

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) to (c). The information is being collected from the Ministry of Industrial Development which had sponsored the delegation and will be laid on the Table of the House.

रेलवे अधिकारियों (पूर्वोत्तर रेलवे) द्वारा
धन का अनियमित ढंग से उपयोग

2328. श्री सरजू पांडे : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या लोको फोरमैन, गोंडा और डिब्रीजनल मैकेनिकल इंजीनियर (लोको), पूर्वोत्तर रेलवे, लखनऊ, द्वारा वेतन तथा भत्तों के रूप में 50 हजार रुपये की राशि अनियमित रूप से वितरित की गई थी और क्या इस तथ्य की जानकारी फरवरी, 1970 में अधिकारियों को दे दी गई थी; और

(ख) यदि हाँ, तो इस संबंध में क्या कार्यवाही की गई है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख). सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी ।

लखनऊ में रेलवे अधिकारियों के
बंगलों की सजावट

2329. श्री सरजू पांडे : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बनारिया बाग, लखनऊ के रेलवे अधिकारियों को दिये गये बंगलों की सजावट पर अधिकारियों ने गत दो वर्षों में 2,22,464 रुपये खर्च किये हैं ;

(ख) क्या लेखा परीक्षकों ने उपरोक्त खर्च पर आपत्ति की है; और

(ग) यदि हाँ, तो इस संबंध में क्या कार्यवाही की जा रही है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख). जी नहीं ।

(ग) प्रश्न नहीं उठता ।

12 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED KILLING OF POLITICAL
PRISONERS IN ALIPORE
CENTRAL JAIL

MR. SPEAKER : Now the Call Attention. Shri H. N. Mukerjee.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, I rise on a point of order under rule 376 about this motion under rule 197.

MR. SPEAKER : I have not received any notice. Do not introduce any new precedents.

SHRI JYOTIRMOY BOSU : A point of order can be raised at any time during the debate and no notice is required. The motion before the House is under rule 197 which prohibits a debate. The killing of prisoners inside the jail is taking place quite frequently in West Bengal and over 100 prisoners have been killed. So, may I request you to be good enough to have a discussion under rule 193 ?

MR. SPEAKER : He may give notice of it; but not now. I am sorry that he gets up abruptly and upsets the whole atmosphere.

SHRI H. N. MUKERJEE (Calcutta-North-East) : I call the attention of Minister of Home Affairs to the following matter of

[Shri H. N. Mukerjee]

urgent public importance and request that he may make a statement thereon :

"The reported killing of six political prisoners described as naxalites and injuries inflicted on more than two hundred inside Alipore Central Jail, West Bengal, on the 26th November, 1971."

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Mr. Speaker, Sir, At about 8-00 A. M. on 26th November, 1971, in the Central Jail at Alipore, Calcutta, convict Overseer Ram Deo detected some extremist prisoners of Ward No. 9 communicating with those of Ward No. 7, across the railing, separating the two wards. When he tried to dissuade them from doing so, some of the prisoners of Ward No. 9 got infuriated and began to assault him. When the warder Sadhan Kumar Das came to his rescue, he was badly beaten and was being taken forcibly to Ward No. 9 as a hostage. The Warders of the adjacent Ward rushed to his help and alarm was sounded. The Jailor and the Superintendent arrived at the spot with the available force. In the meantime, extremist prisoners of Ward No. 9 resorted to heavy brickbatting and prevented the entry of the guarding force into the ward. They pulled down some of the old air-raid-precaution walls of their Ward and also the tiled roof of the verandah; besides they armed themselves with improvised *lathis* with iron rods pulled out from the railings. All this time, the Jailor as well as the Superintendent of the Jail repeatedly persuaded them and warned them against their riotous conduct but they paid no heed whatsoever. In fact, simultaneously the extremist prisoners in Ward No. 7 also began to shower brickbats and broken tile pieces from their Ward. As warnings given by the Jailor and the Superintendent proved of no avail, the Superintendent ordered blank firing and 50 rounds of blank Cartridges were fired by ten warders from their muskets. As this also did not have any effect on the rioting prisoners, and the situation was getting out of control, and a barrage of stones and tile pieces were being showered on the jail staff, the Superintendent finally ordered a *lathi* charge, after which the situation was brought under control.

In the clash and the subsequent *lathi* charge, in all 172 extremist prisoners, 30 Convict Overseers, one Head Warder and 35 Warders as also the Jailor and the Discipline Officer received injuries. Out of the 22 prisoners and one Warder who were seriously injured, six prisoners succumbed to the injuries in the jail hospital. The others were removed to the S. S. K. M. Hospital. One prisoner out of them has since died. The remaining injured persons were being attended to in the jail hospital. Later four more prisoners were transferred from the jail hospital to the S. S. K. M. Hospital. One out of these prisoners has since died.

The Government of West Bengal have appointed Justice B. C. Mitter of the Calcutta High Court as a single member Commission under Section 3 of the Commissions of Inquiry Act, 1952, to go into :—

- (i) the causes and the nature of disturbances and the circumstances under which they originated;
- (ii) the manner in which the situation in relation to the disturbances was dealt with; and
- (iii) whether the provisions of the West Bengal Jail Code were complied with in dealing with the same.

