

Political Prisoners in India



A REPORT BY AMNESTY INTERNATIONAL

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SOUTH ASIA STUDENTS ASSOCIATION

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After the declaration of the last emergency in June '75, all the Civil Liberties Unions like Association of Protection of Democratic Rights (Calcutta), Legal Aid Committees (in Calcutta, Delhi, Andhra Pradesh and in various other parts of India) have been declared illegal by the ruling Indira Government.

—ED. SPARK

ASSOCIATION FOR DEFENCE OF DEMOCRATIC RIGHTS

The Association for Defence of Democratic Rights seeks to make people aware of their democratic rights and privileges, to mobilise public opinion against the suppression of these rights by the Government and other anti-democratic forces and to render legal, financial and other assistance to defend, irrespective of their political ideology and beliefs, the victims of undemocratic actions and repression by the Government and privileged sections of society.

In order to render legal aid to the victims of such undemocratic actions, the Association has set up a Legal Wing. It has also organised a Research and Information Wing to collect data, news, photographs and other material from all over the country on the issue of the suppression of democratic rights.

Among the Association's activities is the publication of a regular bulletin detailing cases of arbitrary arrest, torture, lathi-charge, firing, etc. The Association will occasionally publish special pamphlets on a wide range of specific issues which will be available at a nominal price. It also plans to hold meetings and cultural programmes to focus attention on the threat to democratic rights. A Cultural Wing has been set up for the purpose.

We call on all progressive individuals and organisations to support the Association's work by helping it with professional and financial assistance and by bringing to its notice cases calling for action by the Association.

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Detention Conditions in West Bengal

Text of Report by Amnesty International

Introduction to the Report

WHEN Jawaharlal Nehru published his autobiography in 1936, he could write that "political imprisonment had become a frequent enough occurrence in India".* Nehru himself, like many other prominent Indian leaders, suffered from political detention on several occasions under the Defence of India Rules (DIR) and the Indian Penal Code, both introduced by the then British Government. Both these laws are still in force in India and being used to detain people with different opinions from the Government in power. Observations once made by Nehru while in prison are now relevant to many of the prisoners held in India today.

The Indian constitution has laid down detailed safeguards to protect human rights and the record of the judiciary in enforcing these safeguards has been impressive. The Indian prison system is unusual in the sense that it allows for special and better treatment for political prisoners (Class A, or Division I); this classification is, however, now given to only a small proportion of such prisoners. The majority live in prison conditions which not only fall far short of such preferential treatment, but also of the minimum prison conditions as laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners. Amnesty International estimates that between 15,000-20,000 prisoners are now held for political reasons in one Indian state alone, West Bengal. A large number of these prisoners have spent periods of up to three

years without trial as "Under Trial" prisoners.

Amnesty recognises that its concern about this policy of large-scale untried detention is shared in the highest legal forum in the country. Lately, the Supreme Court of India observed that "the new jurisdiction of the 'jejune' judicial protection was an erosion of citizens' fundamental right of personal liberty against arbitrary deprivation".† In its judgment, the Supreme Court observed that "the final cure for prejudicial activities threatening the survival of the community is not the executive shut-up of all suspects in prison for how long one is guessing. Such a strategy may alienate and embitter men".

Amnesty International has raised the issue of political imprisonment in West Bengal (where most of the political prisoners are being held) both with the Central and with the provincial Governments on several occasions (on March 15, 1973, October 19, 1973 and February 1, 1974). When 46 political prisoners went on a hunger strike on May 17, Amnesty prepared a report on the conditions and the treatment of political prisoners in West Bengal. The report, making specific recommendations for policy (which are attached) was sent to the Indian Prime Minister and the Chief Minister of West Bengal on June 14, 1974. Since the prisoners have called off their strike, the West Bengal Jail Minister has conceded to some of the basic demands made by the prisoners (i.e., that prisoners can be visited by their relatives; that some non-proscribed newspapers and

* Jawaharlal Nehru, "An Autobiography", London, 1947, p 90.

† *The Times of India*, March 15, 1974.

periodicals be allowed; and that clothes be supplied to Under Trial prisoners whose relatives are not in a position to do so).

However, on none of these four occasions has Amnesty received any response from the Government, and has therefore decided to publish the updated report on detention conditions in West Bengal jails.

