

इस प्वाइंट को उठाने में क्या कसर रह गई ?

(Interruptions)**

MR. SPEAKER: Not allowed.

(Interruptions)**

MR. SPEAKER. आप बैठ जाइए । आपके हित में नहीं है ।

You are not allowed.

(Interruptions)**

MR. SPEAKER: Not allowed.

आप बैठ जाइए ।

(Interruptions)**

MR. SPEAKER हद होती है, किसी बात की । हद से निकलना अच्छा होता--अति सबैत्रवर्जित । आप बैठ जाइए । मैं मैं आपके लिए कानून नहीं तोड़ सकता हूँ ।

I cannot break a rule for you.

(Interruptions)**

आप के शोर करने से कोई बात नहीं बनती है ।

MR. SPEAKER: If anybody speaks without my permission, that is not to be recorded.

श्री जयपाल सिंह कश्यप : मैं इसके विरोध में वाक-आउट करता हूँ

12.20 hrs.

(Shri Jaypal Singh Kashyap then left the House).

(Interruptions)**

(Shri R. N. Rakesh then left the House)

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED INDEFINITE DETENTION OF UNDERTRIALS IN JAILS

SHRI EDUARDO FALEIRO (Mormugao): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

"Reported indefinite detention in jails of a large number of undertrial prisoners despite the directives of the Supreme Court in the matter and deaths of many of them and action taken by the Government in regard thereto."

12.19 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR): Sir, The Government are aware that in some cases the undertrial prisoners remain in jails for long periods. The delay in completion of trials of the undertrial prisoners is due to such factors as delays in investigation of cases and delays in trial in courts because of difficulty in the conducting of identification proceedings of persons and property, non-availability of witnesses, inability on the part of some accused persons to furnish bail, adjournment of cases sought by the concerned parties and heavy work-load with courts.

2. Government of India have taken several steps to ensure that the undertrial prisoners are not subjected to long detention in jails. All States and Union territories have been advised to examine the cases of undertrial prisoners in the light of the directions given by the Supreme Court from time to time and to specifically ensure that:

(a) Undertrials who are in detention for periods more than the sentence that

can be awarded in case of conviction, should be released forthwith as such detention was illegal and violated Article 21 of the Constitution;

(b) All undertrial prisoners who are charged with bailable offences but who are still in jails presumably because no application for bail has been made on their behalf or because they are so poor that they are not able to furnish bail, should be considered for release on personal bond; and

(c) Undertrial prisoners who have suffered incarceration exceeding half of the maximum punishment that can be awarded by the Court, might be considered for release on personal bonds and counsel be made available to them.

3. The State Governments and Union Territory Administrations have been requested to set up district and State level Committees to review the cases of undertrial prisoners in jails periodically and to appoint part-time or while-time law officers to give legal assistance to poor and indigent prisoners.

4. In pursuance of the recommendations made by the Law Commission in its 78th Report, certain proposals are under consideration of Government of India for liberalisation of bail provisions in respect of undertrial prisoners.

5. Financial assistance out of the grant of about Rs. 24 crores recommended by the Seventh Finance Commission is being given to 15 States for the establishment of additional criminal and civil courts over a period of 5 years i.e. 1979—84.

6. All the State Governments and Union territory Administrations have repeatedly been advised to strictly adhere to the limitation of time for investigation and inquiry as laid down in various provisions of the Code of Criminal Procedure, 1973 with a view to ensuring timely completion of investigation and inquiry.

7. In regard to the death of undertrial prisoners in jails, it may be mentioned that the subject "Prisons" is included in

the State list. Administration and maintenance of prisons is, therefore, the responsibility of the State Governments and Union territory Administrations. The State Jail Manuals require that the cause of the death of a prisoner should be properly established, and in case of any unnatural death, a thorough enquiry should be instituted.

8. I assure the House that Government are fully aware of the problem concerning undertrial prisoners in various States and are taking all possible steps to deal with them.

SHRI EDUARDO FALEIRO: Mr. Deputy-Speaker, Sir, we can see here from paragraph 2 that the Government is seized of the problem and that it contemplates some specific measures to meet the situation. I would, however, say that the Government has very much played down the seriousness of the situation as the very first opening sentence of the Statement shows. It says:

"The Government are aware that in some cases the under-trial persons remained in jail for long periods."

It is really an understatement when we are referring in this Calling Attention to the recent decisions of the Supreme Court and to the stand taken by the Supreme Court and to the revelations which have been made by the Supreme Court

Sir, the Supreme Court last month freed eight prisoners who had been in jail for 27 years.

AN HON. MEMBER: Shame.

SHRI EDUARDO FALEIRO: These people have been kept as under-trials for twenty-seven years. The trial had begun some time in 1948 and they were sent to jail pending their trial. And till now their trial has not been completed. In the meanwhile these people remained in jail. The situation disclosed is so gruesome that out of these eight people, which the Supreme Court directed for immediate release on 13th May, one person was not even held guilty. This gentleman was Gulam Jilani. It was revealed in the Supreme

[Shri Eduardo Faleiro]

Court that Gulam Jileni was not charged with any offence. He was lodged in the Hazaribagh Jail under an order of the Sub-divisional Officer on March 25, 1968. And this man had been kept in jail up till now since 1968 without any charge for an offence. He has been released only now by an order of the Court.

Sir, I also draw the attention of the Government to the fact that arises because of the recent judgment of the Supreme Court. Sir, the Supreme Court has left open the question whether these prisoners were entitled to compensation from the Government for their illegal detention in contravention of Article 21 of the Constitution.

MANY HON. MEMBERS: We all support it.

SHRI EDUARDO FALEIRO: For decades these people had been in jail. Now that the Supreme Court has freed them, after their detention for 27 years, I would say that is not the end of it. I am not taking the case exhaustively. It is just an illustration. In Patna, again last month, one man was found to be in Jail for 37 years. For 37 years one person by name Barkuhobar was in prison. He has been in prison. He first figured in a sessions trial in 1945. This man came in 1945; and after that, when the trial began, he was sent to jail and then everybody forgot about it.

MR. DEPUTY-SPEAKER: Had this man been in Government service, he would have retired.

SHRI EDUARDO FALEIRO: Yes, Sir; he would have retired and would have been entitled to pension.

Most of these people with long decades in jail have turned instance. They are no more in possession of their senses. They are just the residue; they have some vestiges of humanness in them. They are human wrecks, absolutely.