In addition, the Commission will also go into, and make recommendations on the measures that should be adopted in future for preventing the recurrence of similar disturbances.

SHRI H. N. MUKERJEE : Sir, this statement has not been circulated to anyone of us earlier.

AN HON. MEMBER : Even now.

SHRI H. N. MUKERJEE : I do not know if anything can be more deeply disturbing to this House than the fact that for the seventh time in less than a year a Government, claiming to be popular, in West

Bengal has taken a toll of nearly 60 lives of under-trial political prisoners and through the statement my hon. friend, Shri Pant, tries to whitewash the crimes by stressing that the prisoners were supposed to have been dangerous, ultra-revolutionary young people.

In this connection you would permit me to quote from the editorial article of *Hindustan Standard* of Calcutta dated the 28th where it is said :

"The victims did not use weapons or make any open bid to escape. The brutality perpetrated, therefore, by the jail staff on unarmed prisoners detained on suspicion or waiting for trial had not even one remotely plausible pretext and reminded one of concentration camps under systems which we are never tired of decrying."

The most obnoxious aspect of the matter is that these ghastly crimes are committed by an administration and investigations generally do not follow. This time it has been promised, but generally investigations do not follow. Things are hushed up. The Law Minister—the Minister of Justice, I think, as he calls himself in the Cabinet—did nothing in Barasat, Diamond Harbour, Shibpur, Cossipore, Baranagore and so many other cases, in order to find out what had happened. The string of scandals would hang any Government worth the name by the neck but from the statement of Shri Pant it seems that Government has not even the sense of decency to hang its head in shame over this kind of an incident. There is not even one word in regard to the regret which Government feels about it.

The Inspector General of Prisons talks about the prisoners having thrown brickbats and tile pieces as if a whole supply of them were made available to these people. That was the only weapon with which they were fighting. From the Minister's statement it is quite clear. He says that a *lathi* charge was ordered after blank firing had taken place and that the *lathi* charge brought the situation under control. This is seconded by evidence in Calcutta of doctors and other

people that people were beaten to death with *lathi* blows. ...*(Interruptions)*.

SOME HON. MEMBERS : Shame, shame.

SHRI H. N. MUKERJEE : We are expected to be patient in this House; we are expected to behave with democratic decency; we are expected to follow principles of parliamentary decorum. Is this parliamentary democracy that in the name of President's rule, this kind of barbarity goes on being perpetrated and there is not even a sense of conscience in the ranks of the Government party in this country ? Not one person ever makes a statement about this sort of thing.

I would like the Minister to answer me, not in regard to matters which are under adjudication but in regard to a few questions that I put. I know, he will take shelter under the plea that they have appointed a Judge of the High Court and, so, let us bid good-bye to everything, no questions at this moment. I would ask him a few questions which do not infringe upon anybody's jurisdiction.

I would like him to tell us if it is a fact that a First-Class Magistrate by the name of R. K. Deb Nag who inspected the bodies of those who were killed in Jail, and who saw six bodies inside the Jail, said that he did not quite know how many other dead bodies were inside the Jail and he gave the information to the press people that, according to his idea, they were beaten to death by *lathi* blows. Will the Minister tell us whether a First-Class Magistrate made this information available to the press and, if so, what Government is doing about it ?

I would also like him to tell us whether it is a fact, as reported in the newspapers that I have got here, that serious injury and operation cases were taken to the hospital eight hours later by some policemen and that, when the hospital authorities asked for any first-aid certificates have been granted earlier so that when the men were injured, to begin with, first-aid was sought to be given and then, eight hours later, they were taken to the hospital, no first-aid certificates

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were made available. I would ask the Minister to tell us whether it is a fact that no first-aid certificates were prepared and that delay to the extent of eight hours was incurred in so far as the transport of injured people to the hospital was concerned.

Again, I would like him to tell us whether it is a fact that Mr. Narayan Das, a Jail Visitor, who had his right under whatever law dispensed by them to go inside the Jail was not permitted to go inside the Jail and he has made an allegation which has appeared in the press that there has been deliberate concealment of what had taken place inside the Jail. Would he tell us about the report which emanates from the Jail Visitor?

I would further like him to tell us, apart from whatever steps which have so often been promised by Mr. Pant himself, one thing. For instance, earlier he had said that judicial investigations would take place and all people, including the Inspector-General of Prison, would be hauled up for the purpose of investigations. Nothing has happened. Apart from the steps of long-term description which might have the objective of getting some remedy to the terrible situation, what steps are being taken in that regard? Is he going to take drastic steps at once to prevent repetition of such ghastly and disgraceful incidents? Is he going to bring the Inspector-General of Prison to book on account of the conduct which he displayed on the morning of the day of this incident.

Lastly, I would like to ask what I have asked him earlier on several occasions, and I would like him to tell the House and assure the House that *post mortem* reports regarding the death of these people, eight of them, as far as he has told us, would be made available to the inquiry and also to the members of the families of the deceased. The *post mortem* reports have not been made available in the case of all these types of killings which have taken place in West Bengal over a number of months. This is a matter of fact which the Government has not been able to explain in any kind of way.

Last time, he gave an assurance that he would try to look into the matter. Would he tell us that *post mortem* reports in regard to these killings would be made available?

