

S). No. 2 (E)

F. NO.15011/34/2012-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 10th May, 2012

OFFICE MEMORANDUM

14

Subject: Advisory on discrimination and racial profiling faced by Indian citizens North Eastern States in some parts of the country – Measures needed to curb – regarding

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and, therefore, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction. The Union Government, however, attaches the highest importance to matters relating to the prevention of crime; and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.

2. A sizeable number of persons belonging to the North Eastern States are residing in metropolitan cities and in major urban areas in the country for education and employment. It is reported that people originating from these North-Eastern States are facing discrimination as they are addressed with derogatory adjectives or face discrimination in the form of targeted attacks, assault, molestation and other atrocities. This has caused considerable anguish and distress in the minds of the people from the North East. Hence, It is of utmost importance that this feeling of insecurity and negativity in the minds of these people should be assuaged by an adequate and pro-active response that would not only reassure them but would also prove that the Government would not tolerate discrimination in any form. A significant number of citizens from the North East also belong to the Scheduled Tribes and any atrocity against them should also be dealt with under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The Government of India has been advising the State Governments from time to time regarding the steps that need to be taken to afford a greater measure of protection to the Scheduled Castes and Scheduled Tribes. The advisories issued earlier with particular reference to crimes against SCs/STs are available on the web-site of the Home Ministry. The latest advisory which is F. No. 15011/48/2009-SC/ST-W dated 1st April 2010 may be referred to in this regard.

4. These advisories, inter-alia, commend sensitization and training of the police personnel/ law enforcement agencies; minimizing delays in investigation of cases of atrocities against SCs/STs and improving the quality of investigation; recruitment of sufficient number of persons belonging to SCs/STs/minorities as police personnel; programmes for creating awareness among vulnerable sections of the society and legal recourse open to them; adopting appropriate measures for swift and salutary punishment to public servants found guilty of neglect of duty and violence against SCs/STs; setting up of special courts; and improving the effectiveness of schemes developed for the welfare and rehabilitation of SCs/STs who are victims of crime.

5. Through the aforesaid advisories, the State Governments were also requested to undertake a comprehensive review of the effectiveness of the machinery in tackling the issues of SCs/STs and to take appropriate measures aimed at increasing sensitivity and responsiveness of the law enforcement/ law and order machinery. No doubt, State Governments/UT Administrations have taken some measures in this regard but these measures need to be strengthened, so that citizens from the North East feel secure, enjoy their human rights and live their lives with dignity and respect that every citizen of India deserves.

6. The Government of India is deeply concerned by the discrimination and crimes against the weaker sections of society, particularly those originating from the North East, and would therefore emphasize that urgent action should be taken by the Police as they have a major role to play as first responder. Hence immediate action is required to be taken by the State Governments and UT Administrations on the following matters:

- A. There should be a clear 'Zero Tolerance Policy' as far as crime against 'Weaker Sections' in general and those from North Eastern States in particular are concerned.
- B. Many problems can be prevented in the initial stages itself by proactive action as in the case of eve teasing, stalking or sending obscene SMSs etc. if the person is contacted and firmly advised to cease and desist from harassing individuals.
- C. Quick action by the police would restore confidence not only of the victim but also of the community and send a clear message to the accused that such behaviour would not be tolerated. When complaints are received from a person belonging to the North East, particularly from women, the level of sensitivity and response should be of an even higher level.
- D. As citizens from the North East generally congregate in certain areas or pockets, it is essential that an outreach programme should be in place. The Deputy Commissioner of Police of the Division or Superintendent of Police of the District should personally supervise the programme. They should hold periodic meetings

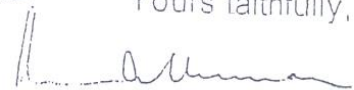
with community leaders of such groups and address the issues raised in such meetings. Officers-in-charge of Police Stations must hold regular quarterly meetings with these community leaders. Beat Officers should be sensitized to establish close interaction with the community leaders of the residents from North East so that they are aware of the problems and can take appropriate action or report to their superiors.

- E. Toll-free Helplines should be made available to access the police. However at times it is possible that the complainants may not be able to communicate in the local language. In such cases, the services of any officer or any other operator conversant with English must be provided.
- F. Area Security Committees comprising community leaders and stakeholders, representing both the local residents as well as citizens from the North East, should be constituted to meet regularly under the aegis of the area police.
- G. Where necessary, action under the law or preventive action under the Cr.P.C. should be initiated and, if the victim is a ST, then section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act can be invoked. When a case is made out, it should be immediately registered and investigated on a day-to-day basis and finalised.
- H. Where a complaint or if any information is received from a citizen hailing from the North East, regarding a cognizable offence and no follow-up action is taken, then a serious view should be taken against the police officer concerned and also against the Officer-in-charge of the Police Station and if the complainant is a member of the Scheduled Tribe, then the provisions of section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be invoked.

7. You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be reviewed by the State Governments and UT Administrators and outcomes of periodic reviews may kindly be intimated to this Ministry.

