also stressed the need to protect the legitimate interests of the minorities.

While thanking the hon. Home Minister for his reply, as my second supplementary, I would like to know the legislative measures that the Government proposes to take. For instance, when some *Dalit* Christian woman is raped, the relief is not given under the Prevention of Atrocities Act because she is a Christian. So, at least, for the limited purpose of protecting the *Dalit* Christian woman from being raped, will you amend the Preventive Atrocities Act to include the *Dalit* Christians and the *Dalit* minorities who are raped and who are subject to heinous crime not only by individuals but by organized groups in this country? There is a need of this. I want a categorical answer on this. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Sir, action is underway to redefine 'rape'. ...*(Interruptions)*... We are introducing legislation to define 'sexual assault.' 'Sexual assault' is sexual assault whether it is committed on a woman belonging to one community, one religion. ...*(Interruptions)*... Action is underway and those amendments will strengthen the law in respect of sexual harassment. ...*(Interruptions)*...

MR. CHAIRMAN: Shri Balbir Punj. ...*(Interruptions)*...

SHRI JESUDASU SEELAM: No; Sir, we will not allow him to ask the question. They are not allowing the Minister to reply. ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Sir, he would be asking a question. I hope, he would listen to the answer. ...*(Interruptions)*

SHRI BALBIR K. PUNJ: Sir, I do not wish to put any question to Mr. Chidambaram. ...*(Interruptions)*

श्री सभापति : आप बैठ जाइए। ...*(व्यवधान)*... बैठ जाइए। ...*(व्यवधान)*...

SHRI BALBIR K. PUNJ: Sir, I had a question to ask, but I would not be putting that to Mr. Chidambaram. ...*(Interruptions)*

MR. CHAIRMAN: Well, then please, sit down. Mrs. Vasanthi Stanley.

SHRIMATI VASANTHI STANLEY: Sir, I would like to know from the Minister whether he is aware of an incident that took place during September, 2011, in Paramakudi in Tamil Nadu. There, a Dalit leader, Emanuel Shekaran, had been brutally murdered in the year 1957. Every year, Dalit Christians and other members of the Dalit community gather in Paramakudi, very peacefully, to pay their tributes to him. The Police fired at the people who had gathered there to pay their tributes, and more than seven people were killed. Has the Ministry taken note of the incident? Have they taken any action against them and tried to inquire what had happened there? ...*(Interruptions)*

DR. V. MAITREYAN: Sir, this is a law and order subject and it is a State subject. ...*(Interruptions)*

MR. CHAIRMAN: It is not your turn. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, she has no *locus standi* to ask that question. ...*(Interruptions)*

SHRIMATI VASANTHI STANLEY: Sir, Emanuel Shekaran was a Christian. ...*(Interruptions)* He belonged to the minority Christian community. People had gathered there to pay tributes to their leader. ...*(Interruptions)*

DR. V. MAITREYAN: A commission of inquiry is on which has not...*(Interruptions)*

MR. CHAIRMAN: Let the Government reply to it. Why are you anticipating the response? *(Interruptions)*

DR. V. MAITREYAN: Sir, she has no *locus standi* to ask that question. ...*(Interruptions)*

SHRI TIRUCHI SIVA: Sir, he is not the Minister. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, this is a State subject. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, the Minister is here. ...*(Interruptions)*...

MR. CHAIRMAN: May I request all concerned to... ...*(Interruptions)*...

SHRIMATI VASANTHI STANLEY: What is this, Sir? They are interrupting on every issue. ...*(Interruptions)*...

MR. CHAIRMAN: Please, resume your places. ...*(Interruptions)*...

SHRIMATI VASANTHI STANLEY: Sir, more than seven people got killed in firing by the Police. ...*(Interruptions)*...

SHRI V. HANUMANTHA RAO: Sir, people who had gathered to pay tributes. ...*(Interruptions)*...

SHRIMATI VASANTHI STANLEY: No rule was followed, Sir. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, a commission of inquiry has been. ...*(Interruptions)*...

MR. CHAIRMAN: Let the answer be given. If you have any objection, then...
...(Interruptions)...

SHRIMATI VASANTHI STANLEY: Sir, has the Ministry taken cognizance of the incident?
...(Interruptions)...

DR. V. MAITREYAN: Sir, this is a State subject. ... (Interruptions)...