I do not know if in the absence of the Minister of Home Affairs, the Minister of State has actually listened to what I have asked him and, I do hope, he will try to give answer to these things.

SHRI K. C. PANT : I have listened with great respect to Prof. Mukerjee.

There is no question of white-washing anything. Prof. Mukerjee says, I have not expressed any word of regret. I have given the facts. Any loss of life, any injury, to any individual is certainly a matter of regret. There can be no slurring over that fact. If it pleases him, I would certainly express regret on any injury or any loss of life, whether to the warders or to the prisoners or to anybody.

He asked about the tile pieces and whether there was a supply of tile pieces. I have seen the photographs of these wards and the roof of a verandah which is made of tiles and one could see that various tiles have been taken off and these certainly formed apparently the source of supply... (Interruptions).

MR. SPEAKER : No interruptions please.

SHRI K. C. PANT : I can only give the facts I know. From these photographs it appears that this was where the tiles came from.

About some First Class Magistrate having made a statement to the press, I have no information on that. I have not seen that particular statement to the press myself. But, I think that since a sitting Judge of the Calcutta High Court is going to inquire into the matter, he would be the right man to come to a judgment with regard to this.

The second thing is whether eight hours later some of these prisoners who were

injured were taken to the hospital and there was no First Aid Certificate. My information is that they were all taken to the jail hospital and later on transferred. If it is true that for eight hours they were kept and they could have been taken and they should have been taken earlier, then it is something I shall certainly inquire into because obviously if anybody is deliberately prevented from being treated in a hospital, that is highly objectionable and I shall have to enquire into that.

So far as any question of deliberate concealment... (*Interruptions*) as mentioned by the Jail Visitors is concerned, again I have not seen any report from any Jail Visitor to that effect. He might have said so, I cannot comment on that.

Prof. Mukerjee rightly mentioned that in the past also such instances came up before this House where there had been attempts at jail-breaking and *lathi* charges inside the jail, etc., etc. and I had said that we would look into these matters and see how we can prevent recurrence of such incidents. The Central Government has been in communication with the Bengal Government. A number of suggestions have been made. One of the practical suggestion that came to my mind and that, I think, is, in these circumstances, possibly the best solution to the problem is to have separate jails for these extremists and the idea is being followed up. Several separate jails are going to be set up but it has taken some time. The building of separate jails will take a long time. Therefore, we have been trying to take over some built-up accommodation and convert it into special jails. There, of course, one can make special arrangements and one can take special precautions and measures that would be necessary.

About post-mortem reports, I inquired this morning whether the *post-mortem* reports have been received but I was told that they have not yet been received. I am not very sure about the normal practice in these matters. But, I think if a Judge is enquiring into these incidents, the post-mortem report should be made available to him. That is what I think should be done, but I am not

sure. Whether this is the ordinary procedure I cannot say.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta South) : Once again the unfortunate thing has happened in the Alipore Jail. I consider it was brilliantly engineered, planned and mechanised as it has happened in other jails like Asansol and Midnapore.

Sir, it is unfortunate that some misguided young people belonging to the Naxalite party were killed brutally inside the jail when they were treated as under-trial prisoners. In Alipore Jail this is the second time. Once it was in the special jail, now it is in the central jail. This is the eighth time that a jail clash occurred, in West Bengal on the under-trial prisoners. I am not going into the details. I will simply ask some questions.

Though I have no sympathy for the Naxalites and I do not advocate their activities and ideas, yet I must say that if these things continue so in the jails and in the police lock-up on the under-trial prisoners, particularly if the young prisoners are treated in this way, no Government would be able to resist or suppress the forces of the young people who will come tomorrow or day after tomorrow with their own genuine demands and outbursts. This has become a truth. Wherever somebody is arrested or detained in jail custody, he is detained not on the merit of his crime or the FIR report but simply as it was at the time of the Britishers. I have gone through the report of the Central Bureau of Correctional Services where they proposed certain reforms in the prisons. Nothing has yet been done. In Ward No. 9 where the under-trial prisoners came down and made clashes with the jail warders, may I know one thing from the hon. Minister ? Is it a fact that in Ward No. 9, 237 under-trial prisoners were kept in ? There were 237 in one single ward, Sir. And, Sir, only one warder without arms was engaged in the duty, either to protect them or to keep them or to face them.

May I know from the Minister another thing ? How did the Naxalites inside the jail get the ladder, knife, even the

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colour of the poster, which they painted and posted, in the wall saying, 'Mao-tse Tung Zindabad' ? I do not know how this thing happened. So, I consider that there is a brilliantly managed game between the jail authorities and the warders' union patronised by a particular political party and also with the under-trial prisoners. If you go through all the incidents of West Bengal, particularly the jail clashes, you will find this. There was a peculiar game between the jail warders and the under-trial prisoners. The jail warders did not belong to the jail compound; they belong to some other territory or locality of West Bengal where they had some political affiliation with some parties. They said openly : "This particular naxalite prisoner is in this jail; we shall have to take revenge on him." Thus they manage to create the clash. I congratulate the Government of West Bengal that they have appointed one judge to go into it, to hold judicial inquiry into the matter. I want to know from the hon. Minister whether there are certain police personnel and jail authorities who violate the order of the Government of India and the Government of West Bengal. For one example, in Kasba information centre of West Bengal Police, a police official, I know, killed a young man without any notice. I gave him a telephone call. (*Interruption*) This is what happened. I charge him. I want to know from the Minister whether there is going to be enquiry as to what happened inside the jail, whether action would be taken against these officers also.

