

**Report on the visit of Dr Vinod Aggarwal, Special Rapporteur, Central Zone-1, NHRC to Beur Cental Jail. Patna, Bihar.**

I visited this Central Jail on 7-8th June, 2017, to understand the living conditions of the convicts and under-trials in this jail and see whether rights of theirs are being respected by the local jail administration or not. I also wanted to see the steps taken by the higher authorities at the State level. In course of my visit, I interacted with the Jail Superintendent Mr Rupak Kumar of Central Jail and the Deputy Suptd., Jail Physicians and other functionaries of this jail. The prisoners and the under-trials, also met me during the visit to various wards. Based on the information furnished as per the inspection format, copy of which is enclosed, and scrutiny of various related documents, I record my observations as follows:

**1. History Of the Jail**

This jail was established in the year 1994 and came into being when Long standing Bankipore Jail was closed and converted into a museum and Park at Patna. As the jail has been established recently, the historical content is not much enchanting, but has one Ajay kanu who could be one of the longest under-trial and an accused of Jehanabad Jail break and leader of Marxist-Leninist, the banned wing of extreme communists. The jail also houses the accused of Patna blasts which took place during the run for 2014 Parliamentary Elections.

**2. Land, Campus and Buildings**

The premises is spread over 20 acres and abundant land is available for expansion and renovation or new construction. Although Jail is building a chhatt parv pond. The dimension of prisoners' ward is 40' \* 18' and they number 131 and can house 2360 inmates. The capacity given by Jail Suptd. is 2260 Males and 100 females.

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As such there is lot of congestion in the wards and the perimeter wall is located at the prescribed distance from the wards. Although buildings and wards are only 22 years old but the maintenance is very poor. Many of wards are in dilapidated condition and it is difficult to imagine how a building can be so inhabitable in only a life- span of 22 years. So many places the buildings and wards had seepage and lack of maintenance. It would be desirable that a senior jail or home department functionary along with the higher technical authorities of Building construction department look into the expenditure incurred on construction and maintenance, of an only 22 years old building. There need for policy of keeping the clothes of inmates and with washed and unwashed clothing spread all over the place the picture looked even dirtier. It is desirable that If funds permit the washing of clothes and drying could be done in a mechanised way.

The structures which are only 22 years old and others are not maintained well and they also need renovation. There are 131 wards and 170 special cells are in position. The wards are generally of standard size of 40 ft. By 18 ft., supposed to house 18-20 inmates. But in actual practice 28-30 prisoners were staying in the ward. Many of cells seems to be out of use and a decision is required whether all of them should be retained or at least few of them be dismantled as keeping in cell is generally considered solitary confinement. There are hon'ble supreme court's guide-lines and now solitary confinement may be as such not in use.

As such problem of seepage, leakage was there. The flooring was of cemented, not of mosaic or tiles. Only few places like hospital and few of the kitchens had the tiles flooring and ladies wards' floor was under process of conversion to tiles. It is suggested that the flooring be of mosaic or ceramic tiles for all the wards for better and easier maintenance.

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### 3. The Sanctioned strength and Average population.

The sanctioned capacity of the of prisoners in about 2360, ( 2260 males + 100 females). The actual strength on the day of the visit was 3038 (2850 males +188 females), which included, 2601 under-trials, 437 convicts and 2 CCA detainees. Out of 437 convicts, 361 are with life imprisonment , 422 with rigorous and 13 with simple imprisonment. The daily average strength of inmates in the previous month was 3092. It was informed that since the new law about prohibition has come in 2013, it has increased pressure on all the jails but this central jail, in particular because much more action by police is seen in the capital town. The wards meant for 18 inmates in actual there were 30 inmates.

