

बाबरी चरण सिंह : रिक्रूटमेंट में परसेंटेज तो रखा हुआ है लेकिन सारा परसेंटेज एकदम पूरा हो जाये, यह तो सम्भव नहीं है। वह धीरे धीरे बढ़ रहा है।

श्री शिव नारायण : मैं मंत्री जैसे जानना चाहता हूँ कि डी० आई० जी० एस पी०, डी०एस०पी — इस तरह के जो प्रोफिसेर्स हैं उनके लिए जो 18 परसेंट का रिजर्वेशन दिया गया है वह पूरा हो रहा है या नहीं।

बाबरी चरण सिंह : मैं जगज्ज दे रूका हूँ। माननीय सदस्य तो हमारे पुराने मित्र हैं।

Release of Persons Detained during Emergency

*47. SHRI GAURI SHANKAR RAI:

SHRI MUKHTIAR SINGH MALIK: Will the Minister of HOME AFFAIRS be pleased to state:

(a) how many persons have so far been released out of those who were detained under the MISA/DISIR or other Acts during the Emergency period, separately in each State, category-wise;

(b) the State-wise and category-wise break-up of detentions at present;

(c) how many detenus died or succumbed to accidents/illness during the Emergency period; and

(d) the steps taken by Government to get all the detained persons released in each State?

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): (a) and (b). During the Emergency 29,795 persons were detained under the Maintenance of Internal Security Act, 1971, by invoking Section 16A of the Act. Of them 18,892 detenus had been released upto 17th March, 1977 and the remaining were released after that date.

6244 persons were detained under the normal provisions of the Act during the same period, in addition to 6010 persons already in detention as on 25th June, 1975. Out of them 6851 were in detention as on 25th March, 1977. Only 1796 persons were in detention on 4th June, 1977. Two statements giving state-wise and category-wise break up of number of persons who were detained by invoking Section 16A of the Act and under the normal provisions of the Act are laid on the Table of the House. [Placed in Library. See No. LT-341/77].

The Defence and Internal Security of India Rules do not provide for detention of any person.

2015 persons were detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 during the period 25th June, 1975 and 20th March, 1977. A statement showing State-wise number of detentions, releases as well as the position on 4th June, 1977 is laid on the Table of the House. [Placed in Library. See No. LT-341/77].

(c) 59 detenus died while in custody and 14 died while on parole.

(d) The State Governments have already been advised to consider the release of persons detained under Maintenance of Internal Security Act. In pursuance of this advice, the State Governments have released a large number of detenus.

श्री गौरी शंकर राय : घघ्यज्ञ महोदय, मुनकों के संबंध में मैं माननीय गृह मंत्री जी के उत्तर को मुन नहीं सका। मैं जानना चाहता हूँ कि कितने लोगों की मृत्यु हुई है?

बाबरी चरण सिंह : 59 की मृत्यु जेल में हुई थी और 14 की मृत्यु जेल से बाहर निकल कर हुई, इन की मृत्यु का कारण भी हम जेल ही समझते हैं, क्योंकि ये बीमार से और इसीलिए इन को पैरोल पर छोड़ा गया था।

श्री गौरी शंकर राय : क्या गृह मंत्री महोदय को मालूम है कि इस सप्ताह और पिछले सप्ताह में जेल से निकले हुए घनेकों बीमार लोगों की मृत्यु हुई है। चूंकि वे लोग जेल से ही बीमार चले आ रहे थे, क्या उन को भी जेल में ही मरा हुआ समझा जायेगा।

श्रीधर चरण सिंह : रिहाई के तीन महीने के अन्दर जिन की मृत्यु हुई है, उन को जेल में ही मरा हुआ समझते हैं।

श्री गौरी शंकर राय : ऐसे लोग जो जेल में मर गये या जेल में ही गई यातनाओं के कारण मरे, क्या सरकार उनको कोई कम्पेंसेशन दे रही है या उनके परिवारों को कुछ सहायता देने के बारे में सोच रही है ?