There is only one thing I would like to submit. I am told that inside the jail, the under-trial prisoners are compelled sometimes to do some mischief. I have seen some warders bringing hot water. They put the hot water on the face of the under-trials so that they shout; they create confusion; there is a clash between them; usually they get opportunity to clash. And, what Mr. Mukerjee told is a fact. They were killed not by police bullet but by lathi-charge. How many warders were in the prison or prison cell that they could manage to kill 6 young prisoners by lathi charge only ? If the *post-mortem* report is available it will expose everything.

I request not for a piecemeal settlement but a thorough enquiry into the whole matter, to enquire into the conduct of the police officers, the DIG, IG, etc. If a worker in the Government department does not work, is he not suspended or retrenched ? Are not such workers suspended or retrenched under Article 311 of the Constitution ? Why cannot they do same thing for the I. G. Prisons ? Why cannot they do the same thing for D. I. G. Prisons ? Why no jailors are being suspended ? I want to know why this has not been done, in spite of these 7 or 8 incidents which have happened in West Bengal jails.

SHRI JYOTIRMOY BOSU : One thing is clear—one can be killed with notice in West Bengal and without notice also.

SHRI PRIYA RANJAN DAS MUNSI : Without notice for the criminals; with notice for the citizens.

SHRI K. C. PANT : My hon. friend Mr. Mukerjee asked me about the treatment in hospital. May I give the further information that I have got just now ? The jail hospital was inside the jail. There were 4 hospital doctors. All the injured were promptly attended to. 4 more doctors joined later. This is the latest information that I have got.

SHRI SAKTI KUMAR SARKAR (Joynagar) : No first-aid was given to the injured within 8 hours. I went there with the jail visitor.

SHRI K. C. PANT : If my information is not correct, the hon. Member can write to me and I can make enquiries, why I have been given this information. Shri Munsi has referred to the need for reforms in prisons, overhauling of jails and so on. Prison reform is necessary and we have discussed it many times, but we have never discussed it in depth. It is a subject in itself. In fact, my hon. friend, Shri S. S. Ray, who was in Bengal at the time of this incident, visited

this jail himself. He told me about what he had seen there.

AN HON. MEMBER : The visit to Cossipore was useless.

SHRI K. C. PANT : His visit to Cossipore served to clear the air and establish the facts. I do not think it was useless.

In this case also he showed me photographs in which was shown the words 'Mao Zindabad' written on the walls, to which my young friend referred. I have discussed this matter with him also, and we shall look into this question of jail reforms.

On the question of how many prisoners there were in this ward, 200 prisoners were in Ward No. 9. There were four cells, 50 to a cell. There were two warders and three to four convicted overseers to look after them.

Now, as to whether the warders belonged to a particular party or not, I cannot say. I do not want to say anything that would prejudice the inquiry in anyway bringing out the facts.

About the number of persons who *lathi*-charged, my information is that there were 60 persons with *lathis* and 10 with muskets. The hon. Member mentioned that they were killed by *lathis* and not by bullets. It has to be noted that though there were blank fires, they were not followed by any firing of live cartridges and *lathi*-charge was resorted to.

SHRI SAMAR GUHA (Contai) : Killing by *lathi*-charge is more brutal, more barbarous and more savage.

SHRI K. C. PANT : I do not for a moment say that killing by *lathi*-charge is a good thing; it is a bad thing. I am not trying to say that one is better than the other. I am merely trying to say that perhaps it is possible that they preferred *lathi*-charge to actual firing which might have caused more deaths.

I was not on the spot; I cannot say. But usually *lathi*-charge is regarded as a lesser form of violence than actual firing on the prisoners.

SHRI A. P. SHARMA (Buxar) : How were paints and brushes brought inside the jail ?

SHRI DINEN BHATTACHARYYA (Serampore) : My first point is this. The Minister has given a long list of information. Everybody in West Bengal knows that the total number of deaths uptill now is 11 and not 6, as he said, plus 2. So the total number of deaths uptill now is 11. The whole House and the whole country should know that the Government now reigning in West Bengal is Indiraji's Government and under her rule this Government started from individual killing to mass killing, both inside the jail and outside. According to a statement in the other House the other day, 200 young persons have been killed by the police outside. More than 60 persons have been killed in jail. Can you imagine in British days this kind of thing taking place ? Now after 25 years of Congress rule, under a *pragatisheel* government under Shrimati Indira Gandhi, the West Bengal people are facing ? Whether you are in jail or outside, you can be killed; you can be killed by bullet, you can be killed by *lathis*, you can be killed by any weapon.

They are now saying that they have now appointed one judge of the High Court to go into the matter and inquire. We have no faith in this judiciary. Why does not Government here and now appoint some Parliament members... (Interruption). I do not say you appoint us. They may select 5 Congress MPs. Let them visit the jails, make an on the spot study and conduct an inquiry. Then they will find there are bloodstains on the walls of the prison. When they go inside the jail and ask anybody, the real truth will come out. Instead of doing that, they are now appointing one judge. Some days after, they will come and say that the Judge is not ready to go and inquire into the matter, and so they are searching for another judge.

