

RELEASE OF POLITICAL PRISONERS

Whose Committee Is It?

Ranjit Sur

[The following is a discussion from the recent article by Dipanjan Rai Chaudhuri, published in his regular column in sanhati.com concerning the demand for the release of political prisoners in West Bengal.]

IT'S ALMOST ONE AND HALF A months since a new government has been sworn in West Bengal under the leadership of Ms Mamata Banerjee. Yet, not a single political prisoner has been released, as promised . No one knows when and how they will get the much expected release or whether they will get it at all. Not a single case slapped on the political workers by the previous autocratic Left Front regime has been withdrawn. As a result hundreds of political workers are languishing in jails in inhuman conditions for years and thousands of political workers released on bails earlier are running from courts to courts for attending cases and thus ruined economically. Whenever or whoever in the new government is asked about their release and withdrawal of cases a patent answer comes 'let's wait for the review committee report'. But what is this committee about ?

Following up on the decision taken by the Cabinet in its first meeting on 20th May, the new Mamata Banerjee Government has notified in the Kolkata Gazette the formation of the Review Committee for the release of Political Prisoners in West Bengal. The 4th June notification published the names of the 13-member committee along with the terms of reference. Retired Justice Moloy Sengupta of Kolkata High Court is the Chairman of the Committee. Out of the 12 others there are 4 IPS Officers and 2 IAS Officers. The IPS Officers are ADG (Law & Order), Special Commissioner of Police, Kolkata, Director of Prosecution and IG (Prison).The notification claimed to include 6 members as " Representatives from Human Rights Organisation/Social Organisation/Legal Profession". They are : Debabrata Bandopadhyay, Sujato Bhadra, Debashis Bhattacharjee, Rajdeep Majumdar, Subrata Hati and Ansar Mondal. But no names of the organisations are mentioned from where they are chosen. Last three named persons are all practising lawyers close to the ruling parties. All the other members are close advisers of the Chief Minister. Only one of the members is a known Human Rights Activist. He too is selected in his individual capacity.

The terms of reference has 7 clauses. These are : 1) to identify the politically motivated FIR ; 2) to identify the under-trial political prisoners who have been undergoing trial for the offences pertaining to political-movement as per section 24 of the West Bengal Correctional Services Act, 1992, 3) to identify the persons who have been convicted for the offences pertaining to political movements as per section 24 of the West Bengal Correctional Services Act 1992 ; 4) to identify the nature/characteristics of the offences and the background leading to the commission of such offences ; 5) to examine the conduct of prisoners in the correctional homes ; 6) to ascertain the probability of their reverting back to the commissions of offences; 7) to examine the probability of instigating others to commit offences.

The Review Committee will have to submit its report within a period of three months from the date of the resolution.

The formation of the Review Committee clearly ignored the demand of the right bodies of the state for Unconditional Release of Political Prisoners. Now, selecting bureaucrats and the persons close to Chief Minister as review committee members even without consulting the Human Rights Organisations has made the concerned rights bodies very doubtful about the intention of the Government. Humiliating terms of reference forced all the bodies to hit

the streets with mass programmes one after another against the new Government. APDR and Bandhi Mukhti Committee wrote several letters to the Chief Minister seeking appointment for discussion. But received no response from the Government side.

Now, let us have some discussion regarding the terms of reference. The first three clauses mentioned the basic task of identifying the politically motivated FIRs and finalizing the list of political prisoners as per West Bengal Correctional Services Act 1992. But the subsequent four clauses are very objectionable to any rights activist. These clauses are added to divide the political prisoners according to Government's plan. These clauses clearly indicate that the Government is planning to ask for an Undertaking from the Prisoners to be released. Clauses 6&7 are very humiliating and insulting as well as unconstitutional. These clauses will find whether the released prisoners will be involved in politics again or whether the released prisoners will influence others to join in their politics. Joining and preaching politics is one's fundamental right. So ascertaining their chance of joining politics again as a precondition of release or demanding undertaking of not doing politics of his choice or preaching to others is highly objectionable. In 1977 the late Charan Singh, Home Minister of the then Janata Dal Government raised such a demand as a precondition for release of political prisoners. But a thunderous protest across the Nation forced him to withdraw the humiliating proposal. Now, the Mamata Banerjee government wishes to place the same demand through backdoor and that too with consent from a section of leading Human Rights Activists. This is alarming in all respects, particularly for the Human Rights Movement of the State in future. Moreover, the Committee will look into the behaviour of Prisoners inside the jail. History shows that the Political Prisoners always demanded their dues inside the jails and initiated movement against the jail authority for corruption and high handedness. So jail authority will never certify them of good conduct. Interestingly IG (Prison) against whom they fought will finally prepare the report and will judge the report as well as a Review Committee member. So what could be the outcome? What is the intention of the Government? Do the persons in authority really want to release the political prisoners or just wish to release some persons of their choice to show that they kept their Election Promise! □□□

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