

there was a hike in the prices of oil and diesel, the Government used to take the plea that the prices were rising in the international market. That was how they used to justify the price-hike. They used to say that it was a compulsion for them. But at present, the price of these commodities are declining in the international market.

The prices of oil, diesel, kerosene and gas have been raised steeply. All our hon. Members have opposed this price-hike. Some people even expressed the fear that the Opposition would take advantage of it. I would like to tell you that the opposition parties had given a call for Bharat-Bandh earlier, but this time it was a historical Bharat-Bandh. There is no doubt that the opposition parties got credit for it, but it is also a fact that this time they did not have to make much efforts as they had been making previously. This time the people themselves rose against the policy of the Government. This shows that the price-hike by the Government, specially in respect of those items which are of use for the common people, be they farmers or labourers, has an adverse effect on the people of India.

15.58 hrs.

[MR. SPEAKER in the Chair]

The people have strongly opposed the Government for this hike, and they have risen against this step. I take it as a challenge and the Government should also take it in the same spirit, otherwise the people will rise to oppose it with greater vigour in the coming days and when the people would suffer, we shall have to support them.

[English]

MR. SPEAKER : Are you to continue still ?

[Translation]

Have you finished your speech or not ?

SHRI VIJAY KUMAR YADAV : The bell has been rung, so I have resumed my seat. So far I have only given introduction.

[English]

MR. SPEAKER : You can continue tomorrow.

16.01 hrs.

DISCUSSION RE : ESCAPE OF PRISONERS FROM TIHAR JAIL ON 16TH MARCH, 1986

[English]

MR. SPEAKER : Now we shall take up discussion under Rule 193. Prof. Madhu Dandavate to initiate the discussion.

PROF. MADHU DANDAVATE (Rajapur) : Mr. Speaker Sir, on 17th March I sought your consent to move an adjournment motion on the question of escape of six prisoners including Charles Sobhraj from Tihar Jail. It was not just a frivolous move, to move the adjournment motion. But I felt that the entire security arrangement and the entire jail administration in Tihar Jail had collapsed and it is a major failure on the part of the Government.

I also pointed out to you Sir, that my valued colleague late barrister Nath Pai, who incidentally got elected from the same constituency which I represent, on 19th November 1983 had sought the permission of the Speaker to move an adjournment motion on the failure of the Government to prevent the escape of Daniel Walcott who was a known smuggler. The adjournment motion was admitted. The beauty of that adjournment motion was that none from the Treasury Benches objected to the adjournment motion being admitted. (Interruptions) As a result of that, there was a thorough discussion on the adjournment motion.

MR. SPEAKER : I am going to have a much more thorough discussion now Sir. Because you will have much more facts at your command.

PROF. MADHU DANDAVATE : I was just on the point. The entire House is grateful to you Sir, though you did not feel that the adjournment motion could be admitted, you directed the Minister to make a statement at 2 o'clock. When I gave the notice for a discussion on that, you immediately admitted the motion only the next day ; but it was my failure to remain present yesterday because of Patna Kranti March. I had to go there. (Interruptions) Don't be so much panicky when we utter the name revolution. If by the utterance of the name revolution you become so much panicky, what will happen if the revolution takes place !

SHRI SOMNATH CHATTERJEE
(Bolpur) : They will not be there.

(Interruptions)

PROF. MADHU DANDAVATE : I am glad that you promptly admitted a discussion under Rule 193 because you too were convinced that it was a matter of urgent public importance and, therefore, a discussion should immediately be commenced under Rule 193.

A Statement has been made by the Minister of State for Home Affairs. The first responsibility after he resumed the new portfolio was to talk about the escape of the prisoners. In a very brief statement—Our Home Minister of State is known for his brevity—he had made a factual statement that at 2.50 on that day the Superintendent of Jail was informed that such and such a thing had happened, so many people had escaped. Then, he said that so many persons were drugged and as a result of that they were in a semi-conscious state. Then he stated that the jail officials are under suspension. A case is registered by the police and as usual, as any bureaucrat would do, the Minister has acted. He stated that the Lt. Governor has already ordered an inquiry into the matter by a senior officer of the administration.

I will say how the things coincide. I am told, of course it might be wrong also only two days prior to the escape, Shri Arun Nehru and the Lt. Governor of Delhi had visited that jail. *(Interruptions)*

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : I do not want to contradict the hon. Member but I went there over a month ago. I hope I would not have to correct the hon. Member again.

PROF. MADHU DANDAVATE : Shri Arun Nehru is a perfect gentleman. When he goes to the jail he neither goes as a satyagrahi nor does he go there in order to give final touches to the escape operations. He must have gone there in connection with his usual routine work. I am not suggesting he had gone to finalise the plans for escape.

SHRI SOMNATH CHATTERJEE : To make it easier,

PROF. MADHU DANDAVATE : Afterwards, Sir, we have come to know that one of the accomplices has already surrendered.

MR. SPEAKER : Two.

PROF. MADHU DANDAVATE : After that there is one more. I would like to know from the hon. Minister whether as a result of this surrender have they been able to get any specific clues regarding the entire conspiracy that was hatched ?

Sir, at the outset I would like to say something about the background of this particular case and the background of this international criminal Sobhraj. He is an international criminal who is wanted by the Interpol. He is not only famous with the Indian police but is also international in character. His crime is of that nature. He is wanted by the Interpol. The most interesting thing is that already in Thailand, Sobhraj faces the prospect of death and since he was in India the extradition of Sobhraj was already ordered by Chief Magistrate, Delhi and confirmed by the High Court. So, really speaking in these days of imports and exports he ought to have been exported but unfortunately in our anxiety to move towards 21st century we are giving more stress on imports than on exports. As a result of that I find that some bureaucrat in the Government of India—I do not know who that great person is—has kept this file for one year and as a result of that this person was never exported to Thailand otherwise you could have saved lot of trouble in Tihar jail and possibly these officers would not have been suspended.

I would like to know while already the extradition orders were passed by the Chief Metropolitan Magistrate, Delhi and confirmed by the High Court what is the reason that for one full year this order was not implemented at all ? It is a very serious lapse and in fact, the High Court must have felt that Government indulges into contempt of the High Court.

Sir, I do not know why this particular order was not implemented. I would also like to place before the House another interesting information. This person is of a dubious character and in escaping from the jails he has variety of interests. This was the same international criminal Sobhraj

who was actually lodged in a hospital in 1972 and he escaped from the hospital. At that time via Nepal he was able to go to Europe. This is the past background of Sobhraj. I would like to know from the hon. Minister one more fact. I have already given two important Call Attention notices in the past but sometimes because you have lot of pressure of work or sometimes when we come up with such issues—I do not blame you because there are so many matters of urgent public importance and so many failures of the Government that how could you make the choice. Therefore, when I had given two Call Attention notices on very importance issues one issue was concerning the same Sobhraj. He had threatened the authorities in jail that if they did not give him adequate latitude in jail and restrict his freedom and control his facilities then in that case he will not hesitate to expose their corrupt practices in jail. I think blackmailing is the most powerful instrument of all the instruments, and he wielded it with cleverness and threatened the jail authorities. It is an open secret. Everybody in jail knows and even those people who go inside the jail as a result of the political movement are able to see that as far as Sobhraj is concerned, he stays in that particular jail as if he is a resident of a five-star hotel. All facilities are available. Even the type of menu which we do not get he is able to get. Only, Sir, on the occasions when you invite us for dinner for dignitaries, we are able to get five-star hotel menu, otherwise we do not get, but he is able to monopolise the five-star hotel menu coming from some of the poshest hotels and restaurants in this particular city. He has been able to manage that and live with all the comforts and all the luxuries because he blackmails the officers in the jail and he tells them that if they do not give him the facilities, he would expose them. That is the reason why in Defence and other important services, only men of character are kept, because if they are men lacking in character and they are indulging in corruption, even a spy can blackmail them and tell them : "If you do not submit to us, in that case, we will expose your corruption". I am glad that our Defence Minister is very careful about choosing the personnel in the Defence Ministry. They see to it that such people are not put in

sensitive posts; such men who lack character and who are likely to be vulnerable as far as the espionage activities are concerned. Unfortunately, the officials of the Tihar Jail have remained victims of this particular blackmail.

I would also like the Minister to confirm or deny what has appeared in the *Indian Express* today. Today in the *Indian Express* on the front page, a box item has come under the heading "Sobhraj had a meeting with Jail Top Brass". They have given the details. Might be it is a figment of imagination. The easiest thing to do for a politician is to say that it is misreporting in the press and the matter is over. But I would like to know whether on the basis of what has appeared in the press today in box, it is a fact that Sobhraj had a meeting with two senior officers of Tihar Jail two hours before the escape. It is a fact that the meeting was in number 1 section of the Jail and Sobhraj was called there from number 3 section of the Jail at 11.00 a.m. ? Is it also a fact that the meeting with the top officers of the Jail lasted for one hour, from 11.00 a.m. to 12.00 noon ? I would also like to know whether it is a fact that during that valuable one hour, when Sobhraj was having negotiations and consultation with the top brass of the jail authorities, he utilised the telephone in that particular section on a number of occasions. That is the only section, where telephone is there. After every few minutes, he was going to the telephone and giving some message. Is it a fact or not ? Is it a fact that when he returned from that one hour of negotiations or talks with the top officers of the Jail, then the parcel of fruits and the sweets came and he took delivery and started distributing them ? Unfortunately, the first victim of this was a compounder. The compounder is supposed to give drugs to others and improve their health. He was a compounder with vengeance.

[Translation]

MR. SPEAKER : Otherwise it would have not happened but in this case compounder himself was affected.

PROF. MADHU DANDAVATE : Our complaint is that wrong things are happening in this country,

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[English]

Kranti was the name of that compound.

[Translation]

MR. SPEAKER : At least you should get his name changed.

[English]

PROF. MADHU DANDAVATE : Even if they hear the name Kranti as the name of a person, they feel perturbed. That compound was the first to be drugged and went into a state of semi-consciousness. I would like to know, whether all these aspects which have been mentioned in the 'Indian Express', very prominently displayed in a box, are correct or not.

I would also like to say something about the modus operandi and it is extremely important. When we discuss this proposition, the modus operandi followed by Sobhraj and his colleagues is extremely important. It was Sunday, when this crime took place. When I read the entire story of escape of Sobhraj and his colleagues, I was reminded of so many films. One was "The Great Escape", where the prisoners of war escape. But they were thousands and thousands of them and then it was probably easier because of a big acreage of compound. There are so many films and thrillers where we find that murders are committed and people run away and all that. When we see such films, we say, "What a director ! He has no sense of reality. Can you ever have such a phenomenon in reality ? It is only an artistic fiction !"

MR. SPEAKER : But here it is !

