

12 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1977, which was passed by the Lok Sabha at its sitting held on the 31st March, 1977, and transmitted to the Rajya Sabha for its recommendation and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Food Corporations (Amendment) Bill, 1977, which has been passed by the Rajya Sabha at its sitting held on the 4th April, 1977."

12.02 hrs.

FOOD CORPORATIONS (AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL: Sir, I lay on the Table of the House the Food Corporations (Amendment) Bill, 1977, as passed by Rajya Sabha.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

IMMEDIATE RELEASE OF POLITICAL PRISONERS

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:—

"The political prisoners still behind the bars and their immediate release."

SHRI SAMAR GUHA (Contai): Sir, I want to make a submission...

MR. DEPUTY-SPEAKER: Is it on this call-attention?

SHRI SAMAR GUHA: Yes, Sir. Yesterday I met the hon. Speaker. This matter involves the fate of political prisoners who are still in a very miserable condition in jails in West Bengal and other places. Therefore, I requested him to allow the other Members also to participate in this. As the rule does not permit it, he himself suggested that it could be converted into half-an-hour discussion. I have given notice of that.

MR. DEPUTY-SPEAKER: I have seen that. But a call-attention cannot be *ipso facto* converted into a discussion. Therefore, the hon. Minister will make the statement now. The hon. Member can give notice of half-an-hour discussion separately which will be considered.

PROF. DILIP CHAKRAVARTY (Calcutta South): On a point of order. In Hazaribagh jail, the prisoners ...

MR. DEPUTY-SPEAKER: No. The hon. Member cannot take the opportunity of rising on a point of order and giving some information like this. The Minister will make the statement.

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, Consequent on the revocation, on the 21st March, 1977 of the proclamation of the Emergency made on 25th June, 1975, all persons detained in pursuance of the provisions of Section 16A of the Maintenance of Internal Security Act have been released. There were, however, about 6,851 persons still in detention on 25th March, 1977. They had been detained under Section 3 of the Maintenance of Internal Security Act, grounds of the detention had been furnished to them and their continuance in detention had been approved by the Advisory Boards.

We have already announced our policy in regard to the Maintenance of Internal Security Act. Further specific proposals will come before the House in due course in the light of our earlier announcement. Consistent with our policy, we are clearly of the view that no one should be kept under detention for an indefinite period. We are accordingly advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities.

With the lapse of the provisions of Section 16A of MISA, the vast majority of political prisoners have already been released. Presumably, the Hon'ble Member has in mind the Naxalites, as they are called, in detention. According to the information available with the Government, there were 645 such persons in detention in West Bengal, Tamil Nadu, Kerala and Andhra Pradesh on 25th March, 1977. While we do not at all approve of their ideology and while we would clearly reiterate

that any violent activity on the part of Naxalites or others would be firmly dealt with in accordance with law, we are also of the view that indefinite continuance in detention of even such persons cannot be any solution to the problems posed by them. We are, therefore, advising the State Governments specifically to release all such Naxalites in detention, except in cases where such detentions had been made on account of their recent indulgence in violent activities. Several questions have been asked about the number of persons who were detained, etc. So, with your permission, I would like to place on the Table of the House a detailed statement about the number of persons detained in various States during the period of Emergency. [Placed in Library. See No. LT-99A/77.]

MR. DEPUTY-SPEAKER: Yes. Mr. Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU: Mr. Deputy-Speaker, Sir, we joined hands with other 'Congress-opposed forces' to defeat Congress and to restore civil liberties and human rights and as the election results have shown, the Indian people are with us wholly and that is precisely the reason we are here today.

Our Home Minister, Chaudhuri Charan Singh, had said in a meeting in Muzaffarnagar on 27th February, 1977 and it appeared in *The Tribune* on 1st March, 1977:

"The Janata Party leader, Mr. Charan Singh, today said that the Janata Party if it came to power would repeal security laws like the MISA, abrogate the 42nd Constitution Amendment and make electoral laws equal for all".

I am glad to see that the matter is now in progress and I expect that it would be completed *in toto* before long.

In the President's Address, it has also been stated:

"Having regard to the gross abuse to which the Maintenance of Internal Security Act has been put during

(Shri Jyotirmoy Bosu.)

the last two years, a thorough review of the Act will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with economic offences and security of the country"

Sir, I do not wish to carry coal to Newcastle, but I wish to mention here as a person who has shared the platform with the ruling party every where in the country that a target date should be announced. This is because you have mentioned in the last sentence of para 2 of your statement:

"We are accordingly advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities."

Shri Shanti Bhushan is sitting so close to the Home Minister, and he knows full well that there is ample provision in the Criminal Procedure Code to prosecute anybody who acts as a criminal. Therefore, people with a political background should not be brought within the ambit of this.

I would also like to refer to para 3 of the statement made by the hon. Home Minister. In the last sentence, it is stated:

"We are, therefore, advising the State Governments specifically to release all such Naxalites in detention, except in cases where such detentions had been made on account of their recent indulgence in violent activities,

I again repeat that there is ample provision in the Criminal Procedure Code and the persons with a political background should be released at once and you can proceed against those who have done any acts of crime under the normal laws and prosecute them.