I am illustrating some of the cases at random, from different parts of the country. Mr. Gambhir, a Maharashtra villager, was in a death cell. He was accused of murder. For over three years he was evading the hangman's noose. In May, the Supreme Court set him free from this charge, and saved him from the hangman's noose. The Supreme Court called him—I quote: "He was an honourable citizen", and there was really no substance at all in the allegations against him. Yet this man was in the death cell for three years. This is a very serious situation. To this problem, the Government must address itself.

My first question to the hon. Minister is this. This question of under-trial prisoners has been raised in this House and in the other House on so many occasions. Have Government collected the figures? Unless they know the size of the problem, it will be difficult to find a solution. What are the figures, State-wise and Union Territory-wise? It is a State subject. I can understand it. Is the Government going to do anything in this regard, and issue directives? What is the total number, State-wise and Union Territory-wise?

Another very ghastly situation which is a gruesome problem has also arisen. It concerns the child offenders. It is about the children who are put in jails. It came before the Supreme Court. A child of ten years was found travelling without ticket in the train. He was put in jail. What is really sordid and tragic about it is that he was submitted to all types of assaults and offences by the jail authorities and other prisoners—so sordid that one cannot describe them.

The justification for this state of affairs given generally is that the State Governments do not have Remand Homes for children. It is important that so far as children are concerned, jails should not be schools of criminality, or schools for criminals. Sir, you will understand—you have experience and you know—that if a child is put in jail, he is not going to improve. He is going to come out of it

worse. If he was originally guilty of travelling without ticket, when he comes out of jail, he is going to be a criminal.

These children are subjected to all types of sexual abuses and other assaults in jail. Has the Government a plan to increase the number of Remand Homes, and of separate jails which are essentially meant for children?

The Calling Attention also refers to the matter of deaths of many of the under-trial prisoners in jail. There have been many such cases which have been reported. I would like, particularly, to advert to cases which have been happening in Tripura and which have been reported in the National Press and also in the Press of that State. For instance, in Tripura there is the major local daily "Dainik Samvad", which has given photographic evidence. It has been published with photographs illustrating how a person; one particular gentleman, Upendra Bhowmik, was murdered by the jail authorities. That is the indictment. He was murdered by the jail authorities and the post-mortem reveals the injuries on his body; and the case was there in the Court of the Chief Judicial Magistrate in Agartala; and the Magistrate directed that his particular jailer should be transferred from that jail; he should be transferred from that jail, Agartala Central Jail so that the enquiry may be fair. But the Government of Tripura did not accept this; and they have been delaying it; they are taking steps to delay this and to maintain the same people who are indicted of this offence of murder of one of these men in the same jail.

Now the question of death in jails is not limited to a particular State, but what really shocks one is the situation in which the State Government tries in a manner which appears to shield the person; and in this particular case, I would like to know what the Government of India has done about this matter; whether the Government has facts about this particular case and about other cases which have been happening in Tripura. There have been cases of rape and murder inside the jail with an accurate eye-witness account,

medical report and all the statements. All this has been published by this newspaper, daily newspaper, *Dainik Sambad* from Agartala; and rather than taking action against the people who are guilty in the jails, what is shocking is that Tripura Government has been harassing this newspaper by refusing them advertisements, stopping subscription; and this paper has actually complained to the Press Council, I understand. I have also complained to the Press Council in this regard. I want to know whether the Government will enquire into the state of affairs and take necessary steps which are available to the Government in this regard.

For quite some time, we have been hearing of a committee which was constituted by the Government of India, a committee for jail Reforms. The conditions in jail—this is known to everybody and also to the Government—are far from good; and therefore this Committee for Jail Reforms was appointed. The hon. Minister had told us some time back, some time around March that the Jail Reforms Committee had submitted an interim report to the Home Minister; the former Home Minister, Shri Zail Singh had told the Lok Sabha at that time this report had been submitted. I would like to know what are the recommendations of this report and the action taken by the Government in this regard? These are only few questions on which I would ask the Government to kindly give us specific and comprehensive replies.

SHRI NIHAR RANJAN LASKAR: I think in my main statement I have already said that we do not compile all of these figures because this is a State subject, and this is the responsibility of the State Government; but they have their own difficulties because of various facts and figures they have to collect from different jails in their own State. So, naturally, it takes a little time. But, whatever facts I have I would like to share them with the House so that the House may benefit from them, from all these figures. About the number of under-trials in different prisons in the country,—that was the question I believe you have put to me—I have all these

[Shri Nihar Ranjan Laskar]

figures with me for that period; the latest figure up to 30-6-1981; I have with me the total figures of that period, so far as the report available with us is concerned, relating to all the States and the Union Territories all the States and Union Territories have given their figures. These are the total figures regarding under trial pri- to read it. For Andhra Pradesh, it is 93,311 and if you want State-wise, you will have to give me a little time because I have to read it. For Andhra Pradesh, it is 2,414 for Assam, it is 2,795; for Bihar, it is 17,514 for Gujrat, 1703. For Haryana this figure is 1,269, Should I give all these details?

AN HON. MEMBER: Yes, yes, we want the State-wise figures.

SHRI NIHAR RANJAN LASKAR:
The figures are as under:

Himachal Pradesh	127
Jammu & Kashmir	355
Karnataka	2,378
Kerala	1143
Madhya Pradesh	8553
Maharastra	6330
Manipur	429
Meghalalaya	172
Nagaland	219
Orissa	3765
Punjab	2867
Rajasthan	3130
Sikkim	37
Tamil Nadu	8138
Tripura	33
Uttar Pradesh	17822
West Bengal	8216
Andaman & Nicobar Islands	9
Arunachal Pradesh	166
Chandigarh	1037

Dadra & Nagar Haveli	4
Delhi	2052
Goa, Daman & Diu	89
Lakshadweep	Nil
Mizoram	199
Pondicherry	46

These are the State-wise figures.

So far as the deaths of under trial prisoners in different States are concerned, they are also available. I can give them also, State-wise.

Information regarding the number of under-trial prisoners who died in jail between the period January 1981 and March 31, 1982, is now available from 28 States and Union Territories. As I have said, we have still not received the information from Bihar, Jammu & Kashmir, and Madhya Pradesh which have not sent the report so far. Twelve States, Haryana, Himachal Pradesh, Nagaland, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra & Nagar Havell, Goa, Daman & Diu, Lakshadweep, Mizoram and Pandicherry have reported that no under-trial prisoner died in Jail. In the remaining 16 States including the Union Territory of Delhi, 189 deaths took place during this period, including the up to date figures for Delhi. These are the under trial deaths.