Sometime ago, they appointed a Judge to inquire into similar type of incidents but

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afterwards they came forward with a statement that that particular Judge was not ready to inquire into the matter. You can take it for granted that Shri B. C. Mitter will not inquire into this incident. Why are Government not appointing a parliamentary inquiry committee to go into this matter in detail? That inquiry should be held in public. Are Government ready to agree to it?

Is it a fact that a first-class Magistrate, Shri Devnath came with an inquest report and there it has been particularly mentioned that all these injuries were done as a result of a *lathi*-charge, and the killing was also by *lathi*. Now pressure is brought to bear on that Magistrate to change his statement. Is this true or not?

Then is it a fact that some prisoners fled to the hospital compound and there they were chased, and even inside the jail hospital *lathi*-charge was made and some people were killed inside the jail hospital. We have got enough evidence to prove that the tiles story is a concocted story and fabricated to establish their case.

This type of heinous crime is the 8th incident. In regard to the previous incident, Shri Pant came forward and said that an inquiry would be held. May I know in how many cases the enquiry has been held and, if so, what is their report? Would he kindly place it before the House?

Lastly, I say that in ward No. 9, where these ghastly murders have taken place, the maximum accommodation there is for 150 persons. Is it a fact that 263 persons were kept there? This is not the case in Alipore Jail alone. Throughout West Bengal, you will find inside the jails the same condition; where a maximum of 100 persons can stay, there, they will thrust 200 to 250 persons. I know it because I know the case of the Hooghly jail, where the same condition is prevailing and so, any time any incident can take place there also. My question is, whether you can assure this House immediately that you will at least treat these under-trial prisoners and the prisoners who have been

detained under the PDA and M. I. S. A. and other Acts as political prisoners and give them humane treatment; whether you are ready to give this assurance on the floor of the House or not. If not, I know this type of Alipore incident will take place in any jail at any place any day again, and again you will come forward with the same statement.

MR. SPEAKER : Finish it please.

SHRI DINEN BHATTACHARYYA : I am finishing. I want to know whether, as Shri Priya Ranjan Das Munsi has said, all these persons who have been victims of this *lathi*-charge belong to extremist group of Naxalites. I say it is not a fact. There are persons belonging to other political parties. I know there were persons belonging to our party, CPI (M). There were persons belonging to the RSP. So, before establishing the identity of the persons who have been murdered and who have been assaulted and who have been victims of these incidents, the Minister also comes forward with a statement that extremists have been killed. It is a typical practice, typical way, of replying to these questions. In case events taking place outside, he will say that for self-defence, the police killed them; and inside the jail, he will come forward and say that they were all extremists and they were trying to escape. My question is, how did he come to know that these persons, the boys who have been killed, belong to the Naxalites or the Extremists; whether he has established their identity or not. So, before establishing their identity, how can he come forward with a statement which is wrong? I will, therefore, request you, Mr. Speaker, to protect us from this sort of statement, which are misleading.

The Government must set up a non-official enquiry committee consisting of Members of Parliament, and it must be an open enquiry, so that the West Bengal people will have some confidence at least in that enquiry. Otherwise, it will be a whitewash and nothing more.

My pleading is, whether the Government can set up a non-official public enquiry for this incident.

SHRI K. C. PANT : Sir, first, Shri Dinan Bhattacharyya questioned the number of deaths that I had given in my statement. In our anxiety to ascertain the facts, and because of our concern, we had called the DIG (Prisons) from Calcutta, and we have been holding discussions with him. Also, as I said, my colleague, Shri Siddhartha Shankar Ray... (*Interruption*)...had also visited the jail. I have also talked to him. We have done our best to ascertain the facts. On the basis of the facts with me, I reported that there had been eight deaths. I can only give him what information we have.

SHRI JYOTIRMOY BOSU : The DIG who was accused was asked to give information.

SHRI K. C. PANT : He raised the larger question of violence and killings outside and inside the jail and so on. That is a larger question. If one has to make any comments on that, one would have to take into account the fact that there have been inter-party clashes and murders of police-men themselves... (*Interruptions*)

Surely there have been deaths of police-men also; they have not killed themselves ?

SHRI DINEN BHATTACHARYYA : I say that during the President's rule 200 ordinary men and another 200 policemen have been killed. I also say that.

MR. SPEAKER : May I request you to have the patience to listen to him. There should be some limit to your interruptions, kindly keep quiet.

SHRI DINEN BHATTACHARYYA : There is no limit in West Bengal; they will kill our men... (*Interruptions*) Decorum and etiquette should not prevent us from saying facts.

SHRI K. C. PANT : We have discussed the law and order problem in West Bengal separately. I do not want to import any heat or score any debating point in this matter. It does not permit of that. He wanted some other enquiry. Usually whenever a matter like this comes up, the whole House asks for

a judicial enquiry. In this case we have appointed... (*Interruptions*).

SHRI SAMAR GUHA : Should not a parliamentary committee enquire into the whole thing ? These atrocities are being committed during the last 8 or 9 months; 53 young men have been brutally killed...