Short Report on Detention Conditions in West Bengal Jails

(1) NUMBERS

Amnesty estimates that at the moment between 15,000 and 20,000 prisoners are being held in West Bengal for their alleged involvement in extremist left-wing political activities. Last year the West Bengal Home Minister stated in the state Assembly that the total number of "prisoners arrested for being Naxalites was 17,787" (*Ananda Bazar Patrika*, March 17, 1973). On January 1 this year, the *Statesman* reported that 2,000 are held under the Defence of India Rules (DIR) and the Maintenance of Internal Security Act (MISA); these are preventive detention laws introduced after the declaration of a state of emergency on December 3, 1971 at the time of the war with Pakistan. According to this report, more than 17,800 are, in addition, held as "Under Trial" prisoners, but the majority have now been detained for two or more years without trial. Some of them have been so detained for nearly five years. On their release, prisoners held under preventive detention laws are often reported to be rearrested, either under different clauses of the same laws or charged with specific criminal offences. Thus, although the Supreme Court of India ruled on April 19, 1973 that the special detention powers under Article 17A of the MISA (extending the period of preventive de-

tention to 21 months) were illegal, and ordered the release of 1,760 prisoners who had been detained under this provision, nearly all of these prisoners remained in detention, either under different sections of the same act or on criminal charges (*Economic and Political Weekly*, Bombay, May 12, 1973 and *Le Monde*, Paris, May 15, 1973).

Most political prisoners are described as sympathisers with or members of the CPI(ML) (Communist Party of India Marxist-Leninist) commonly known as "Naxalites". A smaller number are members of the main parliamentary opposition party in Bengal, the CPI(M) (Communist Party of India — Marxist). Apart from being held under preventive detention laws, prisoners are also detained on a variety of serious criminal charges, but often released before actually having been tried. Such was the case, for example, with Dr Gholam Yazdani, physician and former member of the United Front Government of Bengal, arrested in 1971. He was released in December 1973 without having been tried. Prisoners tried and not found guilty on one charge are often immediately rearrested on different charges. Thus, it was reported to Amnesty that Karune Mukerjee, Gour Banerjee and Nag, all Naxalite suspects, had been arrested in 1970-71 and were since detained charged with murder and illegally carrying arms and explosives. In October 1973 the Calcutta magistrate pronounced a verdict of not guilty on their case, but the prisoners were rearrested within the court premises and taken into police custody on charges of robbery. After their release, prisoners, even if cleared of all charges brought against them, are often put under "restrictions", i.e. have to report regularly to the police, whereas according to a number of statements made to

Amnesty, restrictions are being imposed on their movements and political activities.

(2) PRISON CONDITIONS

Many jails are grossly overcrowded; at the moment Alipore Special Jail, Presidency Jail in Calcutta and Jamshepur Jail in Bihar are among the prisons containing more than the official capacity. This has made it difficult for the prisoners to obtain certain essential facilities. Accounts from ex-prisoners received by Amnesty indicate that hygiene conditions in most jails are bad. According to a recent report in the *Economic and Political Weekly* (December 22, 1973), in Calcutta Presidency Jail, only one watertap is available for 150-200 prisoners, and in the dry season it is often difficult to obtain drinking water for the inmates. In Alipore Special Jail, there is only one watertap for 700 prisoners. In some other jails, prisoners reportedly have to take drinking water from ponds where other prisoners bathe and wash their clothes. Under Trial prisoners are kept in wards of 80-100 inmates which are dark and airless, and prisoners are locked up from 5:30 in the evening until 6:00 a.m. without any sanitary facilities. In the morning, prisoners are allowed out for two hours to have meals, wash and use lavatory facilities.

Although Presidency Jail is one of the few prisons with a sick ward, very few prisoners are admitted to the ward. According to the same report, medical facilities are scarce, and skin diseases particularly scabies, widespread. Amnesty has been told that in some cases, despite recommendations from jail doctors, no permission was given for prisoners to be treated in outside hospitals. Of the cases reported to Amnesty, one was of Ramal Roy Chowdhury, arrested in October 1970,

who allegedly had been tortured and whom the jail doctors had recommended for outside treatment, which was never given. The prisoner is said to have died in April 1972 on the day of his "Special Release" from jail. Another prisoner, Azizul Haque, is said to be seriously ill following alleged torture during police interrogation which left him partly paralysed. Despite doctors' recommendations for outside treatment, he remains in jail.