Regarding Tripura, one fact my friend has mentioned. I think we have also taken up the matter with the State Government of Tripura. There were reports in some newspapers about the gang rape of a woman, Anjali by three wardens of one jail in April 1982. As per the report from the State Government, dated 29th June 1982, a writ petition has been filed in the Supreme Court by the Member-Secretary of the Legal Aid Committee on the basis of the news in the *Hindustan Times*. The Court fixed July 19, 1982 for hearing, the State Government are making appearance in the Court. A further report from the State Government is still awaited.

PROF. N. G. RANGA (Guntur): One hundred and eightynine people died in jails!

SHRI NIHAR RANJAN LASKAR: These are the figures. Now, regarding delinquent children about whom he made a suggestion, we have also repeatedly taken up the matter with the State Governments. Many of the State Governments have no separate jails for these children. But where ever available they are put in different jails and institutions. But where there is no such provision, necessarily, they have to be kept in the same jail. But they have been segregated and kept separately. We have given instructions to the State Governments and referred the matter to them.

SHRI EDUARDO FALEIRO: Since when

SHRI NIHAR RANJAN LASKAR: We have to get the information from them.

SHRI EDUARDO FALEIRO: What about jail reforms?

SHRI NIHAR RANJAN LASKAR: As I have already said in this House as well as in the other House the Mulla Committee has given an interim report. That is mainly on Tihar Jail. Some of the recommendations made in that report are in the process of implementation. In fact, some of them have already been implemented.

The first recommendation is about the increase in the number of jails in Delhi. In order to reduce the congestion in the jail a plan scheme for providing additional accommodation for 300 prisoners for camp jail in phase II has been approved and a sum of Rs. 99,37,972/- has been sanctioned under the Plan scheme. Rs. 46 lakhs under the Plan scheme has also been sanctioned for the trifurcation of Central Jail, Tihar. Land measuring 78.62 acres has already been acquired at Shahdara and estimate for construction of boundary wall of 16 ft. is being prepared by the PWD.

Another recommendation was about the transfer of prisoners sentenced to 3 years and above to other jails. Here also, arrangements have been made with Haryana Government for transferring the prisoners. As a result, 158 prisoners have been transferred to Ambala and Bhiwani Jails.

The third recommendation was about transfer of lunatics to Shahdara Hospital for Mental Diseases. The lunatics who are non-criminal in nature have been transferred to Mental Hospital, Shahdara from Tihar Jail. A Board under the Chairmanship of Deputy Inspector General (Prisoners) Delhi has been constituted to review the cases of Lunatic prisoners in Central Jail, Tihar. It consists of Superintendent, Medical Officer, Central Jail, Tihar as members.

Another important recommendation was about segregation of undertrials and short-term convicts, adolescent offenders and women prisoners. In order to segregate the hardened criminals and undertrials a plan scheme for trifurcation of Central Jail, Tihar has been approved. PWD has also started construction work which is likely to be completed by 31-3-1983. A provision of Rs. 20 lakhs has been made for the year 1982-83.

Another recommendation was about free legal aid to indigent prisoners and a scheme of continuous review of undertrials cases. A scheme to give free legal aid to the poor persons has been prepared by the Law Department of Delhi Administration and is being implemented for the prisoners also.

There is another recommendation about strengthening of the headquarters staff and appointment of a whole time DIG (Prisoners). A post of DIG (Prisons) in the senior scale of IAS i.e. Rs. 1200 2000 with special pay of Rs. 150/- p.m. has been created and filled up.

Like this, there are several other recommendations. They are being actively considered and implemented.

श्री राम विलास पासवान (हाजीपुर) : उपाध्यक्ष महोदय, मंत्री जी ने जो जवाब दिया है, मैं 19 तारीख की राज्य सभा की डिबेट को देख रहा था लगता है कि एक बना बनाया जवाब रहता है, एक शब्द भी इधर उधर नहीं होता। राज्य सभा में जो जवाब दिया होगा तो निश्चित रूप से राज्य सभा के डिस्कशन के बाद सुभाव आये होंगे, बहुत सारी बातें आयी होंगी, लेकिन मैंने देखा एक शब्द भी हेरफेर नहीं हुआ है जो राज्य सभा में इन्होंने जवाब दिया है। . . .

श्री निहार रंजन लास्कर: फैक्ट्स दिए हैं।

श्री राम विलास पासवान: फैक्ट्स तो हैं, लेकिन बाद में सदस्यों ने और फैक्ट्स वहाँ जोड़े हैं। तो मंत्री महोदय, थोड़ा बहुत दिमाग खोल कर आपको रखना चाहिये, और नई बातों को जोड़ कर देना चाहिये।

श्री कमल नाथ भा (सहरसा): आप तो फंसा रहे हैं।

श्री राम विलास पासवान: कमल नाथ जी, आप तो बहुत बार जेल जा चुके हैं। . . मंत्री जी ने जो जवाब दिया है, उसको आप पढ़ रहे हैं।

MR. DEPUTY-SPEAKER: I think Paswanji knows mind-reading also. You have understood that he has not come out with open mind. Therefore, you know mind-reading.

SHRI RAMAVATAR SHASTRI (Patna): He will open his mind.

श्री राम विलास पासवान: मंत्री जी ने अपने जवाब में सुप्रीम कोर्ट का हवाला देते हुए कहा कि सुप्रीम कोर्ट ने कहा कि जो विचाराधीन कैदी उस सजा से अधिक अवधि के लिये बन्द है, उन्हें दोषी सिद्ध के मामले में दी जा सकती है, उन्हें तुरन्त रिहा किया जाए। क्योंकि इस तरह की बजरबन्दी अवैध है।

मैं आपका ध्यान कांस्टीट्यूशन के आर्टिकल 21 की ओर खींचना चाहता हूँ, इसमें लिखा है।

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

अभी हमारे माननीय साथी ने पटना का हवाला देते हुए कहा कि 37 साल से एक आदमी जेल में है। पहले जेल में कौन जाता है? 90 परसेंट लोग वैसे होते हैं जो गरीब हैं, उनको कोई देखने-सूने वाला नहीं है, फिर कहीं भी काइम हुआ, उसको पकड़ कर जेल में बन्द कर दिया सिर्फ खाना-पूति के लिये। मैंने इस सम्बन्ध में एक किताब लिखकर गृह-मंत्री को भेजी है, स्पीकर साहब को भेजी है। हमने बताया कि हम मुजफ्फरपुर जेल में थे। वहाँ हमने देखा कि हम लोगों के सामने ही रात को 9 बजे डैकती करने वाले कैदी को छोड़ दिया जाता था और 4 बजे सबेर डैकती करवाकर उसको फिर बन्द कर दिया जाता था। डैकती तो हुई, लेकिन डैकती करने वाला जेल में बन्द है। उसकी जगह किस को ही पकड़ा जायेगा? उसकी जगह किसी निदोष आदमी को ही पकड़ा जायेगा। पुलिस भी जानती है इसे और जेल अथॉरिटीज भी जानती है। उस निदोष आदमी पर जेल में यातनाएं भी होंगी और वह कैदी 37, 38 साल जेल में भी बंद होगा। जितने भी कैदी जेलों में जाते हैं, उनमें 90 परसेंट फर्स्ट टाइम निदोष जाते हैं।