MR. SPEAKER : I do not allow you to say anything. I have not permitted you to speak. It is very difficult.

SHRI K. C. PANT : The judge will be going into this. My friend Shri Bhattacharyya says that Shri Mitter will not enquire into this matter. I hope that does not mean that he or his party are going to threaten him... (*Interruptions*). The threat is there, even now, when he says so.

SHRI JYOTIRMOY BOSU : What happened in other cases ? What happened in Barasat and Cossipore murder enquiry ? What happened in Belaghat murder enquiry ? What happened in the Diamond Harbour murder enquiry ? These people are hoodwinking us ? How can you allow that ?

SHRI K. C. PANT : How can he say that the Judge will not enquire into this ?... (*Interruptions*).

MR. SPEAKER : I will not allow this shouting.

SHRI JYOTIRMOY BOSU : You may or may not. Are we here only to listen to the cock and bull stories of the Minister, every day ?

MR. SPEAKER : Do not disturb the whole House; please listen.

SHRI JYOTIRMOY BOSU : I am a Member of this House and I am here to do my job. I have been sent by the people of West Bengal to do a job here; I do not care what you think or the House thinks.

MR. SPEAKER : Members without any procedures are there...

SHRI JYOTIRMOY BOSU : We know what you said in Patna that we were not maintaining decorum. What are we here for, if we are not to reflect the people? Why are we here?

MR. SPEAKER : You cannot reflect them by shouting... (Interruptions).

SHRI JYOTIRMOY BOSU : Are we here only to listen to the untruths said by the Ministers? They are unmixed untruths, every day. (Interruptions).

श्री मोहम्मद इस्माइल (बैरकपुर) : इसके बलात्कार और हमारे हाथ में क्या है? खोर करने के सिवाय और क्या कर सकते हैं?

SHRI JYOTIRMOY BOSU : We are very respectful to the Chair but there should be some limit to the untrue statements every day. What is happening? The DIG who is accused is being sent for.

MR. SPEAKER : I would not allow you to speak anything. You can speak anything but when the Minister replies you are not prepared to listen to him?

SHRI JYOTIRMOY BOSU : We do not say untrue things, we reflect the people's difficulties.

MR. SPEAKER : Please sit down.

SHRI JYOTIRMOY BOSU : We shall sit down, but not like this. We are not going to be hoodwinked here.

MR. SPEAKER : What is this? If you do it with the House and me also, what about other places?

SHRI JYOTIRMOY BOSU : We are here to reflect the people's difficulties. Whether you like it or they like it or not, we do not care. Let this go on your record.

सध्यक्ष महोदय : हाँ, यह नमूना है आपका।

SHRI K. C. PANT : Shri Bhattacharyya referred to the *post mortem* report and some inquest. The First Class Magistrate, Shri Dev Nath, came for the inquest over the dead bodies on 26.11.1971.

SHRI JYOTIRMOY BOSU : He has been pressurised to give the report.

SHRI K. C. PANT : He made no observations of any type on the nature of the injuries which will depend upon the facts revealed in the *post mortem* examination.

SHRI JYOTIRMOY BOSU : Will that be placed on the Table of the House?

SHRI K. C. PANT : There is no question of any pressure being brought... (Interruptions).

MR. SPEAKER : Please do not interrupt.

SHRI JYOTIRMOY BOSU : I have already told you what we think about it.

SHRI K. C. PANT : Let me assure my hon. friend that the Government is interested only in the fact that the truth should come out and the whole truth should come out. That is why we have appointed a working Judge of the Calcutta High Court to go into this matter.

SHRI JYOTIRMOY BOSU : We know about this Judge. We know Mr. Mitter.

AN HON. MEMBER : We know the Judge you appointed in the Rabindra Sarovar case.

SHRI JYOTIRMOY BOSU : Why don't you read the report of that Commission?

MR. SPEAKER : He thinks that by shouting all objects can be achieved. What is this?

SHRI K. C. PANT : The trouble is that my hon. friend's mind is revealed by the question put by Shri Bhattacharyya. He said that we were giving facts which were connec-

ted because we wanted to establish our case. I do not have a case, the Government does not have a case, we want to know the truth. Seeing the truth we will take action accordingly.

SHRI JYOTIRMOY BOSU : You are in the dock, Mr. Pant. You are the accused here.

MR. SPEAKER : You are not at liberty to say anything.

SHRI JYOTIRMOY BOSU : There are specific rules as to what I can say and what I cannot say. If there is anything which is unparliamentary, which cannot be said according to the rules, you expunge. You kindly quote the rule. You cannot pull me up like this.

MR. SPEAKER : You are interrupting every time.

SHRI JYOTIRMOY BOSU : You have been a lawyer yourself.

MR. SPEAKER : I never allowed you to speak.

SHRI JYOTIRMOY BOSU : I did not want to, but I was provoked by his string of untruths.

SHRI K. C. PANT : What seems to have provoked him, if he wants me to say that, is that somebody has said that these murders may have some political affiliations, and it is his defensive mechanism that is working.

SHRI JYOTIRMOY BOSU : We have known your political colour for the last seven years.

SHRI K. C. PANT : Shri Bhattacharyya asked me about the affiliations of the persons who have been killed. I can give the names of six of them. According to the information with me, they were Naxalite under-trials.

