

SHRI PILOO MODY: Government could have paid compensation *suo motu*. Why did they not do it?

MR. SPEAKER: It would be much better if Shri Khadilkar leaves aside all comments and is concise in his answers. He can easily say that it is pending for a long time.

SHRI R. K. KHADILKAR: Under the Workmen's Compensation Act, the implementation rests with the States. Certain advances were made from the Prime Minister's Relief Fund and other funds. They were very meagre because it was such a big disaster.

MR. SPEAKER: May I request him to give brief concise replies instead of long replies because longer replies lead to complication?

SHRI A. K. SEN: It could not have gone to the court unless the Government resisted the claim for compensation.

SHRI R. K. KHADILKAR: Now a stage has been reached where perhaps the case will be finalised soon.

MR. SPEAKER: I am sorry, the question hour is now over.

SHRI INDRAJIT GUPTA: Sir, I thought you would make an observation about it. It is a scandalous thing. Eleven years have passed.

MR. SPEAKER: The Minister has already made it.

SHRI A. P. SHARMA: The Minister has said that the case has reached a stage where it would be finalised. What is the stage now?

SHRI JYOTIRMOY BOSU: This is another glaring instance which shows the class character of the government.

SHRI S. M. BANERJEE: In view of the delay in arriving at a decision by the High Court and in view also of the fact that no compensation has been paid so far, would the government make some *ex gratia* payment?

SHRI R. K. KHADILKAR: This is a suggestion.

SHORT NOTICE QUESTION

Death of Shri Charu Mazumdar in Police Custody in West Bengal

S. N. Q. 2. **SHRI H. N. MUKERJEE:** Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to the country-wide apprehension over the recent death in police custody in West Bengal of Shri Charu Mazumdar, chairman of the Communist Party of India (Marxist-Leninist);

(b) whether medical and other relevant reports regarding the death of this all-India political personality have been adequately examined; and

(c) whether Government are in a position to allay all apprehensions in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): (a) and (c). According to the information furnished by the State Government so far, Shri Charu Mazumdar was arrested by the Calcutta police in the early hours of 16th July, at Calcutta, on being taken to the Calcutta police headquarters he was examined, among others, by an eminent heart specialist. An ECG was arranged and all possible medical care was made available. On being remanded to police custody, he continued to be under constant medical attention and treatment as advised by the heart specialist. Family members of Shri Mazumdar were also allowed to see him when he was in police custody. Shri Mazumdar's condition, however, suddenly deteriorated towards the afternoon of 27th July. He was again examined by the heart specialist and on his advice was admitted at 19.30 hours on 27th July, to the S S K. M. Hospital. Despite all medical assistance, Shri Mazumdar expired at about 4.50 hours on 28th July. A four-man panel of physicians, including the heart specialist under whose

treatment Shri Mazumdar had remained has stated that the death of Shri Mazumdar was due to ischaemic heart disease with congestive cardiac failure. The death certificate of Shri Mazumdar was duly signed by the four physicians in the panel. Since the death occurred in police custody, *post-mortem* examination of the dead body was made. The viscera has been sent to the Forensic Science Laboratory for chemical examination. The result is awaited. A magisterial inquest is also in progress.

SHRI H. N. MUKERJEE : The question relates to the death of a leader of a political party and all that we get in answer is that a statement is laid on the Table. The members would like to hear the answer. He is the leader of a respectable party.

MR. SPEAKER : He may ask his supplementary.

SHRI H. N. MUKERJEE : Sir, you should please bear with me for a moment. Before I ask my supplementary, I want to make a submission. This is a question about the death of the leader of a political party of this country and it should be answered in a fashion that the hon. Members would know. Now, hon. Members do not get an opportunity of reading the statement.

MR. SPEAKER : In the case of longer replies they are always laid on the Table.

SHRI JYOTIRMOY BOSU : Sometimes they are read out also.

SHRI H. N. MUKERJEE : Sir, I am a bit intrigued by your concern for time being wasted or not wasted.