दिल्ली का मामला है, किस को मालूम नहीं है कि थानों की नीलामी होती है। किस थाने में कौन अफसर जायेगा, कौन एस. पी. एस, एच. ओ. जायेगा उसके लिये दाम बोला जाता है। क्यों क्रिमिनल थाने में अफसर जाना चाहते हैं, जब मालूम है कि क्रिमिनल एरिया है तो डर लगना चाहिए, लेकिन नहीं, वह जानते हैं कि अधिक हत्याएं और डकैती होंगी तो अधिक पैसा मिलेगा, इसलिये वहाँ जाते हैं।

हमारी मान्यता यही है कि जो जेल में पहले लोग जाते हैं, प्रायः निदोष होते हैं। 1970 में आंदोलन के रिबलिसले में भागल-पुर कैम्प जेल में था। बिहार में बक्सर

के बाद उसी जेल का स्थान है, वहां दो बार गोली चल चुकी है। उस कैद जेल में एक डोम था, उसको सब हिटलर हिटलर कहते थे। मैंने उस हिटलर से पूछा कि तू किस केस में बन्द हो तो उसने कहा कि हूजूर 109 या 110 में बन्द हूँ। मैंने कहा कि कितने दिन से बन्द हो तो उसने कहा कि 14 साल से बन्द हूँ। मैंने कहा कि क्यों बन्द हो तो उसने कहा कि एक बार शुरू में आया था, 2 साल के बाद जेल से निकल गया। जब मैं निकल गया तो जेल में हुआ फ़ैल गया क्योंकि वहां पाखाना साफ करने वाला नहीं था। पुलिस ने कहा कि हिटलर को पकड़कर जेल में रखो। जब तक पाखाना रहेगा, हिटलर यहां सड़ता रहेगा।

मैं इसमें कास्ट सिस्टम नहीं जोड़ना चाहता हूँ लेकिन जेल के आंकड़े आप देखेंगे तो पता चलेगा कि जेल में कौन सड़ रहा है? जिसकी कोई एप्रीच नहीं है, एक बार पकड़ा गया तो फिर जेल में ही रहेगा। मंत्री महोदय क्या इस बात को नहीं जानते हैं। मंत्री आज बने हैं, इसके पहले राजनीतिक कार्यकर्ता रहे होंगे, इनको अपने घर का गांव का क्या मालूम नहीं है कि पुलिस कैसे फंसाती है? हम सब को मालूम है कि पुलिस कैसे फंसाती है। एक जगह कोई फंस गया, उसको पकड़कर बन्द करना है, 10 जगह का केस उस पर लगाया जाएगा।

अभी मैं क्वॉंस्टीटुएन्सी में गया था। मालूम हुआ कि एक हरिजन को गांव में नौकरी नहीं मिली थी, वह पंजाब चला गया वहां मालिक से भगड़ा हुआ, कूपरथला में एक राइस मिल है, उसमें उसको मर्डर के केस में फंसा दिया गया। जो 5 रुपये दिन की मजदूरी नहीं कर सकता है, वह जेल में बन्द है, उसको छड़ाने वाला कौन है? मैंने इस बारे में होममिनिस्टर को लिखा है। कोई उसे देखने वाला नहीं है। वह जिन्दगी भर जेल में ही सड़ता रहेगा। उसे कोर्ट प्रासेस का, कोर्ट के तरीकों का, पता नहीं है। कोई उसकी जमानत नहीं लेगा। उसके पास पैसा नहीं है। सुप्रीम कोर्ट ने अपनी रूलिंग में कहा है कि धारा 107 के अधीन जिस आदमी को छः महीने या एक साल की सजा होनी

है, उसे नौ दस साल तक जेल में सड़ते रहने का क्या औचित्य है।

माया मैगजिन में जेलों की स्थिति के बारे में लिखा है :-

“पीलीभीत के एक सम्पन्न परिवार के सदस्य हरवंश सिंह तथा उसके साथी जीत सिंह को 4 व्यक्तियों की हत्या के आरोप में 24 सितम्बर, 1973 को पीलीभीत के अतिरिक्त जिला एवं सत्र न्यायाधीश ने मृत्युदंड दिया। उच्च न्यायालय ने अभियुक्तों की अपील खारिज कर सत्र न्यायाधीश के फैसले को बरकरार रखा। सर्वोच्च न्यायालय ने 16 अक्टूबर, 1978 तथा राष्ट्रपति ने 8 नवम्बर, 1978 को फांसी की सजा की संस्ति कर दी। उसके बाद दोनों की ओर से सर्वोच्च न्यायालय में पुनर्विचार याचिका दाखिल की गयी, जिसे 23 जुलाई, 80 को रद्द कर फांसी पर लटकाये जाने का आदेश किया गया।

यह आदेश किन्हीं कारणों से जेल विभाग में ही दबा पड़ा रहा। बाद में 28 सितम्बर, 1981 का दिन दोनों को फांसी पर लटकाने के लिए निश्चित हुआ। जब यह आदेश बरेली केन्द्रीय कारागार, जहां दोनों बन्द थे, पहुंचा, तो जेल अधीक्षक ने नियमानुसार फांसी की सजा देने वाली अदालत से वारंट भेजने को कहा कहते हैं, हरवंश सिंह के परिवार वालों ने अदालत के कर्मचारियों को मिला लिया। वहां से केवल जीत सिंह का ही वारंट आया और 28 सितम्बर, 1981 की सुबह जीत सिंह को फांसी पर चढ़ा दिया गया।

अदालत से हरवंश का वारंट एक सप्ताह बाद 6 अक्टूबर 1981 को जब बरेली जेल पहुंचा, तो अधिकारियों ने सरकार से फांसी की नई तिथि निर्धारित करने का अनुरोध किया।