It was stated that political prisoners, even if they were misguided should be

released to allow them to think and mend themselves. I would give an example. Shri K. C. Pant, erstwhile Minister and conscience keeper of Shri-mati Indira Gandhi, in matters of preservation of democracy admitted on the floor of this House that secretly he had met a number of Naxalites and his plea and pretext to us was that they wanted to give them a chance to mend themselves and released those Naxalites who agreed under pressure to join the Congress. In West Bengal, we call them 'Cong-shells'.

Another erstwhile Minister, Shri Kedar Singh, a messenger boy of erstwhile Prime Minister, Shrimati Indira Gandhi met secretly so-called Naxalites in Meerut Jail. He refused to sign the visitors' register. When I asked him why he refused to sign the register having went inside the jail and met the inmates, his reply was, how I came to know of it. I said: I have got a white crow, which comes and gives me all the news in the morning.

I understand that this Government in principle have decided to act in this matter favourably to preserve human rights and civil liberties. I would like to have a confirmation that no political person would be kept under detention without a trial. And also people with a political background, if prosecuted on false charges, such as the case of Mr. George Fernandes which is a glaring example of how politics worked in the case of Mr. George Fernandes and false cases were fabricated and the CBI fully co-operated. Therefore, you know what the Police in this country is. They fabricate cases and involve political leaders according to the wishes of their masters. So, we do not wish to be tools in the hands of such people. I would request the hon. Minister. Kindly release all political prisoners. Kindly withdraw all cases against political prisoners. ...

AN HON. MEMBER: There should be a general amnesty for all political prisoners.

SHRI JYOTIRMOY BOSU: I will come to that.

Shrimati Indira Gandhi and her stooge Ministers like the Minister of State, Shri Om Mehta, never revealed the figures because it was so enormous. Even a leading Youth Congress leader said recently:

"In West Bengal we are having emergency since 1971."

1930—1932—Chaudhari Saheb will remember because he is an old freedom fighter and a Congress man. The Congress Party was declared illegal because of the civil disobedience movement but the Britishers did not do any blanket arrest for detention etc. Only those who continued with their activities were prosecuted but never detained. Therefore, in a free country, what we get to-day cannot even be equated with that we got when we were a subjugated race. But in the Indira Raj because somebody was a member of a particular party, he was detained. The whole country became a vast prison. If you read the documents of Amnesty International and if you read foreign newspapers like the *New York Times* and the *Washington Post*, your head will hang in shame. I tell you that this country's image has been tarnished beyond recovery and I do not know how long and how many decades it will take to brighten up our face....

MR. DEPUTY-SPEAKER: You please ask your clarification.

SHRI JYOTIRMOY BOSU: Then, Sir, about the unheard of atrocities and tortures perpetrated by the erst-while Indira regime, even relations were not spared.

You know how the brother of Mr. George Fernandes was beaten up.

Here is a news item in the *Indian Express*:

"Relatives of political prisoners found themselves socially ostracised by family friends and even relatives who seemed to fear that the authorities would give them black if they were caught talking to such people. Middle-aged women, who had lived a sheltered existence inside the four walls of their household, had to make weekly rounds to the sordid premises of the jail and criminal courts. Businesses were ruined with no male members to look after the shops. ..."

This is how you made people's life awfully miserable. At least for 10 lakhs of people their life was made miserable because if 2 lakhs were detained, for each person we can take that there are five dependants. For preserving one person in power all these sordid acts were committed. Just like Mr. George Fernandes case, there are thousands of fabricated cases. ...

MR. DEPUTY-SPEAKER: Please conclude.

SHRI JYOTIRMOY BOSU: I tell you one thing. I am afraid you are new to this House. In the Business Advisory Committee it was decided that 45 minutes would be set aside for a call-attention motion....

MR. DEPUTY-SPEAKER: The hon. Member should know that 45 minutes is for the entire call attention motion and not for a single Member. You cannot take all the 45 minutes.

SHRI JYOTIRMOY BOSU: That provision is not there.

MR. DEPUTY-SPEAKER: Besides, the BAC of the new House will have yet to decide on it.

I am now asking you to seek your clarification.

SHRI JYOTIRMOY BOSU: I am glad the hon. Home Minister, Choudhary Saheb has said that he is going to publish and give to the house the figures of detenus. Our figures are incomplete. In West Bengal—in the Chittaranjan Locomotive Works 14 railway workers who are trade-unionists are still behind the bars. You should know what the MISA says—Section 3 (1) (A) (i) and (if). What are the figures? Let me quote. In Andhra, Shri G. G. Rao, a trade union leader is behind the bar. In West Bengal, CPI(M) workers—125 are detained under MISA and 137 are languishing without trial. About the so-called Naxalites, 500 are behind the bars under MISA and 1600 are in prison without trial. Forward Bloc, RSP and a section of the Congress—200 have been detained under MISA. Approximately 5000 political prisoners are rotting in jails in West Bengal under our great democratic leader, Mr. Sidhartha Shankar Ray! In the last two years, 25 political prisoners have died in the jails. You can imagine what it is. Mr. Bharati, a CPI worker, was beaten to death in the Ujjain jail. There are figures about Jamaat-e-Islami also. So all these details we will get. A DMK Member, Mr. Chitti Babu was beaten to death in the jail and when the post-mortem was held, it was found that his intestines were badly damaged.