In view of the fact that the average citizen would be intrigued by the phenomenon that the heart of Shri Charu Mazumdar which could bear the rigours and tensions of underground life and hounding by the police of the entire country for more than three years was unable to stand the care and comforts provided by the Government for even a fortnight and also, in view of the fact that his widow has made a statement to the effect that adequate medical treatment had not been given to him, that police interrogations had continued for very long

stretches of time to the detriment of his heart condition and similar accusations have been made in journals published in this country, may I know if it is right for the Government to leave this matter to a Magisterial inquest, that is to say, an executive non-entity investigating the proceedings and why does not Government agree to some kind of a real investigation by a proper person or a High Court Judge or something of that sort so that all the misapprehensions in the minds of the people could be allayed ?

SHRI K. C. PANT : May I, for the benefit of those Members, who may not have read the Statement give a few sentences from the statement ? This is the information given to us by the West Bengal Government :

"On being taken to the Calcutta police headquarters, he was examined among others by an eminent heart specialist. An ECG was arranged and all possible medical care was made available. On being remanded to police custody, he continued to be under constant medical attention and treatment as advised by the heart specialist. Family members of Shri Mazumdar were also allowed to see him when he was in police custody. Shri Mazumdar's condition, however, suddenly deteriorated towards the afternoon of 27th July...."

I might say that when he was captured, along with him oxygen cylinders were also found and, I understand, he was a chronic patient of cardiac asthma. From the photographs, you must have seen that he was considerably emaciated.

Further, I read from the statement :

"He was again examined by the heart specialist and on his advice was admitted at 19.30 hours on 27th July to the S.S.K.M. Hospital...."

— there he expired—

"A four-man panel of physicians, including the heart specialist under whose treatment Shri Mazumdar had remained, has stated that the death of Shri Mazumdar was due to ischaemic

heart disease with congestive cardiac failure. The death certificate of Shri Mazumdar was duly signed by the four physicians in the panel. Since the death occurred in police custody, *post-mortem* examination of the dead body was made..."

As Shri Mukerjee said, a magisterial inquiry is also in progress.

So, I hope, my hon. friend will concede that adequate medical arrangements were made and that all along a heart Specialist was also looking after him and his advice was being followed.

SHRI H. N. MUKERJEE : Whatever one might think of the Minister's statement, since very large number of deaths inside jail, whether by point blank shooting down or otherwise, in recent years, have taken place, can the Government assure that in every such case of death, including that of Shri Charu Mazumdar, *post-mortem* reports properly made would be made available and that a full medical report regarding Shri Charu Mazumdar's death in particular would be made public in view of the magisterial inquest at least which has been announced ?

SHRI K. C. PANT : The death report, as I have already said has been signed by four physicians. The inquest is on. The findings of the inquest will be public. They will be going into the report of the forensic laboratory and the *Post-mortem* examination etc. I do not know procedurally what exactly is made public by the magistrate or what is not made public. But all the procedures laid down will be followed. I for one do not find any reason at all in this to occasion any doubt about the probity of any of the persons involved, Mr. Mukerjee said, some one of probity should look into it. I have no reason to question the probity of either the physician or the magistrate in this case.

SHRI JYOTIRMOY BOSU : The hon. Minister has just now said that from the time of arrest, all along a heart specialist had been attending on late Charu Mazumdar. If I remember aright, the Commissioner of Police, Calcutta, had said very categorically that Mr. Charu Mazumdar

was in good health at that moment. How does it sound that a heart specialist was attending on a man who had been maintaining good health as certified by the Head of the Calcutta Police, namely, the Commissioner of police ? Will the hon. Minister kindly clarify this point ?

SHRI K. C. PANT : I do not know about the statement of the Commissioner of Police. But I do know that the information given to us by the State Government is that Shri Charu Mazumdar was arrested by the Calcutta police in the early hours of 16th July at Calcutta. On being taken to the Calcutta Police headquarters, he was examined among others by an eminent heart specialist. This is the information with me on which I have made the statement. I have myself said on the basis of the information with me that he was a chronic, cardiac-asthma patient. His heart might have been all right when he was arrested, obviously was good enough at that stage, but then there was a sudden deterioration on a certain date. All those fact I have given; I can not give any more.

SHRI JYOTIRMOY BOSU : The Minister is mentioning about the facts at his disposal. We are interested in knowing the correct facts and not cooked-up facts that are often brought before the House. Will he please collect fuller details on this and lay them on the Table of the House, if there is no skeleton in the cupboard ?