PROF. MADHU DANDAVATE : But what appears to a person like me as fiction while I see those films, when I see reality now, I find that there is more reality in that fiction !

[Translation]

MR. SPEAKER : You can produce a film.

[English]

PROF. MADHU DANDAVATE : The Home Minister must direct that film. Again

look at this. Sunday was the day on which one Mr. Robert carried all those fruits and drugs in a car and went into the jail. At Gate No. 3 he stopped the car. But nobody asked him as to why he brought the car in. Nobody told him that it was a Sunday and nobody could be allowed. Sir, Sunday proverbially is supposed to be a day of confession. But this man did not give any confession. All that he did was to stop the car and took the drugs and fruits out. He told that those were to be distributed and as if it were an order from the jail headquarters, the jailers implemented it thoroughly well.

Mr. Robert, again it has been reported in the press, was not stopped because he was not a newcomer to visit the jail for the first time. It has been reported that Mr. Robert frequently visited this jail. Intimacy sometimes breeds contempt. But here intimacy seems to have bred love. Therefore, he was allowed to take out all those packages and they were handed over and then they were distributed. Since they were supposed to be filled with certain intoxicating drugs, those who were administered with that food went into a state of semi-consciousness.

Many of us stayed in jails, not as criminals, but as political prisoners. Even as political prisoners, our visitors and relatives were not allowed to see us on Sundays. There were no exceptions. Is it not a fact, Mr. Minister, that in all the jails, no outsiders are allowed on Sundays ? I am not referring to what happened during the Emergency. It is so, all the time. We have seen the British jails, we have seen the Indian jails and we have seen the Portuguese jails. Nowhere could we find that on Sundays visitors and relatives are allowed to enter the jails.

[Translation]

MR. SPEAKER : I also have personal experience.

[English]

PROF. MADHU DANDAVATE : That is right ! Sir, your experience should be taken as a directive in this House. Therefore, as far as that aspect is concerned, really speaking, when you also experienced that on Sundays no relative of yours was allowed to enter in, what you could not enjoy,

Sobhraj cannot enjoy ; and therefore, this is again a failure on the part of the authorities !

I would like to know whether the jail authorities were involved in a conspiracy in this entire episode. There are two possibilities. One possibility is that genuinely, all these jail staff warders superintendents etc. were drugged and as a result of that they went into a state of semi-consciousness. The second possibility might be that they were only pretending that they were in a state of semi-consciousness, but they were more than conscious of what they were doing. And this could only be a camouflage. This is not a suspicion of my mind. I give that much credit to the intelligence of the Government that they also suspected that this state of semi-consciousness seemed to be a camouflage and therefore they have charged some of them guilty of entering into a conspiracy with those prisoners to see that they would be able to escape. That gave me a clue that probably this might be a camouflage. The Minister should give a categorical statement as to what exactly is the fact.

Did the half-white ambassador car, by which Sobhraj escaped met with an accident on the Ring Road in Delhi ? That also happened to be near about 11.15. I was not present to quote the exact time. I am quoting only from what I have read in the newspapers. Again, they may involve me that I am able to give all these details. So, I must be very careful.

MR. SPEAKER : Even after my ruling Sir ?

PROF. MADHU DANDAVATE : That is the only solace and protection for us.

SHRI S. JAIPAL REDDY : He will not be involved. He will be merely cited in the chargesheet,

SHRI ARUN NEHRU : Any information is most welcome. It will help us in the investigations.

MR. SPEAKER : You can use that.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): A.M. or P.M. ?

PROF. MADHU DANDAVATE : That accident took place at the Ring Road ; and

many people suspected that this was the same car by which they left the Tihar jail ; but by the time the Police had arrived on the scene, the car had already left. I would like to know whether the police arrived late due to genuine difficulties, or they also arrived on the spot late by conspiracy. I am not saying that this is a firm opinion of mine. I am just expressing a doubt ; an hon. Member's doubt should always be clarified by the Rt. Hon. Minister.

I would like to introduce one more element : Knowing this entire background of Sobhraj, how was he able to bully the people with power of his purse ? I would like to know from the hon. Minister whether Mr. Sobhraj had already spent a lot of money on the jail authorities, lured them with the power of his purse and told them : "All right ; take Rs. 1 lakh, or Rs. 2 lakhs or Rs. 3 lakhs. Let me go out. Even if you are sentenced, you might go for a few months. If you are dismissed from this Government, don't worry. It is not worthwhile serving this Government." As a result of that, they might have made up their minds : "Does not matter. We may lose our jobs. We may go to jail for six months. But after all, if we are able to get Rs. 2 lakhs or Rs. 1 lakh, probably our entire future life will be ensured "

When all these things happened like a dramatic scene if our Doordarshan which shows so many interesting films, had shown a part of this entire *modus operandi*, that would have been the best thriller ; but far from showing a thriller, even the news was not given on time on the television. It is not an ordinary lapse on the part of the Television. (Interruptions) If they were able to show their faces in time, if they were able to give the descriptions, maybe a number of responsible citizens would have been able to assist the governmental machinery, and they would have been able to trap them.

Don't forget that in the famous murder case of Geeta and Sanjay in the city of Delhi, it was the details that were revealed by the police party which made some people catch hold of Ranga and Billa in the train ; and as a result of that, the culprits were arrested. They are already hanged. Let

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their souls rest in peace. But that had happened.

MR. SPEAKER : They should not.

PROF. MADHU DANDAVATE : I said : 'souls'. I am against them. But soul is the most cosmopolitan thing.

Therefore, as far as that aspect is concerned the lapse at that time, viz. not showing the news on the television on time, was a greater lapse.

Now I would like to go into details about what is happening in Tihar. I had some discussion with Mr. H. M. Patel who had the experience and the facility to work in various capacities in the Government's administration. He tried to tell me that even in those old days what precautions were taken when he used to visit jails, what precautions were to be taken ; and whenever any administration was found guilty of a major lapse, how deterrent punishments were given, and how the entire set-up was changed. In the context of that, I will now give you some picture which will be a horrible one. There is some part of this picture—Mr. Speaker, Sir : if the tears in your eyes are yet not dried up, you can wait to drop them when I am some report about the events in Tihar jail. As far as Tihar jail is concerned, you will be surprised to know that apart from the bullying tactics and activities of Sobhraj, there was a time when tunnels were dug inside the jail, to escape from the jail. Tunnels were dug. This is an accepted practice for all the revolutionaries during War time, for all the partisans and all freedom fighters, viz. that when we are in the enemy's camp, it is our inherent right to dig tunnels and try to escape, because it is an escape from slavery to freedom. But here, hardened criminals dug up tunnels inside the Tihar jails. And in a small jail like this if tunnels are dug, and if some people escape, I don't think it can be done without the connivance of the authorities. This was what was happening in Tihar. I am saying all this because this is relevant to generalize the problem.

I would like to know what actions have been taken in regard to those who were found to be responsible for digging such tunnels because they built up a certain atmosphere inside the jail, and if it became

possible for men like Sobhraj to bribe the authorities, because in the past also a lot of bribing had taken place to the extent that even tunnels could be dug and even prisoners could go out.

Now, I come to the most pathetic part of the entire episode in the Tihar Jail, the juvenile whom are kept there as under-trials, the way they are treated ; their story of agony is a story of sorrow, a story of torture.

When Justice Bhagwati was on the Bench, in one of the cases, he ordered that he would like to probe into what was happening with the prisoners inside the Tihar Jail ; and he appointed Mr. M. K. Chawla and told him to go to the Jail without police authority without jail authority, meet the juveniles, meet under-trials and try to find out whether the story that had leaked out from the Jail was correct. He prepared a report. On 19th October, 1983, this report by the Session Judge, Mr. M. K. Chawla, was submitted to the Supreme Court. What does this report say ? I do not want to go into the details. It gives a graphical picture of sexual assault forced labour and sexually transmitted diseases among the juveniles, under-trials who were rotting there for years together. What type of under-trials are there ? They are accused of certain crimes. If they are produced before the court and ultimately a sentence is pronounced and if they are to be sentenced for six months or eight months or ten months but for years together, they are remained under-trials ; they have already completed the sentence that was to be awarded. Probably, they had mentally committed crimes and faced severe punishment. That is what is happening. Mr. Chawla went from barrack to barrack, he went from cell to cell, he went to the convicts, he went to the under-trials and they told the manner in which they were sexually assaulted and the manner in which they were asked to work as forced labour. All that story had been prepared in the form of a report. It is actually a 20-page report ; it is worth reading. It was submitted to the Supreme Court on 19th October, 1983. Just taking a clue from this particular episode, what have you done to implement this report : submitted to the Supreme Court on the 19th October, 1983 ? Is the strategy going

to continue and the flowers before they are bloomed going to be destroyed? They might have committed crimes, but they are human beings, just juveniles, young boys, misguided boys, some of them probably orphans, some of them illegitimate children. But it is wrong to say illegitimate children. Rabindra Nath Tagore said, the relation between father and mother might be illegitimate, but no child is illegitimate; child is like a flower. Such blooming flowers before they are bloomed have been destroyed in the cell of the jail. What have you done to protect the blooming flowers so that they may blossom and their future gardens will be protected.

Under-trials for more than ten years are remaining there. I do not want to refer what is happening in jails-Bhagalpur and all that blinding of persons and all that. Forget all that. This is what is happening in jails. Against the background of what is happening in Tihar Jail, he will tell us on the occasion of the Home Ministry's demands as to what steps have been taken on various committees' recommendations. So many committees have been formed right from the British days upto the present age for jail reforms, improving jail administration; so many concrete proposals have been made. On this occasion, step by step, tell us what are the jail reforms that they have already introduced? They have not been able to introduce many jail reforms. The very fact that the Tihar Jail has become a den of criminals, a den of corrupt officials and the den of all that evils that exist in this country, if that is happening in the Tihar Jail, why is it that they have not been able to implement various jail reforms that were submitted by various committees appointed by various legislatures, some at the State level and some at the central level?

I would like to know what has happened about that. Only one minute, and I am concluding.

And, Sir, having stated this case, on which hardly the House will be divided in a way it is good that instead of an adjournment motion the discussion is under Rule 193, because when I move an adjournment motion, even when their hearts and souls are with us, because Madhu Dandavate has moved an adjournment motion, it will be defeated. But when there is a discussion

under rule 193, our bodies might be divided, but hearts and soul can remain inviolate. Therefore, I am sure that some of the tragic stories that I have quoted here, may show—I am sure that this House will not be divided on party ranks and people will rise above party lines and try to have certain procedures and reforms by which such crime can be avoided in the future.

And, therefore, coming to the constructive part, Mr. Minister, I would plead with the Government to concede certain demands, which are the demands of all humanitarians, they are neither the demands of the ruling party, they are the demands of the Opposition parties nor the demands of all those who stand for the dignity of man and which went to destroy the crime in this country, that will be the demand of all here.