श्रीधर चरण सिंह : सरकार ने अभी हाल में एक निगण्य लिया है कि जो लोग जेल में मर गये हैं—मेरा मकसद इन 73 आदमियों से है—प्रगर उनके परिवारों को आर्थिक स्थिति अच्छी नहीं होगी तो उन को कम्पेंसेशन दिया जायगा।

SHRI CHITTA BASU: May I draw the attention of the hon. Minister to the chart given? In regard to West Bengal, I find that in column 2 the total number of persons under detention is 5,223 while under column 3 the number is 5,009. May I know the number of detenus in West Bengal even now in jail? Again, I find that the number detained in the context of emergency by invoking section 16A of the MISA was 311 and the number released was 217. May I know why the remaining 94 persons have not been released even after the revocation of the emergency? I am asking for all these details because they are mentioned in the chart itself. That is why I want a clarification. In the course of the reply the Minister said that 59 deaths took place in jail. Is it not a fact that apprehensions have been expressed by many that many of the deaths in jail are due to police torture and under questionable circumstances?

May I, therefore, know from the Minister whether he is in a position to assure the House that all such cases of death while in detention would be covered by a judicial enquiry?

CHAUDHURI CHARAN SINGH: I have heard various allegations regarding death of persons in jail. But nobody has, till today, supplied me any details.

As regards these 73 persons, they are those who were arrested under Section 16A, not under the normal provisions of MISA, as it existed before 25th June 1975. After 25th June 1975, when emergency was imposed, section 16A was added to MISA. I am talking of the prisoners who were detained under section 16A, which was then added. I am not talking of those who were already detained under the normal provisions of MISA. I do not know those figures.

SHRI CHITTA BASU: The total number of persons arrested under the normal provisions of MISA in West Bengal was 5,223.

How many of them are still in jail? What has happened to them?

CHAUDHURI CHARAN SINGH: I do not know to which table he is referring. Most of the detenus were in the jails of West Bengal, perhaps 6,200. The figure must be there somewhere. Out of these, 4,900 have been released. I am talking of detenus. The cases of the remaining 1,300 persons are still under review by the State Government but I am afraid they are not likely to agree to release all these 1,300. And the final word, the hon. Member will agree with me, lies with the State Government in this connection.

PROF. DILIP CHAKRAVARTY: On 30th January, 1977, one person who was sick was not provided the necessary medical facilities and he died. I am afraid the State Government under Shri Siddhartha Shankar Ray never cared to pass on this information to

the Central Government. Secondly, in league with Shri Siddhartha Shankar Ray when he was here, a conspiracy was hatched by the Central Home Ministry to have the theory of counter violence and as a result, 5,000 Naxalites were killed in the streets of West Bengal. Is the hon. Minister aware of such incidents? Thirdly, does he intend to institute an enquiry into this?

CHAUDHURI CHARAN SINGH: I have not got any such information. If the hon. Member supplies me the information, I will enquire.

SHRI CHITTA BASU: Will the hon. Minister have an enquiry instituted? This is a very important question.

MR. SPEAKER: That is why I allowed you. This is important not only to you but to the whole House and the whole country. That is why you must give a chance to others also.

SHRI CHITTA BASU: But he should reply completely.

SHRI C. K. CHANDRAPPAN: In the statement the hon. Minister has stated that there are a large number of persons belonging to banned organisations who were kept in custody. I think in that category a large number of Naxalites are involved. After assuming office, the Janata Government have released almost all the RSS members, who were members of a banned organisation, but they have not released the Naxalites. What are the reasons for this, and what is the final decision about it?

CHAUDHURI CHARAN SINGH: This Government has made no discrimination between the RSS people and the Naxalites. We have not issued any such orders at all.

SHRI C. K. CHANDRAPPAN: Mr. Speaker, I seek your protection. The hon. Minister did not answer my question. He says there is no discrimination. I asked about the final decision

in regard to the release of Naxalites and also why RSS men were released while Naxalites were not released. He should answer properly.

CHAUDHURI CHARAN SINGH: I have already said that almost the entire lot of Naxalites has been released. I have given the figures as regards Bengal. What else can I say. What else does the hon. Member wants from me? I have also said that the final word lies with the State Government. We can only give them advice. We have already advised them to release all the detenus.