### 4. Administrative Staff

A statement showing the sanctioned strength and in position personal with vacancy is given below:

Sl. No.	Designation	Sanction Posts	In Position	Vacant
1.	Superintendent	01	01	0
2.	Dy. Superintendent	02	01	01
3.	Asst. Suptd.	07	02	05
4.	Clerk	05	05	0
5.	Chief Head Warder	01	01	0
6.	Head Warder	23	01	22
7.	Warders	180	92	88
8.	Female Warder	09	07	02
9.	Accts. Officer	01	00	01
10.	Accts. Clerk	01	00	01
11	Driver	02	02	00
12	Barber	10	01	09
13	Sweeper	20	08	12
14	Medical Officers	04	02	02
15	Compounder	03	01	02
16	Dresser	03	02	01

From the above table, it is quite clear that there is gross under-staffing and immediate measures are required by the State Government with the assistance of recruitment authority to appoint the personal on the vacant positions. The number of head warders, warders, assistant-superintendents are grossly

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inadequate. Sweepers are although many in position but cleanliness left lot to be reach the desirable level of cleanliness. The state government has taken 3 male doctors on contract and 3 lady doctors on deputation. To augment the numbers of warders, out of 88 vacancies, 25 are filled by employing retired warders. Another 27 vacancies are covered by using Home-Guards. 12 daily wage workers are used to reduce the vacancies among barbers and sweeping personals. The sweepers, barbers are required to be regular recruits, as jail is a protected area. There the personal should be kept by a regular and permanent procedure, not as daily wage workers. The posts of social workers under a senior sociologist and psychologist with some assistants are also now a need of the hour in all jails.

Similarly, Video conference operator, computer operator, tailor master, carpenter etc should be appointed on regular basis. As the jail has its own bakery and recently started oil extraction and spices grinding unit, it is requested that some more posts for supervision may be created, by reducing some posts of warders and posts are created to train and get much more production from more than 400+ convicts with rigorous imprisonment.

The service conditions of the personal is almost similar to other services of the State Government. Jail service rules had been framed, long time back. But morale of the staff, because of large no of vacancies and daily wagers was in general low and it had lot of impact on the efficiency of the jail administration. The issue of lack of staff in the jails in general and specifically for Beur central jail could not be raised with Inspector General of Prisons or Home Secretary.

The human resource development of the jail personal is a subject under consideration of the Government and institutional arrangements for training of officers and other staff are being attempted. There are basic course of 6 months for warders and Senior Leadership Course (S.L.C) course for the Head warders. But I feel that training module for human resource development has to done in much more structured way and with home

department taking lead for training in techniques to handle and reform the convicts to bring them into main stream of the society. At present training is done with help of Jharkhand training institute Padma, Hazaribagh.

For rehabilitation of prisoners, the jail has provision of training in:

- i) Bakery
- ii) Oil(mustard) extraction.
- iii) Masala Grinding unit.

But it has very small employment generation potential and the jail authorities are setting up a unit of an Off-set printing press in near future. Besides these it would be desirable to start

- i) Hand-loom weaving.
- ii) Power-loom weaving and cloth making.
- iii) Power-loom for Jute weaving
- iv) Steel furniture unit.
- v) Carpentry works
- vi) Tailoring and stitching
- vii) Screen printing
- viii) Flyleaf Making unit

Once these units are developed it would engage 100% convicts and majority of under-trials who want to work and send home some money.

It would be of use that 6 month training imparted with formal certificates could be granted by the Jail Administration in following disciplines:-

- a) Printing, which could incorporate, offset printing, screen printing and fly leaf making as one training module.
- b) The other certificate program could be weaving whether on hand loom, power-loom or for jute weave.



- c) Tailoring and cloth designing could be a third program
- d) Carpentry and steel works could be 4<sup>th</sup> certificate program
- e) Bakery techniques, and masala and oil grinding

For rehabilitation of prisoners, once they go back in the main stream of the society, it is felt, that sociologists and psychologists need to work with the profile of each of the convicts and once they go back to the society there could be pool of entrepreneurs who should also be encouraged to keep them as workers in their factories/units under the supervision of sociologists and psychologists, who should become a bridge between the reformed convicts on completion of their terms and their getting reabsorbed in the society in general and the confidence of entrepreneurs specifically to be won for at least 5 years after their release.