SHRI DINEN BHATTACHARYYA : What about the other persons who have been injured ?

SHRI K. C. PANT : These are under-trial Naxalites. Therefore, there is no question of twisting or giving a different colour to it.

SHRI DINEN BHATTACHARYYA : What is the reply regarding the setting up of a Parliamentary Committee of all parties.

MR. SPEAKER : There is no question of any parliamentary committee. It is not in his jurisdiction to do so.

SHRI JYOTIRMOY BOSU : Will he agree if you allow that ?

SHRI B. K. DASCHOWDHURY (Cooch-Bihar) : The whole House seems to be very much agitated about this incident occurred in Alipore Central Jail, but I must appreciate the steps taken by the Government and those at the helm of affairs in West Bengal, by immediately appointing a Commission to go into the entire matter. There are reasons for being agitated looking at the West Bengal situation and particularly about the series of jail incidents. There are murders or a large number of prisoners have escaped. In the Midnapore jail a 7 feet tunnel was constructed by the Naxalites, but how was this done ? That is the question today. We must remember that there are certain rules applicable to the prisons. I remember the theory of punishment which I read while I was a student of law that there is not a single person, however criminal he may be, who is beyond redemption. Considering this aspect, the jails should have these correctional processes and certain processes of reformation. But here we are hearing about these hair raising incidents one after the other. I would simply flood-light before the House the things that are going on in the administration of jails in West Bengal. Without going into the incident—how many were killed, post-mortem reports and other things—I would request the Minister to go through all these things very carefully.

I have got a copy here and I would like to read it. It gives certain instances to show how the jail administration is going on in West Bengal. On 24th March, 1971, a circular was issued by the D. I. C. (Prison)

[Shri B. K. Daschowdhury]

to all Jail Superintendents and Jail Administrators in the districts to give certain details of the jail administration. In reply thereto, one of the Jail Superintendents informed the D. I. G. as follows :

"With reference to Memo No 1527 (18) WD-19/71, dt. 24-3-71, the undersigned begs to report that it is very doubtful if daily parade of warder guards as enjoined in Jail Code Rule-352 (F), the weekly muster parade as enjoined in J. C. R. 380 and daily Roll Call of warder guards in connection with the observance of J. C. R. 325 (i) were ever rigorously enforced. At any rate, the daily parade and the daily roll call have remained suspended over a number of years and all off-duty guards seldom muster in the Superintendent's weekly parade. Attempts to enforce attendance have met with little success so far and the general tendency is to shirk these parades under one pretext or other, as the warders find these too taxing after their normal duties which are strenuous under the present conditions. It is apprehended that attempts to secure attendance may lead to further complications."

This is the situation. That particular note of the D. I. G. (Prisons) states clearly that there is something wrong in the jail administration.

We heard sometime before that in the jail administration those in the superior ranks, those who have gained experience for years in the jail code and jail administration including the Senior D. I. G. (Prisons) were not given their promotion. Even those lower than the rank of D. I. G. also were not given their respective promotions. Instead, the entire administration under the Home Ministry in West Bengal, I must say with a heavy heart, try to implant some of their outside officers as Inspector General of Prisons, particularly young I. A. S. officers, however bright they may be, thinking that they will be more experienced than the experienced Senior D. I. G. (Prisons), who has not been promoted as I. G. (Prisons). This is what has

been happening. This adds another instance of complete breakdown of jail administration. Among senior officers, there is a sense of frustration in the jail administration. All this is there today.

The third thing I would like him to consider is, in West Bengal, there is a warders' association. As my young friend rightly mentioned, this organisation is affiliated to one political party. I may mention its name, with your permission—it is the CP (M). It is known to them. They can disown it. What has been done with this warders' association? Because of enmity between the warders' association and the Naxalites, in all these jail incidents wherever happened—six or seven of these incidents during the last four months or so—if the authority and the administration goes into the matter, they will find that there have been continuing clashes between warders and Naxalites. In some cases, even there are reports submitted to higher jail authorities by the D. I. G. about actions of some warders. I have some cases and I would like to name them also with your permission, where no action was taken against warders.

There were certain specific reports but the IG of Prisons and also some of the officials did not pay any heed to that and they did not take any action so far. There are a few persons, Shri Thapan Roy for instance and others, against whom a report was submitted to the IG of Prisons for their alleged activities in regard to their association and their anti-Naxalite activities inside the jail, and yet those wardens are still working in the Alipore Central Jail where these incidents have now taken place. In spite of these reports, no action was taken against them.

MR. SPEAKER : Let him come to the question.

SHRI B. K. DASCHOWDHURY : So, my question is : Will the hon. Minister consider to what extent these warders, who owe allegiance to a particular political party and who are members of the Warders' Association, are responsible for these incidents in

the Alipore jail ? Secondly, is it not a fact that among the higher officials of the jail administration of West Bengal there is a sense of frustration at not being promoted to the levels which they deserve because the Home Minister's secretariat want to bring young IAS officers over their heads as IG of Prisons ? Thirdly, will the government not agree that without correctional services and other reformatory measures it is not possible to control the inmates of these jails because the number of under-trial prisoners and other convicts in this prison out-number the proportionate number of wardens and the jail has become absolutely over-crowded. So, will the government consider introducing reform in the administration of jails in West Bengal ?