Number one: Tell us what are the reforms, in administration, jail administration, suggested by the various reform committees and tell us what has been done in the matter.

Number two: Will you scrap, as a deterrent step, the existing entire jail set up, and machinery in the Tihar Jail? Some might be innocent, but as a deterrent you should scrap the entire set-up in order to instil some sort of confidence in the minds of the administration and also among the people, will you scrap the entire set up just now, telling them that some might be innocent, but by way of abundant caution—to use that legal term—change the entire administrative set up and replace it by another one.

Number three: And this is a very positive suggestion, Sir, for the last so many years, various social organisations have been writing about the crimes committed in the jails and particularly the Tihar Jail. Various investigating journalists have brought out the facts. Several research students have brought out the facts. Students working for theories have provided the these. And persons like Mrs. Sheela Bhave have recently submitted a thesis on the atrocities on the juveniles in various jails and for that she had been given the award of the People's Union of Civil Liberties. Enough material is available, go through it,

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and please tell us through your own machinery, whether you will be prepared to bring out White Paper on the happenings in Tihar Jail for the last ten years. We demand such a White Paper. We have been given all sorts of white papers. Add one more to them. But that should be a white paper with a difference. It should not be a Paper with a white cover and a dark background. I think that that White Paper will be coming.

Next, I would demand, we are not satisfied with this administration putting up some bureaucrat and he trying to go into this matter. I would like, and since the House is totally agreed on the events that are taking place irrespective of whose responsibility it is, and I would demand the setting up of a Committee of the House Sir, by you, the Hon. Speaker of the House, subject it to a Committee and let the Committee of the House go into the affairs that have happened in Tihar Jail for the last so many years.

And, lastly, as far as this particular incident is concerned, none will be satisfied with the report of the bureaucrat, whom you have appointed. I have nothing against him in person. In fact, I am one among those people who believe in what Gandhiji said; "Hate the sin and not the sinner". I am not concerned with what 'X' has done and 'Y' has done. I am worried about the sin that has been committed.

I would, therefore, suggest to you, to have interest of an inquiry by an administrator who has been appointed by the Lieutenant Governor of Delhi, and I would suggest that a judicial inquiry into this entire episode should be gone through and if that is done,—it is not whether the ruling party wins or the Opposition wins, but it is the dignity of man that wins and in the name of the dignity of man and sanity in the country.

"I appeal to the Minister and to the Government and to the conscience of the Government—in case it is still not nationalised—that please try to respond to the unanimous demand of this House and see that the things in Tihar Jail and elsewhere are set right so that civilization and culture in the country are safe.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : Prof. Dandavate in his speech, dwelt upon the mal-administration in the Tihar Jail. Everybody agrees that this is a very serious matter, that a person of the notoriety of Charles Sobhraj, who had almost developed an expertise in jail breaking, was allowed to move about freely and was able to, escape from the jail. Prof. Dandavate told the House how he was treated, how the officials there used to discuss with him and how he was able to establish contacts with the outside world. The newspapers also report that one Mr. Ronald Hall, an international narcotic smuggler, who had been lodged in the Tihar Jail for two months had become very friendly with Charles Sobhraj. He was released on bail. I understand from the newspaper reports that a large number of international gangsters, who had come to Delhi and were staying in a posh guest house in Anand Niketan, were able to establish contacts with Charles Sobhraj. And it is possible that they might have, in collusion with Charles Sobhraj, master-minded the whole thing.

This is not an isolated incident. Prof. Dandavate has already stated that some time ago, prisoners were able to dig up a tunnel and made their escape from the jail which is a very serious matter. I would like to know whether any inquiry committee was set up to look into this case. If so, what were the findings of that inquiry committee? Had that inquiry committee made any recommendations, if so, what were the action taken thereon?

Prof. Dandavate also spoke of several committees. But I know that Mr. Justice Tej Narain Mullah Committee had submitted a report in 1983. I would like to know whether the Government has considered that report. If so, has any action been taken by the Government thereon? The House should be informed about that.

It is well known that there are two books written about Charles Sobhraj in which Charles Sobhraj is reported to have said that he just needed only a car to make good his escape from the jail. At another place, he said that he would drug the jail staff and escape from the jail. I would like to know whether any notice of these statement of Charles Sobhraj was taken by the jail

authorities or the Government. If so, what was the reaction of the administration and what steps were taken to ensure that this prisoner, who is an international criminal, and wanted in several countries, and was a maximum security prisoner, did not escape from the jail? I think, the authorities have signally failed in taking such precautions. With the result this shameful episode has taken place.

It is also reported that Sobhraj used to write articles in the weekly 'Sun' and one Mr. A.B. Shukla, Deputy Inspector-General of Prisons, also used to contribute articles to that magazine. Many a time, it is said, Sobhraj wrote for him. Why was this sort of liaison allowed to establish between the DIG of Prisons and Sobhraj, an international criminal? Was the Government's attention drawn to this? If so, what was the reaction of the Government? The whole episode shows that there was a complete understanding between jail authorities and this criminal, with the result, no precautions were taken at all.

Sobhraj was allowed to operate from the jail in the manner in which he did it. Prof. Dandavate has said that during his long session in the jail with the top brass in the jail administration, he was able to establish contacts with friends outside; he was able to plan the whole thing, about the timing of his escape and all that. He used to be interviewed by certain journalists. I want to know whether these journalists have been interrogated by Government or whether the Government has got any intention of interrogating these journalists. We have seen press reports about the misdeeds in the Tihar jail. I don't want to quote what Mr. M.K. Chawla has reported to the Chief Justice of India and so on. We have seen many things published in the press about the misdeeds in the Tihar jail. There has been laxity in security. No effective step was taken by the jail authorities. We have been told that he has a girl friend who used to visit him in the jail quite often and many times she used to stay in the jail itself. What action was taken about it? Why no jail authorities ever thought of taking any action about it? Is it not a very serious thing? Sir, Government should take a very serious view of the whole thing and take immediate action about it. I enclose the

suggestion made by Prof. Dandavate that a high power judicial enquiry should be ordered to go into the whole matter. A time limit should be prescribed for submitting their report. An enquiry has been ordered by the Lieut. Governor of Delhi. Let us commend him for the promptitude with which he has acted. But this enquiry by this enquiry officer will not satisfy us. There should be a high power judicial enquiry. There should be a time limit within which this enquiry should be completed. The entire jail administration should be gone into. Tihar is the biggest jail in this country and it should act as a pace setter in the matter of jail administration. If there is laxity in security it is a matter of great concern to all of us. As I said, let that judicial enquiry make its recommendations within a prescribed time limit. Those recommendations should be discussed in this House and prompt action should be taken by the Government on the recommendations. Sir, many committees have been appointed and they have made reports; but we do not know whether any action has been taken on the recommendations made by them. If a Committee has been appointed to go into the question as to how the tunnel was dug to facilitate the escape, I would like to know whether the Committee made any recommendation about it and what action was taken by the Government. If proper steps were taken on the basis of the recommendations made earlier, this shameful episode would not have taken place. I would like to know from the Minister whether his girl friend used to visit him in the jail and if so what action is proposed to be taken. There have been drug peddling going on in the jail for a long time. I want to know what steps will be taken to put an end to all these things. Sir, we know about all these widespread evils prevalent in Tihar jail. Prof. Dandavate has spoken about the indignities to which the juvenile offenders are subjected. So, all these things should be gone into and a high level judicial enquiry should go into the whole matter. Government should look at this incident with the gravest of concern and appoint this high level judicial enquiry which should be required to submit its report within a prescribed time limit and this report should be placed on the Table of the House and discussed in the House. With these words I conclude.

SHRI SOMNATH CHATTERJEE : Mr. Speaker, Sir, the statement we are discussing is brief both in length and in breadth. I wish it had the length of the hon. Minister for Home Affairs...

MR. SPEAKER : Horizontally and vertically.

SHRI SOMNATH CHATTERJEE : ... and the breadth of the Minister for Internal Security or of me.

AN. HON. MEMAER : Like you.

SHRI SOMNATH CHATTERJEE : I said that, I included myself.

(Interruptions)

MR. SPEAKER : Long and short both ?

SHRI SOMNATH CHATTERJEE : Long and wide, Sir.

But what is worrying us is that the statement with which the hon. Minister came before this House shows an inadequate prepaat on of the seriousness of the situation and unfortunately on the basis of the newspaper reports that we have been able to get, the statement conceals more than it reveals.

Sir, one should have thought that the Government should take up this matter very seriously and an attempt should not be made to project it as an ordinary event of minor administrative lapse. It is not so. It shows utter inefficiency and almost criminal negligence on the part of the administration, which is nothing but an inept administration.

Sir, the Ministry of Home Affairs which is directly in charge of this cannot just absolve its responsibility by arresting some of these conspirators. It is only a proper inquiry that will reveal. But a matter of serious consideration is that this country seems to have become a happy hunting ground for all sorts of anti-national spies, drug traffickers, smugglers and what not. Every day these reports are coming and even foreign agencies are having a field day in this country and even in the Capital. The jail seems to be the most easy place, a comfortable place to stay even for criminals,

and stay in Tihar jail seems to be only a few sweetmeats away from escape. This is something amazing. Prof. Madhu Dandavate is very fond of Hindi films it seems, but, Sir, one or two James Bond's films I had seen. Even then...

MR. SPEAKER : They must have a variety of programmes.

SHRI SOMNATH CHATTERJEE : But Sir, even James Bond would completely fade into insignificance because he had to use some force to extricate himself, but here no force is used. With sweetmeats and grapes one comes out walking from Tihar jail.

[Translation]

MR. SPEAKER : Have you not heard a *Shloka* in Sanskrit "*Budhi yasya Balam Tasya*".

[English]

SHRI SOMNATH CHATTERJEE : Sir, it seems to be a high security prison. It seems to me, it is highly secure for the notorious criminals. They are safest there. Whenever they want to come out they can come out and whenever they want to go in, they go in. One very interesting thing is—I do not know about the No. 2 person who has been arrested today—arrested or surrendered I do not know. The first person, No 1, Dinesh or somebody, presented himself at the gate of Tihar Jail, he was roaming about in Delhi or on the railway platform, the Government police could not arrest him for hours ! What sort of 'man-hunt' is going on, we do not know. And this Dinesh has to present himself saying 'Please arrest me'. And we have two Ministers sitting here, I do not know what their role is, whether it is complementary or conformationist.

[Translation]

MR. SPEAKER : He must be missing the pleasure of such nice place.

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : May I clarify that the second person has been arrested in Madhya Pradesh.

SHRI SOMNATH CHATTERJEE : It seems the Madhya Pradesh Police is better than Delhi police.