Visits, according to the *Economic and Political Weekly* report, are officially allowed twice a month. In the case of Under Trial prisoners, such visits last usually 3-5 minutes, except in the case of the few prisoners classified as Grade II, who are allowed 20-minute visits. However, on occasion, families are refused permission to visit the prisoners at all, as has happened with the prisoners on hunger strike in May. Most of the Under Trial prisoners and prisoners held under the MISA — who form the vast majority of the prison population — have no access to the library, and reading material is restricted to a few officially allowed newspapers.

(3) DISCIPLINE AND PUNISHMENT IN PRISON

Amnesty has been particularly concerned about the use of bar fetters ("dandaberri" and "shikidiberri") on prisoners regarded as dangerous or as security risks. While such fetters seem to be used in West Bengal jails, reports of this have reached Amnesty also from Bihar, especially. Fifty-one alleged Naxalite prisoners are kept in chains in Hazaribagh Jail, some of them for periods of more than two years. The fetters are kept on day and night, according to the jailer of Hazaribagh Jail "to avoid further trouble". They

consist of an iron ring on each ankle, each of which is attached to an iron bar some 20 inches long, the bar being connected to another one connected to the waist. One of the prisoners recently on hunger strike, Ashim Chatterjee, was chained for a period of two years. It was also reported to Amnesty that the same prisoner had spent two years in solitary confinement. Another case known to Amnesty is that of Shibal Roy, detained in the same jail, who contracted tuberculosis during imprisonment. After having received hospital treatment, he returned to jail and was put in irons again. Prisoners held in this condition in Hazaribagh Jail spend 24 hours locked with four or five in a cell, which they may only leave to use the lavatory. The use of bar fetters is also reported from other jails: in Calcutta Presidency Jail, prisoners are allegedly kept in fetters for periods of three to six months or even longer. Such treatment is contrary to Rule 33 of the United Nations Standard Minimum Rules for the Treatment of Prisoners — even for those who are convicted (see Appendix II).

(4) CORRECTIONAL INSTITUTIONS FOR POLITICAL PRISONERS

The Jail Minister of West Bengal, Mr Gyan Singh Sohoni, announced on February 21, 1974 that "The West Bengal Government will convert Barasat subjail in 24 Parganas district into a correctional institution to bring about a psychological change in the behaviour of the 'misguided youths', mainly Naxalite prisoners" (*The Indian Express*, February 22, 1974). According to the Jail Minister's statement, the Naxalites are regarded as "psychopaths and in need of psychotherapy to get rid of the extremity of mind".

Amnesty International understands

the term "Naxalite" to describe a particular political orientation of a group of young men and women who sympathise with the Maoist oriented peasant uprising which occurred in 1967 in West Bengal. Their ideology advocates armed struggle to bring about a change in the social and political structure. Numerous acts of violence have been committed by members of the movement in Bengal and its neighbouring provinces, particularly in the period 1970-71. As such, the term describes a particular ideology rather than a pathological state. Amnesty therefore wrote to the West Bengal Jail Ministry early this year to enquire about the evidence in existence to qualify these prisoners as psychopaths. Its request for an assurance that any psychotherapeutic treatment administered to, or carried out upon these prisoners be with their voluntary consent, has so far remained unconfirmed.

(5) TORTURE ALLEGATIONS

Over the past three years, a number of torture allegations have reached Amnesty from legal sources in Calcutta. According to these reports, torture is frequently applied during police interrogation, both in the Special Police Office (14, Lord Sinha Road, Calcutta), and in the Lal Bazar Police Station in Calcutta. Allegations of torture include severe beatings — to the extent of fractured limbs —, prisoners being hung upside-down and pins and nails being inserted into their nails and other sensitive organs of the body, including the genitals. In a number of cases the use of modern electric shock methods is reported, and prisoners are also allegedly burned with cigarettes, extinguished on their skin. According to the same reports, appropriate medical treatment was denied to prisoners who had suffered such treatment, which

resulted in their being partly paralysed (as in the case of Azizul Haque and Megharanjan Sen Gupta, detained in Presidency Jail). In the case of Ramal Roy Chowdhury (mentioned in Paragraph 2) who died after his release, it was reported that his death was due to inadequate medical treatment following police torture.