SHRI TRIDIB CHAUDHURI : The Minister has said that Mr. Charu Mazumdar was a cardiac-asthma patient. When he was arrested, pathadrine and oxygen cylinders were found with him. He was, immediately after the arrest, examined by a heart specialist. It is also on record that he was subjected to constant interrogation by one Minister in charge of Calcutta Police and also subsequently . . .

SHRI JYOTIRMOY BOSU : Minister of State.

SHRI TRIDIB CHAUDHURI : Minister of State is also a Minister. (*Interruption*) It is not a laughing matter. It is a very serious matter and this thing is being widely commented by the Press, by the

public and not by the people who were all admirers of Mr. Charu Mazumdar. But there is something called justice, Mr. Charu Mazumdar was not found to be convicted of any crime as yet. Anyway it is on record that he was subjected to interrogation, and it has been alleged that he was subjected to 12 hours of continuous interrogation. Before this interrogation took place this grilling third degree method on a cardiac-asthma patient was the advice of a cardiac specialist and other doctors who attended on him obtained before Mr. Charu Mazumdar was subjected to this sort of inhuman interrogation ?

SHRI K. C. PANT : I shall again repeat because my hon. friend put some words in my mouth. According to him, I said, 'At once a heart specialist examined . . .' I did not say 'once'. I can only say what has been given here : 'On being taken to the Calcutta Police Head-quarters he was examined among others by an eminent heart specialist.' . . .

SHRI PILOO MODY : 'On being taken . . .'

SHRI K. C. PANT : But the information that I heard said that right from the time he was arrested, he was given proper medical attention. So, I cannot exactly pinpoint when the heart specialist examined him.

Secondly, the question of twelve hours continuous interrogation has been raised by my friend. It has been stated here by the West Bengal Government that because of his poor health, Shri Charu Mazumdar's interrogation was carried out only in brief spells. So, this does not bear out what he says.

SHRI PILOO MODY : Three spells of twelve hours.

SHRI SHYAMNANDAN MISHRA : There are three very material points which arise in this context and need clarification from the hon. Minister.

Now, what are exactly the reasons for a Minister of State interviewing Charu Mazumdar in the Police custody ? Is it a practice for a Minister to interview a person in the Police custody ?

Secondly, what were the findings of this eminent heart specialist after his examination ?

Thirdly, a point arises out of what the hon. Minister has said namely that an inquest is under way. What are the precise points for the inquest ?

SHRI K. C. PANT : As to why the Minister of State interviewed, Mr. Charu Mazumdar, I cannot answer...

SHRI SHYAMNANDAN MISHRA : Why ? Is it the practice ?

SHRI K. C. PANT : Obviously I cannot. It is for the State Government. He is not our Minister. Shri Manoharan will be very angry if I choose to answer for one of the Tamil Nadu Ministers here (*Interruptions*)

SHRI K. MANOHARAN : Your Central Ministers can go to Tamil Nadu and meddle with the whole matter ?

SHRI K. C. PANT : I am happy about it.

SHRI TRIDIB CHAUDHURI : On a point of order. It has become the practice of the Treasury Benches whenever a question pertaining to States or law and order comes up, to take shelter behind the DMK. That is very unfair. You have admitted the question and this question is being answered. He is answering the question. So, why should he give this sort of answers ?

SHRI K. C. PANT : Why not ? I do not understand the objection... (*Interruptions*)

SHRI PILOO MODY : If the minister sits down, I can explain the objection to him.

SHRI K. C. PANT : I do not see what fairness or unfairness there is in this. We do hear protests here if one of our Ministers chooses to answer for the State Government. There is the emphasis on State autonomy. So, if I raise this question, how is it unfair?... (*Interruptions*)

SHRI JYOTIRMOY BOSU : On a point of order, Sir. He has accepted this

question. Now he wants to take shelter under DMK. Wonderful, If it is a State matter, how was this question allowed to be admitted? I want to ask this question of you. Mr. Speaker. If it is a matter which involves the State Government, how is it that this question was admitted here? I want to know about that.

SHRI C. T. DHANDAPANI : The DMK Government directed an inquiry whenever such a thing happened in Tamil Nadu. Will your Government follow the same?

SHRI JYOTIRMOY BOSU : Kindly give your observations on what I said.

MR. SPEAKER : If you think it is a wrong thing, then it will not be done in future.

SHRI H. N. MUKERJEE : Are you taking a cue from an odd Member?

MR. SPEAKER : No please.