(Interruptions)

PROF. MADHU DADAVATE: Sir; the word "Dinesh" should be clarified. Otherwise, there will be misunderstanding of the hon. Member. (Interruptions.)

SHRI SOMNATH CHATTERJEE : After Mr. Ajay Mushran has left Madhya Pradesh and come here, the situation is better now.

MR. SPEAKER : Now you have to clarify which "Dinesh".

SHRI S. JAIPAL REDDY : Madhya Pradesh has full-time Home Minister while we have only in-charge Home Minister.

(Interruptions.)

SHRI SOMNATH CHATTERJEE : Only yesterday it has come out in the national Press a serious report about the law and order situation in this city. I am sure, he will not just minimise it for the sake of discussion. In 1985, there has been one murder in every 18 hours in the capital and 3121 murders have taken place. There were 80 cases of rape, some of them ending in murder. That shows what is the position of police Administration here. There were 10 bank robberies. (Interruptions) The relevancy is that it is has percolated the entire Delhi Administration into inefficiency.

[Translation]

SHRI HARISH RAWAT : How it is relevant to Tihar Jail ?

MR. SPEAKER : You talk about the jail.

[English]

SHRI SOMNATH CHATTERJEE : So far as Tihar Jail is concerned, you want to know more about jail, Sir.

KUMARI MAMATA BANERJEE (Jadavpur) : If he raised question about the Administration of Delhi then I will speak about West Bengal and Tripura.

SHRI SOMNATH CHATTERJEE : I was fondly waiting for it.

MR. SPEAKER : You concentrate on Tihar only.

PROF. MADHU DANDAVATE : There is an arrangement to see each other.

SHRI ARUN NEHRU : No aspersion should be cast on the police because police is not concerned with the jail administration.

SHRI SOMNATH CHATTERJEE : There are reports in the newspapers that there were more than half a dozen cases of jail break reported from the high security Tihar jail in the last three years alone. I do not know whether this is correct or not. Mr. Dandavate has referred to digging of tunnels.

MR. SPEAKER : I thought you were going to say, he knows better.

SHRI SOMNATH CHATTERJEE : Now, Sir, in July, 1985, Hansraj, who had been arrested in connection with the cases of rape and criminal assault had escaped from the construction site on the jail premises in a truck. Three months earlier, Suraj Prakash, escaped from a farm in the jail. One month before that, Laxmi Narain, who managed to escape along with Sobhraj, made an attempt to flee after tearing up more than 51 warrants against him.

Sir, these particulars have been given. In December, 1984, 9 persons tried to escape and one of the persons was hurt. Incidents of October, 1984 and May, 1984 have been given. Since my time is limited, I do not want to elaborate. This is *Times of India*, Monday the 17th March, 1986. It is not my newspaper. If they do not like the *Times of India*, I have got the *Hindustan Times*.

MR. SPEAKER : "Times" reminds the time !

(Interruptions.)

SHRI SOMNATH CHATTERJEE : It has very elaborately and very pertinently referred to the lapses of security provision in Tihar jail. The first one was mentioned by Mr. Dandavate. On Sundays, no visitors are allowed inside the jail compound. Then, how these men could come? Two—It seems the jail does not maintain any register keeping the record of number of cars and their registration numbers which come and go at the boundary of the jail compound.

[Shri Somnath Chatterjee]

Nor is there anyone on Sunday out to stop the cars. How do they allow cars to go on Sunday ? Three—It is about the man on the tower. Of course, the Lt. Governor has exonerated him completely. The man on the tower does not have any binoculars and only keeps a watch if any attempt is made to scale the walls. If anybody tries to escape by scaling the wall, then the man on the tower will jump. It is a wonderful arrangement.

"Four—Assistant Superintendent of Jail and Charles Shobraj, the most internationally known criminal, famous for his jail breaks were found minutes before Charles escaped "together" in a room which was next to the main gates of Gate No. 3.

Should not Charles be in a cell ? The Lt. Governor replied "Well, he is an undertrial...". But undertrials should not surely be "hobnobbing" with the Assistant Superintendent of Jail.

Five—Gate No. 3 is supposed to be always closed and no one is allowed inside unless he is identified by just one man the "Deodhi Munshi", Mr. Kapur said. Is it not necessary to take permission from proper authority or papers to be shown to enter the jail ? Usually the Jail Superintendent gives written permission.

Six—Even if one accepts that Charles Shobraj was having some official talks with the Assistant Jail Superintendent, is there no rule that the senior official avoid eating anything..."

Cash and kind both are supposed to be operating there,

"Seven—Are not the doors of the jail to be closed once a person has made his entry..."

These are the lapses which are pointed out. Does it require an inquiry to find out whether these are lapses or not ? These lapses have been there throughout. A person who is a hardened criminal, wanted by the International Police in so many countries, who is waiting for extradition where he would meet with death sentence, he seems to be loitering over the Tihar jail and all the big officers are dancing to his

tune, trying to keep him happy ! That appears to be so !

One thing Mr. Dandavate did not mention but I do not know it is relevant or not but it strikes me, after these jail officials were entertained with pedas, grapes and custards and what not, they became semi-unconscious or unconscious or three-quarter conscious, or I do not know but their mouths were sealed with adhesives...

MR. SPEAKER : There seems to be one question. How could they do it, all at the same time unconscious ?

PROF. MADHU DANDAVATE : They were fed by computers, I might say !

SHRI SOMNATH CHATTERJEE : Perhaps, like the Government, drugs also work faster. Did they have the adhesive ready there ? Their mouths were sealed with adhesives and they are tied with ropes, everything is available in Tihar for the escape to be arranged ! Food is being taken. But...

MR. SPEAKER : It was just a rendezvous.

SHRI SOMNATH CHATTERJEE : There was a birth-day party. Whose birthday ? Now, anybody coming and saying I have brought some food and pedas and sweetmeats and what not, for the purpose of celebrating the birthday of somebody and lo and behold, the gates are being opened, they come in a procession, supply the thing, there is a party going on inside the jail from Deputy Superintendent upto Sentry, before the party comes up, they go to sleep and they walk out and this mighty Government is running after them ! The very important fact is, this is not a question of lapse. This is a criminal negligence, a deliberate...

MR. SPEAKER : At least, we must beware now that no *mithai* should be taken like that.

SHRI SOMNATH CHATTERJEE : It should not have been taken. At least, it should have been taken outside, not inside.

MR. SPEAKER : Only one hour left more.

SHRI SOMNATH CHATTERJEE :

The persons who came—either he is Robert or David—their names do not appear in the log book at all. Nowhere their names were recorded. They would have visited. They have got not only inmates but visitors also. They totally have a free access there.

17.00 hrs.

I endorse Mr. Dandavate's complaint that this should have been given the earliest publicity over the TV and Radio. May I come to my very important suggestions, Sir? I think uptill now only relevant things I have said...

MR. SPEAKER : Please make additions, if you have.

SHRI SOMNATH CHATTERJEE :

I am trying to eliminate the common points...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRIGHULAM NABI AZAD)
All these things have come in the papers.

SHRI SOMNATH CHATTERJEE : Let us have no discussion in the House if things come out in the newspapers. Is this the attitude of the Government? Why a young and energetic Minister should say all these things?

I support—since you are in a hurry and we are in a hurry, it seems so—this demand for a judicial inquiry and most deterrent punishment and don't stop at the Deputy Superintendent level, go up to the Ministry, if necessary.

[Translation]

SHRI MOOL CHAND DAGA (Pali) :
Mr. Speaker, Sir, my submission is that in case this discussion is concluded by 6.00 P. M., then it is all right, otherwise my Half-an-Hour Discussion may be postponed till tomorrow.

[English]

SHRI GHULAM NABI AZAD : It is to be seen at 6 o'clock.

[Translation]

MR. SPEAKER : If you wish, let it be taken up tomorrow. If both of us agree then there is no problem.

[English]

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : This particular incident and this particular escape in Tihar jail has shaken the entire nation because such things had happened right in the capital of the country and the lapses on the part of the jail authorities and others are also exposed by the media and truly so.

I do not like to go into the details. I will come out with very specific and practical suggestions. One thing we must very clearly understand to-day which unfortunately a large section of the people do not understand is how the jail authorities function and how the Police authorities function. The task of the jail authorities is to obey the mandates of the High Courts and the lower courts considering the order of remand so far as undertrial prisoners are concerned and to take care of the convicts. The moment they come out of the jail, it becomes a headache for the law and order authorities and the police. So long as they are inside the jail, it is the headache of the jail authorities. The moment they come out of the jail, it is the headache of the Police authorities. Unfortunately this seems to be the jail system which is regulated by the State administration everywhere in the country except the Union Territory and there too I think Tihar jail follows the Punjab manual. Unless the Police—whether it is good or bad, that is altogether a different issue—and the intelligence have a say or a regular spot-checking right inside the jail, I am afraid nothing can happen in future whatever reforms you may bring—because, inside the jail there is already a kingdom by the jail inmates which is dominated on its own and the Jail Superintendent and the Jailor are simply, what should I say, tools and nothing more than that because the gang inside the jail, the warden and others form unions, societies and associations and it is they who dictate the things and not the Jailor or the Jail Superintendent. It is they who dictate the distribution of work among the undertrials. I have seen it in my own experience in the Alipuri jail—the distribution of the task of the undertrials, as to who should do the kitchen work, who should the jamadar work, etc. That is being done by the groups, associations and unions and vested interests as to who will