## **5. Rights of Prisoners**

Rights of prisoners, is an evolving subject. In our Constitution, directly any rights have not been given to prisoners. But their rights emerge, through either rights to the citizens or through various judgements by the Hon'ble Supreme Court or various High Courts, who have passed certain judgements through which the rights of prisoners have arisen. In brief these rights could be:

- a) The right to get paid for work done. Various courts have said that, when a prisoner is sentenced to rigorous imprisonment, the prisoner is supposed to do work, but that doesn't imply that he/she has to work free of cost. The prisoner is supposed to be paid minimum wages for the work done.
- b) The right of dignity, that an under-trials / prisoners, should not be chained ordinarily and even when taken out of prison normally not to be hand cuffed as per judgement.
- c) Right for reasonable facilities of food, lodge, clothing, medical facility.

- d) Female prisoners, right to have a child, delivery and care of newborn till 6 years of age.
- e) Rights of under-trials , for speedy trial,
- f) Right of bail for under-trials, and parole and remission for convicts,  
can be considered as rights of prisoners.

The table below gives a picture about the no. of under-trials lodged in this jail:

	Male	Female	Total
Under-trials(Sadar)	1560	136	1696
Under-Trials(Sessions)	855	28	883
Total	2415	164	2579

### 5.1 Right of Speedy Trial:

The jail administration is has given details of under – trials with various detention periods as per the table below:

Period of Detention	Males	Females
Upto 3 Months	1128	78
3-6 months	724	52
6-12 months	361	24
1-2 years	155	10
2—3 years	161	02
3--- 5 years	64	02
Above 5 years	08	00
Total	2601	168

About 43.5% under-trials (1206 out of total 2769) have a detention period of less than three months. Only 0.3% of under-trials are under detention for more 5 years. About 85 %( 2367 out of 2769)are in the jail for less than one year. It seems that their cases especially of more than 5 years can be studied by undersigned in next visit to the state. One case where detention period is more than 14 years and continuous detention is more than 10 years was noticed and details of the case are down below

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This case is one of Ajay Kanu, who represented to me . His representation is enclosed as annexure II, where he has mentioned that he is in jail continuously from 7th feb, 2007. There is a decision of the State Govt. that all his cases to be heard simultaneously . For all his cases a special court has been constituted since 2012, govt. pleader and supporting lawyers along with police officers have been appointed. In all these cases the statements of all the witnesses have been recorded, but the arguments are not been taken up and cases have been kept pending deliberately. In some of the cases the jail custody has been more than prescribed under IPC. He felt that police authorities are harassing him.

He has further given details of his 4 cases which are not being disposed he has requested for fast disposal of his cases. I feel that the National Human Rights Commission should discuss this case after getting the upto date report on the petition of the under-trial victim and hear the the Chief secretary and DG Police about the purported delay charge alluded by the under-trial who is in jai for more than 14 years.

The cases of 3 years and above period of detention, are about 72 only, which constitute less than 3 % of total under-trials. A detailed report from the state administration can be also be called for. It is felt that the report may come out that most of the under-trials remained in jail because his/her case is pending for want of hearing or adjournments sought by the attorneys.

Only remand are being granted on video conferencing. This has reduced pressure on Jail administration that they do not have to produce the prisoner by personal appearance before the court. But this video- conferencing facility is being used for about 1-1.5 hrs only, as hearing of cases, statements of witness are not being recorded in courts as the lower and middle judiciary ids demanding that each court room should have videoconferencing facility. This issue need to be resolved, so that videoconference facility may be used in more effective manner. It is felt that, costs and risk of taking an under-trial to the court is quite heavy and



cumbersome and this single reform if used effectively, is going to be one of the greatest reform and will reduce the time an under-trial remains in jail as this has hastened the process of trial in Jharkhand.