श्री भानु कुमार शास्त्री : अध्यक्ष महोदय, मैं आप के माध्यम से गृह मंत्री से यह कहना चाहूंगा कि उन्होंने 16-ए के अन्दर जो लोग गिरफ्तार हुए और जेलों के अन्दर जिन की मृत्यु हो गई, उस की सूचना दी है लेकिन मैं मंत्री जी से यह पूछना चाहूंगा कि आपातकालीन स्थिति लागू होने के बाद कई ऐसे कार्यकर्ता थे जो कि डी० आई० आर० के अन्तर्गत पकड़े गए थे और अस्वस्थता के कारण और ठीक ढंग से उन को उपचार न मिलने के कारण जेलों के अन्दर उन कार्यकर्ताओं की मृत्यु हो गई, क्या ऐसी कोई सूचना आप के पास है ?

CHAUDHURI CHARAN SINGH: The question that was put to me was: how many detenus died or succumbed to accidents/illness during the Emergency period and my reply relates to this question. If anybody who was arrested had died, it does not mean that he had been under detention under the DIR. In fact, all the persons whether they have been arrested under the MISA/DISIR or not have been included in it.

श्री भानु कुमार शास्त्री : मेरा एक प्रश्न यह है कि जो व्यक्ति डी० आई० आर० के अन्तर्गत गिरफ्तार हुए उनको भी इसमें शामिल नहीं किया

है। राजस्थान में उदयपुर के अन्दर एक व्यक्ति श्री भोमप्रकाश लखारा को बंदी बनाया गया और उसको समय पर इलाज के लिए डिःचार्ज नहीं किया गया जिससे उसका देहावसान हो गया।

चौधरी चरण सिंह : मैं मालूम करूंगा कि जिस व्यक्ति का नाम माननीय सदस्य ने लिया है, शामिल किया गया है या नहीं। अगर शामिल नहीं किया गया है तो शामिल कर लिया जायेगा।

श्री निर्मल चन्द जैन : अध्यक्ष महोदय, प्रश्न यह है कि आपात्कालीन अवधि के दौरान मीसा, डी० आई० एस० आई० आर० अथवा अन्य अधिनियमों के अन्तर्गत नजरबंद किये गए व्यक्तियों की पूरी डिटेल्स इसमें प्रोवाइड की जानी चाहिए थी और यह भी प्रोवाइड किया जाना चाहिए था कि डी० आई० आर० के अन्तर्गत कितने व्यक्तियों को एक-दूसरे तक गज्यवार छोड़ा गया।

दूसरी बात यह है कि 16-ए धारा 29 जून के बाद लागू हुई थी। जो व्यक्ति 26 जून को गिरफ्तार हुए उनकी फिगर्स भी इसमें आनी चाहिए थी।

चौधरी चरण सिंह : मैं समझता हूँ कि 16-ए धारा उन व्यक्तियों पर भी लगायी गई थी जो 26 और 28 जून के बीच गिरफ्तार हुए थे। जिन पर 16-ए धारा लगायी गई वे सब इसमें आ गये हैं।

SHRI BAPUSAHEB PARULEKAR: Thousands of persons were detained and arrested under 16-A. At that time, the detenues were not even allowed to approach the court. I would, therefore, ask the hon. Minister whether any pro-

vision in the law is going to be made by the present Government so that any person who is detained illegally can approach the court and get the compensation. Whether Government is thinking of giving compensation to such persons.

CHAUDHURI CHARAN SINGH: 16-A has already been deleted and those who were arrested under that section have been released. If suit for damages can lie in a law court for such arrest well, the Government has nothing to say in the matter.

SHRI G. M. BANATWALLA: Is it not a fact that in the case of RSS detenus the Government pursued the matter vigorously and all of them have been released immediately but in the case of Naxalities, the Government is content by giving a mere advice to the States?

CHAUDHURI CHARAN SINGH: I protest against this insinuation. I have been solicitous to the Naxalites rather than the RSS people, and the Naxalite leaders themselves will testify to what I have said.