The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,



(S Suresh KUMAR)

Joint Secretary to the government of India

Ministry of Home Affairs, North Block

New Delhi – 110001

Tel. No. 23093410

E mail: jscs@nic.in

To,

1. The Chief Secretaries of all State Governments and UT Administrations
2. The Principal Secretary/ Secretary (Home) of all State Governments and UT Administrations.
3. Copy also for information and necessary action to:
 - i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary.
 - ii. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
 - iii. Ministry for Development of North East Region (DONER), New Delhi.
 - iv. Secretary, National Commission for STs, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002
 - v. JS(Judicial), JS(PM), JS(P-I), JS(P-II) of Ministry of Home Affairs



(S Suresh KUMAR)

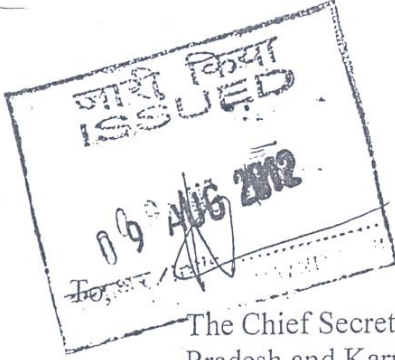
Joint Secretary to the government of India
Ministry of Home Affairs, North Block

New Delhi - 110001

Tel. No. 23093410

E mail: jscs@nic.in

Sl. No. 3 (Z)

R.R. 1st issue
(16 letters)

No. 15011/14/2012-CSR.III/6845-60
 Government of India/Bharat Sarkar
 Ministry of Home Affairs
 (CS Division)

North Block, New Delhi.
 Dated the 7th August, 2012

09 AUG 2012

The Chief Secretaries of State of Maharashtra, West Bengal, Tamil Nadu, Andhra Pradesh and Karnataka

Subject: Reference of Shri Nikhil Kumar, Hon'ble Governor of Nagaland regarding redressal of the grievances of North East Students Organizations (NESO)-

Sir/Madam,

Please refer to this Ministry's Advisory/O.M No. 15011/34/2012-SC/ST-W regarding Advisory on discrimination and racial profiling faced by Indian citizens North Eastern States in some parts of the country- measures needed to curb issued on 10th May 2012 (Copy enclosed).

2. In the same issue, Shri Nikhil Kumar, Hon'ble Governor of Nagaland has forwarded a copy of petition from the North East Students Organizations (NESO) regarding redressal of their grievances.

3. Since 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India, it is the responsibility of the concerned State Government to appropriately prevent, detect, register and investigate crime and prosecute the criminals involved through the machinery of its law enforcement agencies. The Government of India is also deeply concerned by the discrimination and crimes against the weaker sections of society, particularly those originating from the North East States and would therefore emphasize that urgent action should be taken by the police. Hence immediate action is required to be taken by the State Governments/UT Administrations on the following matters:-

- (i) There should be a clear 'Zero Tolerance Policy' as far as crime against 'Weaker Sections' in general and those from North Eastern States in particular are concerned.
- (ii) When complaints are received from a person belonging to the North East, particularly from women, the level of sensitivity and response should be of a bit higher level.
- (iii) As citizens from the North East generally congregate in certain areas or pockets, it is essential that an outreach programme should be in place. The Deputy Commissioner of Police of the Division or Superintendent of Police of the District should personally supervise the programme. Officer-in-Charge of Police Stations must hold regular quarterly meeting with the community leaders of the North East residents to access their problems and take appropriate action to inform the matter to their superiors.

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(iv) Toll-free helpline should be made available to access the police. However at times, when the complainants may not be able to communicate in the local language, in such cases, the services of any officer or any other operator conversant with language may be provided to the complainant.

(v) Where a complainant or is received from a citizen hailing from the North East, regarding a cognizable offence and no follow-up action has been taken on it, then a serious view should be taken against the police officer concerned as well as against the Officer-in-Charge of the Police Station and if the complainant is a member of Scheduled Tribe, then the provisions of section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be invoked.

4. It is requested to kindly issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be reviewed by the State Governments/UT Administrations and outcomes of periodic reviews may be intimated to this Ministry or regular basis.

5. You are requested to kindly ensure that these comprehensive guidelines are circulated amongst all the Verification Officers/Police Stations under your jurisdiction for strict compliance.

6. The receipt of this letter may kindly be acknowledged.

Yours faithfully,



(S. Suresh Kumar)
Joint Secretary (CS)
Tel: 23438100

S/c

Copy to:-

1. The Home Secretaries of State of Maharashtra, West Bengal, Tamil Nadu, Andhra Pradesh and Karnataka for similar follow up action.
2. The Director General of Police of State of Maharashtra, West Bengal, Tamil Nadu, Andhra Pradesh and Karnataka for similar follow up action.
3. The Secretary to the Hon'ble Governor, Nagaland, Raj Bhawan, Kohima w.r.to their DO letter dated 29-06-2012 for information.