Jail Lok Adalats are being arranged, last Saturday of every month in the jail premises. Non of the under trials is in jail, because he/she is unable to arrange sureties. As such there is no problem mentioned by jail authorities in providing escorts to under-trial for court appearances.

### **5.2 Right of an Under-trial to be Released on Bail:?**

The jail administration couldn't give information of no of petitions pending in the trial court for disposal. It was also not known about the number of cases, where prayers for the bail have been rejected but the advocate concerned has not yet been communicated the reasons of rejections. It came to my knowledge that non of the under-trials, is in jail because he /she is unable to arrange the sureties. The cases where the bail amount is high and becoming hindrance in release of an under-trial came to my knowledge but I feel this information should be sought again and information gathered doesn't look reliable.

### **5.3 Right of Convicts for Premature release/ parole/ Remission.**

- a) The state government honours the right of convicts for their various rights and has constituted the state sentence review board headed by Home Secretary, Law Secretary, One District & Sessions Judge nominated by Bihar High Court, Director Probation and DG of Police or his representative in the rank of IG of Police are members and IG Prison is the Secretary on this Board.
- b) There are 2 cases are pending before the SSRB from this Jail.
- c) The appeal cases are old but new cases are pending not more than a year. The concerned authorities which are

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district SP, and Government pleader, of various districts, who need to move at an accelerated pace for submitting required documents to SSRB.

- d) The Procedure as mentioned as per section 433 of CRPC and guidelines of NHRC is being followed but this need to be verified by going through at least 10 case records of SSRB, if state Govt. is amenable to show them to the Special Rapporteur.
- e) The meetings of the SSR Board are being held in the state. The minutes of the last meeting held on 7 th April, 17, have been provided. In this meeting 113 prisoners who had completed 14 years in cases where life imprisonment was awarded to them were released. This jail had sent 4 cases, who were released. Now 2 such cases are pending. The jail administration feels that rules for release should be further liberalised.
- g) Custodial Deaths. There are 24 custodial deaths which have been reported by the Jail authorities in the last 3 years. The report, do not show any case of suicide and cause of death was In all the 11 cases of calendar year 2015 the report has been submitted to NHRC but in non the cases the matter has been closed by NHRC. Out of 7 custodial deaths of 2016 in three cases the report of death is awaited and MER report is yet to be sent To NHRC. In all these cases it seems that Jail administration should be more active. The pendency of 2015 reported with NHRC may also be confirmed
- h) There is no escape reported from the prison/ escorts in last 3 years.
- i) Women Prisoners. Against the sanctioned capacity of 100 inmates, at present there are 188 women prisoners, were there in jail, on date of visit. There are 9 female warders out of which 7 regular and 2 home guards are in position. There are 25(0-6 years) children with their mothers. Young women are kept separately for different care.

A ten bedded indoor hospital in female enclosure is under construction. 3 lady doctors are on deputation for the pregnant and other women prisoners. Literacy program is organized in the jail. Vocational training in tailoring, bouquet making, and cloth weaving is provided to female prisoners. It is required that some production unit is also installed in ladies section of jail. No women prisoner is suffering from T.B. and psychiatric disorders

#### **6. Right of food to convict and Under-trials Prisoners:**

The scale of diet includes 250/300 gm. Rice, 250/300 gm. Wheat flour, 60 gm. Lentils, 100 gm of Gram flour/ gram/ sattu/ bread along with 100 gm. of potato and 200 gms. Of green vegetables and 200 gm of jaggery makes it a about 3500 calories on average with 60 gm of proteins which is reasonably a balanced diet, but why they have not given 10-20 gm of vegetable oil is a question coming to mind. Twice a month, non vegetarians get 250gm of chicken or fish. The vegetarians instead get 150 gm of green peas and 100 gm of paneer, once a week. The food menu is much more elaborate than BPRD norms. Even evening tea along with 2 pieces of bread/100 gm of chana is provided. On every Sunday breakfast, the inmates are given 6 pooris(150 gms) along with 150 gms of vegetables/potato and tea. If this menu is provided without any leakage, there could be no incidence of mal nourishment in the jail. The weekly food menu is enclosed as annexure -III. The important part is that in actual practice the food to scale is provided or not, is to be seen by local Jail authorities, the Deputy Commissioner and State Jail Administration. The look of food was not up to mark and lentils curry was very thin. The 4/5 chapattis, which are given on average to each prisoner is 50 gm each. No one complained, about quality of food, but it is felt that there is need for inspection of food by higher officials is required.

