

[शिव चन्द्र झा]

इतिहास बना दिया है उन्होंने कमेटी बना कर। अब मेरा कहना है कि जो क्वेश्चंस एडमिटेड नहीं होते हैं, जवाब दे दिया गया दो सत्र पहले, मैं देखता हूँ कि वह फिर रिपोट होता है, दूसरे या तीसरे के नाम पर।

साथ ही साथ जो बनिंग काल अटेंशन है, वह भी रिजैक्ट होता है। जो चैम्बर में जाता है प्रेशराइज करता है, वह कालिंग अटेंशन मंजूर भले ही उसके मुतल्लिक दो बार यहां पर जवाब हो गया हो।

उसी तरह से और भी स्पेशल मेंशन, जो स्पेशल हैड के हों, वह तो मैंने छोड़ ही दिया है, लेकिन उस सब के मुतल्लिक आप कमेटी विचार करने के लिए बनाये कि क्वेश्चंस रिजैक्ट क्यों होता है?

श्री उपसभापति: आप रुज कमेटी को लिखिये।

श्री शिव चन्द्र झा: आप सदन की कार्यवाही को सुचारु रूप से चलाने के लिए और एक्सपेडाईट करने के लिये, उस पर विचार करें कि क्वेश्चंस रिजैक्ट क्यों हो जाते हैं? दफ्तर से पूछे, तो कहते हैं कि दो सत्र पहले इसका जवाब दे दिया गया। इसीलिए मेरा आपसे निवेदन है कि आप इसके मुतल्लिक विचार करें।

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Detention of undertrial prisoners for indefinite periods in various Jails in the country despite the Directive of the Supreme Court in this regard

DR. BHAI MAHAVIR (Madhya Pradesh): Sir, I beg to call the attention of

the Minister of Home Affairs to the detention of undertrial prisoners for indefinite periods in various jails in the country despite the directive of the Supreme Court in this regard and death in mysterious circumstances of undertrial prisoners in some jails and the action taken by Government in the matter.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR): Sir, the Government are aware that in some cases the undertrial prisoners remain in jails for long periods. The delay in completion of trials of the undertrial prisoners is due to such factors as delays in investigation of cases and delays in trial in courts because of difficulty in the conducting of identification proceedings of persons and property, non-availability of witnesses, inability on the part of some accused persons to furnish bail adjournment of cases sought by the concerned parties and heavy work-load with courts.

Government of India have taken several steps to ensure that the undertrial prisoners are not subjected to long detention in jails. All States and Union territories have been advised to examine the cases of undertrial prisoners in the light of the directions given by the Supreme Court from time to time and to specifically ensure that:

(a) Undertrials who are in detention for periods more than the sentence that can be awarded in case of conviction, should be released forthwith as such detention was illegal and violated Article 21 of the Constitution:

(b) All undertrial prisoners who are charged with bailable offences but who are still in jails presumably because no application for bail has been made on their behalf or because they are so poor that they are not able to furnish bail, should be considered for release on personal bond; and

(c) Undertrial prisoners who have suffered incarceration exceeding half of the maximum punishment that can be awarded by the Court, might be considered for release on personal bonds and counsel be made available to them.

The State Governments and Union Territory Administrations have been requested to set up district and State level Committees to review the cases of under-trial prisoners in jails periodically and to appoint part-time or whole-time law officers to give legal assistance to poor and indigent prisoners.

In pursuance of the recommendations made by the Law Commission in its 78th Report, certain proposals are under consideration of Government of India for liberalisation of bail provisions in respect of undertrial prisoners.

Financial assistance out of the grant of about Rs. 24 crores recommended by the Seventh Finance Commission is being given to 15 States for the establishment of additional criminal and civil courts over a period of 5 years i.e. 1979—84.

All the State Governments and Union territory Administrations have repeatedly been advised to strictly adhere to the limitation of time for investigation and inquiry as laid down in various provisions of the Code of Criminal Procedure, 1973 with a view to ensuring timely completion of investigation and inquiry.

In regard to the point raised by the Hon'able Members relating to the death of undertrial prisoners in mysterious circumstances in some jails, it may be mentioned that the subject "Prisons" is included in the State list. Administration and maintenance of prisons is, therefore, the responsibility of the State Governments and Union territory Administrations. The State Jail Manuals require that the cause of the death of a prisoner should be properly established, and in case of any unnatural death, a thorough enquiry should be instituted.

I assure the House that Government are fully aware of the problem concerning undertrial prisoners in various States and are taking all possible steps to deal with them.

DR. BHAI MAHAVIR (Madhya Pradesh): Sir, I must say that I am amazed at the callous and the stony approach which the hon. Minister has taken to a deeply human problem. When the reports first came about the Bhaḡalpur

blindings because of the investigation by some enterprising journalists, the country was shocked. The shock deepened when the guilty policemen got support from their colleagues and others and even the Chief Minister trotted out some justification for the heinous deed. But we learn now, Sir, that blinding is not the worst thing that is happening under the benign Congress(I) Government.

Methods, short and swift, of total disposal are being adopted to deal with the people through fake encounters outside and murders or suicides inside jails. The country has to be grateful to the journals like 'India Today' here and the journalists who were enterprising enough to go into a case, to which I am referring presently. The article makes such a shocking reading that anybody with a sense of decency; at least somebody high-up who is supposed to own responsibility for it, should have come out with a statement on his own, and to atone for the pitiable condition that we find our jails in, should have offered to resign. But decency is something which is not a strong point with our Ministers these days. So, we cannot expect that. But Sir, the statement which he has given very carefully keeps silent on the ghastly details which, he should have been aware, would be raised. The whole thing smacks of almost a conspiracy. Sir, I will seek your permission to lay this article on the Table of the House. It is a matter which concerns public welfare and I think it is very essential for all our colleagues to know. So, this article states that the matter was raised in the Consultative Committee of the Ministry of Home Affairs first on 3rd May, in which a list of 15 prisoners who had died in Tihar Jail was given. And I am just talking about Delhi because the hon. Minister has referred to the State Government's authority. I am talking of the Union Territory which is directly under your control because for reasons which you only know, we have had no type of elections in Delhi for the last two years which means everything that happens in Delhi is directly attributable to you and you are directly answerable for it.

[Dr. Bhai Mahavir]

Sir, for Delhi, in the Consultative Committee meeting, a list of 15 was given although 18 had died. The deaths of three prisoners were deliberately kept back. And why were they kept back? That is what I shall come to. But this item was not reached in the first meeting, and the second meeting of 2nd July came; my friend, Mr. Surjit, from this side has raised it. But the same 15 names were repeated in the second meeting and, therefore, it was confirmed that these three deaths were being wilfully kept from the Consultative Committee which means the Committee of this House and the other House, the Committee of Parliament. So, these three deaths were being concealed for some reason. What could be the reason? The article, Sir, gives the details. Of the three convicts whose deaths were concealed, one was Madan Lal, allegedly murdered on 14th April, 1981. The date is important, Sir, It was on 14th April, 1981, and the meeting was being held on 2nd July, 1982, and the Home Ministry was not giving information about the death of this convict. The more interesting part is that the Jail's staff had been found guilty and a case of murder had been registered with the Janakpuri police station. Sir, here I have details: Deputy Superintendent Shiv Kumar, Assistant Superintendent Yogesh Tyagi, Head Warder Karan Singh, and Warder Pran Bahadur and all these people are involved under charges of murder of this convict. So, even when there is a police case, when important officials of the jail administration of Delhi are involved and suspended. In connection with this case, the Ministry has no information or they wilfully keep quiet on it. This was the case of Madan Lal Hardeva died on 24th January, 1981, and it is not known if he was murdered or died a natural death. There is no inquest report. What I understand is that law requires that an inquest has to be arranged for all such deaths. But the Ministry does not admit that there has been any inquest report. The third was Jasat Singh. He died on October 15, 1981. There was no inquest report. These three deaths were held back from the Consultative Committee even though they had died 8 to 12 months

before the Committee met. This is one mysterious element which the hon. Minister has to explain to the House to our satisfaction.

Then the cases which are given by the jail administration and a number of patients are reported to have died of tuberculosis. Sanker is one. But he had not been given any treatment for TB since 1977. He died of TB. But in the jail record, in the hospital or in the jail dispensary, there is no entry showing that he had been given any treatment for this. We are told that the TB ward has 7 to 9 patients. But 7 people have died of TB in jail. We would like to know from the hon. Minister if this ratio corresponds to the ratio of TB deaths outside the jail. There is no record to prove or to support this. Then, Sir, there is the case of Girdi Prem Bahadur. He was caught for kidnapping a child and he died four months later. The Home Ministry has expressed ignorance about the cause of death. And I am amazed that the Ministry should say that it did not know what the cause of the death was. A man in their custody dies and they do not know the cause. And why was he not challaned and brought before a court for four months? What happened to the child? What was the cause of his death? All these questions remain unanswered. Then there is the case of Mam Raj. He was arrested on 8th October, 1981, and he died of T.B. one week later. Imagine, Sir, a man being arrested and then dying within a week of T.B. T.B., as you know, Sir, is not a disease like heart attack about which you do not know in advance. T.B. is an almost completely curable disease. *(Time bell rings)*. Sir, please bear with me. This is something which is so shocking. We have to deal with such a situation.

MR. DEPUTY CHAIRMAN: Eight minutes are already over.

DR. BHAI MAHAVIR: I am not going into the details. I am only pointing out that some people have died in mysterious circumstances.

MR. DEPUTY CHAIRMAN: Please conclude now. *(Interruptions)*.

DR. BHAI MAHVIR: All right, Sir, I am skipping over this case.

Then, Sir, there is a report that complaints were made by these persons about being tortured. Those complaints were addressed to the Jail Superintendent and to the Lt. Governor. We want to know whether the complaints were received by the Lt. Governor that means the Delhi Administration, and if so what action was taken. If no action was taken, why not?