जब तक सरकार नयी तिथि सूचित करती, इस बीच हरवंश सिंह के परिवार वालों ने एक बार पुनः सर्वोच्च न्यायालय में याचिका दायर कर दी। इस बार उसकी याचिका का आधार फेडरल कोर्ट का एक निर्णय था, जिसके अनुसार

[श्री राम विलास पासवान]

यदि किसी व्यक्ति को मृत्युदण्ड के अंतिम आदेश के एक वर्ष के भीतर फांसी पर लटकाया नहीं जाता है, तो फिर उस व्यक्ति को फांसी नहीं दी जा सकती।

सर्वोच्च न्यायालय के मुख्य न्यायाधीश वाई. वी. चन्द्रचूड की अध्यक्षता में गठित 3 सदस्यीय पीठ ने 21 अक्टूबर, 1981 को इस याचिका पर प्रारम्भिक सुनवाई की और उत्तर प्रदेश सरकार, सेशन न्यायाधीश पीलीभीत तथा सेंट्रल जेल, बरेली को नोटिस जारी कर फांसी होने तक उसकी फांसी स्थागित कर दी।

यह जीत सिंह का दुर्भाग्य था कि वह और उसके परिवार वाले गरीब थे, नहीं तो क्या कारण था कि हरवंश आ सह-अभियुक्त होते हुए वह तो फांसी पर चढ़ गया और मुख्य अभियुक्त की फांसी टल गई।”

पैसे और न्याय का एक दूसरे के साथ कितना मेल है, यह हम भलीभांति जानते हैं। इस मामले का एक पहलू तो यह है कि लोग कैसे जेल के भीतर जाते हैं और दूसरा यह कि जेल के अन्दर भी डिस-क्रिमिनेशन है। हर जेल में दस पांच बलाल लोग होते हैं, जो पैसा ले कर कोई भी काम कर देते हैं। मुझे बताया गया कि मूजफ्फरपुर जेल में एक कैदी ने दो साल में दो ट्रक खरीद लिए।

विचाराधीन कैदी को—हम उसे बेचारा-अधीन कैदी कहते हैं, हैल्पलेस कैदी—हर एक चीज के लिये घूस देनी पड़ती है। मैं जेल में कैदियों के सोने की व्यवस्था का उदाहरण देना चाहता हूँ। मंत्री महोदय ने बिहार, उड़ीसा, आंध्र प्रदेश आदि राज्यों में अंडरट्रायल प्रिजनर्स की संख्या बताई है। मैं उनसे पूछना चाहता हूँ कि वहाँ पर जेलों में कैदियों को रखने के लिये कैपेसिटी कितनी है। स्थिति यह है कि जहाँ 500 कैदियों की कैपेसिटी है, वहाँ 1500 कैदी रखे जाते हैं। जब मैंने पूछा कि आप लोग कैसे सोते हैं, तो मुझे बताया गया कि शिफ्ट-वाइज सोते हैं।

12 बजे रात से 1 बजे रात तक एक शिफ्ट है और 1 बजे से 2 बजे तक दूसरी शिफ्ट है, कुछ लोग सोते हैं, तो दूसरे बैठे रहते हैं। सोने की सुविधा पाने के लिये घूस देनी पड़ती है। अगर कोई पैसा देगा, तो उसे सोने की जगह मिलेगी। नहीं तो बैठने की भी जगह नहीं है। सोने की बात तो छोड़ दीजिए उसको बैठने की भी जगह नहीं है। जेल के अन्दर सब से बड़े दुर्भाग्य की चीज है जहाँ किसी भी इन्सान का रोया कंप जाता है, जहाँ आप राने लगेंगे, वह यह कि कैसे बेचारा जेल गया, कैसे उसको यातना दी गई, कैसे उस के हाथ पांव तोड़े गए। उन लोगों ने एक नया मेथड शुरू किया है। गोली मारने का या उत्तर प्रदेश में फेक एनका-उन्टर के नाम पर गोली मारने का तरीका वह ज्यादा बेहतर है बनिस्बत इसके क्योंकि उसमें तो आप निर्दोष आदमी को सीधे गोली मार देते हैं लेकिन यहाँ बेचारे को बंद करके सोने नहीं दिया जाता है, खाने के नाम पर कंकड़ पत्थर दिया जाता है, 21 जुलाई के डा. ए. यू. आजमी के प्रश्न के उत्तर में इन्होंने कहा है तिहाड़ जेल के सम्बन्ध में कि पूरे केन्द्रीय जेल में 1379 विचाराधीन कैदी हैं और कैम्प जेल तिहाड़ में 518 विचाराधीन कैदी हैं। उनके कैद की अवधि 28-2-79 से आगे की है, अर्थात् उससे पहले से वे लोग जेल में रहते आ रहे हैं। इसी में इन्होंने कहा है कि क्या क्या जेल के अन्दर फौसिलटीज दी जाती हैं। मैं समझता हूँ कि यदि कोई इसको देख ले तो यही कहेंगा कि जेल स्वर्ग है। इनके अनुसार जेल में क्या है कि कैदियों के लिये अच्छा से अच्छा पानी, भारतीय प्रशासनिक सेवा में उप-महानिरीक्षक की नियुक्ति, सभी बाड़ों में बिजली पंखे, केन्द्रीय जेल तिहाड़, गई दिल्ली में कैदियों के लिए टेलीविजन सेट, पुस्तकालय, कैंटीन, यह सब हम लोग पढ़ते-पढ़ते थक गए। एकट अलग होता है, फाँट अलग है। सभी जेलों में यही होता है। जेल का जो मैन्युअल है, उसके मैन्युअल को कोई देखे तो फस्ट क्लास का जो कैदी होता है उसके लिये नाश्ते में दो आना अभी भी लिखा हुआ है। अंग्रेज के जमाने की जेल, अंग्रेज के जमाने का जेलर और अंग्रेजी जमाने का जेल मैन्युअल और उसकी यदि डायट को देखें तो मालूम पड़ेगा कि जैसे सौ विधे