Allegations of torture of women have most recently been made in a report* by the "Akhil Banga Mahila Samiti" (All Bengal Women's Association). Members of the Association were detained in May this year, together with some 25 female Naxalite suspects, whom Amnesty estimates now to be detained in Calcutta's Presidency Jail. According to members of the Association, these women were taken to Lal Bazar Police Station one month after their original arrest. When failing to supply the wanted information they were stripped naked, burned with cigarettes on all parts of the body, and in some cases, iron rulers were inserted into the rectum and vagina. When recovered, these women would, according to this report, be taken to Lal Bazar for the same treatment after 20-22 days.

Although Amnesty has not been able to make an investigation of the majority of these allegations, Amnesty representatives have talked to a small number of ex-prisoners who allege they have been tortured. In at least one case, the Amnesty representative was able to establish that the right hand of an ex-prisoner was paralysed and could find no reason to question his statement that this was caused by se-

vere beating during police interrogation: this prisoner was a lawyer who had been detained in January 1970 on three criminal charges, and, after he had been acquitted of all the charges, was released in June 1973 on the condition that he report regularly to the police and not engage in political activities.

(6) JAIL INCIDENTS

According to official figures which appeared in the *Statesman*, *The Times of India* and the *Jugantar*, 88 prisoners were killed in 12 jail incidents during the period December 1970 to June 1972 in West Bengal alone (see Appendix I). Unofficial reports from ex-prisoners which have reached Amnesty put the number of prisoners who died in these encounters between prisoners and the jail staff and police at three times that figure. Only in a limited number of these incidents was an official enquiry ordered to take place, i.e., as in the case of the July 26, 1971 Hazaribagh incident in which 16 people died. While no official report on these incidents has ever been published, as far as we know, *The Times of India* and the *Statesman* of August 4, 1971 stated that "The Preliminary enquiry held by the Commissioner of the Chotanagpur Division and the Deputy Commissioner for Hazaribagh also shows that the remaining 12 inmates died of injuries caused by convict officers". Regarding the incident at Asansol Jail which took place on August 7, 1971, the *Statesman* also reported, "about Thursday's incident in Asansol Jail, it was learnt that all the nine killed had been beaten to death."

Such reports cast serious doubts on one common official explanation: that the prisoners were shot while trying to escape from prison.

* Extracts from which appeared in the *Economic and Political Weekly* of July 27, 1974. This report mistakenly mentions the All-India Women's Association.

(7) LEGAL AID

While Article 22 (i) of the Indian Constitution confers the right to every citizen to be informed as soon as possible about the grounds for his arrest, and the right to consult a lawyer, the main complaint of the Legal Aid Committee in Calcutta — a committee of lawyers whose aim is to extend legal aid to political prisoners — is that members of the Committee are often denied access to their clients in prison. Letters written by prisoners to the Committee have, in a number of cases, not reached their destination; while prisoners, when they have a lawyer, often complain that they cannot meet their counsel in jail and can only see him for the first time when they are actually brought to court. Whereas the work of the Legal Aid Committee in the High Court has been fairly successful, a report from the Committee issued in November 1973 mentions that "The Committee moved 200 bail petitions in different courts in West Bengal (in 135 Under Trial cases and 52 MISA cases). Bail was granted to six Under Trial prisoners and 46 prisoners held under the MISA. Till now, only six prisoners have been released". Like many of the political prisoners in West Bengal, they were rearrested under different charges immediately after their release had been ordered by the Court.*

Recommendations Arising from a Short Report on Detention Conditions in West Bengal Jails, Submitted to the Prime Minister of India and the Chief Minister of West Bengal†

Amnesty International, while concerned about the policy of large-scale deten-

tion without trial, would like to draw Your Excellency's attention to the detention conditions of political prisoners, many of whom are held in West Bengal jails. One the basis of a report on detention conditions of such prisoners, prepared by Amnesty's Research Department, and guided by the principles of the Universal Declaration of Human Rights, which states in Article 9 that "No one shall be subjected to arbitrary arrest, detention or exile" and also led by the principles laid down in Article 22 of the Indian Constitution, which provides safeguards against such arrests, we would now like respectfully to submit to you the following recommendations:

- (1a) That your Government confines itself to prosecuting only those against whom evidence exists that they have committed offences punishable under the Indian Penal Code.
 - (1b) That all prisoners held under criminal charges either be brought to trial without further delay, or that in the absence of such, that prisoners likely to be held for more than three months in prison without trial be instead at least released on bail.
- We feel that a prosecution policy along these lines, resulting in the release of considerable numbers of pri-

* This report is available in Hindi and Bengali as well as English and can be obtained from the Publications Department of Amnesty International, International Secretariat, 53 Theobald's Road, London WC1X 8SP.