Then, Sir, on a recent inspection a hand-grenade has been discovered in the jail and a three hundred metres long wire has been recovered from it and it is said that that wire was being used for the purpose of beating the convicts or under-trials. Sir, this is the situation in the Tihar Jail. I wish to draw the hon. Minister's attention to one or two basic things because he referred to the Jail Manual. Sir, we have got our Constitution. Then there is the Universal Declaration of Human Rights to which we are a signatory. All these things go to uphold the right of the individuals not to be deprived of their liberty without their being declared guilty by a court. And according to article 141 what the Supreme Court lays down is the law of the land and the Supreme Court has laid down pretty clearly about the under-trials. But the explanation he has given is that the State Governments have been advised, the Central administration has been advised, strict advice has been given, etc. We want to know how many under-trials have been released after the directive issued by the Supreme Court and how many remain and by what time these under-trials will be either set at liberty or produced before respective courts.

Sir, our Jail Manual is of 1930. As far as I know these Jail Manuals have not been revised since then and because of this there are howlers in Jail Manuals. My information is that in the Punjab Manual, which is the Manual which applies to Delhi also, there is

a provision that whosoever enters the jail with a Gandhi cap should be put in the punishment cell. This had been provided in 1930. And, Sir, if you were to happen to visit the jail now and if the jail authorities were to observe the Manual strictly you would be very careful.

MR. DEPUTY CHAIRMAN: I do not think it is being observed now.

DR BHAI MAHAVIR: So, the question is, does the Government think of bringing these things up to date, the Jail Manual of 1930 which still contains provisions like this? It is not only that Sir. There is a provision even today that Europeans will be given special treatment in respect of arrest, and only the S.P. will go and arrest an European. Just like that there is a provision in the Police Manual also that all shoes for the police force will be bought from the Lahore Jail from the workshop running there. I do not know wherefrom in Punjab the Police is getting its shoes but in Punjab the Police is doing that but the provision is there. That is one thing. The Jail Manual needs to be revised. Will the Minister say if they are taking any steps about it.

Now, in the jail administration there should be some parameters. You see, some basic things like the right to liberty is there. Then there are the Indian Penal Code, the Criminal Procedure Code and the Prison Act. All these are Central Acts. But in spite of that no Central agency is there to ensure that parameters of freedom and individual liberty are properly respected in all States. So I am urging the Minister, or rather insisting, that he should agree to the constitution of a Parliamentary Committee to go into the question of jail administration throughout the country and to see how far the requirements of the Constitution and the relevant rules and laws are being adhered to

I will mention one or two points more. One is about the internal care which the jail administration provides. Most of these prisons are about 100 years old. We had

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the occasion to be in some of these prisons during emergency and found the water arrangement, the sanitary arrangement, the flush system are all in a deplorable state. Then the jail staff is working under horrible conditions. They have no holidays, no Sunday off, no festival holidays, with the result that because of this bad behaviour they suffer from, they develop a sadistic pleasure in wreaking vengeance on the undertrials. To support this contention, I will just refer to the fact that when the Third Pay Commission recommended new grades for the police, the jail staff in certain jails in Bihar and Jabalpur went on strike demanding similar facilities. But that strike was suppressed and nothing was done. So, I would like to know if the Minister will go into the question and see whether jail employees are properly cared for.

One more point about *begar* from the undertrials. The undertrials should not be subjected to any *begar* or any wrong treatment because they are only in custody; they have not yet been convicted in a court of law. The position as such is that any amount or any type of *begar* can be taken from the undertrials. Will the Minister at least assure that no *begar* will be taken from the undertrials? This is because it is one temptation for which they want to keep the undertrials for long periods and get any amount of work from them.

Sir, the long period for which these undertrials remain in jail reminds me of an interesting story about Raja of Chamba. When that Raja went to visit his jail, he found a man with a long grey beard and asked as to why was that man there. He was told that because of some punishment that the grand father of the king had given him, he was being held in jail. Now, the grand father of the king had gone; his own father had gone and the present king had come and still that man was being held in jail.

MR. DEPUTY CHAIRMAN: Please conclude now.

DR. BHAI MAHAVIR: Last point. When we are talking of sections like 107

and 151, such simple sections under which many of us were held during emergency, why should the law permit detention for long periods? Can't the Government think of providing that he must be produced before the court with the proof within one month? And if within one month, the police is unable to produce any proof and bring the undertrial before the court, it should be considered that there is no case and he should be set free, or immediately bailed out. Why can't the police do this particularly when our jails are overcrowded and such is our callousness? The report about our ten persons coming from Pakistan shows that they have been held there for 8 years and the Government has been so callous, and so heartless in respect of these prisoners. Whether prisoners here or there, it is commentary which saddens all of us. So I would like the hon. Minister to at least agree to the appointment of a Parliamentary Committee to go into all the conditions prevailing in jails, to look into the working conditions of jail staff, to see to the revision of jail manuals and look into such other matters. In another case my colleague has handed over to me about a young man Raj Inquilab who is languishing in jail since 1978. He came to join JP's movement for social reform in a peaceful way. Certain cases were cooked up against him. He wanted to rouse the people for social reform in a peaceful way but he was held and put in jail. He continued some protest and threatened to go on hunger strike and a case of attempted suicide was lodged against him and he is being held since 1978. There must be many others like him.

MR. DEPUTY CHAIRMAN: Where is he held?

DR. BHAI MAHAVIR: He is held in Bhagalpur, Bihar. He is from Chhatra Yuva Sangharsh Vahini. Because you asked me, I will give this information to the Minister so that he can at least look into these cases. Let him kindly answer these points one by one.

SHRI NIHAR RANJAN LASKAR: Sir, I think I have already assured the House in my Statement that the Government of India is really concerned with the

large number of undertrial prisoners in the country. It is also a fact that the Government of India is taking several steps since years together to see that this situation is controlled. As a result of the various steps taken by the Government of India, the situation has improved. Things are now improving. I will give some figures. Before that, I would like to say that the hon. Member has said that we have not given the actual facts in the Consultative Committee. He has read from a journal about deaths. I think he is not right in that. The question that was put in the Consultative Committee was about the number of undertrials in Tihar Jail. That was the figure given there. Apart from that, there may be other deaths. He has mentioned all those cases. Whatever we have given in the Consultative Committee is a fact. About the death of undertrial prisoners in Tihar Jail, we are definitely in a correct position. Other deaths may be there. I will find out about them. About the number of undertrial prisoners in the country, I will give some figures. There are undertrials in jail for different periods, i.e., less than six months, six months to twelve months, one to two years, two to three years and above three years. On 31-12-1979, the number of undertrials in prison in the country for less than six months is 76,818 and for more than 3 years 1730. On 30-6-1980, for less than six months, the number is 81,767 and for more than three years, 1467. On 30-6-81, for less than six months, the number is 76,072 and above three years, 1264. You will see from these figures that the number is. . .

DR. BHAI MAHAVIR: Have you figures for undertrials above five years and above eight years? It may be a small number.

SHRI NIHAR RANJAN LASKAR: I do not have that figure.

DR. BHAI MAHAVIR: Above three years, may be ten years or more.

SHRI NIHAR RANJAN LASKAR: You will see that the figure of undertrial prisoners above 3 years is definitely coming down. This is because of the steps taken by the Government as well as because of different directions given in various

trials by the Supreme Court and other courts. This is one fact that I would like to bring to the notice of the House.

My hon. friend asked about the various steps that the Government has been taking to see that the number of undertrial prisoners comes down in the country and to ensure that they are not tortured. As I have already stated in my main answer, this is a State subject. Naturally, we have to collect all the information from the State Governments.

DR. BHAI MAHAVIR: What about Delhi?

SHRI NIHAR RANJAN LASKAR: The prisoners including undertrials are treated in accordance with jail manuals which every State has got. Under the provisions, they are bound to go into the details of any deaths either in police custody or in jail custody. There are set procedures for it. Investigation has to be carried out in every case in which death occurs under jail manual or police manual.

DR. BHAI MAHAVIR: Will you kindly supply information about the dates of deaths in Tihar Jail and the dates on which you received the inquest report of each individual?

SHRI NIHAR RANJAN LASKAR: So, there is no reason to believe that the State Governments and the Union Territory Administrations do not take care of such persons. I have also said that the Government of India has been taken certain steps to provide safeguard about inhuman treatment and harassment of prisoners that my friend was talking all along. The States and Union Territories. . . (Interruptions). I will come to that.

DR. BHAI MAHAVIR: Torture complaints were made in Tihar Jail. Undertrials have written that they are being tortured.

SHRI NIHAR RANJAN LASKAR: You kindly hear me first and then you will realise what steps we are taking. (Interruptions). States and Union Territories have been requested to strengthen the machinery for inspection, supervision and monitoring of prison development prog-

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rammes both at the State headquarters and institutional levels to ensure the laxity in observance of the rules on the part of prison staff which is often the cause of grievances. That has to be removed. So these are the various guidelines to the State Governments and we are looking into it to see that they are implemented. (Interruptions). We have also advised to State Governments to put up committees at the State as well as district levels so that they can go into the cases at regular intervals, whether quarterly or at regular intervals, and see that whatever guidelines are given are being implemented.

Then I have already said that the State Jail Manuals require that the cause of a death of prisoner should be properly established and in case of any unnatural death a thorough enquiry should be instituted. These are the procedures that have to be followed.

DR. BHAI MAHAVIR: But the complaint is that these procedures are not being adhered to. The complaints are that the procedures are not being followed. If the charges are there, they should be looked into.

SHRI NIHAR RANJAN LASKAR: That is why I have said that the guidelines are there and all these things are there. They should follow those guidelines and we also insist on them to do so. We are regularly in touch with them to see that the guidelines are followed in letter and spirit. In most of the States they are following them.