[Shri Priya Ranjan Das Munsal]

do what. That is the inside story of the jail. Then what can Police do from outside, I do not know. On the undertrials and specially those criminals who are supposed to be exposed by the court of law till evidence and other things are over, there must be a system called the jail intelligence service from outside who will do regular spot-checking inside the jail about the conditions and activities of the under-trials. If you do not incorporate it, it is just impossible. You cannot manage it, whatever reform you may make. I refer to a few things. In 1980, on June 11, the late Shri Jyotirmoy Bosu, Member of the Opposition, raised a very important Question—Unstarred Question No. 422—about the malpractices prevailing in Tihar Jail. At that time, the Government's reply was very categorical that to stop over-crowding in jails some more jails were to be created inside Delhi and I think only one jail was completed. I do not know whether the other one was completed. In 1979, it was unfortunately the Janata Regime—I do not want to say unfortunate—and if we accept the responsibility today for what happened in Tihar today, similarly the other party has to accept the responsibility for what had happened in 1979 also. At that time, 72 undertrials and two jail officials were involved. I accuse the employees also for the entire malpractices and gangster operation inside the jail. It was answered by the Minister in reply to the question by Shri Jyotirmoy Bosu. In 1979 again much more bigger things had happened which, I think, Madhuji is aware of. In the House the answer was given by Shri Makwanaji on 16th December, 1981 in reply to a question by Shri Manoranjan Bhakta, that forged Court documents were taken away and managed by them, and based on the forged documents, 8 people were supposed to be released from Tihar. In this affair, 5 people could not be successful and 2 were successful and later on one was apprehended. I am surprised to know how such things could happen. It had happened in 1979. This Tihar incident of the professional expertise, operating there, is not a matter of today. It is an organised conspiracy. I think, they should have a well-built-in infrastructure and they could also have the cooperation of the international experts as to how

to do it. I take this very seriously. Therefore, I suggest to the hon. Minister and I entirely agree with Madhuji in one sentence today no question of inquiry later on. We feel that the Tihar incident is so grave. The entire administration, right from the Jail Superintendent down to the lowest warden should be disbanded and totally rooted out. Further I would suggest, to find out if your Revenue Intelligence system is in the hands of State Governments you apply your own Revenue Intelligence. You take the data from the former Jail Superintendent, who has since retired from Tihar Jail, and find out the people—Wardens, Havildars, etc.—who are all amassing wealth throughout Delhi. They have built up houses in Defence Colony within their limited salary. This is an organised set up. Otherwise Charles Sobhraj could not have managed to escape and the whole thing could not have happened. You may even say, you will appoint a Committee of the House to go into the details and submit a report, I do not know. But this is not a matter of Justice M.C. Chagla's inquiry where he made details about the juvenile delinquents and other convicts. Everybody know it, because it will affect many people. We cannot afford to make Delhi a Hong-Kong or Bangkok. We cannot afford to make it a Beirut. Booby-traps were laid by extremists only last year. Shri Lalit Makhan was killed and till today you could not even come forward to establish it and no Minister could say how it had happened. Charles Sobhraj went one hour after the permission was granted to the visitors, to see him. The other gentleman who surrendered yesterday was one of the chaps who escaped on Sunday. He was roaming in Chandni Chowk. I strongly feel, that it is not a simple question of accusing and abusing the jail authorities. There is something very wrong happening inside the jail, and we have to find out the real position. Even the Delhi Police and Delhi Administration are out and out to malign the Government, who are out and out in conspiracy to let down the Government in every matter. That we should find out with iron hand. If you fail to do it, I am sorry to say that our conscience will not be excused by this House. History shows that how the Delhi Administration and the jail authorities allowed Charles Sobhraj to meet anybody. Who is he? Is he a Constitutional maker

of India. Who is he ? He will meet everybody and give stories—the man who escaped from Greece, the man who was supposed to be hanged. Why have you shifted him from Jail-1 to Jail-3 ? What prompted this action ? These are matters to be explained in detail.

I am glad for the first time in India you have arrested the jail authorities. I thank the Government for that ; Government has shown courage in this. I wish all the State Government follow it. I am not bringing politics into it. In most of the States such things are happening in jails, but because they are not situated in Delhi, things are not being discussed. It is happening in almost every jail. These criminals, smugglers, all these people have formed themselves into a gang, and inside the jail you cannot do anything. The poor Jailor and the Jail Superintendent have either to share the booty or to keep mum. They cannot do anything. An organized Mafia gang is operating among the jail employees. This is what is happening.

I will make three suggestions. Suggestion one is in regard to the Tihar Jail. For the others, I am not making any suggestion now ; the State Governments have to be consulted as to what are the problems they are faced with. In Tihar, if within a week you do not change the whole lot, you can not root out the chain of corruption. Number two is, you introduce jail intelligence service system. You accuse the Commissioner of Police of Delhi when an undertrial goes out. But have you given any authority to the Commissioner of Police to visit the jail once in a week and see whether in the jail where the undertrials are staying arrangements are safe and proper so that they cannot escape ? You have not given him that authority. But when an undertrial goes out, you blame the Police. When the undertrial is in, to see whether the arrangement is safe or not, you never allow the police to visit the jail. Then I come to the jail gate duty authorities. The main corruption lies always with the man who gives permission to enter, that is, the jail gate duty authorities. I request the Minister to check up from the log book. There are some people in the country who want duty in check-posts with heavy bribes, some people want duty in specified Police Stations with heavy bribes. That is

the case in jails, especially in Tihar. I say this with authority. Let him check up the log book. There are a few persons, four or five, who always want duty on a particular day in particular hours and they do not allow any other person to be on duty at that time. Why is it so ? It is all organized, and this thing goes on. Nobody goes deep into what is happening.

My third suggestion is about training. In Parliament you have introduced the system of having a Refresher Course or Orientation Course for the new Members of Parliament. Everybody is getting training to meet new kinds of situation. But the people who manage the jail are not being trained ; they do not know the latest mechanism or the latest devices, the various kinds of devices, used for escaping. They know only this much : 'I am to stand on the tower and if I find somebody scaling the wall, then I will have to ring the bell ; that is all'. There is no training given. Films are not shown to them. I do not think the jail authorities bother to see what films are there, what devices are used in the modern world. Their only interest is whether booty will come or not.

Now I come to sweetmeats and other things. This is my charge against the jail authorities. Please enquire. So far as I know, the Jail Manual clearly states that no food or no gift from outside, not even a piece of cloth, can be entertained for any undertrial or convict unless it is specially certified and sanctioned by the jail authorities. I want to know, on what day when sweets and fruits were distributed, who was the duty officer in charge of the jail and whether he gave permission or not. Please also enquire on how many occasions such things have happened in the past. All these things should be gone into.

I have referred to what happened in 1979. I have referred to what happened in 1975 ; I have referred to digging of tunnels. Every time the matter is raised, but there is no follow-up. From today at least you try to create confidence in the minds of the people, at least in Delhi, that Government is not only determined but the Government coming forward with some proposals is which will help us.

One word in the end Sir, Mr. Madhu Dandavate with his usual satire and humour

[Shri Priya Ranjan Das Munshi]

tried to say that in these days, in the name of 21st century we are believing in more import and Charles Sobhraj is another import. This has not been started from today. Right from Galadharis it had started. I am only sorry, we are not able to get out of it.

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Today the discussion is with regard to the escape of Sobhraj and seven others. Actually this is a dramatic escape and the best thriller of the 20th century. I will go to the extent of saying that even in '007' films or in 'Great Escape' we have not seen such a thriller as Sobhraj has done in Tihar Jail.

We know that jails are only there for the purpose of giving training to the thieves, scoundrels and murderers in order to make them good people. But now the jails are becoming training grounds for the escapees. This sort of thing has to be stopped once and for all.

We know fully well that Sobhraj is an international criminal and his character is dubious in nature. His dramatic escape has been possible only with the collusion of the officers there. It is also a pre-planned one. I want to say one or two points with regard to this. Without collusion and pre-planning it ought not have taken place in the day light,

Actually I am ashamed to say before this House that even political leaders are being shot dead in the day light. It is not happening from yesterday or today. It has been happening for the last two years. Indiraji was shot dead in the day light by her own security men. Afterwards we saw Shri Lalit Maken, one of our Members, was shot dead in day light and then Shri Longowal was shot dead in the day light. Such is the crime.

Sobhraj who is an international criminal has escaped from the clutches of the officers from Tihar jail. It is actually a failure in enforcing the jail rules. If the jail rules had been enforced strictly, it ought not have happened. Because of the failure of enforcing the jail rules, Sobhraj has escaped.

The Hon. Minister has come forward to make a statement saying that an inquiry

through an officer of the Food and Civil Supplies Corporation has been ordered. I bring it to the notice of the Hon. Minister that certainly the whole truth will not come out, if an order for inquiry through an officer is made. Judicial enquiry must be immediately ordered. This is my request.

I don't know why the TV and the Radio had not given a flash item with regard to this news. We don't know why they had delayed it. The Minister and the Members of the Treasury Benches may better be knowing the reasons.

It is apparent that Sobhraj had a considerable amount of influence among the prisoners and also the inmates. That itself shows how Sobhraj escaped from Tihar jail. Even the police sources say that the prisoners who were questioned referred to him as Charles saab. What does it mean? He was just like a king inside the Tihar jail. These sources say that the prisoner friends even visited the jail to celebrate parties. We have to make Tihar jail into a five star hotel ! That is all we can do.

I request the Hon. Minister to probe into the matter by a judge, that too by a Supreme Court judge so that the truth comes out.

SHRI SHANTARAM NAIK (Panaji) : Sir, basically there are three reasons why prisoners escape. The first is the nature and the structure of buildings. The second is the rampant corruption which is going on, which helps them to go out. And the third is perhaps we don't make it a beautiful place to stay.

Mr. Speaker, Sir, I have got report of Justice Anand Narain Mulla made in 1980-83 where in his opening remarks he has said :

*Onchi Diwaron ke peechhe
Lohe ki sulaakhon ke andar
Rehte hain mukafil kuchh Insaan
Insaan jo nahin, ek ginti hain
Voh din akhir kab ayega
Jab badlega yeh mausam dhaam
Kuchh bekas ruhen das lagaye
Umra ki gharlan ginti hain.*

Perhaps this does not apply to Sobhraj. He was not believing in all these things. He was a captain of his own soul and he managed to escape in his own way. Now, we have to think something for the future.

As has already been pointed out I wonder why Doordarshan did not cooperate in this regard. If they had flashed the photographs urgently perhaps in some locality some persons could have been apprehended. Further even when this first escapee, Dinesh Kumar, surrendered the news was given with fourth or fifth title. Even a minor news on Bulgaria was given more importance than this news. When people in the whole country were anxious to know—if someone was caught or surrendered, this should have been made known to the people immediately. So, this is the response which media gives. It is very unfortunate.

Sir, it has been said that some committee should be appointed. I want to say even if a committee is appointed, it should deal only with the limited aspect of security because this whole report of Justice Mulla deals exhaustively with all the aspects of prison reforms. There is no need for another committee to go into all these matters.

Another aspect that has to be considered is the legislation aspect. It is after all the structure of the prisons that counts. At present the prisons are regulated by old legislations, viz., Prison Act, 1894; Prison Act, 1900; Transfer of Prisoners Act, 1950 and Civil Jails Act, 1874. These are the legislations under which we govern our prisons. We speak of jail manuals. I do not know what force the jail manuals have got. If tomorrow we would like to charge officers responsible for the escape then they may contend that there were guidelines which are not enforceable by law. Therefore, we should have a consolidated legislation for the country on prisons which is enforceable and not merely recommendatory.

Now a word about the prison buildings, namely, the structure of the prisons. This committee has widely commented that according to the statistics collected by the committee 23 prison buildings in the country are more than 125 years old whereas 183 are about 100 years old. It appears that financial constraints have always restricted the work of renovation of existing prisons and setting up of new buildings. Consequently the prisons almost in every State suffer from periodic and functional over-crowding. These are the

observations in respect of the whole structure of buildings. That has to be reviewed. Maybe there are other reasons also. I would like to quote another aspect. This Committee has also given recommendations of kinds of prisons that should be set up in this country. They have said about four kinds of prisons, viz. special security prisons, maximum security prisons, medium security prisons and minimum security prisons. Henceforth when we structure our prisons for the purpose of reforming the entire structure then these things should be considered as reformatory prisoners have to be segregated from those who cannot be reformed so that a different treatment can be given.