- a) The storage of food grains and other such commodities was done in a separate godown, where losses because of pests infestation was mentioned to be 4 -5%. But no official

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document was produced before me to confirm the loss percentage because of pests and thefts.

- b) the food is prepared in 7 kitchens in the jail for preparing the food, with Roti making machines and LPG cooking by burners. The inmates are given 100 gms of chana(gram), Chura(bitten rice), Murhi(roasted rice) with tea in the breakfast around 6-8 am depending upon the sunrise time. During lunch, which is given around 11-12 am, 250 gms cooked rice along with 100 gms of lentils and green vegetables are given. The dinner, which was being prepared during my visit was to be distributed before sunset in form 4/5 chapatis of 50 gms each, along with potato subji and green vegetables. Food is prepared in the kitchens with help of flour kneading machine which makes wheat flour into kneaded loaf, from which chapattis are made by chapatti making machine. There is one flour kneading machine, having a capacity of 50 kg / 30-40 minutes. With 3000 inmates at present the flour kneading, itself requires at least 5-6 hrs to knead the flour. Therefore, for the evening meal requires that the preparation should start by at least by 1 pm, so that 400 kg of Atta is kneaded by 5 pm. The Chapatti making machine has a capacity of 1000 chapatis per hour/ machine. For 3000 inmates it required, about 14000 chapatis have to be prepared in about 3 hrs. Therefore for the evening meal of chapatis, preparation starts not later than 1 pm and food is served by 6.30 pm. The cooked chapatis were lying on the floor of the kitchen. The kitchen had some modern facilities, but washing of food articles was done in old practices. There were no wash basin on cooking plat form. The flour kneading machine is only one, requiring food preparation starts about 5-6 hours earlier, and this may not remain hygienic, as consumed much later.
- c) **The kitchens have no chimnies, which should be installed immediately in adequate numbers** and a report need to be obtained in next 3 months. Sufficient number of

exhaust fans have been installed. **But fly proof automatic closing doors have not been installed.** The 1000s of flies were seen in the kitchen where food was being cooked. The floor of kitchen could not be seen because of uncleanliness. Although a platform for washing, cleaning and cutting vegetables was constructed but no water point and washing bays were provided on the platform. That means washing and cleaning literally cannot be done on the platform. At least 1 more electric kneaders are required, if food is expected to be served within 3 hrs from the time its preparation begins. The 3 chapatti making machines, along with mixers and grinders are provided. But there was only one water point in the main kitchen, which seems to be totally inadequate. LP Gas stove and hot plates are provided. But containers of stainless steel to keep the cooked food prior to serving have not been procured till now. Cooking and serving utensils are old ones and not of stainless steel.

Following things may be attempted.

- i) The platform for washing, cleaning and cutting vegetables, rice and potatoes should have basins for proper cleaning, with adequate no of taps and disposal of waste water.
- ii) Fly proof automatic closing doors must be installed within next few days.
- iii) Additional kneader may be procured or chapatti may be provided to 30-40 % of inmates in lunch time and 50-60% in dinner time and vice versa, instead of one time rice-dal and one time roti-subji. Otherwise mix of Rice and Chapati format may be followed for both meals. Then optimum utilization of these equipments will happen and additional kneader may not be required.
- iv) There need of stainless steel storage and serving utensils must be made available along with modern facilities like hot case or almirah for keeping cooked food, fresh and safe.