DR. BHAI MAHAVIR: I am not talking of most of the States. I am pointedly asking about Delhi.

MR. DEPUTY CHAIRMAN: Dr. Bhai Mahavir, this cannot go together. Running commentary cannot go together. If you interrupt him everytime, I would better ask him to stop replying. On every sentence you are standing up.

DR. BHAI MAHAVIR: This is not fair.

MR. DEPUTY CHAIRMAN: Not fair? Are you fair to me? (Interruptions).

DR. BHAI MAHAVIR: He has explained only the procedures.

MR. DEPUTY CHAIRMAN: Please stop there. Do not reply to that question. (Interruptions). I call Mr. Gopalsamy. Yes, go on. (Interruptions). You do not allow him to reply to your question. (Interruptions). Please take your seat. (Interruptions). You see the records I would like to know from the House—he has said that this is not fair—whether he is fair to the House, that on every sentence he is standing up. For 18 to 20 minutes you have already spoken. If that is the procedure in the House, I have nothing to say. You go on speaking and let him sit down. You do not allow him to reply. (Interruptions).

DR. BHAI MAHAVIR: I am only submitting to you...

MR. DEPUTY CHAIRMAN: You have already submitted to the House for 20 minutes. (Interruptions). All right, go on speaking, there will be no reply. (Interruptions). Dr. Mahavir, you do not appreciate the difficulty...

DR. BHAI MAHAVIR: I am appreciative but you do not try to appreciate what we are trying to urge upon you or on the Minister.

MR. DEPUTY CHAIRMAN: All right, you go on speaking. Otherwise, you will charge me that I am partial.

DR. BHAI MAHAVIR: That is not the thing. I said that he was not giving the information that I was asking for. To say that I am interrupting him unnecessarily—that is not fair to me. I was asking about the torture complaints. Did they reach the Lt. Governor? If so, was any action taken? Has he said anything about it? You can ask him if he has replied to it.

MR. DEPUTY CHAIRMAN: Yes, Mr. Gopalsamy. (Interruptions). Please take your seat. I cannot have this running commentary everytime.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): The Minister has not given a full reply.

DR. BHAI MAHAVIR: If he does not reply to a simple point whether undertrials are tortured. . .

MR. DEPUTY CHAIRMAN: Dr. Bhai Mahavir, I will request you. . .

DR. BHAI MAHAVIR: Kindly be considerate. Ask him if the Lt. Governor has received any complaint and whether he has looked into it.

MR. DEPUTY CHAIRMAN: If he gives a reply again you will stand up. If you promise that you will not stand up. . .

DR. BHAI MAHAVIR: Yes, let him say on this point.

MR. DEPUTY CHAIRMAN: Yes, you now reply.

SHRI NIHAR RANJAN LASKAR: His main complaint is that the State Governments are not implementing whatever directions we have given. This is what I am countering.

DR. BHAI MAHAVIR: I am asking about Delhi.

MR. DEPUTY CHAIRMAN: Please take your seat. You have broken the agreement. I will not allow this. Yes, Mr. Gopalsamy.

DR. BHAI MAHAVIR: Sir, he talks about the State Governments. What is this, I am asking about Delhi. Let him answer that. He talks of State Governments.

MR. DEPUTY CHAIRMAN: No, I will not allow this. Mr. Gopalsamy.

DR. BHAI MAHAVIR: Were not understand this.

MR. DEPUTY CHAIRMAN: You cannot understand because you are there. That is my difficulty.

डा० भाई महावीर : आप कह दीजिए, मैं न बोलूँ। हम हाऊस में कुछ न कहें।

श्री उपसभापति : डा० भाई महावीर आपने खुद ही एग्जिमेंट किया और खुद ही उसको तोड़ा। . . (व्यवधान)
Please take your seat.

श्री हरी शंकर भाभड़ा (राजस्थान) : पहले जो बात है उसको सुन लीजिये। दिल्ली के बारे में पूछ रहे हैं और वह दुनियाँ भर की बातें बता रहे हैं। सवाल तो यह है कि दिल्ली में कितनी कम्प्लेंट है। वह दिल्ली के बारे में बता दें। उन्होंने पूछा है कि दिल्ली में क्या इस संबंध में कम्प्लेंट आई थी और अगर आई थी तो उनका क्या हुआ। मंत्री महोदय को इसका जवाब देना है। वह कानून बता रहे हैं। कानून ठीक है, लेकिन उसका पालन हो रहा है या नहीं हो रहा है? जो स्पेसिफिक क्वेश्चन है, मंत्री जी उसका जवाब दें।

DR. BHAI MAHAVIR: I know that he is answerable for Delhi. That is why I have pointedly asked him about Delhi. He again talks about States. और आप कहते हैं कि आप बीच में बल पड़े, इसलिए जवाब मत दो।

SHRI B. SATYANARAYAN REDDY: We are not interested in listening to all this (Interruptions).

MR. DEPUTY CHAIRMAN: I cannot conduct the proceedings that way.

डा० भाई महावीर : दिल्ली के अन्दर कितनी कम्प्लेंट आई, और उन पर क्या कार्यवाही की गई, यह मंत्री जी बता दें।

श्री उपसभापति : आप बीच-बीच में क्या बोलते हैं, यह मैं आपसे पूछना चाहता हूँ।

डा० भाई महावीर : मैं नहीं बोलूँगा।

श्री उपसभापति : आपकी आदत है और आप अपनी आदत से नाचार हैं। आप बैठ जाइये।

SHRI NIHAR RANJAN LASKAR: Unless you hear the complete answer, how will you know? That is not the way. Now the whole question is about death of under

[Shri Nihar Ranjan Laskar.]

trial prisoners in different parts of the country. That was the general question.

MR. DEPUTY CHAIRMAN. Mr. Minister, about Delhi have you any information?

SHRI NIHAR RANJAN LASKAR: Yes, Sir.

MR. DEPUTY CHAIRMAN: Please reply for Delhi. Don't reply for other States.

SHRI NIHAR RANJAN LASKAR: The nature and numbers of deaths of these people in Tihar Jail, Delhi are—due to illness 9, drug addiction 1, suicide 2, illness and beating by police 1, electric shock 1, murder by fellow prisoner 1, other reasons which are not specified 1, and reports about two are awaited. One more information I can give. After March 1982 and upto July 11, 1982, four under-trial prisoners died. One of these four died of suicide and on enquiry one warden was found negligent and he has been put under suspension. Another under-trial prisoner died on account of electric shock. In respect of remaining two cases of death which took place on 21-6-82 and 11-7-82 respectively, inquest reports are still awaited.

MR. DEPUTY CHAIRMAN. Shri Gopalsamy.

SHRI B. SATYANARAYAN REDDY: He has not answered about appointment of a Parliamentary Committee to go into the conditions of the jails, whether Government is intending to appoint such a Committee.

SHRI NIHAR RANJAN LASKAR: Government is aware of all these facts. We are looking into these, we are in touch with the State and things are improving.

MR. DEPUTY CHAIRMAN: Mr. Gopalsamy. Please be brief. So many things have been spoken. Please don't repeat anything. That is my request to you, whether you accept it or not.

SHRI V. GOPALSAMY (Tamil Nadu): I will not repeat anything. But you will permit me as long as I speak relevant.

MR. DEPUTY CHAIRMAN: Nothing irrelevant and no repetition also. I am requesting him. There is no harm in that.

SHRI ERA SEZHIYAN (Tamil Nadu): No question of request. You can direct the Members.

SHRI V. GOPALSAMY: Sir, it is a great human problem. (Interruptions). The Chief Justice of the Supreme Court made an observation in Bangalore last year itself that thousands of under-trials were rotting in jails for thrice the period of the sentence due to them. This is very serious. On more than one occasion, the Supreme Court has given direction that the imprisonment for any under-trial prisoner facing trial before a Sessions court should not exceed one year. But we have seen cases where people were put behind the bars without trial for more than thirty years. The country has witnessed a case in which an undertrial prisoner was put behind the bars without any trial for thirty-three years and another person for thirty years. Also, Sir despite the directions of the Supreme Court, the State Governments and the law enforcement authorities and jail authorities are not observing those directions and the Central Government cannot escape its responsibility merely saying that it is the responsibility and obligation of the State Governments. Liberty and equality of every individual are guaranteed in the Constitution. What happened to that liberty and equality?

When there was a complaint about deaths in the various jails, the hon. Minister was giving some reply. In our country we were very much distressed over the Bhagalpur blindings and also what happened in Chhattar-

pur in Madhya Pradesh where some people were tortured into impotence as also the horror tales of innocent prisoners in the Hazaribagh jail. Particularly regarding the deaths which took place in the Tihar jail, the latest issue of *India Today* has come out with an article in which it has been reported that 21 persons died in the custody of the Tihar jail and they have given fifteen cases elaborately. In most of the cases the Home Department of the Delhi Administration has not been informed of the cause of death.

MR. DEPUTY CHAIRMAN: That has already been replied to in detail.

SHRI V. GOPALSAMY: In other cases the report sent to the Home Ministry expressed ignorance about the cause of death.

MR. DEPUTY CHAIRMAN: That has been replied to. Don't repeat it.

SHRI V. GOPALSAMY: In one case, Sir, an undertrial prisoner, by name Rajji, before he committed suicide—alleged suicide—had left a note in which he has mentioned that living conditions in the jail were so worse and horrible. Sir, at the same time there are people who are getting VIP treatment inside the jails. The anti-social, Bakhia, who was in the Goa jail and who escaped from the jail, was getting VIP treatment and was even getting his food from star hotels. What about Charles Sobhraj? He was here in the Tihar jail and he was getting VIP treatment inside the jail. When the Home Minister went inside the jail to make an inspection, a bottle of liquor was offered to the Home Minister by an inmate of the jail—it appeared in the press—and some jail officials were transferred because of that. Foreign taperecorders are played in the cells.