They had not even spared intellectuals, poets and literary giants. I want figures of MISA cases State-wise, DIR cases State-wise, Section 107 CrPC cases State-wise and Section 109 CrPC cases State-wise. I want to know the specific charges against them. There have been a number of journalists there. There are other intellectuals also. I want to suggest that there should be a general amnesty for them. I want to know whether you will appoint an enquiry commission in this regard and fix responsibility for penal action and nothing short of it.

CHAUDHURI CHARAN SINGH:
The hon. Member has delivered a

speech, it is not just a few points which he referred to. He made a long speech. I would like to refer to two specific points raised by him. He has referred to a sentence in my statement in which I said:

'We are advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities.'

As regards the first category, this category includes the spies, those who have been working for foreign countries, some of them who have gone underground etc. Such of them as were arrested have been put under this category. The break-up of these prisoners is not available to me. I will get these cases examined and in regard to cases where I consider that detention is no longer justified, I will see that such persons are released.

As regards those who were indulging in recent activities, this is a statement which is confined to those persons who have been arrested upto 25th March. There are certain cases of persons who committed violence after lifting of emergency. Those cases will also be examined and these cases will be proceeded with under regular law and necessary proceedings will be started in law courts.

Regarding fixing target, I cannot give any assurance because we can only advise the State Governments. Final action lies in their hands. We will do our best in seeing that action is taken as early as possible.

He said about excesses committed by the police during the emergency or even before the emergency. I may assure the House that whether it be the police or the Government officials etc. it is not they so much who are to be blamed as the political leadership that was there. So I would

request the hon. Member not to be very unkind to the police in future.

SHRI JYOTIRMOY BOSU: You have not said anything about general amnesty. You have not said anything about the specific point I raised about under-trials.

MR. DEPUTY-SPEAKER: Mr. Bosu, you have had enough of your say. And the Home Minister has answered most of your points.

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Deputy-Speaker, Sir, I am only on a point of clarification. The hon. Home Minister was not pleased to refer to the number of Naxalites in Bihar.

MR. DEPUTY-SPEAKER: I think the statement is here.

SHRI SHYAMNANDAN MISHRA: Would he be pleased to give us the figures of Naxalites? (*Interruptions*)

MR. DEPUTY-SPEAKER: Now, no more questions please. I have already called the hon. Minister Dr. Chunder.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Sir, I have given notice to raise an important matter under Rule 377.

MR. DEPUTY-SPEAKER: You have given the notice which is being looked into. You cannot raise it on the floor of the House. Nobody else will take the floor excepting Dr. Chunder whom I have already called.

12.26 hrs.

STATEMENT RE. GOVERNMENTS POLICY ON UNIVERSALISATION OF LITERACY, IMPROVEMENT OF SECONDARY EDUCATION, RESEARCH, POLITICAL VICTIMISATION IN THE DEPARTMENT OF EDUCATION AND CULTURE AND REMOVAL OF RESTRICTIONS ON ELECTIONS TO STUDENTS' UNIONS

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE

(SHRI PRATAP CHANDRA CHANDER): I am grateful to the Speaker for having given me this opportunity to make a statement in this august House.

The Government would like to give the highest priority to the universalisation of literacy in the country. I am informed that 87 per cent of the children in the age group 6—11 and 39 per cent of the children in the age group 11—14 have facilities for primary and middle school education in our country as at present. The present Fifth Plan envisages enrolment of 96 per cent of the age group 6—11 and 46 per cent of the age group 11—14. In regard to adult literacy, according to the 1971 census, 34 per cent of the population above the age of four are literate. In terms of numbers, I understand, more than 200 million adults above the age of 15 are still illiterate. The dimensions of this problem are truly gigantic. However, the present Government are extremely anxious that urgent steps should be taken to achieve substantial progress in the matter of universalisation of elementary education and promotion of adult literacy. We have not yet had time to study in detail the various aspects of the problem and also consult the States who are primarily concerned with this. However, we would take the earliest opportunity to study this question in detail and prepare a time-bound plan of action for universalisation of elementary education and promotion of adult literacy. We shall also make earnest efforts to reduce the existing gap between the world of work and world of education keeping in view the principles of basic education as enunciated by our Father of the Nation, Mahatma Gandhi.

The secondary education sector especially the curriculum, syllabus and text books may all require to be looked into to lighten the academic burden on the students to enable them to turn their attention to sports.