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur) : Mr. Speaker, Sir, much has been said about the escape of Sobhraj and the jolt which the country has felt out of that.

At the outset I would urge upon the Government that the jail reforms are much overdue. No facilities are available to the common prisoners, or undertrials in the jails, but every concession and every privilege is available and enjoyed by the hard core criminals in the Tihar and other jails.

Sobhraj's action in making the jail staff unconscious or semi-conscious has at least made the country conscious and cautious to look in to the day-to-day happenings in Tihar and other jails in the country. This connivance of the jail authorities with the hard core and notorious criminals has given an opportunity to the hon. Minister of Internal Security to take effective steps in order to implement the improvements in the jail structure.

Much has been said about how Sobhraj was enjoying in the jail; girl friends were coming to his cell; food and other facilities were provided to him; there was no bar on the meetings, coming and going of his friends, relatives and men of his gang in the jail. This has, in fact, given us an opportunity to doubt the functioning of the intelligence agencies in the country. When such occurrences were taking place in the jail, where had the intelligence people gone? They could not report about this matter to the mighty Minister for Internal Security,

[Shri Balwant Singh Ramoowalia]

who can claim—I have all the appreciation for him—that he minutely studies all the incidents, all the occurrences throughout the country even in Punjab...*(Interruptions)*. Yes, he is helpful in our problem; he think the Punjab problem as a national problem; he has sympathy for Punjab and Punjab at the moment needs sympathy and support and that he is giving.

The incident occurred only at a distance of about 4 kms from the North Block. This fact has further given a jolt that if such a thing can happen in the capital, more bigger things can happen outside the capital.

There are four or five things which need to be considered by the hon. Minister. Mr. Speaker, Sir, you had been in the jail during freedom struggle, or some other times during some morchas or agitations, I have also remained in this jail for one and a half months in 1971. I do not know what is the state of affairs.

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : Any information that he can give is welcome.

MR. SPEAKER : Yes, from his personal knowledge.

SHRI BALWANT SINGH RAMOOWALIA : I am giving you this information based on my personal experience and on the spot study at that time.

A factory is manufacturing certain articles in the jail. They are being sold to their favourite people by the jail authorities. The foodgrains produced on the farm are also being sold at cheap rates and the money is grafted.

Sir, people who come to meet their next of kin or friends who are in the jail or who may be undertrials, they are compelled to pay money. The Deputy Superintendent-in-charge, in those days, used to collect at least Rs. 500/- per day, from the people who come to meet the inmates.

Fourthly, there is a market of foodgrains, wood, mustard oil, gram, vegetables, etc. They are supplied to all the undertrials in Tihar jail and a fixed scale is prescribed,

But, not a single undertrial or a prisoner is given the same quantity that has been prescribed. Bulk of these foodgrains, wood, etc. are sold outside.

Fifthly, crime is being nourished in Tihar Jail, especially in the case of boys who are below the age of 18 or 17. The jail authorities have established their own kingdom in the jail.

While concluding, I will request the hon. Minister to look into the implementation of further reforms under the prevailing situation and also to conduct a study of the problems of the jail inmates. Secondly, a judicial inquiry should be ordered to have a check in future, so as to prevent such occurrences in future. I would also like to suggest that a Committee of this House must be sent to the jail to study the total functioning of the jail.

PROF. MADHU DANDAVATE : But, they should be allowed to come out !

SHRI SOMNATH CHATTERJEE : Some of them may as well be kept there !

SHRI BALWANT SINGH RAMOOWALIA : With these few words, I conclude.

[Translation]

SHRI ZAINUL BASHER (Ghazipur) : Mr. Speaker, Sir, the jail department is the most neglected one under the Central as well as the State Governments. Whereas new scientific methods have been adopted in the police department and other departments for detecting crimes and apprehending criminals the jails are still devoid of such facilities. Even now the jails are being maintained in an obsolete manner and no scientific method has been adopted to know the goings on of all the cells at one place. If T.V. channels are installed in jails, the report of all the cells would be compiled at one place through visual facility. This will facilitate the maintenance of jails.

Sir, outside jails, both the poor and the rich live as equal citizens of the society, but in the jails, where it is expected that the prisoners, whether they are rich or poor, will be treated alike according to the law, such thing is non-existent. In the jails, the rich and the poor prisoners live in different

ways. On the one hand, there is a large number of poor prisoners who live in quite miserable conditions and on the other hand there are prisoners like Charles Sobhraj the smugglers, members of notorious gangs and dacoits who are enjoying, as Shri Dandavateji has said, facilities of a Five Star Hotel. There are a number of such prisoners who do not escape from jails only because they have no desire to do so. If they want to escape from jails, most of them can do so at any time. There may be a number of reasons for which they do not want to escape from jails. Jail-breaking is not a new thing in India. In big countries of the world, where jails are being maintained in a scientific manner, incidents of jail-breaking do take place. There the prisoners are also quite advanced. Their planning and methods are also advanced. The prisoners escape from jails even in the USA, Germany and Britain. But in our country, old methods are being followed for keeping the prisoners in jails and that is why it is not very difficult for them to escape. If they do not escape.....(Interruptions)

MR. SPEAKER : Should it be made more easy.....

(Interruptions)

SHRI ZAINUL BASHIR : You know how they are kept in the jails and how they remain in collusion with the officials of the jails. The hon. Minister Shri Arun Nehru is very efficient. What to speak of the Tihar Jail, he can go to any jail and see for himself how the hardened criminals live there and what facilities they are enjoying unhindered. If they want to escape from jails, they can do so. If they are not escaping from jails, they are doing so at their will. I have, therefore, to say that there is much scope for streamlining the functioning of jails. Scientific methods should be adopted in improving the condition of jails. Like airports and other places, television circuits should be installed in the jails to watch the inside activities from one place. I would like to suggest that the administration of the jails should be entrusted to the ex-servicemen. No attention is paid towards the administration of jails which is being run on obsolete lines. The ex-servicemen and ex-officials should be entrusted with the work of the administration of

jails for their efficient functioning, because they are experienced people and their dedication, integrity and dutifulness have already been proved. In this way, employment could be provided to ex-servicemen and such incidents will also not recur. With this suggestion, I conclude.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Speaker, Sir, we are discussing the incident of the Tihar Jail. I do not agree to it that a very serious incident has taken place. You must have read in the newspapers some days back that this man was trying to escape and he would do so by feigning illness. In spite of all this having appeared in the newspapers, the Government machinery remained inactive and the man escaped. Just now it has been said that scientific techniques should be adopted. But it is not a question of adopting scientific techniques. The question is of low salaries that are paid for the staff of the jails. If some prisoner offers them four times the amount that they receive from the Government then whom will they obey? I was also sent to jail ten or twelve times by the Bihar Government and I had seen that the rich people who had committed crimes like murder or rape were given ample facilities during their stay in the jails. That shows that there is rampant corruption in the jails with the backing of money and whoever is offered money, he provides them with all the facilities. And even if such facts are published in the newspapers, neither the Central Government nor the State Governments pay any attention to them. The jail is supposed to be a place where the people feel that the prisoners live a life that is worse than that of animals, but I can say honestly that some notorious criminals lead a life of pleasure in the jails. Leading a life of pleasure means that they enjoy all sorts of comforts. I have seen it with my own eyes. Even their wives are allowed to meet them and they spend hours together in privacy. It is a matter of disgrace for our Government that they have not been able to improve the condition of jails.

As regards Charles Sobhraj, he used to offer money to the jail staff and they acted as his servants. The jail staff only did their duty. It has also appeared in today's newspapers that he was shifted from the cell allotted to him to a different cell. Hence,

[Shri Ramashray Prasad Singh]

everything was well-planned and the officials of the jail must have received a lot of money for this work. I have seen some jail officials who had constructed buildings worth five lakhs of rupees at Gaya, within two years of their being posted there. I would like to ask how could they get so much of money? And if they get so much of money why should they obey your orders? So, the question is who protects such notorious criminals and smugglers? Obviously, it is the officials who protect them. All the politicians are in collusion with them. Telephone calls are made from here that such and such criminals should be well attended because they would be a source of great help to them on their release. So, all these things must be looked into. If judicial inquiry is held only then the truth will come out and it would be known who are the people involved in this incident, whether it is some cabinet Minister or somebody else.

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, Prof. Madhu Dandavate and other hon. members have thrown much light on the turn of events in the Tihar Jail during the last few days and on how Charles Sobharaj and his accomplices escaped from there. In fact, Tihar jail has become the centre of undesirable happenings and irregularities during the past some time and the way in which inhuman and disgraceful activities have been going on there, serious consideration should be given to it. If such things can happen in Delhi then we can easily imagine the situation in other States.

A few days back it had appeared in the newspapers that some extremists had escaped from the jail at Gurdaspur in Punjab. Those extremists were accused of spreading violence. There was another news report regarding Punjab that some extremists had looted an armoury there. These events cannot be viewed in isolation. They have to be seen as links in the same chain.

The hon. Minister of State in the Ministry of Home Affairs and the Minister of State in the Department of Internal Security are present here. I would like to submit unto them that Charles Sobharaj had connections with an international criminal gang and had committed horrible crimes in other countries also. It is possible that some

international gangs may be active in our country because the way in which the narcotic drugs and arms are being smuggled into this country and are being supplied to the extremists, we cannot deny that some other international gangs are also active here. They want to create chaos and thus weaken the country. They must have helped Charles Sobharaj to escape. We must think on these lines and I think in the situation that we are facing at present this event must not be considered in isolation but has to be linked with other events and the entire issue must be seriously looked into. You have suspended the superintendent of the Tihar Jail on the suspicion that he was in collusion with them. From this we can hope that you will be able to get some definite information after cross-examining him.

I never had any regard for the Delhi police, but after this event, after the escape of these criminals, the way in which the Delhi police had sent information, the way they spread their net all around and the promptness with which they acted and sealed off some areas, has created a lot of regard for them in my mind. Now it seems that Charles Sobharaj will not be able to escape from this country and will surely be caught and punished.