SHRI SADASHIV BAGAIKAR (Maharashtra): Even hand-grenades were found inside.

SHRI V. GOPALSAMY: Malkhan Singh, who surrendered, is also getting VIP treatment inside the jail. But thousands of poor prisoners are actually harassed inside the jails. This is very serious and you cannot shirk your responsibility.

Sir, the Law Commission's report on congestion and undertrial prisoners in jail has recommended that there should be separate institutions for the detention of undertrial prisoners, the inclusion of a large population of undertrial prisoners in a building essentially meant for convicts being undesirable. So, I would like to know from the Government whether this recommendation will be considered for implementation because these undertrial prisoners are not found guilty—they are awaiting trial; they are innocent people but they are put behind bars and also they are treated on par with hardened criminals. I would also like to know whether the Government will come forward to constitute a special cell to monitor and take action on complaints. Previously there was a practice in which the District Magistrates were making visits to the jails every fortnight by which they used to have personal contact with the undertrial prisoners and know how long they have been behind the bars and in certain cases they used to issue instructions to release the undertrial prisoners forthwith. So, I would like to know from the hon. Minister whether this practice will be revived. Also I would like to know from the Government whether it is a fact that many of the State Governments are not coming forward to give details, that is, that they are not required to give detailed reports of how many persons are rotting in jails and also how many deaths took place. This has appeared in the *Hindustan Times* dated 13th July, 1982.

I think it is relevant to quote here the press report.

[Shri V. Gopalsamy]

"According to the information available so far, the largest number of undertrials have died in Tamil Nadu jails between January, 1981 and March, 1982. It is explained that 52 undertrial prisoners died of natural causes and the Government had accepted the findings of the inquiry officers in 26 cases; in the rest, orders were awaited."

And also in Uttar Pradesh the number of deaths was 11, mostly in police custody. So this is going on in all parts of the country. It is very serious. When a person dies in police custody, it means that he has been killed by the police. Unless some drastic action is taken by the Government, the problem will remain serious. I would like to know from the hon. Minister whether the Government will constitute a special monitoring cell and also implement the recommendations of the Law Commission.

SHRI NIHAR RANJAN LASKAR: Sir, what the hon. Member wants to know is about the steps the Government is taking to reduce the period of detention of these undertrial prisoners. Sir, that was exactly what I was trying to explain when my friend was putting his question, but he was not in a mood to hear me. We have taken several steps because it is always our endeavour. I will first come to the Law Commission's report. We had asked the Law Commission and they have given certain recommendations. The Government is examining all these recommendations and once we complete our examination naturally we will be able to do something on that. The Government, as I have said, has taken several steps from time to time. It is not that now only we are doing it. It is there in manuals in different States from 100 years or may be more. But from time to time we are taking several steps to modify the codes and ensure that the undertrial prisoners are not subjected to long detention in jails. One or two instances I will just refer. Firstly, all State Governments

and Union Territory Administrations have been advised to examine the cases of undertrial prisoners in the light of the directions given by the Supreme Court from time to time and specifically, as I have submitted in my main statement—I will read it for your benefit—"undertrials who are in detention for periods more than the sentence that can be awarded in case of conviction, should be released forthwith as such detention was illegal."

All undertrial prisoners who are charged with bailable offences but who are still in jails presumably because no application for bail has been made on their behalf or because they are so poor that they are not able to furnish bail, should be considered for release on personal bond, and undertrial prisoners who have suffered incarceration exceeding half of the maximum punishment that can be awarded by the Court, might be considered for release on personal bonds and counsel be made available to them." So these are some of the steps we have taken and we have asked the State Governments to follow them up and the State Governments and Union Territory Administrations have been repeatedly advised to strictly adhere to the limitation of time for investigations as laid down in the Criminal Procedure Code.

Then, in pursuance of the recommendations made by the Law Commission in its 78th Report, certain proposals are under consideration of Government of India for liberalisation of bail provisions in respect of undertrial prisoners. So we are actively considering all these recommendations and once the examination is over, we will try to do something. Then, "financial assistance out of the grant of about Rs. 24 crores recommended by the Seventh Finance Commission is being given to 15 States for the establishment of (538) additional criminal and civil courts over a period of five years, i.e. 1979-84," because one of the main causes of the undertrial pri-

soners' suffering is delay in court. We are trying to assist the State Governments so that they can increase the criminal and civil courts. This we have done. Five hundred and thirty-eight additional courts during 1979—84 are to be established and money has also been assured for that. The State Governments and the Union Territory Administrations have been requested to set up district and State level committees. You are asking for them. These committees are functioning in almost all the States. This is the report. The review committees at the district level generally consist of the District Magistrates, the Superintendents of Police, the Superintendents of Jails and the District and Sessions Judges or the Chief Judicial Magistrates. They meet every three months. The States and Union Territories have also taken steps to provide legal aid to poor and indigent persons. We have already taken steps, and we have reports that most of the State Governments are functioning like that.

About the cell you are talking about, of course, we have a desk in our Home Ministry which coordinates these things.

SHRI V. GOPALSAMY: Mr. Deputy Chairman, I wanted to know from the hon. Minister whether the recommendations of the Law Commission for separate institutions for the detention of under-trials, would be considered.

SHRI NIHAR RANJAN LASKAR: I have already said that they have made certain recommendations which are under our examination.

श्री साइली मोहन निगम (मध्य प्रदेश):

उपसभापति जी, यह इतना गम्भीर मसला है कि अभी तक तो सड़कों पर अपराध होते थे और सड़कों पर अपराधी पकड़ जाने की ही सम्भावना बनी रहती है। लेकिन जब सरकार खुद अपराध करने लगे, जो आपकी हिरासत में हो, उसकी जान ले लो, इससे ज्यादा जघन्य पाप

कुछ नहीं होता। कम से कम अपराधी को किसी अदालत के सामने जाने का मौका तो रहता है, जहाँ वह अपने को निर्दोष साबित कर सके। लेकिन आपके जो अपराध के विश्वविद्यालय बन गये हैं जेल, इनमें कोई ऐसी व्यवस्था नहीं है जहाँ कि आदमी अपने को निर्दोष साबित कर सके।

इससे शर्मनाक और क्या चीज हा सकती है कि जिस देश में चार करोड़ सरकारी आंकड़ों के हिसाब से बेकार और बेरोजगार हों, उस देश में दफा 109 चलती हो, जिससे पूछा जाए कि आपका जरियाएँ म्वाश क्या है और बड़ा आसान है कि किसी भी आदमी को सड़क चलते बंद कर दो, थानेदार ले जा करके एक मोमबत्ती, एक लोहे की छोटी सरिया और एक माचिस की डिब्बी पेश करे कि मसरूरियत की हालत में यह आदमी पाया गया था, इस वास्ते बंद किया गया है।

मैं आपको एक सुझाव इसी संबंध में देना चाहता हूँ कि क्या आप इस बात के लिये तैयार हैं कि हिन्दुस्तान में जेल के जो सुपरिटेण्डेंट होते हैं, उनको मेजिस्ट्रेटियल पावर्ड भी हैं, अगर जिस कैदी का रिमाण्ड 15 रोज का होता है, और अगर रिमाण्ड की तारीख के बाद उसको वापिस जेल से अदालत के सामने पेश नहीं किया जा सकता, तो सुपरिटेण्डेंट खुद मजिस्ट्रेट बन करके मुझे मोटो उसका वारंट, उसकी बात सुनने को तैयार हो जाए; क्योंकि, श्रीमन्, एक बात और देखियेगा—मुझे तो इसका सब से ज्यादा अनुभव है, मैं नौ महीने लगातार बंद रहा और जब मैंने इस बात की दख्वास्त ऊपर की, तो मेरी टिकट नम्बर पर हमेशा पंद्रह रोज का रिमाण्ड ले लिया गया है, ऐसा लिख दिया जाता था। जेलों में जो अपराध होते हैं, वह

[श्री लाडली मोहन निगम]

आपकी कल्पना से परे हैं। आप सोच ही नहीं सकते।

अब एक आसान तरीका निकाला है—यह छोड़ो कि किसी आदमी को किस तरीके से मारो और उसके बाद—यहां पर मुझे समय नहीं है, नहीं तो मैं कई घटनाएं बता सकता हूं, जो मैंने अपने सामने देखी हैं—यहां सांप तो बड़ी आसानी से मिल जाता है। वहीं किसी कैदी को तनहाई में डाला और तनहाई में जेल के अधिकारी नाराज हो गए तो उसके अंदर एक जिंदा सांप छोड़ दिया और जब सैल खोली गई, तो दिखा देंगे कि सांप से मृत्यु हो गई।

क्या आप इस बात के लिए तैयार हैं कि आप हर तीन महीने में हिन्दुस्तान भर में विभिन्न जेलों में और धानों में स्वाभाविक या अस्वाभाविक या जिस तरीके से मौतें हुई हैं, इनका बाकायदा प्रकाशन करें, ताकि “इंडिया टुडे” जैसे अखबार को इन बातों को खोजने में आसानी मिल सके और आप पकड़े भी जा सकें। अगर आप घोषित कर देंगे कि जनवरी में इतनी मौतें हुई हैं, कैमे हुई है, इसी चीज के साथ में क्यों नहीं जो भी मृत्यु हो जेल के अंदर और पुलिस थाने में, उसका कम्प्लेसरी पोस्ट-

मार्टम होना चाहिए और चाहे 1.00 P.M. वह स्वाभाविक भी है मैं इसके लिए भी तैयार हूं। कम से कम इस में आप पता लगा सकते हैं मृत्यु का कारण क्या है।