- v) Cleanliness was very poor. Some sort of training program for jail personel and convicts employed for food cooking is the need of hour.
- vi) One positive feature is that near 4-5 kitchen, the dinning hall is being constructed. This will increase the cleanliness of wards if food is served there to prisoners and many may get hot lunch. Such more dinning halls may also be constructed and food if served while being cooked will give more self esteem to prisoners and their quality of life will improve. A photograph of one such dining hall is enclosed.

**7. Water Supply and right to water of the inmates.**

One deep boring along with submersible pump is in working condition but supply of water is not sufficient. Although an assessment of water requirement has not been done but for 3000 capacity jail and 150 jail personel who reside in the campus, the requirement of 200 litres/person /day, minimum requirement 6300 k.Litres. A fresh proposal for water supply is under process, estimate for construction of over-head water tank, 7 water treatment plants are under process. At present water quality is not been tested.

Periodic cleaning of water storage tanks are done. The water supply in the toilets and for bathing and cleaning of cloths is available, although cleanliness around the source of water is being attempted but needs lot of improvement.

According to the jail manual water used for drinking and culinary purposes should be analysed once every quarter and bacteriological examination on request. No such test appears to have been done in recent past. Jail Supt. should ensure that samples are periodically sent for required examination and analysis.

**8. Sanitation, Personal Hygiene & Clothing.**

The jail authorities have given information, that there are 131 cage latrines and 73 outside the wards and all are in working

conditions,. If I have to answer the question whether sufficient cage latrines are there in place, my reply is yes. Each ward which I visited had only 1 cage latrine which is normally used between Sunset to Sunrise, the time when the inmates remain locked inside the wards. There are 30-32 inmates in each barrack and night time there is only one WC in the ward. In this jail, it seems the majority of prisoners are using the cage latrines only. Each ward should have at least 2 cage latrines instead of one. The cage latrines practically are in working conditions. But only one can say, with shortage of water, the partition wall is only semi. water supply is scanty. Needs an improved version and increase in number of cage latrines is required need. And bathing area and toilets for day time use are to be there in good condition, that they are used by the inmates.

Although it has been ensured that toilets are placed on impermeable floor, higher than the surrounding ground and but the sun's rays can't easily enter the toilets, but the rain water is kept out. The latrines are designed that excreta and wash materials get into receptacles without falling on the sides in general, but shortage of water, the sweepers' training and training of inmates need to be improved. The outside latrine, there is no protection from rain water as they are open from above.

Only 10% latrines walls are having glazed ceramic tiles up to a height of one metre from the floor level. A proposal for fitting glazed tiles in remaining latrines is under process.

The prison don't provide for covered cubicles for bathing @ one for every 10 prisoners and don't have proper arrangement of privacy. Although shortage of water has been reported but on the other hand it has also been reported that prisoners take bath as frequently as necessary, for better hygiene, according to climatic conditions. Clothing are provided to each convict and under-trial inmate as per the jail manual scale. None of the prisoners complained about the non provision of clothing although most of convicts were found wearing other than jail cloths which was

pointed out to jail authorities. The jail administration ensures that each prisoner washes his cloths once a week. But when only 2 sets of clothing are given how once a week washing should be considered enough especially in summer months. Accordingly each person need to wash one set daily and wear the other one. It seems that 2 sets of clothing are given them but should be 3 sets clothing should be provided. Washing soap once in 15 days and bathing soap is provided to each one of them. All the wards, the number of clothing wet or dry were hanging in a disorderly manner. I feel enough clothing by increasing the norms be provided to convicts and should be compulsorily asked to wear the jail uniform. There is no harm if some convicts and under-trials are employed to wash the beddings and daily clothing in a mechanised way and give the clean clothing to all the inmates and cost could be added in their per day living cost which is deducted before giving them wages for various work which they perform.