श्री लालजी भाई : मैं जानना चाहुंगा कि एमजैसी के दौरान जिन लोगों को गिरफ्तार किया गया था, उन सभी को कब तक छोड़े जाने की मियाद है, कब तक सभी व्यक्ति रिहा कर दिए जायेंगे ?

चौधरी चरण सिंह : जितने व्यक्ति एमजैसी में गिरफ्तार किए गए थे, वे सभी छोड़ दिये गये हैं। नक्सलाइट्स एमजैसी के पहले ही गिरफ्तार किये गये थे। उनमें से लगभग 90 प्रतिशत यानी 6200 में से 4900 को छोड़ा जा चुका है। 1300 बचे हैं। इन में से बहुत सी के मुताल्लिक राज्य सरकारों की राय यह है कि उनका पुराना रिकार्ड मर्डर का, पुलिस आफिसर्स पर अटक करने वगैरह का ऐसा है कि वे देश की

सुरक्षा की दृष्टि से इनको छोड़ना मुनासिब नहीं समझती है। अभी कुछ कंसिस को भी देख रहे हैं। लेकिन जैसा मैंने अर्ज किया इस मामले में अतिम राय स्टेट गवर्नमेंट की होगी।

SHRI VAYALAR RAVI: May I know whether it is a fact that many of the Naxalites who were in jail in West Bengal and Kerala since 1968 onwards were also ill-treated in those days and, if that is so, whether the hon. Minister will look into that matter.

CHAUDHURI CHARAN SINGH: I do not know the date or the year at all for this, notice will be required.

SHRI P. K. KODIYAN: May I know whether it is a fact that in regard to the release of Naxalites the Government have been insisting that Naxalite prisoners should give an undertaking that they would respect the law and the Constitution and that they would live and act in a democratic manner and, if that is so, whether it is a fact that some of the Naxalites have not agreed to give such an undertaking.

CHAUDHURI CHARAN SINGH: It is a fact that the central committee of some groups of Naxalites has already passed a resolution to the effect—I cannot quote the exact words—that they no longer believe in class annihilation violence. From this, it follows that they believe in methods other than violence which means that they would follow the democratic path. But there are some groups of Naxalites who do not subscribe to this resolution. They are still wedded to their own old ways of violence and assassination.

SHRI PADMACHARAN SAMANTA-SINHAR: Firstly, I want to know, when a prisoner dies in jail, who is responsible for that death. Is it due to the negligence of the jail authorities or the police authorities? Secondly, some compensation is given to the family of the deceased and that depends on the economic condition of the

family. In the case of giving pension to ex-Members of Parliament, that condition is not imposed. An ex-Member of Parliament may be a man of lakhs or even crores of rupees. The pension is given to all the ex-Members of Parliament. If that is so, I want to know why do you impose that condition, the economic condition of the family of the deceased, in the matter of paying compensation.

CHAUDHURI CHARAN SINGH: About the responsibility for the death of prisoners in jail, I think, the reply should better be given by the friends opposite. It is in fact they who were indirectly responsible for the death of the people in prison. I have not received any report that any of these gentlemen died because of any beating or mal-treatment or any such offence committed by the jail staff.

As regards the other question of criterion about the compensation, etc. well, I do not exactly remember it, but the sum paid as compensation for survivors of these people varies from Rs. 150-250 or Rs. 200. So, the sum can vary between these two figures and the decision will have to be taken on the report of the District Magistrate or other authority which we may prescribe in this behalf.

As regards financial circumstances of the survivors, if the circumstances are very bad, then we award the highest sum; if not so bad, then the sum will be somewhat less.

SHRI VINODBHAI B. SHETH: What is the actual definition of Naxalites? How can you demarcate Naxalites from other criminals? Is there any change in the attitude of the police departments against the Naxalites?

CHAUDHURI CHARAN SINGH: The definition is that they did not commit any crime for their own personal interest. They were actuated by public interest, although they were mistaken in choosing the method that they chose in achieving their ends.