उपसभापति महोदय, इसके साथ मैं सिर्फ मुझाव के रूप में कह रहा हूं—इससे ज्यादा विडम्बना क्या हो सकती है कि हिन्दुस्तान में ताजीरात हिन्द एक है। लेकिन अगर मैं 302 या किसी भी गुनाह का मुल्जिम हूं और जिस भी

राज्य में हूं, मुझ को अलग-अलग तरीके से एक ही दफा की सजाएं भुगतने को मिले? अगर मैं तिहाड़ जेल में 302 का मुजरिम हूं तो दूसरी तरह का व्यवहार होगा, अगर मैं ग्वालियर या इन्दौर के जेल में हूं, तो मेरे साथ दूसरी तरह का व्यवहार होगा। इससे ज्यादा शर्मनाक बात क्या हो सकती है? चौतीस वर्ष बाद भी चाहे कानून एक है, गुनाह की सजा काटने के अलग-अलग तरीके हैं। एक सच्ची मानी में युनोफाइड मैनुअल कानून को सारे हिन्दुस्तान का होना चाहिए, ताकि जेलों में जो भेद होता है, उससे अधिकारियों को जो स्वच्छचारिता से जैसा मन होता है, वैसा करने में रोक लग सके और एक मर्तबा अगर कोई कैदी बन जाता है, तब आसानी से उसको अदालत के सामने पेश किया जा सकता है। श्रेणी-भेद कितना है, वह सब मैं नहीं कहता। लेकिन आप ताज्जुब करेंगे अखबार में कल ही निकला कि अपराध कैसे होते हैं? जेल के अन्दर से बैठ कर गैंग वाले कैसे सड़कों पर मारते हैं। मैं यह आप को बता देता हूं। एक राहजनी करने वाला गिरोह परसों दिल्ली में पकड़ा गया। इस खबर में बहुत-सी बातें लिखी हैं, मैं वह सब नहीं पढ़ता, लेकिन इस गिरोह ने हाल ही में अंतर्राज्यीय बस अड्डे के पास लोगों को लूटा। पुलिस उस गिरोह को उस समय पकड़ने में सफल हुई थी। उनका एक साथी रमेश अपनी जमानत रद्द करा पुनः जेल चला गया। पुलिस ने रमेश का रिमाण्ड लिया और उससे पूछताछ की। पूछताछ पर रमेश ने महावीर नाम बताया। पुलिस ने गिरोह के अन्य सदस्य से भी पूछताछ की। पुलिस ने महावीर और उसके साथी मोहन को भी गिरफ्तार किया। पुलिस उस

गिरौह के अन्य साधियों की तलाश में हैं; क्योंकि जेल के अन्दर जो मौजूदा कैदी हैं उनके नाम में नहीं लूंगा और वे जेल के अन्दर से बाहर आ कर अपराध करते हैं और अपराध कराने के बाद अपना चौथ लेते हैं । इससे ज्यादा और क्या हो सकता है ? अपराधी जेल के अन्दर बन्द हैं, लेकिन आपके जेल के अन्दर रह कर भी सड़क पर अपराध करा सकता है । इससे ज्यादा क्या चाहते हैं आप अपने निकम्मेपन का सबूत ? कुछ भी हो सकता है । क्या-क्या नशीली चीजें नहीं मिलती । अभी इसी अखबार में है, ऐसे भी कैदी तिहाड़ जेल में हैं, जिनकी आमदनी 2000 रु. है । एक तरह से लूट है... (श्ववधान) ... आपको असलियत मालूम है, आप जानते हैं जो बीड़ी-तम्बाकू चवन्नी-चवन्नी की होती है, सामान जेल में रखा होता है । क्यों नहीं कानून बनाते कि कोई भी अन्डर-ट्रायल बाहर से मंगा सकता है, वह पुलिस के नहीं किसी और के जरिए मंगा दिया जाए । यह आपके जेल की मर्जी पर नहीं कि चाहे जो सामान मिले ना मिले, कानूनी सलाह मिले या ना मिले । तो मेरा निवेदन है कि तमाम हिन्दुस्तान के जितने जेल हैं उनके जो सुपरिंटेंडेंट हैं, मैजिस्टीरियल पावर्स मिलें, उनको यह अधिकार दे देना चाहिए कि कैदी का रिमाण्ड करें तो एक मर्तबा यह पावर होनी चाहिए कि जमानत ले ले, मुचलका ले ले । इससे जेल में जो तादाद बढ़ गयी है, वह भी कम होगी ।

आपको पता नहीं शायद उपसभापति महोदय, बारी-बारी से किस तरीके से दो-दो घंटे की तीन-तीन घंटे की वह जांच होती है, जिसको नाइट वार्डन कहते हैं, वह जापता रहता है । मुझ को इसका भी अनुभव हुआ है । हम

को बारी-बारी से सोना पड़ता था । जेल में जगह नहीं थी । पचास-साठ आदमी सो जाएंगे, चालीस-पचास बैठे रहेंगे । वह सब बातें कल्पना के परे हैं । लेकिन इन सबके बावजूद आप एक काम कर सकते हैं कि हिन्दुस्तान की जेलों के लिए एक-सा कायदा-कानून बनाइये, इसके लिए एक मैन्युअल लाइए इसमें कोई राज्य सरकार का हस्तक्षेप नहीं रहे । न आप संविधान का उल्लंघन कर रहे हैं; क्योंकि 302 की सजा सब जगह 14 वर्ष है तो उसके काटने का तरीका भी एक होना चाहिए । इस वास्ते, उपसभापति जी, मैं चाहूंगा कि 'इंडिया टुडे' के ताजा अंक में खोजपूर्ण आरोप लगा कर जो तथ्य दिये गए हैं,— मैं उन को दोहरा नहीं रहा हूँ—अगर उनके बारे में सरकार ईमानदार है तो उनका कन्ट्रेडिक्शन करे, नहीं तो उन को कबूल करे । मध्य प्रदेश में वहां के एक सम्वाददाता ने—मैं नाम उसका क्यों लूँ—खबर दी है कि 29 हत्याएं हुई हैं, तीन महीने में । आप सोच नहीं सकते । बलात्कार की घटनाएं रोज सुनते हैं, अब हत्याएं भी होने लगीं । किसी को भी पुलिस जेल में बन्द कर दे और मार दे । आप रोटो नहीं दे सकते तो कम से कम जीवन की सुरक्षा तो दे सकते हैं । जीवन की सुरक्षा के लिए जो आधारभूत चीजें चाहिए वह भी आप नहीं दे सकते । मैं कैदी बन कर जेल में जाता हूँ, परवश हूँ, मेरी हत्या हो जाये । वहां दादा लोग बैठे हैं, उन के सामने आप की चल नहीं सकती । इस वास्ते एक काम तो हो सकता है । एक बात यह भी निवेदन करना चाहूंगा कि सजा की दृष्टि से हिन्दुस्तान के जेलों का वर्गीकरण कर देना चाहिए । सेन्दल जेल्स है, लेकिन कुछ जेल ऐसे हैं, जहां पर खराब-से-खराब कैदियों को

[लाडली मोहन निगम]

रखा जाये। अगर वे अपने को सुधार लेते हैं तो उनको दूसरी श्रेणी के जेल में लाया जा सकता है। आज के कारावासों की हालत क्या है? पुराने जमाने में एक सजा होती थी कि मैंने कानून का उल्लंघन किया तो मेरे कपड़े उतार कर टाट के कपड़े पहनाये जाते थे, सारे कैदियों के बीच लगता था कि इस आदमी ने कहीं गुनाह किया है, उसको आत्मचिन्तन करने का मौका मिलता था। आज हालत यह है कि कोई एक बार जेल के अन्दर चला जाये, वहां से घोरतम अपराधी बन कर निकलता है। इन विश्वविद्यालयों की हालत आप कब सुधारेंगे? दिल्ली विश्व-विद्यालय की हालत तो आप सुधार नहीं सके। कम से कम अपराध के विश्वविद्यालयों में प्रथम तिहाड़ जेल की हालत को सुधारें। सुपरिटेण्डेंट को रिमांड की पावर...

श्री उपसभापति : वह कह दिया आपने।

श्री लाडली मोहन निगम : तीसरी चीज मैंने कही है कि हिन्दुस्तान भर के जेलों के सम्बन्ध में हर तीन महीने सूचना आनी चाहिए और गृह विभाग अपनी तरफ से विज्ञप्ति जारी करे कि किस-किस जेल में कौन-कौन आदमी मरे हैं और जो आदमी मरते हैं, उनका पोस्टमार्टम होना चाहिए।

SHRI NIHAR RANJAN LASKAR: Most of the points which the hon. Member has made are suggestions and we will consider his suggestions. There are two points which he has also made connected with the Calling Attention motion. One is whether we are aware of the number, of those under-trials who have died in a particular period. One fact which I can give to the House is...

श्री लाडली मोहन निगम : मैं समझा नहीं सका। मेरा निवेदन है कि आपका गृह विभाग सरकुलर जारी करे, पब्लिश कराये....

SHRI NIHAR RANJAN LASKAR: This is a suggestion, I shall look into your suggestions. (Interruptions. This is one of the suggestions. We will look into it. I cannot off-hand say it here.

Sir, the details showing the number of under-trial prisoners who died in jails during the period January 1, 1981 to March 31, 1982, are here. The number was 7 for Andhra Pradesh. All the details are there. If you want, I can give the circumstances of deaths and all that. In the case of Andhra Pradesh, the number of deaths is 7, suicide-2, illness-2, then bullet injuries during the course of bid to kill the escort-1; other reasons-2. In Assam there are 16 deaths; natural death-12. Then, my friend was mentioning about Tamil Nadu. There are 52 deaths in Tamil Nadu during this period that is 1st January, 1981 to 31st March, 1982. It is reported to us by the State Government that all of them are natural deaths, and nothing unnatural. The findings of the enquiry officers in 26 cases have been accepted by the State Government and the remaining 26 are still awaited. The total number of deaths of under-trial prisoners during this period I mentioned was 137. If anybody wants any information he should give us notice. It is possible to give the details. It is not that we are not in a position to give the details.