SHRI K. C. PANT : I agree with my hon. friend that the approach should be one of correction and reform of prisoners. That is one of the tasks in which all authorities concerned with jails throughout the world, progressive authorities, are engaged in. It is a subject of current interest. But in this particular case these were under-trials and the stage of correction will come at a much later stage. That does not apply to the particular incident we are considering. Here a particular situation arose and the authorities took certain action. Certain results followed and we wanted a judicial inquiry by a judge. So, this incident should be treated apart from the general question of reform and correction of prisoners.

Then he read out some names of warders who were engaged in anti-Naxalite activities and he said that a report has been submitted to the IG of Prisons, West Bengal and no action has been taken on that. I shall have to look into it. I have no information with me... (*Interruptions*). Is Shri Dinan Bhattacharyya trying to plead the cause of some warders ?

SHRI DINEN BHATTACHARYYA : No.

SHRI K. C. PANT : I am mistaken. Then the hon. Member mentioned that IAS officers are being appointed whereas promotees should be appointed from among the

jail staff. This is a matter which can be separately considered. It is not a part of this particular Calling Attention Notice.

PROF. S. L. SAKSENA : (Maharajganj) : It is a most sad occasion when eight prisoners and under-trials have been done to death inside the Alipore jail by *lathi-charge*. Never have I known of so many prisoners being done to death in a *lathi charge*. The *lathi-charge* lasted for one hour, something unheard of in history. How could the *lathi charge* last for such a long time unless it was done as a revenge. Unless revenge was the motive, what else could it be ?

13'00 hrs.

There is one contradiction between what the hon. Minister has said and the report of the *Amrit Bazar Patrika*. The Minister has said that the incident occurred when one prisoner was trying to pass on information to another prisoner across the window, but the *Patrika* report says :

"Narrating the incident the Inspector General (Prisons) told the *Patrika* that the clash started when a convict overseer (mate) was beaten up by some extremist prisoners when the former had gone to ward number nine for distribution of breakfast."

The IG says this and the report that the Minister has got says that he was passing on some information. That means, something has been and is being cooked up after the IG's statement.

What is most shameful is this. I quote again :

"Immediately after the incident hundreds of anxious guardians gathered near the Alipore Central Jail to know about their near and dear ones. They waited till late hours of night."

At 8 O'Clock the beating began and till late at night people had to wait to know about what happened to their relatives. This is something very heartless and callous.

[Prof. S. L. Saksena]

I agree that the situation in West Bengal is extremely difficult but these are extremely callous attitude on the part of Government. I am neither a Marxist nor a Naxalite; I am a pure Gandhian, believing in non-violence and I really shudder at the thought that the *lathi* charge could go on for one hour and three persons could be beaten to death and three killed by bullets. I have never seen a man dying of shoe beating. I am sorry that the Minister's first reply did not show the regret that it should have shown. It is a matter of very deep shame and great pain to the whole House. The Minister should have said in the very beginning that he is very much concerned about and is sorry for the episode. I hope, he will make amends.

SHRI K. C. PANT : There is really no question in that. He referred to the *Patrika* report. I have not seen that particular report. Naturally, I give the report that I get from the West Bengal Government. I have placed before the House all the information that I have.

13'03 hrs.

Re : CALL ATTENTION NOTICES

(Procedure)

MR. SPEAKER : May I again invite your attention to the fact that we had been thinking of revising the procedure for calling-attention motions ? Almost every day it goes beyond the zero hour leaving aside all the rest of the business. That is the reason why I had invited the attention of the Business Advisory Committee and the Rules Committee. I was assured that the proper procedure would be followed.

SHRI H. N. MUKERJEE (Calcutta North-East) : But surely the threat of *lathis* against bodies being beaten to death is something which should arouse this House to condemn. I hope, your sleep would be disturbed to a certain extent by the thought of what you have heard today.

MR. SPEAKER : I have to preside over the House and listen to everything every day. I am talking of every day and not of today. It is every day that it goes beyond the Lunch Hour....(Interruption).

The procedure was that "a member may, with the previous permission of the Speaker, call the attention". We do not confine ourselves to "a member" but extend it to two, three, four and five Members. Then, "there shall be no debate on such statement at the time it is made but"—and this was added in 1967—"each member in whose name the item stands in the List of Business may, with the permission of the Speaker, ask a question." From "a member" it has become five members and from "a question" it has become so many questions along with a long speech. So, I invite the attention of the House to stick to the procedure.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : May I make a submission ? What I had tried to do before the Call Attention Notice started, I quoted the rule and asked for a discussion on it. Would you be so kind to consider admitting this discussion under Rule 193 ?

MR. SPEAKER : They are put before the Business Advisory Committee and they decide it.

SHRI JYOTIRMOY BOSU : I have given notice of it. But nothing has happened.

MR. SPEAKER : They come before the B.A.C., not me. Very often, it is mistaken that perhaps I am setting up all these motions and I allot the time. When these motions come, they are out before the B.A.C. and they decide it.

SHRI JYOTIRMOY BOSU : You are the master of the whole show.

MR. SPEAKER : I know how far you take it.