Sir, I would like to give two or three suggestions, through you. My first suggestion is that the police and the intelligence agencies should get an opportunity once in a month or once in two months to verify the prisoners' conduct in those jails where international criminals are kept. In those jails where such notorious criminals are kept, there is every likelihood that they may hatch conspiracies in collusion with other criminals and may also train the other criminals. Therefore, my suggestion is that the right to verify their conduct should be included in the Police Manual. My second suggestion is that the entire country should have a uniform jail manual so that the police and the intelligence agencies may be able to look into the working of the jails from time to time. My third suggestion is that the staff working inside a jail should not be allowed to remain in the same jail for a long time, because it has been observed that wherever the prisoners remain for a long time, they develop amity and

brotherhood with the staff of that jail. This fact we have seen in the jails of Uttar Pradesh. Wherever the criminals remain for a long time, there they develop amity and brotherhood with the jail staff and because of this reason the people in those villages to which the jail staff belong are afraid of them as notorious criminals are imprisoned there. Therefore, I would like to suggest that no staff should be allowed to remain in one jail for a long time. The police and jail employees should be mutually transferred. From time to time the jail staff should be transferred to the police force and the police staff should be transferred to jails so that they may not able to establish harmony with the criminals.

Sir, I also share the concern that has been expressed by other hon. Members in this august House and I hope that the criminals who have escaped would be caught soon.

[English]

SHRI K.P. UNNIKRISHNAN (Badagara): Mr. Speaker, Sir, I am grateful to you for giving me this opportunity. The Tihar Jailbreak by Charles Sobhraj and his accomplices, the criminals, is not an ordinary event. It is one of the most disgraceful episodes with its national fame and infamy.

Ten years ago, Sir, when one Deputy Superintendent of Police, one Mr. Tuli, nabbed him in the Vikram Hotel of Delhi, it made international headlines and the entire world heaved a sigh of relief, the Interpol, World Press, investigating agencies all praised the Delhi Police.

Sir, above all, this is an indication. That was the year of crowning glory when Mrs. Indira Gandhi was our Prime Minister we had a stable regime. But now, Sir, that has been turned into an hour of monumental failure. Sir, we have indeed travelled a great deal since 1975. And then we did not have a pompous department called 'the Department of Internal Security'. We were called by little or smaller names, Ministry of Home Affairs and more mundane names—what have you. But now you have a Department of Internal Security, but you see it is proportional to the galloping deterioration in the efficiency of our Police,

the systems, the jail authorities and security agencies. That is why when faced with a very dangerous, deadly but brilliant—give the devil its due—international criminal with an inflexible will, this Government has been pulverised.

Sir, he took away six criminals! I shudder to imagine this thing: He spared Satwant Singh there! What would have happened if this birthday party had ended in the disappearance of late Prime Minister's assassin? Can you imagine that?

Charles Sobhraj was no ordinary criminal. It is a well known fact that he was wanted in Thailand for murder, drug ever traffic in Nepal, for murder in Turkey, Greece, France, Germany and so on, for numerous crimes. This high valued but dangerous prisoner of Tihar required special security. Was that security provided commensurate with the ramifications of this prisoner and his gangs? That is the question we have to address ourselves.

Others have narrated many tales on the question of primary jail administration and so on. But here I want to point out something more important. He had numerous contacts in India. He had established a business in Bombay with the son of the Chairman of a construction company, who is a friend of many Ministers. I do not want to name them now. What has happened to this business, I would like to know? Not only was he a specially treated VIP prisoner, but he had many links which were extended to people involved in espionage cases. I specifically quote a case. One Swaran Rathore, wife of Capt. Rathore involved in the Samba espionage case, has gone on record saying in an interview:

"Now Charles Sobhraj is taking care of my daughter's education..."

This is in the year of grace 1986.

"He is giving Rs 300/- per month to her."

Why Charles picked up daughter of an Army officer involved in an espionage case for this bounty? It needs some explanation. I want a specific reply to this point. Where did he get money from? He has been an under-trial prisoner for 10 years in Tihar Jail. How was it transferred every month, for a lady to come forward and say publi-

[Shri K. P. Unnikrishnan]

cly that her daughter was being educated by him ?

Not only Charles Sobhraj, but there are many other top ranking officers, businessmen and highly connected individuals who formed his contact ring in the country. Let us not just reduce it to a failure of some petty jail officials who were tempted by some sweets are petty amounts of money. It is totally a failure of our security set up. I am not trying to blame Mr. Arun Nehru or my great friend, Mr. Mridha or anybody. It is a failure of the entire system, the security set up. It is not only confined to this case. I want to invite the attention of the House to a thing which has happened the other day in Kerala. It is again a criminal failure on the part of the Government in a related matter.

Six weeks ago, a strange thing happened. On 29th January, 1986 two leading personalities of Kuwait and Saudi Arabia—Sheikh Al Sayeed Yusuf Syed Hashim Al Rifal, Chairman of World Muslim Minority Brotherhood...

PROF. MADHU DANDAVATE :
Names of human beings !

SHRI K.P. UNNIKRIISHNAN : And Anwar Yakub Rifal—landed in Trivandrum by an Abu Dhabi flight. The entry of these very persons had been banned by the Home Ministry vide Circular No. 44/85 and 45/85 dated 12.7.85.

SHRI SOMNATH CHATTERJEE :
Which Ministry ?

SHRI K.P. UNNIKRIISHNAN : By Home Ministry. The Order said that even if they had valid documents, detain them ; they are not to proceed. Now, they have been identified by his Ministry as well as by the Ministry of External Affairs as belonging to a group carrying on vicious anti-national propaganda against India. against the former Prime Minister, Shrimati Indira Gandhi, against Indian politicians by name, the opposition parties, everybody. He was put on the category of Alert-Prior Reference category.

When these Rifals landed, they had no Indian Visas but the Immigration Officer of

Trivandrum Airport was compelled by the staff belonging to a Minister, to issue a Landing Permit for 48 hours. They were received with garlands by two ruling front MLAs belonging to the Muslim League and provided State cars with National Tri-colour.

Accompanied by MLAs of the ruling front and entertained by Ministers of Kerala Government in State Government Guest Houses at Cochin, Calicut, Cannanore, with impunity they carried out anti-national activities. First, the Superintendent of Police of Ma'appuram was compelled again by Ministers to extend their stay and stamp their passports. In none of these places were they registered as a foreigner under the Foreigners Registration Act. Then the Collectors of Malappuram district and Calicut district were compelled again. So, they went staying in Government Guest Houses in Cochin, Calicut and Cannanore.....

(Interruptions)

SHRI SOMNATH CHATTERJEE :
Where are they now ? In Delhi ?

SHRI K. P. UNNIKRIISHNAN : They have gone back now. With impunity, these anti-national traducers made a mockery of our security. If people can walk in and get out like this anywhere and they get treated like this, the question that I want to ask is whether it is Charles Subhraj who walks out of the jail or Rifal brothers who land here, what are our security agencies doing ? What were they doing during these fifteen days when they were here ? Who is in charge ? As I said, we have acquired a new name, a very pompous name of Internal Security, but what is the security that we have ? Whether it is Charles or Rifals or so many others, whoever is violating our frontiers or violating our laws, is posing a great threat to security.

PROF. SAIFUDDIN SOZ (Baramulla) :
Mr. Speaker, Sir, I will not make a long speech but what has happened at Tihar Jail is something sickening because this incident has brought a bad name to the country. Whichever Department is concerned, I do not know—Mr. Unnikrishnan has raised a question whether it is the Union Home Ministry as a whole or it is the Department of Internal Security—but I would plead for a very deterrent action against the people who have brought bad name to the country

particularly when the atmosphere is charged in the country and there is a sense of insecurity. I am happy that the Government has straightaway registered a case of conspiracy against the jail officials. I feel it was a conspiracy because I do not subscribe to the view that the officials were drunk and they fell unconscious. They must have fallen unconscious but they must have been a part of the conspiracy.....
(Interruptions).

MR. SPEAKER : According to plan,

PROF. SAIFUDDIN SOZ : Shobhraj is a character like that. I do not know how the jail authorities at Tihar were negligent of their duty. I heard Mr. Madhu Dandavate's speech. He has explained in detail how the officials at Tihar jail have exhibited dereliction of duty. And Mr. Unnikrishnan has added a dimension. Now, the Government says they know it was a conspiracy but they are going to look into it through an official. Here I support Mr. Madhu Dandavate that there should be a first rate judicial inquiry. When I explain "first rate", with the permission of the hon. Speaker, I raise the question that this case must be looked into by a Judge who is known widely for his integrity. I do not cast any aspersions on Judges as a class.

18.00 hrs

But whenever you appoint some time a judge in whom people do not repose trust, eyebrows are raised. There are some judges who are known for their pliability. Therefore it must be a judge who is widely respected in the country for his integrity and it must be a judge who loves India better than anything else, more than anything else.

MR. SPEAKER : It is okay,

PROF. SAIFUDDIN SOZ : Now, Sir, as I said, I will not have to make a longish speech. I have some questions in my mind which I will briefly narrate.

One question is this :

Why is it that our international airports received message of the mishap after great delay, particularly Bombay ? Bombay

received the message by 8-30 P M and Bombay did not receive the message directly ; it received the message through Jaipur. What is the reason ? Because, Bombay of all the cities in India was very much important, because, it was at Bombay in 1971 and in 1976 that Sobhraj was apprehended.

Then the second question is this : The incident occurred at 2-30 P M. The Central Police Control Room in Delhi got the message at 3-40 P M. Why this delay ?

The third thing is this: Sobhraj was booked for petty crimes, although he belonged to and he was working, for international Mafia dealing in drugs. He was not an ordinary criminal or an ordinary smuggler.

Sir, I am finishing within a minute.

Fourthly, Sobhraj has been a **

I should not have used this term in this august House. But this fact was known to authorities. the Tihar jail His girlfriends used to come to that jail.

MR. SPEAKER : It will not form part of the record.

PROF. SAIFUDDIN SOZ: Is there any record about that ? Fifthly, there is an Ajay Kumar, an under-trial. He walks out of the jail with Sobhraj although he had to suffer the jail term for another two months or more.

MR. SPEAKER : It is expunged.

PROF. SAIFUDDIN SOZ : Why does he move out ? Then ASP Shri Yadav says that the jail break occurred at 10-30 A M. What is the version of Mohd. Atiq who has cooperated with the jail authorities and refused to move out ? The Government should have made a statement on this. So far as timing is concerned, now ASP says it is 10-30 A.M. Your first information report says, it is 2-30 P.M.

MR. SPEAKER : It is okay.

PROF SAIFUDDIN SOZ : And now what is the version of Mr. Mohd Ariq ?

**Expunged as ordered by the Chair.

[Prfo. Saifuddin Soz]

Sobharj was moved to low security area. What is the reason ?

MR. SPEAKER : All those points have been covered.

PROF. SAIFUDDIN SOZ: Finally, Mr. Dinesh Kumar comes and surrenders before the jail authorities. I feel that it is a part of the conspiracy probably Sobhraj wants to distract our attention to Dinesh Kumar and this may be a part of the conspiracy. So, finally, Sir, everything will come out if the Government comes forward within a day and announces a first-rate judicial enquiry. as I have explained.