He spoke about the All India Manual. The Government of India on several occasions appointed committees to go into this. The latest also I can give. The Model Prison Manual which was prepared by the All India Jail Manual Committee appointed by the Government of India in 1957 was commended to the State Governments in 1964 to serve as guidance. It also

contained guidelines on how to improve the situation in the jails and how to look after the under-trial prisoners.

SHRI SADASHIV BAGAITKAR: How many States have accepted your guidelines?

SHRI NIHAR RANJAN LASKAR: So far three States have already accepted and others are in the process of accepting it.

MR. DEPUTY CHAIRMAN: We shall continue the Calling Attention after lunch.

सदन की कार्यवाही सवा दो बजे तक के लिए स्थगित की जाती है ।

The House then adjourned for lunch at eleven minutes past one of the clock.

The House reassembled after lunch at twenty minutes past two of the clock—**MR. DEPUTY CHAIRMAN** in the Chair.

श्री शिव चन्द्र झा (बिहार) : उप-सभापति जी, मन्त्री महोदय ने अपने लिखित जवाब और मुख्य रूप से इस कालिग अटेंशन के बीच में जो कुछ भी कहा वह बिल्कुल असन्तोषजनक है। यह कह देना कि यह जेल का सबजेक्ट राज्य का है, राज्य की जिम्मेदारी है, इससे यह किनाराकशी कर रहे हैं उस सिचुएशन के मुकाबले में जो कि तिहाड़ जेल में हो रही है या दूसरी जेलों में हो रही है। क्या यह आपका दायित्व नहीं है? जेल के मुताबिक और संविधान के मुताबिक यदि आपका कोई दायित्व नहीं है तो क्या आप एक नेशनल पालिसी बना सकते हैं जो सारे देश में लागू हो? मैं यह साफ जानना चाहता हूँ। यह कह देना कि यह स्टेट की जिम्मेदारी है यह ठीक नहीं है। इन्होंने जो भेजा है वह मैं सुन रहा हूँ। आपने अपने जवाब में बताया कि उनको आपने पैसा दिया, 24 करोड़ दिया है ट्रायल कोर्ट्स के लिये और सिविल कोर्ट्स आदि के लिये। क्या आप एक नेशनल नीति राष्ट्रीय स्तर पर जो सारी जेलों पर लागू हो बनाने के लिये तैयार है? जैसी

कि बात यहां उठाई गई है पानी की व्यवस्था के बारे में यह बहुत साधारण सी बात है लेकिन इसका भी कोई इन्तजाम नहीं है। डालटनगंज जेल में मैं 15 महीने बंद रहा वहां पानी की व्यवस्था नहीं है। कैदी कुएं का पानी इस्तेमाल करते हैं। वह कुआं जिसमें अंग्रेजी जमाने में शीशा तोड़ कर छोड़ा गया था, ताकि उस जमाने में राष्ट्रीय आन्दोलन के सिपाही खत्म हो सकें। क्या आप मिनिमम पानी की व्यवस्था नहीं कर सकते? यरवादा और डालटनगंज जेल को भी इसमें मेंशन किया गया है।

श्री उपसभापति : इतनी डिटेल् में मत जाइये।

श्री शिव चन्द्र झा : वहां भी पानी की व्यवस्था नहीं है। फुलवाड़ी शरीफ जेल में भी मैं रह चुका हूँ। मैं यह नहीं कहता कि पानी की व्यवस्था कहीं नहीं है। यहां पानी की व्यवस्था है। दूसरे, मैं यह कहना चाहता हूँ कि क्या आप सेप्टिक शौचालय की हर वार्ड में व्यवस्था नहीं कर सकते? क्या आप उनको इसकी भी सजा देने चाहते हैं। ये तो मिनिमम नेसेसटीज हैं, ह्यूमन एंजिसटेंस के लिये, कैदियों के लिये जो आपको करनी चाहिये। यह कह देना कि यह स्टेट की जिम्मेदारी है, यह कह कर आप अपनी जिम्मेदारी से किनाराकशी कर रहे हैं। संबंधानिक दायित्व है कि आप कोई उनके लिये राष्ट्रीय नीति बनावें। तिहाड़ जेल की घटना को लेकर जो बातें आ रही हैं, 'इण्डिया टूडे' का भी हवाला कुछ सदस्यों ने दिया तो मैं इसमें जाना नहीं चाहता। मैं इसी सम्बन्ध में लेकिन उन सवालों से अलग यह पूछना चाहता हूँ कि क्या लेफ्टिनेंट गवर्नर श्री खुराना को रिप्रजेंटेशन नहीं दिया गया? यदि दिया गया तो उस पर क्या कार्यवाही हुई? आप सामना कीजिए, मुकाबला कीजिए, क्यों पीछे हटते हैं। आपको नहीं मालूम तो कह दीजिए नहीं मालूम। सवाल यह आता है

[श्री शिव चन्द्र झा]

कि खुराना साहब को रिप्रजेंटेशन दिया गया या नहीं? मैं तिहाड़ जेल में रहा हूँ।

श्री उपसभापति : छोड़िए इन बातों को।

श्री शिवचन्द्र झा : तिहाड़ जेल की घटनाओं के बारे में और दूसरी जेलों के बारे में जहाँ घटनाएं हो रही हैं या होने की सम्भावना है तो उन सब की जांच के लिये..

श्री उपसभापति : इसका जवाब हो गया। इसे छोड़ दीजिए।

श्री शिवचन्द्र झा : इन सब की जांच के लिये दोनों सदनों के सदस्यों की कोई संसदीय कमेटी आप बनायेंगे जो बातें कही जा रही हैं, ऐसा मालूम होता है सब को हश-अप करने का प्रयास हो रहा है। अफसर के स्तर पर, उसके ऊपर के स्तर पर गृह मंत्री के स्तर पर, हर जगह हश-अप किया जाता है। लेकिन अगर आप एक संसदीय कमेटी बनाएंगे और वह इसकी तह में जाये कि वास्तविक स्थिति क्या है तो बहुत अच्छा होगा।

तीसरा सवाल मेरा जेल मैन्युअल के संबंध में है। आपने जेल मैन्युअल के संबंध में जवाब दिया है। वह बिल-कुल आउट ऑफ डेट है। हर स्टेट में यही हालत है। मैं बिहार की बात बताता हूँ। बिहार के जेल मैन्युअल में वी० टी० कम्बल की बात है। मैं जानना चाहता हूँ कि वी० टी० कम्बल के क्या मतलब है? वह वहाँ के जेल मैन्युअल में लिखा हुआ है। हैलमेट देने की बात भी उसमें है। मैं जानना चाहता हूँ कि हैलमेट का प्राविजन करने की क्या जरूरत है?

श्री उपसभापति : मन्त्री महोदय ने इन प्रश्नों का जवाब दिया है। क्या आप

समाप्त कीजिए। आपको बोलते हुए पांच मिनट हो गए हैं।

श्री शिवचन्द्र झा : दूसरी भी बहुत सी बातें हैं। जेल मैन्युअल को रिवाइज करने की जरूरत है। इन बातों को आप स्टेट्स पर मत छोड़िये, बल्कि अपने ऊपर जिम्मेवारी लीजिये। केन्द्र के स्तर पर आप इस सम्बन्ध में कुछ कीजिए। एक नेशनल जेल मैन्युअल के बारे में कुछ बताइये। आपने कहा कि इसको कुछ रिवाइज किया गया है। मैं यह जानना चाहता हूँ कि नेशनल जेल मैन्युअल की दृष्टि से जेल मैन्युअल को रिवाइज कर रहे हैं या नहीं? आखिर सवाल मेरा यह है कि आपने अपने स्टेटमेंट में कहा कि आपने एक फरमान जारी कर दिया और राज्यों से कह दिया कि अण्डरट्राइल्स को रिहा कर दो और सुप्रीम कोर्ट का डायरेक्टिव भी बता दिया। आप साफ बताइये कि आपका फरमान कितने राज्यों ने अभी तक इम्प्लीमेंट नहीं किया है? बिहार के श्री मिश्रा ने किया है या नहीं? आप नाम बताइये कि दो या चार राज्यों ने इम्प्लीमेंट नहीं किया है। इसमें श्री जगन्नाथ मिश्रा आता है या नहीं? यह हम देखना चाहते हैं। बिहार की एक बात अखबारों में आई है। एक वांकाठाकुर को 35 साल के बाद रिहा किया गया है। इस प्रकार के कितने ही अण्डरट्राइल्स हैं जो जेलों में सड़ रहे हैं। इस बात के बावजूद कि आपने फरमान जारी किया, हिदायत दी, आदेश दिया, लेकिन कितने ही अण्डरट्राइल्स सड़ रहे हैं। इसलिए हमें इस बारे में स्टेट-वाइज बताइये।

SHRI NIHAR RANJAN LASKAR: Sir, I would like to say in the House that we have about 1000 jails throughout the country and it is really difficult for us to get information from all these places without any specific notice. If the hon. Member is interested in any particular item, he must give us notice. He is talking

about Bihar and some other places. The specific information asked for in 'he Calling Attention was the number of under-trial prisoners in the country and what steps the Central Government or the State Governments have taken to improve the situation. I have tried to explain to this House various measures by the Government of India and the State Governments and also 'he guidelines given by the Supreme Court from time to time. Because of these things, the figures are coming down. I have given some figures to the House. You can see the results from those figures. I think my friend likes us to work under the constitution, i.e., under the constitutional provisions. This is a State subject. We are, of course, advising the State Governments to do this and that. But I don't think it is possible for us to compel them. Most of the State Governments are agreeing to what we are telling them and are trying the follow the instructions we are giving them.

