

case of Aruna Ramchandra Shanbaug Vs. Union of India and Others has opined that section 309 IPC has become anachronistic and recommended the Parliament to consider the feasibility of deleting section 309 from the Indian Penal Code.

(b) The Law Commission in its 210th Report titled as “Humanization and Decriminalization of Suicide” submitted in the year 2008 recommended that section 309 of IPC needs to be effaced from the statute book because that provision is inhuman, irrespective of whether it is constitutional or not.

As the Criminal Law and Criminal Code are in the Seventh Schedule to the Constitution of India, the Report of the Law Commission has been referred to the State Governments for their comments. Most of the State Governments have supported the proposal. The Department related Parliamentary Standing Committee on Home Affairs has recommended persistently in its 111th, 128th and 146th Reports for an imperative need to reform and rationalize the criminal law of the country by introducing a comprehensive legislation in the Parliament instead of bringing amendment Bills in piecemeal.

The Law Commission of India has accordingly been requested through the Ministry of Law and Justice to examine the existing criminal laws and give comprehensive report covering all aspects of various Criminal Laws, viz. the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Evidence Act etc. The Law Commission has taken up the matter for consideration. Proposal to delete the section 309 from the IPC is part of the next batch of the comprehensive amendment to the Indian Penal Code, 1860.

(c) and (d) Yes sir, Clause 124(2) of the Mental Health Care Bill which has been initiated by the Ministry of Health and Family Welfare contains the provision that the appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having mental illness and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

Involvement of officials in illegal construction and encroachments in Delhi

2272. Dr. T.N. SEEMA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has received any complaints with regard to involvement of officials belonging to the Municipal Corporation of Delhi (MCD), the New Delhi Municipal Council (NDMC) and the Delhi Police in illegal constructions and encroachments;

(b) if so, the details thereof and the total number of illegal constructions and encroachments reported separately, along with the action taken by Government against the guilty officials in this regard during the said period; and

(c) the steps taken by Government to check such illegal constructions and corruption by Government officials involved in such activities?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) New Delhi Municipal Council (NDMC) has informed that no such complaint regarding involvement of officials in illegal construction/encroachment has been received.

The details of complaints received by Delhi Police regarding involvement of police officials in illegal constructions and encroachments and action taken against Delhi Police personnel during the last three years and the current year are as under:

Year	No. of complaints received	No. of complaints substantiated	Action taken against the Delhi Police personnel
2011	1476	17	101
2012	805	11	63
2013	1021	17	96
2014 (upto 31.1.14)	70	0	0

In South DMC, 12 officials have been found responsible for unauthorized constructions and encroachments in 4 RDA cases.

In North DMC, 13 officials have been found responsible for unauthorized constructions and encroachments in 8 RDA cases.

In East DMC, 26 officials have been found responsible for unauthorized constructions and encroachments in 14 RDA cases.

(c) The Delhi Municipal Corporation has informed that whenever any complaint regarding illegal construction/encroachment is noticed, the action against the same is taken by the Building Department of the respective zone as per provisions of the DMC Act, Detection and Control on unauthorized/illegal construction in Delhi. A number of measures have been taken in this regard, which include restructuring and strengthening

of Central Control Room, Zonal Control Room and demolition squad etc. Besides this, a Nodal Steering Committee has been set up by the Hon'ble High Court of Delhi to monitor action against unauthorized/illegal constructions and encroachments on Government land in the NCT of Delhi.

Exploitation of tribals by naxals and police

2273. DR. T.N. SEEMA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has received many complaints regarding exploitation of tribals by police as well as Naxals in tribal dominated areas of the country especially from Chhattisgarh, Odisha, Jharkhand and Andhra Pradesh;

(b) if so, the State/UT-wise details thereof during the last three years and the current year; and

(c) the details of the steps taken by Government in coordination with the respective State Governments to check Naxal influence on the tribals and provide security to them?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH): (a) and (b) Yes, Sir. Many instances of exploitation of tribals by the naxalites/maoists has come to the notice of the Government. Such atrocities primarily include sexual exploitation of tribal women cadres in the Maoist camps, which have been disclosed in statements of several surrendered women CPI (Maoist) cadres of Odisha, Maharashtra, Bihar, Jharkhand and other States. This has been widely reported in the media also from time to time. Such instances of sexual exploitation include rape, forced marriage and molestation by senior male CPI (Maoist) cadres.

In Chhattisgarh, some surrendered tribal CPI (Maoist) male cadres have disclosed that they were forced by the senior leadership to undergo vasectomy operations as a pre-condition for marriage with women cadres. There are allegations that women cadres of CPI (Maoist), who become pregnant, are forced to undergo abortion against their will. The surrendered women cadres have also disclosed that even if they are married to male cadres, they are not allowed to have children since the senior leadership of the CPI (Maoist) feel that it impairs their fighting capability and mobility. Further, forced recruitment of children from families of poor and marginalized segments of the society, including the tribals, by the Maoists has also come to notice.

In order to instill a sense of fear in their areas of dominance, the naxals also kill civilians after branding them as police informers. Out of 4855 civilians killed by the Maoists since 2004, the overwhelming majority are tribals. The Maoists have in reality