का जेलदार भी उतना बढ़िया खाना नहीं खा सकता, लेकिन जेल में क्या होता है—सारा का सारा खाना, सारा का सारा तेल, सारी की सारी चीज बाहर की बाहर ब्लैक में चली जाती है। उसमें सब का शेयर बंधा हुआ है। मैं मिनिस्टर का नाम नहीं लूंगा। लेकिन स्टेट की आप जांच करवाइये, मिनिस्टर से ले कर नीचे को जो हैड कांस्टेबल और जमादार हैं, यहां से वहां तक, सबका शेयर बंधा हुआ है। मैंने मुजफ्फरपुर जेल के बारे में कहा, शंकर सिंह वहां पर एक जमादार है, उसके घर में रेड किया गया, डकैती का सामान वहां पकड़ा गया। वहां जेल के अन्दर हाई स्कूल चलता है। लेकिन हाई स्कूल के नाम पर क्या होता है? वहां पर वह करप्शन का अड्डा बना हुआ है, छोटे-छोटे बच्चों के साथ वहां बलात्कार होता है। वहां एक सत्यनारायण सिंह हैड-मास्टर है, मैंने लिखा उनके बारे में। दूसरे कर्मचारियों का ट्रांसफर हो गया, लेकिन मैंने वहां जा कर देखा तो पता लगा कि यह दोनों जो मुख्य अभियुक्त हैं वह वहीं के वहीं बने हुये हैं और आज से नहीं, बाबा आदम के जमाने से बने हुए हैं और रिटायर भी वहीं से होंगे।

जेल में जो कैदी हैं उनको खाने का नहीं मिलता है। उन्होंने बताया कि कितने लोगों की मृत्यु हुई... (व्यवधान)... मैं खत्म कर रहा हूँ इन्होंने कहा है कि तिहाड़ जेल में जिन कैदियों की मृत्यु हुई है सबकी मृत्यु का कारण क्या रहा है। इन्होंने कहा कि किसी को बीमारी थी, किसी को कुछ था, किसी को कुछ था। लेकिन यह बात नहीं होती है। मंत्री महोदय जरा मानवता की दृष्टि से देखें। वह उस परिवार से आए हैं जो गरीब परिवार है। जेल में सांप छोड़ा जाता है कैदियों को मारने के लिये क्योंकि जेल एथारिटी कहीं फंस नहीं मारने या गोली चलाने के जर्म में, इसलिये जेल की सेल में सांप को छोड़ दिया जायेगा और सबरे कह दिया जाएगा कि जेल में सांप निकला था और सांप ने काट लिया इसलिए उसकी मृत्यु हो गई। कैदियों को मारते-मारते मार दिया जाता है, और लिख दिया जाता है कि इस की नेचुरल डैथ है। जेल का जो डायट है, उसके

लिए जो दवा दारू है वह अगर उसको मिल जाये जो कैदी है, तो अवाभाविक मोत उसकी नहीं हो सकती।... (व्यवधान)...

मैं यह कह रहा हूँ कि जेल में रहने के लिए, कोई प्रबन्ध नहीं सोने के लिए, पानी के लिए, खाने के लिए, किसी चीज के लिए प्रबन्ध नहीं है। ठीक है आपने उस को बन्द कर दिया है लेकिन आपको यह राइट नहीं है कि जेल में ले जा कर आप किसी का जीवन ले लें। आप होम मिनिस्टर हैं, मैं जानना चाहता हूँ कि पुलिस कस्टडी में कैदी क्यों मरते हैं? आपने कैदी पकड़ा, उसको आप कानून के सुप्रीम कीजिये लेकिन पुलिस एथारिटीज उसको थाने पर ही मार देती हैं। दूसरी बात यह है कि इस प्रकार से मरने वालों में सभी गरीब-गुरबा लोग ही होते हैं। अभी चार दिन पहले ही मुझे बतलाया गया कि लोग पुलिस को दो सौ रुपये देते हैं और कहते हैं कि इस आदमी के हाथ-पैर तोड़ कर निकम्मा बना दो। पुलिस के पास इतनी पावर्स हैं कि वह किसी भी निदोष आदमी को, उसके हाथ-पैर तोड़ कर निकम्मा बना देती हैं।

सुप्रीम कोर्ट ने इस सम्बन्ध में जो कुछ कहा है उससे ज्यादा सुप्रीम कोर्ट और कुछ कर नहीं सकती। इसके लिए मैं सुप्रीम कोर्ट को धन्यवाद देना चाहता हूँ कि उन्होंने सबसे बड़ा मानवता का दृष्टिकोण अपनाया है। उन्होंने साफ लिखा है कि इस प्रकार की नजरबन्दी अवैध है। मैं मंत्री जी से जानना चाहता हूँ कि आपके पास भी कुछ मानवता का दृष्टिकोण है या नहीं? आपने अपने वयान में कहा है:

“मैं सदन को विश्वास दिलाता हूँ कि सरकार विभिन्न राज्यों में विचारणाधीन कैदियों से संबंधित समस्याओं से पूर्णरूप से अवगत है और उनके सम्बन्ध में कार्रवाई करने के लिये सभी सम्भव उपाय कर रही है।”

मैं समझता हूँ मंत्री जी को यहां सदन में कह देना चाहिये कि वे दो-तीन महीने में सभी जगहों की लिस्ट बनवा लेंगे कि कितने लोग किस किस में बन्द हैं, जो उसकी अधिकतम सजा की अवधि को पार कर गए हैं

और उनको छोड़ दिया जाएगा। इससे जेलों पर जो लोड है वह भी कम होगा और अनन-सेसरीली किसी को बन्द नहीं रखा जायेगा।

जेलों में जाने के बाद कैदियों को जो यातनाएं दी जाती हैं उसके सम्बन्ध में मुल्ला कमेटी की रिपोर्ट है। (व्यवधान) मैं समाप्त कर रहा हूँ। मैं चाहता हूँ कम से कम मानवता के नाते आप इतना न्याय कीजिये कि किसी उपराध के लिए जो अधिकतम सजा निर्धारित हो उससे अधिक समय तक किसी को नजरबंद न किया जाए। मैं समझता हूँ इस सम्बन्ध में आप यहां पर किसी तिथि की घोषणा कीजिये कब तक आप ऐसी लिस्ट बनवा लेंगे और उनको छोड़ दिया जायेगा। आप गृह मंत्रालय के सर्वोच्च पद पर हैं, क्या आप इस सदन को विश्वास दिलायेंगे कि निर्दोष लोगों को जेलों में बन्द नहीं किया जायेगा और जेलों में जाने के बाद जो कैदियों को यातनाएं देकर बेमौत मारा जाता है उसको रोका जायेगा ?

13.00 hrs.

SHRI NIHAR RANJAN LASKAR:

I do not think my friend has put very many questions. I will answer other points later. The main point is whether the various State Governments are implementing the Supreme Court's directives or not.

I have already assured the House that we have asked the various State Governments to implement the various directives which have come from Supreme Court from time to time.