Water logging is a problem in the jail. There are many places where water gets deposited and requires that water logging problem should be tackled by the jail authorities. There were few areas of the jail which I could not visit and some area I would visit with the wetting of feet in ankle deep water only. The photograph of water logged area is enclosed.

There is no mechanized laundry in the jail. The jail authorities were requested to get a mechanised laundry installed so that the bedding and other items like blankets and bed sheets are washed regularly.

## **9. Health & medical care**

Jail has 100 bedded hospital with facilities of indoor, outdoor and emergency services. But 100 bedded hospital, if fully functional would require at least 10 medical officers including medical, surgical, orthopaedic, ophthalmic specialists. Part time dental, anaesthetist, ENT surgeons are also required, along with general duty doctors. The arrangements for blood examination, x-



ray machine, EKG, dental chair, ultra sound machine were not available. As such it has capacity of less than 5% of total capacity of jail. The hospital is sufficiently away from the jail wards. Floors and walls have glazed ceramic tiles and have uninterrupted supply of water and electricity.

Hospital kitchen has been done up and going to start in short time, but it also lacks with requisite number of taps on the platform. It has been claimed by the jail authorities that those inmates are admitted in the hospital are given diet as per approved scales. On day of visit 16 inmates came for Out Patient Department (OPD) treatment, 69 were hospitalized on day of my visit. Water is free from impurities and is potable, a water purification system in form of R. O. System has been installed in the jail hospital campus. The number of persons shown in hospital is with in capacity. It may be seen whether people get admitted in hospitals on flimsy grounds because I found few of such inmates enjoying the facilities of jail hospital.

The shortage of medical officers and Para medicals has already been explained in para no. 5 of inspection format enclosed with the report. There is no shortage of medicines reported by jail administration and the inmates. The visit of specialists is arranged as it has association with civil surgeon and district hospital. Already it has been segregated 12 patients with Tuberculosis and 4 from HIV/AIDs .Isolation/ segregation of patients sufferings from infectious diseases has been done. Daily average OPD is of about 60 prisoners coming for advice. It has been reported that medical examination of every prisoner on admission is being followed. With only few doctors availability it seems preposterous that the physicians are able to conduct pre admission medical examination each new entrant to jail. Ambulance service is available. The jail administration reported that there is no drug addict among the inmates but this claim could not be verified. The drug de-addiction centre and counselling service are available.

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Hospital administration is not maintaining no of patients are suffering from chronic renal failure, heart failure, cancer, leprosy and details of their treatments.

There are 11 mentally ill persons who are under detention. These details of detention are in Annexure III. The IG Prisons has visited u/s 39(1) of mental Health Act 87, twice as per the statement of Jail Suptd. The records were not shown to prove the visit happened and IG met the mentally ill. A psychiatrist from Patna medical college visits them monthly or on call and all these mentally ill are getting treatment per his advice.

#### **10. Children living with Convicts (mother)**

As per directions of Supreme Court in R.D. Upadhaya Vs. State of A.P. in criminal appeal No. 69 of 2009 decided on 1/11/2010 that children from 0-6 years can be allowed to stay with their mothers. Every such child staying with mother has a right to requisite food, as prescribed in jail manual. This jail is providing food, crèche and nursery education which have been deployed in the women ward. As per norms each of these children are allowed to go out of jail premises for playing and mixing with general population. The sports goods or such desirable equipments are also provided to such children. The details provided by Jail Superintendent of the inspection format para 9.

#### **11. Industrial production and payment of daily wages to the prisoners.**

This central jail has bakery, oil extraction machine, masala grinding machine as an opportunity to work and earn for the prisoners who have to undergo rigorous imprisonment. As a welfare measure Jail administration has fixed rates of Daily wages for such prisoners who work, according the order of Hon'ble Supreme Court. The home department vide their letter no 254 DPS( pri. Welfare)-3-01/10, dated 14/01/16, the rates have to be equitable. The expenditure incurred on food, medicines, clothing and others is 91 Rs. per day, which is being deducted

from the daily emoluments and now are paid at the rates given below in the table.