† These recommendations were submitted to the Indian Prime Minister and the West Bengal Chief Minister in letters dated June 14, 1974 from Martin Ennals, Secretary General of Amnesty International.

soners held without trial, would solve to some extent problems created by overcrowding as outlined in the attached report under Paragraph 2. But until such a policy is declared, we would, moved by humanitarian considerations, respectfully suggest that Your Excellency considers the following steps for immediate consideration: in so doing, we are guided by the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR).

- (2) That, on the basis of the principle that all unconvicted prisoners are presumed to be innocent and be treated as such [Rule 84(2) of the SMR]:

- (a) That no instruments of restraint, such as bar fetters and irons, be used in pri-

son, in accordance with Rule 33 of the SMR. (For information on the use of these, see Paragraph 3 of the attached report.)

- (b) That adequate facilities for accommodation, personal hygiene and food, as well as medical facilities, be supplied to the prisoners in accordance with Rules 10, 11, 12, 20 and 22 of the SMR (see Paragraph 2 of the report).
- (c) That family visits, reading material and all other conditions applicable to persons held on remand awaiting trial be supplied in accordance with Rules 90 and 92

Appendix I: Jail Incidents in West Bengal and Bihar during Period December 1970-June 1972

Name of Jail	Source	Persons Killed (Official Estimates)
Midnapore Jail	Statesman	-
December 16, 1970	December 17, 1970	10
Midnapore Central Jail	Statesman	-
February 6, 1971	February 6, 1971	1
Berhampur Jail	Jugantar	-
February 24, 1971	February 25, 1971	10
Dum Dum Central Jail	Statesman	-
May 14, 1971	May 15, 1971	16
Bankipur Jail (Patna)	Times of India	-
July 8, 1971	July 8, 1971	2
Alipore Special Jail	Times of India	-
July 12, 1971	July 12, 1971	6
Hazaribagh Jail (Bihar)	Statesman	-
July 25, 1971	July 26, 1971	16
Alipore Central Jail	Jugantar	-
November 26, 1971	November 27, 1971	6
Asansol Special Jail	Times of India	-
August 5, 1971	August 6, 1971	9
Hooghly Jail	Statesman	-
February 7, 1972	February 8, 1972	1
Bhagalpur Jail	Statesman	-
May 8, 1972	May 9, 1972	9
Burdwan Jail	Statesman	-
May 28, 1972	May 29, 1972	2
	Total	88

of the SMR (see Paragraph 2 of the report).

- (d) That investigations be made into allegations of torture whenever they reach the Government, and that all possible steps be taken to prohibit such use in the future, including the punishment of any persons found guilty of such acts (see Paragraph 5 of the report).
- (e) While seriously disturbed about the various incidents, resulting in the death of prisoners as described in Paragraph 6 of the report, Amnesty urges that an official investigation be made into the nature of these incidents and the resulting deaths of prisoners, and that adequate measures be taken to prevent the recurrence of similar excesses in the future.
- (f) Finally, that prisoners, in accordance with the provisions of Rule 93 of the SMR be allowed to apply for legal aid and to receive visits from their legal advisers, and that such visits be in sight, but not in hearing distance of the police or institutional officer (see Paragraph 7 of the report).

Appendix II: Relevant Rules of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Resolution Adopted on August 30, 1955)

- (10) All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particular-

ly to cubic content of air, minimum floor space, lighting, heating and ventilation.

- (11) In all places where prisoners are required to live or work,
 - (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
 - (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
- (12) The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
- (20) (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well-prepared and served.
- (21) Drinking water shall be available to every prisoner whenever he needs it.
- (22) (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
 - (2) Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civic hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners and there shall be a staff of suitably trained officers.
 - (3) The services of a qualified dental officer shall be available to every prisoner.

- (33) Instruments of restraint such as handcuffs, chains, irons and strait-jackets shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
- (b) On medical grounds by direction of the medical officer;
- (c) By order of the director if other methods of control fail, in order to prevent the prisoner from injuring himself or others or from damaging property; in such instances, the director shall at once consult the medical officer and report to the higher administrative authority.