About the parliamentary committee, I would like to say that Government is fully aware of this problem. Recently, in July, 1980 the Government of India set up a Committee on Jail Reforms to examine the question of improving the prison administration and to make necessary recommendations. This Committee is headed by Shri A. N. Mulla, ex-Judge. There are also some M.P.s associated with this Committee. It is not that the M.P.s. are not there. So, they have also submitted one interim report, particularly on Tihar jail, and we are implementing many things from their recommendations I have with me a very long list. If the House wants I can read it out. But we are implementing many things as suggested by the Mulla Committee. This is a gradual process. Then we advised the State Governments to amend their manuals in accordance with these.

श्री शिव चन्द्र झा : आई० जी० को रिप्रेजेन्टेशन दिया गया है या नहीं इसके मुत्तलक ?

श्री उपसभापति : क्या कोई रिप्रेजेन्टेशन आई जी को दिया गया है

SHRI NIHAR RANJAN LASKAR: This particular information is not with me. So I will inform the honourable Member.

SHRI - HANSRAJ BHARDWAJ (Madhya Pradesh): Mr. Deputy Chairman, the whole problem that was discussed by various colleagues has not been discussed in the correct perspective. The problem that we are discussing today is about certain mysterious deaths in one particular jail; that is, the Tihar jail in Delhi. I would refer to the previous speakers and I will draw your kind attention to one thing that under Section 174 of the Code of Criminal Procedure if there is a mysterious death or death under suspicious circumstances, there has to be an inquest immediately and that inquest can be by a magistrate, because the framers of our law wanted a judicial mind to be there always between the subject and the ruler. That was the British thinking. But now, today, the magistracy is our own. If an under-trial is tortured, there is no reason why the magistrate is not immediately informed that such and such a thing has happened with a particular prisoner. This is one class of prisoners that are being detained. Most of the people who are detained today, as has been submitted, are under-trial. The second category consists of prisoners who are convicts. The convict-prisoners are kept apart from the prisoners who are under trial. This is a matter of common knowledge. And if a convict dies, a different procedure has to be followed. But the fact remains that the basic law is when a

[Shri Hansraj Bhardwaj]

death under suspicious circumstances takes place, an inquest has to follow, and inquest includes post mortem examination. There is no other way to find out the cause of death except the post-mortem examination, then examination of witnesses, examination of the persons who have seen the incident. That is what the law requires. Therefore, we should insist upon Magisterial inquest in those cases where the Members do feel that this is a case of death under suspicious circumstances—if a person is a dope; he takes opium and he dies. Even such things are raised and discussed. Unfortunately there is a fancy for everybody to refer to things like INDIA TODAY. I have been arguing in the Supreme Court. Journalists? They brought a girl from somewhere. And the very next day the girl disappeared. That was reported in the newspapers. Although she was kept in their custody, it was reported like that. So we cannot place reliance on yellow journalism. We have to be positive in our approach. If the House wants to discuss, let us discuss dispassionately. We are passing the blame to the Government, the Congress Government, that the Congress Government is not doing anything today. Have you forgotten that we introduced that Section 438 Cr. P.C. in respect of bail and your Home Minister Charan Singh said 'no', 'there should be no provision for anticipatory bail'? Don't forget it. It is on record. (Interruption) You have been speaking irrelevantly throughout the proceedings of the House. When we introduced...

SHRI SADASHIV BAGAITKAR: It is not for you to say anything about what a Member has spoken. It is for the Chair to decide.

SHRI HANSRAJ BHARDWAJ: Listen, you will know what is what. Then as regards the...

SHRI V. GOPALSAMY: He is politicising it.

SHRI HANSRAJ BHARDWAJ: Another thing I want to bring to your attention is that we wanted to reduce the period of remand. For that Section 167 Cr. P.C. was amended—if a man is not prosecuted within two months, then you allow him bail. But what did the U.P. Government which was under Lok Dal say? The Lok Dal Government said there should be no such thing like 438 Cr. P.C. Who brought 438? It is not the Lok Dal Government. Where were these Members speaking at that time? We brought another very important amendment in the Criminal Procedure—that was allowing the setting off of the sentence; if a man is under trial for two years in custody and he gets a sentence of three years, we made a provision that the period of two years under trial will be set off against the sentence. This was an amendment which our Government brought. Then I will cite many other things which you people opposed at that time because it had become a habit. When a complaint is made, let us investigate the complaint, who made the complaint, whether there has been an inquest... (Interruption) Today Shobraj was made a hero. He was made a hero by this very treatment of the press.

SHRI V. GOPALSAMY: Sir, so far nobody politicalised the discussion. (Interruptions).

श्री हुक्मशेव नारायण यादव
(बिहार) : और लोगों को मना करते हैं (व्यवधान) कहते चले जा रहे हैं (व्यवधान) इनके लिए कोई नियम नहीं है (व्यवधान)

SHRI HANSRAJ BHARDWAJ: Today who is the hero of all those people? Charles Shobraj is their hero. He is the man.

SHRI V. GOPALSAMY: Sir, so far nobody politicalised the discussion. He is creating the trouble. (Interruptions).

SHRI HANSRAJ BHARDWAJ: People come to this country as smug-

glers and do all sorts of things. I was listening to the debate very carefully. The objectivity was lacking in the discussion. The objectivity is that if a man has died in jail we all are concerned about his death and the Government is no less concerned about his death. It is the duty of the administration to find out the causes. But the law requires a particular mode to be followed and that is section 174 of the Criminal Procedure Code. Whenever a person dies in jail, the law requires an inquest to be held. This is also contained in Chapter 25.35 Police Rules. But you kindly see what the earlier speakers have said. All that is irrelevant and the hon. Members have ignored all these things. (*Interruptions*).

श्री कल्याण राय (पश्चिमी बंगाल):
सवाल तो नहीं पूछा है ।

श्री उपसभापति : आप क्यों चिंता करते हैं, सवाल का जवाब जिसको देना है, वह कहेगा ।

SHRI NIHAR RANJAN LASKAR:
Sir, the hon. Members in this august House, I think are learned people. I think they will draw their own conclusions. I think he was speaking only relevant things.

SHRI KALYAN ROY: In the last sentence of the statement the Minister stated that the Government are fully aware of the problem concerning undertrial prisoners in various States and are taking all possible steps to deal with them. If the Government is aware of the problem, they should have taken some steps, some drastic and quick steps to remedy the situation. Why wait for so long? Sir, I will just finish within five minutes as per your direction. I always abide by your direction. Secondly, Sir, he has stated that about 1500 or so undertrials are lodged in various jails for over three years.

Could you kindly give us the break-up of that figure, which I doubt, whether it is correct? Already some facts have been placed before you about the number of people who have died in jail. I would like the Government to further investigate into the statistics which have been presented to the House because, I think, the Minister is also aware of it unfortunately that today a bulk of undertrial prisoners are rotting in jails in Bihar, Bengal, Uttar Pradesh and many other places. These people come from the lowest section of the society, particularly from the villages and belong to the landless peasantry or adivasis. It appeared in the press yesterday how an adivasi woman's husband was trapped in a murder case and she was harassed. (*Interruptions*.) These are the people who rot in jails. The smugglers and other people got away from it. The third point that I would like to know is the sex ratio. I would like to know how many of them are males and how many females. I have been told that in certain jails a number of women prisoners facing trial are rotting in jail from ten to fifteen years. Most of them when they went into the jails were sane but when they came out of the jails they had turned insane. These are the points that I would like the Government to investigate and inquire into and give us a report. That is why the question of this Parliamentary Committee is important. Because, it is not a party affair. I am not accusing anybody. I am not asking these questions from the party point of view or sectarian point of view, as Mr. Bhardwaj did, blaming this side and that side. For such a thorough inquiry and investigation let us have the investigation done by people on whom we have confidence. If we have a Parliamentary Committee that will be good. If not that, let us have known lawyers or public men and let them go into it. I hope the Minister will not reject outright the suggestion to look into the whole matter by a Parliamentary Committee or a group of people on

[Shri Kalyan Roy]

whom, by and large, the public have confidence.

SHRI NIHAR RANJAN LASKAR: I think I have already said twice that so far as the question of jail reforms is concerned, the Government of India has set up various committees and there is a committee presided over by Mr. Justice A. N. Mulla, which is going into it. They have already given an interim report on Tihar Jail with special reference to points about the things going on in the jail. So, all these suggestions made by them in their report are being implemented and if the hon. Members go through the actions taken by the administration on the report, they will find that the Government is earnest about it.

Justice Mulla in his interim report gave a recommendation for increasing the number of jails in Delhi. A plan scheme for providing additional accommodation for 300 prisoners for camp jail in phase 2 has been approved already and a sum of Rs. 99,37,972 has already been sanctioned for that plan scheme. A sum of Rs. 46 lakhs under the plan scheme has also been sanctioned for trifurcation of Central Jail, Tihar. Land measuring 78.62 acres has already been acquired at Shahdara and estimate for construction of boundary wall is being prepared by the PWD. So this is the first suggestion with regard to trifurcation, segregation and more accommodation, that has been taken up and it is in the process of implementation.

The second recommendation is about arrangement for transfer of prisoners to other jails. Arrangements have already been made with Haryana Government for transferring prisoners. As a result, 158 prisoners have been transferred to Ambala and Bhiwani.

The other recommendation is about lunatics being transferred to Shahdara Hospital for Mental Diseases. Luna-

tics who are non-criminals in nature have been transferred to mental hospital Shahdara from Tihar Jail. A Board under the Chairmanship of Deputy Inspector General Prisons Delhi has been constituted to review cases of lunatics prisoners in Central Jail, Tihar. It consists of Superintendent, Central Jail, Tihar, Director of Prosecutions and Resident Medical Officer, Central Jail. So, we are already acting upon a number of recommendations.