SHRI H. N. MUKERJEE : This kind of observation that falls from your lips that is recorded for posterity.

MR. SPEAKER : We have accepted it.

SHRI K. MANOHARAN : Sir, I do not want to put any question to Mr. Pant because I want to be magnanimous.

SHRI K. C. PANT : I thank Shri Manoharan for his magnanimity. So far as the findings of the heart specialist are concerned, I do not have the exact findings here; certainly we can find out what the heart specialist had said. But I know that he was called on the 27th. He advised that Shri Majumdar should be hospitalised and straightway he came towards the evening and Shri Majumdar was hospitalised in the evening. This fact I do have with me. As for the inquest the Magistrate did see the dead body in the morning and he also examined some witnesses. He still wanted to examine some more witnesses and only after that examination we will be in a position to know fully.

SHRI SHYAMNANDAN MISHRA : What are the precise points for inquest?

SHRI K. C. PANT : I don't know the precise points, but he was going into the

circumstances and facts surrounding the death to give his findings.

SHRI G. VISWANATHAN : The death occurred on the 27th, July. We presume that on the same day the viscera was sent for chemical examination we do not have the examination results. This is the callous way in which he was treated even after his death. In view of the mounting doubts expressed regarding the medical treatment meted out to him and regarding his death, I want to know whether Government is in a position to accept a judicial inquiry into the whole matter.

SHRI K. C. PANT : He died on the 28th at 4-50 P.M. and not on 27th. I wish to correct him there. So far as the report of the Forensic Science Laboratory is concerned, I myself was surprised that the report had not come. I asked my office to ring up West Bengal Government and they got in touch with the West Bengal Govt and they told them that there were certain tests which take long time. Only this morning we had got in touch with them. I agree with my friend; it looks as if they have taken a long time. So far as the next question is concerned, about the judicial inquiry, my answer is, no.

SHRI A. K. M. ISHAQUE : Charu Mazumdar very successfully eluded arrest for three years and it was known that he was to tour the country for organisational work of his party. It was also known and it was common news that in Calcutta this Naxalite movement was losing its ferocity and its depth. How is it that just before death Charu Mazumdar arrived there in Calcutta and got himself arrested? Was it done under advice from any foreign country, or was it a planned way of being arrested, just before death, for political purpose?

SHRI S. A. SHAMIM : There must be a judicial inquiry. The State Government is a party to the issue. You are basing your opinion on the statements and facts given by the State Government. The facts or the statements are those that have been supplied by the accused, which is, the State Government in this case. Will the Minister agree to an inquiry, either by Members of Parliament or a Judicial Inquiry or even a Central Agency Inquiry, for that matter, of

the CBI, or any other agency, because the State Government is the accused party ?

SHRI K C PANT : I am surprised at the statement made by the hon Member that the State Government is the accused party. This is completely wrong

SHRI S. A. SHAMIM : It is a conspiracy hatched by the State Government. The West Bengal Government has got him killed. The Minister who visited him

SHRI PILOO MODY : They played Nagarwala on him. Who else murdered him ?

SHRI S A SHAMIM : It is a case of a mysterious death

SHRI SAMAR GUHA : We differ from the political views of Shri Charu Mazumdar but as he was honest to his own conviction, his death has created a scare in the country. It appears to us that the hon Minister is not posted with all the information from the Government of West Bengal. I want to know from Government one thing. If the hon Minister is posted with the facts, he can reply here and now, otherwise, he may supply the information as early as possible after finding out the facts. I want to know whether Shri Charu Mazumdar was in police custody for eleven days before his death. During these 11 days, may I know whether he was at the police headquarters at Lal Bazar or he was taken to jail custody ? Further, during those 11 days, for how many hours was he subjected to interrogation ? Which were the agencies that interrogated him ? May I know whether before interrogation, medical advice was taken on the question whether Shri Charu Mazumdar's health would permit him to be able to bear the strain of interrogation ? Lastly, may I know whether his wife and daughter made any complaint about his death to the police

SHRI K C PANT : I have already indicated that he was taken to Calcutta police headquarters. As regards the question how many hours he spent there and how many hours he spent in the police lock-up, I do not know how material it is to what we are discussing now. I do not know the purpose of the question in regard to the

time spent in either place.

SHRI SAMAR GUHA : The hon. Minister has said that he does not know the purpose of the question ..