- (82) (2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.
- (90) An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
- (92) An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them subject only to such restrictions and supervision as are necessary in the interests of the administration and justice and of the security and good order of the institution.
- (93) For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and to hand to him confidential instructions. For these purposes he shall if he so desires be supplied with writing material.

Interviews between the prisoner and his legal adviser may be without sight but not within the hearing of a police or institutional official.

Background to the Release of Amnesty International's Report on Prison Conditions in West Bengal

Over the last two years Amnesty International has been increasingly concerned about the large numbers of political prisoners held without trial, particularly in the Indian state of West Bengal. Between 15,000 and 20,000 prisoners are detained for what are usually described as "extremist activities". Most of the prisoners are said to be members of the Communist Party of India (Marxist-Leninist), commonly known as "Naxalites". Their name is derived from a Maoist-oriented peasant uprising which occurred in 1967 in the village of Naxalbari, north Bengal. The ideology of the CPI(ML) advocates armed struggle as a means of bringing about changes in India's social and political structure. Acts of violence have been committed in its name in Bihar, Orissa and Andhra Pradesh; in Bengal, and specifically in Calcutta, indiscriminate violence was intense during 1969 and 1970; it was in this period, and in this context, that many of those now in detention were arrested. However, many prisoners are still held without trial as members or sympathisers, rather than convicted for specific criminal offences. While Amnesty has not adopted any of them as "Prisoners of Conscience", it feels that immediate steps should now be taken to ensure that these prisoners are given a fair trial at an early date or be immediately released on bail.

Some political prisoners are detained under preventive detention laws such as the Maintenance of Internal Security Act and the Defence of India Rules —

in force since the outbreak of the Bangladesh War in 1971 — but the majority are held as "Under Trial" prisoners, charged with specific criminal offences. Prisoners, when released, are in many cases reported to be rearrested, either under different clauses of the preventive detention laws, or under other clauses of the Indian Penal Code. They live in overcrowded conditions which fall far short of the minimum as laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners. Such conditions may well have contributed to the occurrence of a number of serious jail incidents which have resulted in the deaths of at least 88 prisoners between the period December 1970-June 1972 alone. In view of the nature of the circumstances in which some of the prisoners have reportedly died, Amnesty is unable to accept unconditionally the common official explanation: that the prisoners were shot while trying to escape from prison.

On June 14, 1974 Martin Ennals, Secretary General of Amnesty International wrote to the Indian Prime Minister and the West Bengal Chief Minister, repeating his concern about the continued detention without trial of such large numbers of prisoners. Attached to the letter was a report prepared by Amnesty's Research Department in May of this year, when 46 prisoners staged a hunger strike in West Bengal, demanding the improvement of detention conditions. The allegations which the report specifies are: the overcrowded conditions, the large number of prisoners who have died in prison allegedly while trying to escape, the use of bar fetters on prisoners, in some cases reportedly for more than two years, the use of torture during police interrogation, the insufficient hygiene and medical facilities and allowance for le-

gal aid. In his letter, Amnesty's Secretary General submitted that the Indian Government should confine itself to prosecuting only those against whom there is evidence that they have committed criminal offences. All such prisoners should be brought to trial immediately, or at least released on bail if their trial cannot be held within three months. Mr Ennals urged the Government to make official investigations into the various jail incidents which have occurred between December 1970 and June 1972 and that adequate steps be taken to prevent the recurrence of similar excesses in the future. On the basis of allegations of torture which had reached Amnesty both from legal sources in Calcutta and from personal statements made to Amnesty, Mr Ennals requested the Indian Government to investigate any allegations of torture whenever they reach the Government, and that all possible steps be taken to improve the prisoners' detention conditions, specifically the abolition of the use of bar fetters, better material and medical facilities, and that adequate arrangements be made for prisoners to receive visits and to apply for legal aid.

On several occasions since early 1973 Amnesty has raised the policy of large-scale detention without trial of political prisoners both with the central and with the provincial governments of West Bengal and India. Amnesty recognises that its concern about such a policy is shared by the highest legal forum in the country, since the Supreme Court of India, in its judgment of March 15, 1974 (*Times of India*, March 15, 1974) expressed serious reservations about detention on suspicion. However, Amnesty has so far not received any response from the Indian Government and has, therefore, decided to publish the up-dated report on detention conditions in West Bengal.