श्रीमोहम्मद अलीखान : चेयरमैन सर, ... (ब्यवधान)...

جناب محمد علی خان: چیئرمین سر، مداخلت۔

श्रीसभापति : खान साहब, आप बैठ जाइए। ... (ब्यवधान)...

SHRI P. CHIDAMBARAM: Sir, that incident was not a communal incident. That incident was a law and order incident, and to the best of my information, the State Government has instituted an inquiry, and after the inquiry is completed, we would know the facts.
...(Interruptions)...

श्रीमोहम्मद अदीब : सर, ज्यादातर फसादात में पुलिस वालों पर इल्जाम पाया गया, चाहे मलियाना हो, हाशिमपुरा हो या हैदराबाद की मक्का मस्जिद हो, पुलिस इसमें इन्वॉल्व्ड है। मैं मंत्री जी से यह पूछना चाहता हूँ कि क्या आज तक किसी पुलिस वाले पर कोई ऐक्शन हुआ है और पुलिस वालों को कोई सजा दी गयी है? यदि नहीं दी गयी है तो क्यों नहीं दी गयी है?

جناب محمد ادیب : سر، زیادہ تر فسادات میں پولیس والوں پر الزام پایا گیا، چاہے ملیانہ ہو، ہاشم پورہ ہو یا حیدرآباد کی مکہ مسجد ہو، پولیس اس میں انوولڈ ہے۔ میں منتری جی سے یہ پوچھنا چاہتا ہوں کہ کیا آج تک کسی پولیس والے پر کوئی ایکشن ہوا ہے اور پولیس والوں کو کوئی سزا دی گئی ہے؟ اگر نہیں دی گئی ہے تو کیوں نہیں دی گئی ہے؟

SHRI P. CHIDAMBARAM: Sir, it is not correct to blame the Police in every riot situation. The Police are doing an unenviable task. In many cases, the Police is wrongly blamed, but there are cases where the Police may have used excessive power. In such cases, if a magisterial inquiry or any other judicial inquiry finds fault with the Police, the State Government is obliged to take action against the Police and we insist that action be taken against the Police. But, I do not think it is correct to say that in every riot situation the Police is wrong. ... (Interruptions)...

SHRI KUMAR DEEPAK DAS: Sir, as mentioned by the hon. Minister, such incidents involving Christians and other minorities happen in various States, but the question is that of crime against people. A criminal has no religion, no language. What has happened in Delhi? If you look at the cases of harassment of people belonging to the North-eastern region, including victims of rape, 60 per cent of them were Christians. This trend must be curtailed and

the hon. Minister should ensure that measures are taken for their protection and proper inquiry is made against people involved in such criminal activities.

SHRI P. CHIDAMBARAM: Sir, the main question concerns communal incidents in States and atrocities in States...*(Interruptions)*... I do not think the harassment of north-eastern boys and girls will qualify as a communal incident...*(Interruptions)*... Delhi Police has been instructed to ensure that all the north-eastern citizens are protected in Delhi and they have taken a number of measures for their protection ...*(Interruptions)*...

Deaths in police and judicial custody

*305. SHRI H.K. DUA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) how many people have died while in custody of the police or of judicial authorities in the country in the last one year;
- (b) a State-wise break-up of the custodial deaths; and
- (c) the steps Government has taken to ensure that people do not get killed in jail or in police custody?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) and (b) A Statement indicating the State-wise details of cases registered by National Human Rights Commission (NHRC) regarding custodial deaths in the country during the last year (01.04.2010 to 31.03.2011) is given in Statement-I (See below).

(c) As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State Subjects. It is for the State Governments to take action with respect to crime. In view of this, the Central Government does not intervene directly in the matters of custodial deaths, but does issue advisories from time to time, while the National Human Rights Commission (NHRC) issues guidelines and recommendations. NHRC has framed guidelines for reporting all deaths, whether natural or otherwise, while in custody, within 24 hours of its occurrence. The NHRC also calls for various reports for ascertaining any foul play or negligence by public servants, which may have resulted in custodial death.

Section 176 of the Criminal Procedure Code has been amended *vide* Code of Criminal Procedure (Amendment) Act, 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be a mandatory judicial inquiry; and in case of death, examination of the dead body shall be conducted within twenty four hours of the death.