MR. DEPUTY CHAIRMAN: He wanted break-up of 1000 odd prisoners.

SHRI KALYAN ROY: And also the sex ratio and how many are there for 8 years, for 10 years.

SHRI NIHAR RANJAN LASKAR: I have got information of those over 3 years.

SHRI KALYAN ROY: What is 'over three years'? Ten years can be over 3 years; I am over three years old; you are over three years old; I am 55 years; you are 52 years and it can be over 3 years.

SHRI NIHAR RANJAN LASKAR: This is the information that I have received, and the number is 1264.

SHRI DINESH GOSWAMI (Assam): What we are discussing today is a human problem. I do not think it will be proper to politicalise it. It will be wrong to blame the Congress Government for what happens in jails because the fact remains that whether it is Congress Government, whether it is Janata Government or whether it is the left front Government, conditions in jails have remained almost the same. It is a colonial hang-over and the tragedy is that instead of improvement in the conditions of jails, the situation has deteriorated as has appeared during the last few years.

The hon. Minister has undoubtedly given in his statement some of the

guidelines that he has given to different States. But the fact remains, obviously he will agree with me, that one of the fundamental guidelines will be that no person either who is under trial or a convict, should get liquor in the jail. Persons inside jail are prohibited from getting drugs in jail, but the fact remains that according to the statement of the hon. Home Minister, one person died because of addiction to drugs. The question remains how did he get drugs inside the jail? We were shocked to hear that when the Home Minister along with the Lieutenant Governor on September 1, 1981 went to Tihar Jail, one of the convicts offered a bottle of liquor. Wherefrom did the convict get the bottle of liquor? And, after that, according to this report of 'India Today', the Lieutenant Governor appointed a committee to look into the whole affair and a report was submitted in March 1982. Also this report of 'India Today' states that the Supreme Court directed District and Sessions Judge to look into the specific charges against the senior jail officials and a 234-page report has been submitted.

Hon. Minister has also said that Mr. Mulla has submitted his interim report. I would like to know from him whether he is in a position to place this interim report on the Table of the House so that we may know what has been disclosed in the interim report. I would also like to know whether you will place on the Table of the House the report which was submitted in March, 1982, by the Committee appointed by Mr. Khurana. I would also like to know whether the Government have got the report of the District and Session Judge who was asked by the Supreme Court to look into the specific charges. These reports will undoubtedly give us an indication as to how the affairs in the jails are going on.

It has been stated by Mr. Bharadwaj that when there is an unnatural death, obviously, there is to be an

inquest. But the fact remains that because there is to be an inquest and enquiry, the tendency on the part of the jail officials is always to describe unnatural deaths as natural deaths. Otherwise, in Tamil Nadu, from January 1981 to March, 1982, in fourteen months, 52 persons have died in jail and all these have been described as natural deaths. The fact that 52 persons have died in jails in fourteen months is itself unnatural. This itself is unnatural. Therefore, have the Government really made an enquiry to find out whether there is a tendency on the part of the jail officials to always describe unnatural deaths as natural deaths? 'India Today' I do not think, is indulging in yellow journalism. This is one of the best investigative reports which has come out. Sixteen cases have been cited with names. Details have been given like the date of arrest, date of death, the cause of deaths and so on. I will give an example:

"Karuna Jana of Rajouri Garden, arrested for possessing arms illegally, came to Tihar Jail on April 17, 1981 and died on July 1, 1981 in jail. Gupta again conducted an enquiry but the Home Ministry is not yet aware of the cause of Jana's death. India Today's investigations reveal that he was tortured in jail and the investigating officer confirms this."

I would like to know, in view of these sixteen cases which have been mentioned specifically in 'India Today', in regard to Tihar Jail, which comes under your jurisdiction, will you kindly make an enquiry, an independent enquiry, into these sixteen cases and assure this House that there was nothing wrong in all these sixteen cases of deaths? This will give us an indication as to whether the directions you are giving from time to time have really been followed because under your very nose, if the Tihar Jail does not follow your directions, how can we expect that your directions will be followed in far off

[Shri Dinesh Goswami]

and remote corners of the country? You have also given a direction, and rightly so, that undertrials who are in detention for periods more than the sentence that can be awarded in case of conviction, should be released. I would like to know, how many detenues have been released in pursuance of this direction? Or, is it that your directions remain only on paper? I would like to know: have you really tried to follow it up and tried to enquire whether your directions have been given effect to by the concerned authorities? You have also stated that all the State Governments and Union Territories have been requested to set up District and State-level Committees. I would like to know whether all the State Governments and Union Territories have set up District and State-level Committees.

Therefore, my specific questions are: Firstly, I would like to know whether you are prepared to place on the Table of the House, the interim report by Mr. Mulla and also the report of the Committee which was appointed by Mr. Khurana. Secondly, I would like to know whether you have the report which has been submitted to the Supreme Court by the District and Sessions Judge. If not, I would like to know whether you will obtain and place it on the Table of the House. Then, will you make an enquiry, an independent enquiry, at least into these sixteen cases of death in Tihar Jail, which have been so vividly described in 'India Today', which will give you an indication as to how far your directions have been followed? Will you take the House into confidence in regard to this? Lastly, I would like to know whether you have any information as to how many undertrials, who are in detention for periods more than the sentence that can be awarded in case of conviction, have been released in pursuance of your direction, and in how many cases, the State Governments and Union Territories have set up District and State-level Committees.

SHRI NIHAR RANJAN LASKAR: Sir, the hon. Member has gone into the details. As per the procedure laid down in section... (Interruptions)

MR. DEPUTY CHAIRMAN: He wanted certain reports to be placed. He has referred to three reports. (Interruptions)

SHRI DINESH GOSWAMI: I wanted to know, whether you have tried to find out as to how far your directions are being followed.

SHRI NIHAR RANJAN LASKAR: In regard to the sixteen cases which he has mentioned in Tihar Jail, I have already given the full details. If he wants it again, I will read it for his benefit. I have given the details in regard to these sixteen cases: (Interruptions) Illness-9; Drug addiction-1; Suicide-2...

SHRI DINESH GOSWAMI: You have not been able to follow me. It is all right, the report is that nine persons died of illness, but the 'India Today' has shown that all such cases of death were unnatural deaths but shown as natural deaths. This is reported by a magazine like the 'India Today' which is not a magazine of opposition. So, will you make an inquiry into all the nine cases to find out whether the causes were natural or unnatural? Will you make an independent inquiry?

SHRI NIHAR RANJAN LASKAR: What I was trying to explain to my friend is, all the cases have been looked into and the details I have already given to the House. About offering a bottle to HM when he visited Tihar Jail, there is no truth in it. Somebody has said it somewhere, but nobody has offered any bottle when he visited Tihar Jail.

MR. DEPUTY CHAIRMAN: He wants reports to be laid.

SHRI NIHAR RANJAN LASKAR: This is an administrative report and this is not to be laid on the Table of the House.

SHRI ARVIND GANESH KULKARNI (Maharashtra): At the fag end I have made a request to give me two or three minutes. At the outset I would request the Minister, for heaven's sake, give us a reply after understanding what we want. Just like a reluctant witness you are saying no, no, to everything. The point is, he has asked a relevant question, but you are creating a wrong precedent, you are not replying to our satisfaction. You are a young Minister and I wish you good luck, but do not reply like a reluctant witness or a tutored witness.

SHRI NIHAR RANJAN LASKAR: If the questions are like that, what can I do?

SHRI ARVIND GANESH KULKARNI: I know, but this is my advice to you because I have been watching you for the last so many years.

Mr. Minister, I want to have two or three clarifications from you. Much has been said on the subject and I do not want to repeat it, but I only want to go to a different angle. This Mulla Committee's interim report is before you. After visiting Bihar, U.P. or Tihar Jails or whatever it is, has he mentioned anywhere about the connections between politicians and convicts? Has he mentioned about it? Please go through the report. To my knowledge he has mentioned it. I do not know whether it is a secret report or not, it is for you to say, but it has come to our knowledge, it has been published and we come to know about these things only when we read newspapers and periodicals. It has been said that in Bihar the Ministers are visiting jails. They are in league with the convicts, and whether the convicts are utilising the Ministers or the Ministers are utilising the convicts I do not know. In U.P. also same is the position. So, I want to know from you whether the Government has taken any cognizance of a serious allegation of this nature. Whether it suits the culture of the

present ruling party or not. I do not know, but I want to know from you whether this is being condemned and you are going to take action against this. This is the basic question.

SHRI NIHAR RANJAN LASKAR: He is talking about Bihar, but this particular report relates to Tihar Jail. This interim report is about Tihar Jail. I have no knowledge of what he is talking.

SHRI ARVIND GANESH KULKARNI: But you made a reference to Bihar jails also.

SHRI NIHAR RANJAN LASKAR: That was in some other connection and not in this connection.

SHRI ARVIND GANESH KULKARNI: I want to know something in this connection also. Your Ministry might have informed you about this.

SHRI NIHAR RANJAN LASKAR: I have said that the Mulla Committee's interim report is an administrative report and we are not going to lay it on the Table of the House.

REFERENCE TO THE NEED TO EXTEND FACILITY OF COLOURED T.V. PROGRAMME TO JAMMU AND KASHMIR.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): I am grateful for giving me an opportunity to make a special mention about the issue which is engaging the attention of the people of Jammu and Kashmir. In the Rajya Sabha debate of 28th March, while discussing the report of the Communications Ministry I had said and I quote: "The people of Kashmir have been concerned during the last few days to know that under the television network which will be started from the 15th November, Srinagar is not covered. I am told that although this is connected with Mr. Sathe's Ministry. providing the infra-