[Translation]

DR. G. S. RAJHANS (Jhunjharpur) : Mr. Speaker, Sir, after hearing my friends from the Opposition, I was thinking that had I come across Sobhraj somewhere, I would have told him that our friends were missing him badly; that it did not behove him to escape like a thief; that he ran away two days earlier otherwise these friends would have taken him out in a procession; they would have taken him to Bihar from Tihar Jail and made him the leader of the revolutionary march...

(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE : Vere bad.

(Interruptions)

AN HON. MEMBER : What does he mean by that ? (Interruptions)

[Translation]

DR. G. S. RAJHANS: I would say only one thing. You all were surprised when Sobhraj had escaped from the Tihar Jail but the newspapermen were not at all surprised. Many people know that Sobhraj used to entertain many people and provide financial support to many others. It is openly said that he used to bear the entire household expenses of the people who were apprehended in the Samba Spy Case.

Due to lack of time I would like to make only one or two suggestions. First, the guest houses functioning in the residential areas should be closed down. In Delhi, narcotic drug trade is carried on on a large

scale and all the criminals who are involved in this trade live in these guest houses and operate from there,

I have visited many jails. The inspectors of the jails say that what guarantee if there for their own lives. They say that is the criminals escape or are granted bail they destroy the members of their families and, therefore, what is the guarantee for their families ? Therefore, some arrangements must be made for the security of the members of the families of the jail inspectors.

What I am going to say next is a very serious matter. You have just now said that when the news readers of All India Radio and T. V. were reading their news bulletins, at that time some outsider intruded into their cabin. If tomorrow some outsider intrudes in to the newsreader's cabin while he is reading the news bulletin on Radio or T. V., and after pushing him aside, begins broadcasting himself then what will happen to the country ? I will say that this is a matter of grave concern and must be given a serious thought.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA): Sir, I have heard very carefully and with great attention what Prof. Dandevate and other hon. Members have said on this incident, the most regrettable incident of jail break that took place right here in Delhi. The concern expressed by the hon. Members is very much justifiable and I fully share it and I can very well understand and appreciate all the feelings, all the thoughts and all the reactions of the hon. Members on a subject which is of the highest importance so far as security in this particular case, as also the wider aspect of security are concerned. It is all the more serious because it involves a person of international notoriety like Sobhraj. The incident of this nature would, in any case, have been a serious one, but since a person like Sobhraj is involved, it takes on a much added significance and much added ramifications which have and

through you, the House that the Government does not take the incident lightly. On the other hand, we take it very seriously and we can assure you, Sir, that we will do all on our part to see that this thing does not recur and we take lessons from this incident.

The incident took place on 16th. The Delhi Police control room was alerted, they informed all the State Governments, and the Airports, the Interpol informed the foreign governments and very expeditious action was taken. As I just mentioned, Dinesh Kumar was arrested on the 17th and...

SOME HON. MEMBERS: Surrendered.

SHRI RAM NIWAS MIRDHA : He came to the jail.

AN HON. MEMBER : And then surrendered.

SHRI SOMNATH CHATTERJEE : He felt ashamed that he was not arrested.

SHRI RAM NIWAS MIRDHA : He was arrested by the police.

(Interruptions)

PROF. MADHU DANDAVATE : He was not arrested, he just came and embraced you.

SHIR RAM NIWAS MIRDHA : He must have felt that he has done a wrong thing and was just got arrested...

(Interruptions).

Sir, about Bhola Ram...

[Translation]

MR, SPEAKER : He was Simpleton by name.

[English]

SHRI RAM NIWAS MIRDHA : ...the Delhi Police pursued him, they had some information as to where he can be in Delhi and ultimately they went to Gwalior where he was arrested early morning today.

Prof. Dandavate raised a very important point as to why Sobhraj was not extradited in spite of the fact that his extradition proceedings were over. It is true that the extradition proceedings were over but a Special Leave Petition by the U. P.

Government was before the Supreme Court and therefore, we could not extradite him.

SHRI SOMNATH CHATTERJEE : Was there any stay order ?

SHRI RAM NIWAS MIRDHA : Well, Sir, I have the Extradition Act before me which says that if there are any such proceedings pending, we cannot extradite him. This is a legal matter and we could not have extradited him while the proceedings are going on in the Supreme Court.

(Interruptions)

PROF. MADHU DANDAVATE : I want one information. Did the U. P. Government intervene and urge that this should not be implemented ?

SHRI RAM NIWAS MIRDHA : There are a large number of cases pending against him. He has been acquitted on some of them. The U.P. Government has gone to the Supreme Court and a Special Leave Petition is filed. They do not want him go scot-free.

PROF. MADHU DANDAVATE : He is required to be sent to Thailand. If he is hanged in Thailand, no other punishment would have been required in Uttar Pradesh at all.

SHRI RAM NIWAS MIRDHA : There are legal provisions. This is the reason why we could not physically send him to Thailand because proceedings against him were pending in the Supreme Court and as long as they are there, we could not take any action otherwise.

Now the question arises as to what action the Government has taken. A lot has been said that it cannot be a mere question of escape but a much wider collusion is there and there can be a conspiracy of big shots which can reach a large number of officials in the jail and outside. It is exactly from that point of view the Government has not only suspended but filed criminal cases and arrested 8 officers, which is unprecedented as far as I remember. The hon. Members might know better that in an administrative case of this nature, we have arrested those people and arraigned them for 4 offences. Section 120 B is also added to the various offences saying that they are part of the bigger conspiracy and we are seriously pursuing this

[Shri Ram Niwas Mirdha]

investigation. This is a measure of seriousness with which the Government is looking at this stage. We are not leaving anything to chance. This is one reason why we will not be able to have judicial inquiry or any other type of inquiry because what will the inquiry say. They will say a lot of people have been implicated. We ourselves say that they have been implicated. It is not only we say, but we have registered a case and investigation is on. Evidence will be taken and everyone involved in whatever way would be brought to book. We can assure this to the House. Therefore, we have taken a very serious step and the House should feel assured that it is with a measure of seriousness this case has been taken up.

The other point was that it is a routine administrative inquiry and it would not be a sort of substitute for a bigger inquiry of the nature suggested. It is an administrative inquiry which would take its own course. But the seriousness of the situation is reflected from the fact that, we have registered a case against these people, in the conspiracy case and we will pursue it from that point of view. It is exactly from that point of view, a number of points have been raised; a number of reports have come in the newspaper. I feel that though I have some facts which I can lay before the House, I think, this would prejudice the investigation and enquiry which is going on. Therefore, I will not mention the various incidents about which the hon. Members wanted to know.

As regards the wider issues of what we propose to do in the future, about the Chawla Commission, and somebody mentioned about the Mulla Commission, I would like to say something. First of all, what we propose to do is, to appoint a full-time Inspector General of Police (Prisons) for Tihar. We have appointed today right away a senior IPS officer. Up till now DC was ex-officio Inspector General of Police (Prisons). We think, that this is not a proper situation. A full-time senior officer should be in-charge of it and we appointed him.

SHRI SOMNATH CHATTERJEE : I.G. of Prisons will be under him ?

SHRI RAM NIWAS MIRDHA : He would be the I.G. (Prisons). Now, the DC is ex-officio I.G. (P). Now there would be

a full-time officer and he is from the IPS and he would be the Inspector General of Police in-charge of Tihar Jail. We have decided to strengthen the jail administration. We are undertaking a study of the security aspects of the whole thing. We have introduced photo identity cards for the staff. We are streamlining the procedure for visitors. I agree with the hon. Members that on Sundays there can be no visitors. There are rules prohibiting taking food from outside. All that have been contravened. They have been contravened. Otherwise these things would not have happened. We are trying to plug all the loopholes that have come before us in this way. And we are trying to see what we can do.

Well, Tihar is a very overcrowded Jail. It is under-staffed and we have been trying to improve things. We would build a new one also, as I just mentioned. We have acquired land in Shahdara, more than 75 acres of land. We have put Rs. 2.5 crores in the plan to build a new jail. We are conscious of the fact that this is a very over-crowded jail and we will try to shift there as soon as possible.

A number of things were mentioned about jail reform. Naturally, a debate of this nature leads us to a much wider aspect of jail reforms which are in themselves highly complicated but, at the same time, a very important aspect for consideration.

For the upgradation of the jail administration and special establishment of new jail buildings, the 8th Finance Commission provided Rs. 137 crores to the various States. We presume they must have used it for the purpose they have given. In this Plan also, Home Ministry itself has made a provision for Rs. 50 crores which is available to us in the next four years for giving to the State Governments on a matching basis so that they can also improve their jail administration and jail buildings etc.

On jail reforms, Chawla report was mentioned. A number of recommendations have been made there. Some of them have been in active form. Juvenile offenders have been segregated. Women prisoners have already been segregated. They suggested some trades etc. to be taught to them. We have also done that. We have taken in hand a number of small but important reforms that they suggested.

I agree with the hon. Members that the question of jail reforms should be gone into in a much thorough way, whatever reports that are available to us, not only for Tihar but the jail administration as a whole in the country. We go to them and gather ideas about jail intelligence, about the training of personnel, the recruitment of new men, the ex-servicemen, we keep all these things in view.

I can assure you once again and through you the whole House that we have taken up this matter very seriously and we will do everything in our power to set things right not only in Tihar but in other jails also.

PROF. MADHU DANDAVATE : By the time of our discussion, is that criminal arrested ?

MR. SPEAKER : I do not know.

SHRI K. P. UNNIKRISHNAN (Badagara:) What about the points I raised ?

SHRI SOMNATH CHATTERJEE : Keralawala.

MR. SPEAKER : That will take care of that also.

SHRI K. P. UNNIKRISHNAN : I also asked about people who were visiting him and who were getting money regularly from Shobraj.

SHRI ARUN NEHRU : About Kerala

matter, if I may be permitted to answer I think what the hon. Member mentioned is quite right in terms of the facts regarding entry. We had sent the orders out. We are investigating it. We will revert in that matter.

SHRI K. P. UNNIKRISHNAN : Very good.

SHRI GHULAM NABI AZAD : I have to mention about two things. Number one, about Half-an-Hour Discussion which was to follow, We would like to take up this tomorrow.

MR. SPEAKER : Yes, if the House so desires.

SHRI GHULAM NABI AZAD : There was supposed to be a discussion on terrorist activities.

PROF. MADHU DANDAVATE : Take up the Maharashtra Governor issue tomorrow.

SHRI GHULAM NABI AZAD : Since we have already discussed and the Opposition has also wanted that it should be taken up latter on, I think we can take it up latter on.

MR. SPEAKER : If the House so desires, I have no objection. Okay we shall take it up sometime later on.

18.18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, March 20, 1986/ Phalguna 29, 1907 (Saka)