

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:4076  
ANSWERED ON:18.12.2012  
STATUS OF NAXALITE PRISONERS  
Pradhan Shri Nityananda

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government proposes to treat the naxalite prisoners as political prisoners and grant them all kinds of facilities in the jails at par with the political prisoners;
- (b) if so, the details thereof;
- (c) whether the judiciary has given such a judgment in this regard; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N.SINGH)

(a) to (d): A Single Judge Bench of the Kolkata High Court vide judgment dated 8.8.2012 has granted the status of 'political prisoners' to seven under-trial Maoist prisoners of West Bengal after considering three Revision Petitions (CRR463 of 2012 with CRR 1312 of 2012 with CRR 4000 of 2011). The judgment is based on an interpretation of the West Bengal Correctional Services Act, 1992. Accordingly, the ambit of the judgment is confined to the State of West Bengal only.

The Ministry of Home Affairs have advised the Government of West Bengal on 8.10.2012 to consider filing an appeal before a larger bench of the Hon'ble High Court or an SLP in the Hon'ble Supreme Court challenging the aforesaid judgment and also consider amending the provisions of the West Bengal Correctional Services Act, 1992 to insert a proviso to the effect that the status of political prisoners will not be available to any member of any organization proscribed under the Unlawful Activities (Prevention) Act, 1967.