I have told the Hon. House that it is because of the efforts of the Government and also because of the directives of the Supreme Court that the number of under-trial prisoners for more than

three years has been gradually coming down. Examples are:

Year	No. of under-trial prisoners for more than three years
Up to 1979	1,730
Up to 30-6-1980	1,467
Up to 31-12-1980	1,301

We get this information from the State Governments. The various State Governments are the sources of supply of information to us.

The latest figure we have as on 30-6-1981 of the under-trial prisoners of more than three years in all Jails in the country is 1,264.

Thus, you will see that the number of under-trial prisoners suffering detention for more than three years has been going down.

This is only because of the efforts of the Government of India and of our communication with the various State Governments and also because of the directives of the Supreme Court from time to time.

So, these figures are coming down.

MR. DEPUTY-SPEAKER: Why are charge-sheets not framed for three years? Why should they be kept as undertrials for three years in various jails?

SHRI NIHAR RANJAN LASKAR: If you give me any particular instance, I will try to collect it and give it to the House. Offhand, it is not possible for me to give.

श्री राम विलास पासवान: आपने कहा है कि तिहाड़ जेल में तीन साल से अधिक अवधि के 518 लोग हैं।

SHRI NIHAR RANJAN LASKAR: This is the only question you have put. It is not

that the capacity of jails throughout the country, if you take the overall picture of the country as a whole, is insufficient, but, of course, there are some States—I would like to mention them here according to the information available as on 30th June 1981, there are more prisoners than the capacity of the jail in Bihar, Madhya Pradesh, Manipur, Orissa, Punjab, Sikkim, Chandigarh and Delhi. In Chandigarh jail, the number has come down from 1,090 to 89 on 31st December, 1981. In some jails, the number is coming down because of the various steps that we have already taken. We have also taken various steps to further improve the position in different jails. We have given financial assistance to Madhya Pradesh and Bihar for construction of additional jail capacity. A plan scheme for providing additional accommodation for 300 prisoners, as I have said in reply to the main question, has been approved for Delhi. Steps are also being taken to increase the capacity and number of jail in Delhi. Moreover, efforts are being made to reduce the number of undertrial prisoners in various jails in the country. The States have been advised to examine the cases of undertrial prisoners in the light of the directives given by the Supreme Court from time to time and we have the information with us that the various State Governments are implementing these directives now. Also we have advised the State Governments to ensure that the alleged cases of excesses on the undertrial prisoners are taken notice of seriously and dealt with firmly. For this also we have asked them to take various steps and they are implementing it.

SHRI K. LAKKAPPA (Tumkur): Mr. Deputy-Speaker Sir, of course, the discussion has been exhaustive and my friends have already made a lot of contribution in respect of reforms and other things. I feel that the position in respect of undertrial prisoners has been taken note of seriously by the Government because of certain directives by the Supreme Court. The Supreme Court has brought out certain things which are guidelines to the Government of India to take certain steps which were stated recently in answer to a question. My friends

have repeatedly raised this and it has already been discussed on the floor of the House.

My point is very simple and that is about the detention period—the Constitutional point—of undertrial prisoners. Even in spite of warnings and directions and guidelines, this aspect has not been taken care of for such a long number of years and as a consequence of that, there have been inequities in dealing with undertrial prisoners and inhuman treatment has been meted out to them resulting even in deaths, tortures and other things. There are three steps which the Government of India could have taken in the last so many years. There is no politics involved in it because various types of Government have been there. In West Bengal, the Opposition party here is in power. In West Bengal the conditions of the undertrial prisoners are very precarious. A different Government is in power there. So, it is not a question of levelling criticism against any Government. The question is, we have to make the socio-economic changes in the system and we have to see that justice is meted out to all those who are undertrial prisoners. For that, reforms which will have far-reaching consequences are very necessary. Government of India have taken steps. The Mulla Committee and other Committees—their recommendations are there. Also the Law Commission reports have also suggested various measures. In this it is not exactly that the Police and the Ministry, that is, the Home Ministry alone are responsible for these things, but the judicial system and the judiciary at large are also responsible for these things. We must also understand that in various courts which are functioning to-day in this country and in the undertrial system, these undertrial prisoners are being kept for such a long time, patting the blame on the Police and the Police putting the blame on the courts....

MR. DEPUTY SPEAKER: It is a very good point.

SHRI K. LAKKAPPA: Sometimes, even the recruitment system of the judiciary is not fulfilled and vacancies are

[Shri K. Lakkappa]

lying in various States and the posts are not filled. Even the lower level of posts are not filled. The judicial officers needed in this country for the various States have not been assessed and recruited at all in the various States. Therefore, in the absence of these things and when there is an increase in the number of prisoners, there will be an enormous delay even in collecting evidence, in conducting the evidence and in producing the witnesses and all this inordinate delay is caused not exactly by the Home Ministry but also by the judicial system. It is there inbuilt in our judicial system which needs a thorough reform. Therefore, it is not a one-way traffic because we cannot blame the Home Ministry because the Supreme Court has given the directives. What is the directive given by the Supreme Court to the various Courts and the various trial courts and the judges? It may be because it is a human consideration, some reforms are necessary. But this kind of what is called delay in the administration of justice has to be taken notice of very seriously by the Home Ministry.

Regarding the lower level in the Police system, there is inordinate delay of producing evidence and witnesses and all these things. It also comes within the purview of the Indian Penal Code. Therefore, in the procedure laid down also a little reform is very necessary....

MR. DEPUTY SPEAKER: You have prepared a very good and sufficient background. Please put the question now.

SHRI K. LAKKAPPA: I am explaining the situation, Sir, because we hear complaints that water is not available, electricity is not available, medicine is not available, food is insufficient, it is sub-standard, etc., etc. Sir, the jail Manual is there from the British period. So, Sir, shall I go on repeating like that? I can excel Mr. Paswan in that. But all these problems are there. But the point we have to arrive at is..

MR. DEPUTY SPEAKER: You will also repeat like that if you are on this side.

SHRI K. LAKKAPPA: What about the provisions of the jail Manual? Again prisons is a State subject and it is in the State Manual. Therefore, there is no codification—what is called uniform codification of the jail Manuals, regulations, directions and guidelines. Also these three wings have to function in a proper manner. Therefore, it is not only that reforms are necessary in the jail system itself but it is also necessary in all these three wings—jails, judiciary and the administration of the State. Therefore, to bring about a meaningful change, in view of these events, in view of these, what you may call, revelations of ghastly and tragic events of undertrial prisoners, we know we are a civilised nation and, therefore, a lot of civilised reforms forms are necessary. Socio-economic changes are also very necessary, as socio-economic changes reduce the crimes. Therefore, speedy implementation of socio-economic reforms are also very necessary. It is not increasing the undertrial prisoners and without accommodation keeping them in open air jails and all that. In Bangalore we have the best open air jail. You might have seen. If our hon. Speaker wants, I can take him—where the prisoners are kept in the open and youth forums are organised and they are also cultivating and/or engaged in other activities—because they are more civilised in Karnataka. You can come and see and, I think, it is a model.