SHRI K. C PANT : An attempt is being made to raise suspicion over a matter on which factually there is no ground for suspicion.

SHRI S. A. SHAMIM : Suspicion is already there.

SHRI K C PANT : Some people are congenitally suspicious

SHRI S. A SHAMIM : Because the entire Government's functioning makes us suspicious. Their conduct makes us suspicious

SHRI K. C PANT : The material point is whether he had adequate medical aid, and whether he was being looked after by doctors. I have been told that besides periodical examinations by heart specialists, he was also being examined by the police doctor. Somebody had asked for the name of the heart specialist who attended on him. Dr. Chandikar is his name, and as regards the hospital, I have already mentioned that it is the SSKM hospital. Apart from that, Shri Charu Mazumdar was also being examined by the police doctor. Therefore, that is the material point. Therefore, there is no question of his not having been under medical care. He was a heart patient. That is the information. He was a chronic heart patient. Therefore, the police doctors did take the precaution of examining him frequently. So, why should there be objection to that ?

So far as his wife and daughter are concerned, I did indicate in my reply that his wife and daughter met him. As far as my knowledge goes, they have not made any complaint, that is, the West Bengal Government have not communicated any complaint by them to me.

SHRI SAMAR GUHA : May I make a submission to you ? I had asked a question whether the hon. Minister had any information on the point regarding the number of hours for which he was subjected to intense

gation, and whether before interrogation, medical advice was taken about whether he would be able to bear the strain of the interrogation. If the hon. Minister has got the information, he may tell us, or else he can supply it at a later date. He has not replied to this very relevant question.

SHRI K. C. PANT . I do not know what the doctor told the people there after each examination. The very fact that he was under examination by a heart specialist and that he was also being examined thrice daily by the police doctor obviously shows how much care the Government there was taking to see that he was given proper medical care. That is the point.

SHRI M RAM GOPAL REDDY : I want a confirmation from Government ..

MR SPEAKER No confirmation, only a question.

SHRI M RAM GOPAL REDDY . Has any leader from Kashmir, including Sheikh Abdullah, died in our custody ? (*Interruption*)

MR SPEAKER I have already allowed too many questions on this. I am passing on to the next item.

SHRI PILOO MODY : I have asked only one question this whole session.

MR SPEAKER : Yes.

SHRI PILOO MODY : I do not understand this questioning and answering procedure which tries to evade the relevant point. It has been admitted by the Minister that Shri Mazumdar was an ill man, suffering from a very chronic disease called cardiac asthma. Under the circumstances, it was asked of the Minister how many hours of police grilling and interrogat on did he have. This is very material to find out, because in spite of the fact that they knew his medical condition, he was being interrogated not only by Ministers but by policemen. And what methods were used, nobody knows. The Minister asks, how is it relevant to the question ? This is the only relevant thing whether they killed him by interrogation (*Interruption*).

MR SPEAKER : Order, order. No such remarks should be made.

SHRI K.C PANT : I have never said whether it was relevant or not. I had only given the relevant facts in answer to the question about interrogation. My information is that the interrogation was being carried out only in brief spells because of his weak and poor health. Thrice a day doctors were seeing him. There was a heart specialist who was attending on him whenever required. Therefore, the presumption is that all those people must have taken the precaution. I do not exactly know what the specialist said; nor do I know exactly what the doctors said. The facts speak for themselves. This is the submission I make.

SHRI R V. BADE : As soon as Shri Mazumdar was arrested by the police, he must have been produced before the Magistrate and the Magistrate must have remanded him to police or judicial custody. Was he examined at that very time by the judiciary or the Magistrate ?

SHRI K C PANT : Being a lawyer, my hon friend knows the procedure. So he knows that he was remanded to police custody.

SHRI R V BADE . He must have been examined by the Magistrate.

SHRI K C PANT : Yes. The Magistrate did remand him. He knows the procedure. I had said in the beginning—he would have known if he had listened to me carefully—that on being remanded to police custody, he continued to be under constant medical attention and treatment, as advised by the heart specialist.

WRITTEN ANSWERS TO QUESTIONS

भारत-अमरीकी सम्बन्ध

*246. श्री ईश्वर चौधरी : क्या विदेश मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने अमरीकी सरकार के साथ अपने सम्बन्ध सुधारने के लिए कुछ कदम उठाये हैं;