

# LOK SABHA DEBATES

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## LOK SABHA

Wednesday, December 16, 1981/  
Agrahayana 25, 1903 (Saka)

*The Lok Sabha met at Eleven of the  
Clock*

[MR SPEAKER in the Chair.]

### ORAL ANSWERS TO QUESTIONS

#### Escape of Convicts from Tihar Jail, Delhi

\*352. SHRI MANORANJAN BHAKTA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of reports that there has been jail jumping on the part of some convicts with forged documents from Tihar Jail in Delhi; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): (a) and (b). statement is laid on the Table of the House.

#### Statement

The Delhi Administration have reported that eight cases of securing release/attempting to secure release on the basis of forged court orders/other documents have come to their notice since December, 1979. These cases involve 11 persons. Of these, only 5 persons succeeded in getting released. Attempts of the remaining 6 were foiled by timely detection. Four of the five persons who secured their release have since been apprehended. After investigation into these incidents cer-

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tain charges have been made in the assignment of duties in the warrant office of the Jail as well as in the duties of the Head Warders/Warders. The Delhi High Court and the District & Sessions Judge, Delhi have also issued suitable instructions to the Courts functioning under them with a view to preventing cases of release on the basis of forged documents.

SHRI MANORANJAN BHAKTA: Mr. Speaker, Sir, I have gone through the statement. This is a sixteen-line statement which the Minister could have read for the information of the entire House. But, perhaps, he has made a careful exercise to minimise the seriousness of the whole episode.

After going through the entire statement, one thing comes out. When there are such attempts of jumping the jail by using forged documents and other methods, Government should take all precautionary measures. From this statement a question arises. This thing came to the notice of the Government in December, 1979. Prior to this date, a number of people could have escaped from the jail by using various methods. Look at the types of crimes involved. This is also very important. Who were the persons who escaped from jail already or who have tried to escape from the jail and what are the types of criminals involved? This is also a very important point.

I would like to know from the hon. Minister one thing. The statement says that investigation was made. By whom was this investigation made? And what were the findings or recommendations made? Which of these were accepted by Government? The while incident happened by using the High Court seal.

MR. SPEAKER: You ask your question.

SHRI MANORANJAN BHAKTA: I am asking my questions. (a), (b), (c) as part of my question. (Interruptions) I know that this concerns the Union Territory and I also come from the Union Territory. My point is that the forged document was used with the seal of High Court.

So, the question arises that without the connivance of some of the officers of the High Court it is not possible to use this seal. Sir, the hon. Minister has stated that Delhi High Court has issued instructions to the subordinate courts to take certain precautions. I would like to know what instructions have been

issued so that the seals of the court are not misused.

SHRI YOGENDR MAKWANA: Sir, I think the reply will cover the entire Question Hour the way in which the questions have been framed. However, I will try to satisfy the hon. Member by giving as much information as possible. Sir, five convicts have so far escaped and four have been re-arrested. One is still not re-arrested. Sir, the hon. Member wanted to have the particulars.

SHRI MANORANJAN BHAKTA: Sir, let the hon. Minister give only the names and the nature of crimes.

SHRI YOGENDRA MAKWANA: Yes, Sir, I will do that.

| Name                                    | Offence for which convicted              | Details   |
|---|--|---|
| 1. Naïmullah Khan                       | 302 IPC                                  | Escaped on 1-11-80 and rearrested on 4-1-1980.                                    |
| 2. Harbir Singh.                        | 302 IPC                                  | Escaped on 21-1-1981 and not yet re-arrested.                                     |
| 3. Rajinder alia Vijay s/o Pooran Chand |  | Forged release order was not effected by the Jail Authority (Central Jail Tihar)  |
| 4. Jai Singh s/o Budh Singh             |  | Forged release order was not effected by the Jail Authority (Central Jail, Tihar) |
| 5. Shakil s/o Rashid                    | 417/380, 454/380<br>380/417, 25 Arms Act | He made an attempt to escape.   |
| 6. Davinder s/o Sada Ram                | 302/120-B                                | Escaped on 19-12-80 and re-arrested on 2-2-81.                                    |
| 7. Sohan Lal s/o Madan Lal.             | 454/380/457<br>& Arms Act.               | Escaped on 10-9-81 and re-arrested on the same day.                               |
| 8. Noor Mohd. s/o Abdul Hassan          | 394/406                                  | Attempted escape.   |

MR. SPEAKER: It is a very long reply. You can lay it on the Table of the House.

SHRI YOGENDRA MAKWANA: There are three others.

SHRI MANORANJAN BHAKTA: Sir, let the hon. Minister tell as to who investigated?

SHRI YOGENDRA MAKWANA: The investigation was done by the Delhi Police.

He wanted to know what steps the Delhi Administration has taken. The statement of release orders received in the Tihar Jail are sent the following day to the Chief Metropolitan Magistrate for cross-checking by the Court, so that, if it is false, it can be contradicted.

Previously release orders were sent by different Number to Courts themselves. Number two release orders are collected now by the Jail Staff from the Court of the Chief Metropolitan Magistrate, for the Tis Hazari Courts. They are collected by the Police Escort of the Jail Van from the Courts of the Addl. Chief Metropolitan Magistrate in respect of Shahdra and New Delhi Courts.