MR. DEPUTY-SPEAKER: You must also accompany me. Then only I will go.

SHRI K. LAKKAPPA: Therefore, Sir, in view of this, I would say that the reply given by the Hon. Minister is not sufficient enough for the subject which is a very serious one.

I would like to know whether by concentrating on these three Wings, with a view to finding out certain solutions and to make certain reforms, he would give

some guidelines on an all-India basis and I also want to know whether he would bring forward certain uniform pattern of reforms to mete out justice thereby creating an atmosphere that justice is meted out to every citizen of the country including the undertrials. Will the hon. Minister be kind enough to assure us that he will bring forward meaningful reforms in regard to restructuring of these three wings which are very necessary for relief to the undertrials in the jails in this country.

MR. DEPUTY-SPEAKER: Now, the Minister. He has made your task very easy.

SHRI NIHAR RANAN LASKAR: Sir, this subject mainly concerns the State Governments. Even then, we are not on-lookers to the problem. We are also concerned about this. He was also speaking about the State Governments in regard to their Jail Manuals. From time to time they also revise their own jail manuals. It is not that they are sitting over that. The Central Government also has a model Prison Manual which was communicated to various State Governments in 1964. They have been advised to revise their manuals on the lines of this Model Manual.

In fact, three or four States have revised their manuals according to guidelines given in this Model Manual. Various other State Governments are in the process of doing that. These are the ways by which we are trying to see that the manuals are made uptodate.

Regarding various steps taken to reduce the period of detention, he was giving us certain points. Government of India have taken several steps. I have said that in every question that is put to me. I would like to elaborate two or three points. To ensure that the undertrial prisoners are not subjected to indefinite detention in Jails, I may give you one or two examples. All State Governments and Union Territory Administrations have been advised to examine the cases of

undertrial prisoners in the light of the the directions given by the Supreme Court from time to time and to ensure that:—

“(a) Undertrials who are in detention for periods more than the sentence that can be awarded in case of conviction, should be released forthwith as such detention was illegal and violates Article 21 of the Constitution;

(b) All undertrial prisoners who are charged with bailable offences but who are still in jails presumably because no application for bail has been made on their behalf or because they are so poor that they are not able to furnish bail, should be considered for release on personal bond; and

(c) Undertrials prisoners who have suffered incarceration exceeding half of the maximum punishment that can be awarded by the Court, might be considered for release on personal bonds and counsel be made available to them.

(ii) All the State Governments and Union Territory Administrations have been repeatedly advised to strictly adhere to the limitation of time for investigation and inquiry as laid down in various provisions of the Code of Criminal Procedure.”

We have also referred to the Law Commission and they have given some suggestions in their Seventy Eighth Report which we are examining and, after examination, we will try to implement them. He was speaking about deficiency of the courts in the country. It is also a fact. That is why the Central Government is giving Financial Assistance out of the grant of about Rs. 24 crores recommended by the Seventh Finance Commission to 15 States, namely, Andhra Pradesh, Assam, Bihar, Himachal Pradesh Jammu and Kashmir, Kerala, Madhya Pradesh, Manipur, Nagaland, Orissa, Rajasthan Tamilnadu, Tripura, Uttar Pradesh and West Bengal, for the establishment of 538 additional criminal and civil courts over a period of five years, i.e., 1979—84.

These are various steps the Central Government is taking. I am asking various State Governments to work accord-

[Shri Nihar Ranjan Laskar]

ing to guidelines given by the Central Government. So, Sir, we are fully aware of those problems. We are taking all precautions to see that these prisoners' number comes down.

13.19 hrs.

MR. DEPUTY-SPEAKER: Now, Supplementary Demands for Grants (General.) Shri Mukherjee.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): With your permission, Sir, I beg to present a statement (Hindi and English versions) showing Supplementary Demands for Grants in respect of the Budget (General) for 1982-83.

MR. DEPUTY-SPEAKER: Now, the House stands adjourned to meet again at 14-20 hrs.

1320 hrs.

(The Lok Sabha adjourned for lunch till Twenty Minutes Past Fourteen of the Clock)

The Lok Sabha reassembled after lunch at twenty five minutes past fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MATTERS UNDER RULE 377

(I) PRACTICE OF LENDING MONEY BY ORNAMENTS.

SHRI N. DENNIS (Nagercoil): I wish to make the following statement under Rule 377:—

The discontinuance of the practice of lending money on security of jewellery and gold ornaments by the nationalised

banks and other financial institutions has adversely affected multifarious economic and social activities of the poor sections of the people. People who engage themselves in small trade and business to earn their daily bread are severely affected and put to lot of difficulties in carrying on their day-to-day small business. So is the case with agriculturists and other poorer sections of the society. Now they find no alternative than to fall into the prey of usurious private money-lenders who impose exorbitantly high rate of interest. The denial of this opportunity has aggravated and added their financial miseries and agonies. In times of emergent and pressing financial necessities, hitherto, the weaker sections have found this arrangement as a convenient source of protection and relief in the solution of their financial problems. Now they are greatly aggrieved and frustrated. So, the Government may be pleased to take serious consideration of the difficulties faced by the common people and pass early appropriate orders for the resumption of the practice of lending money for jewellery and gold ornaments.

(II) NEED TO ACCEPT DEMANDS OF PEOPLE OF LADAKH.

SHRI P. NAMGYAL (Ladakh): Mr. Deputy Speaker, Sir, Under Rule 377, I wish to make the following statement on the situation in Ladakh:—

It is for over six months now that the people of Ladakh consisting of men, women and youngmen are sitting on 48 hours elay dharna to press their legitimate demands. Their demands include declaration of the residents of Ladakh as Scheduled Tribe, grant of regional autonomy in respect of financial matters with the framework of Jammu and Kashmir State Constitution, Delimitation of the present two Assembly constituencies into seven Assembly Constituencies in view of the vastness of the area, and conducting judicial inquiry into the wanton police excesses and killings of the innocent Ladakhies on 24th of January, 1982.

In the recent past, the simple peace-loving and self-respected people of Ladakh were driven to a point of desperation by not