Number three: No convict is given clerical duties in the Warrant Room. Previously the convicts were working in the warrant room as clerks; they used to manipulate forms and other things and put the false documents with the valid documents and try to escape. Now no convict is given clerical duties in the Warrant Room.

Number four: When a convict is transferred to another Jail, and no information about his arrival there is received within 8 days, a wireless message is sent to that Jail. Sometimes it so happens that the convict is in between, and we do not get the information from the Jail. Now, we sent a wireless message to get information within 3 days.

Number five: The duties of Head Warders and Warders are changed frequently so that they do not get mixed up with the convicts and under trials and do not develop vested interest. Previously, because they were deployed for a longer time at one place, they used to mix up with convicts and do all sorts of things. Now we are frequently changing the duties of these Wardens and Head Wardens. So, these are the steps which have been taken by the Jail Authorities.

Then he asked, what instructions the Delhi High Court has given. Sir, that also is a very lengthy one. I have to read because he has asked for it. (Interruptions) That is why I told you in the beginning that if I reply in the way he has asked the Question, I will have to take the entire Question Hour for replying to him! Sir, regarding the suggestion circulated by the Delhi High Court and the District and Sessions Judge, Delhi, ..

MR. SPEAKER: Better you lay it on the Table of the House.

SHRI YOGENDRA MAKWANA: All right, Sir; I will lay it on the Table of the House.

SHRI MANORANJAN BHAKTA: Sir, my second supplementary is this. . .

DR. KARAN SINGH: I want to ask a question, arising out of this.

SHRI MANORANJAN BHAKTA: My second supplementary is a pointed question. May I know whether the Home Minister visited the Tihar Jail and he found liquor, the consumption of liquor, in that place. If so, what are the steps which have been taken by the Government in this regard?

SHRI YOGENDRA MAKWANA: In fact, this question is not directly related to the Main Question. However I would like to inform the hon Member through you, Sir, that we have taken action against the officers who are responsible. And, so far as liquor is concerned there was no liquor. But it was alleged like that. Ultimately after investigation it was found out that some drug was taken by a convict.

DR. KARAN SINGH: The situation in the Tihar Jail only highlights the fact that the conditions of jails in this country are particularly unsatisfactory. The first question (in respect of which the questioners were absent) deals with

child criminals and women criminals. There is no satisfactory arrangements for them at all.

Now, will the hon Minister be pleased to tell the House, what is the progress of the High Power Commission or Committee that is taking a comprehensive view of jail reforms?

When is their report expected to be received? Will the Government thereafter move expeditiously to really bring about some basic changes in regard to the entire Jail System in this country? Sir, every day, newspapers are full of the most horrifying types of stories with regard to Jails, particularly, the treatment of women and children. So what is the Government's reaction to these?

**SHRI YOGENDRA MAKWANA:** Sir, the Jail Committee was appointed under the Chairmanship of Justice Mullah. So far as Tihar Jail is concerned, they have submitted a report. We are taking action. We are constructing new jails so that the under-trials can be kept separately.

**DR. KARAN SINGH:** Tihar Jail or the whole country?

**SHRI YOGENDRA MAKWANA:** One report has been received and that is regarding Tihar Jail. With regard to the entire country, the Committee has not submitted its report. As and when the Report is received, necessary action will be taken after examining the Report.

#### Palekar Award

\*355. **SHRI BAPUSAHEB PARULEKAR:** Will the Minister of LABOUR be pleased to lay a statement showing:

(a) whether it is a fact that many newspapers in the country have not yet implemented the Palekar Award for Journalists and non-journalists;

(b) if so, names of such newspapers; and

(c) action taken against these newspapers and if not, the reasons therefor?

**THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRIMATI RAM DULARI SINHA):** (a) According to information received from State Governments/Union Territory Administrations, some newspaper establishments have not implemented the Govt's order on the Palekar Tribunals recommendations for Working Journalists and non-journalist newspaper employees.

(b) A statement giving the available information is laid on the Table of the House. [Placed in Library. See No. LT—3120/81].

(c) State Governments/Union Territory Administrations are the appropriate Governments for securing implementation of the order on the Tribunals' recommendations. State Governments/Union Territory Administrations have been requested to initiate proceedings under the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 against newspaper establishments who fail to implement the order.

एक माननीय सदस्य : नेशनल हेरल्ड का क्या हुआ ?

**SHRI BAPUSAHEB PARULEKAR:** Mr. Speaker, Sir, this is a very important question.

**DR. SUBRAMANIAM SWAMY:** That is why he admitted it.

**SHRI BAPUSAHEB PARULEKAR:** The statement mentions that in 10 States in the country there is no newspaper industry. In one State this law is not applicable. From two States—Jammu and Kashmir and Andaman & Nicobar Islands—information is not available. As far as Tripura is concerned, the statement mentions that the law is not at all implemented there and out of 17 States, it is stated in the statement that 224 establishments have so far not taken any steps to implement this particular award. The maximum number is in Karnataka which has