Trainee or unskilled	103 Rs
Semi skilled worker	112 Rs
Skilled worker	156 Rs.

Besides these daily wage rates, the jail administration also provides for piece rate, generally prevalent in various trades which include tailoring, tent making, carpet weaving, carpentry, black -smith,, weaving, printing press, soap making, bakery, masala grinding and oil extraction unit.. the copy is elaborate order is enclosed as annexure IV.

The jail suptd. has paid wages earned for the work done by 356 convicts for the period 1<sup>st</sup> May,16 to 31<sup>st</sup> December, 16 in March , 2017. The total wages paid comes out to be 46.34 Rs lakhs. Maximum amount paid is 25235 Rs at the rate of Rs 103, for 245 days. The 20% of the total earned goes to the victim. Paying share to victim is a good step to ameliorate the condition of victim's family and will also act as penance

The annual production of the jail is about Rs 2 Cr. and the wages are paid to prisoners through their bank accounts. It has come to my knowledge that wages thus earned by the prisoners are being used by them to pay for their fees to lawyers, whose appeals are pending in higher court; some are sending money to their families for their up keep. Some money is used by them to eat a samosa or have an additional tea from the canteen which also being run by prisoners under supervision to have a snack or soft drink between the meals.

Seeing the availability of space and expertise already gained with life convict and other rigorous imprisonment prisoners, it should be endeavour of jail administration that they can raise their production to much higher level as no of prisoners with rigorous imprisonment are around 400 and production that way

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is much lesser. If 1100 prisoners( including under-trials) work for 300 days a year and on average earn RS. 120 per day, the annual expenditure on wages should be

$1100 \times 300 \times 120 = 39600000$ , than annual wage bill be Rs.3.96 Cr. and with material cost the total output should be 20-25 crore. Although those inmates who are not supposed to work can also be encouraged to work from among the under-trials and convicts with simple imprisonment. As per the judgments of the Hon'ble Supreme Court, the convicts are to be provided with minimum wages, but I think it has been implemented fully.

## **12. Educational Facilities to the prisoner, whether convicts or under-trials.**

The prisoners or under-trials have the various options for Yoga, physical training. They can also enrol through Nalanda open University, NIOS, training in vocational subjects, spiritual development though Yoga and Prayers. Also organised by jail authorities about music and Gymnasium. A functional gym has been developed but a regular gym is under construction in the jail. Up til now no rehabilitation assistance is being provided

## **13. Interview facility provided to prisoners.**

As per jail manual and also e mulakaat (video –conferencing facility through pragya Kendra) and telephone booth facility available to the prisoners. The V.M.S. system is available to the relatives for granting interviews, about 100 such requests are received daily which are disposed of as per jail manual. It has been mentioned by jail authorities that very few of the requests have been turned down. It has been gathered that under trial can meet once in 7 days and convicts once in 15 days. Whereas, the request is more than that in any case than the requests are turned down.

## **14. Visits/Inspections during last one year.**

It has been informed that the judicial authorities had visited once in last year and among the non judicial authorities, there

have been 5 visits in last one year. The visit of local N.G.O. or social activists in jail is almost nil. The board of visitors was last constitution is in process. The reports are complied with wherever funds and recruitment of personal is not in hand of the local jail administration.

### **General Remarks**

This is a central jail with almost a capacity of about 2500 inmates. The major problems according to me are 4:

1. Shortage of personal is the biggest problem. Recruitment of personals is an important issue. There is need for creations of posts of sociologist, social workers, psychologist, medical officers. Besides these, we need to upgrade skill and production centre, for which supervisor in Bakery, hand looms, power-looms, printing ,carpentry are required to upgrade skills and 5 to 6 fold increase in production can be achieved.
2. The major part of building, although not very old , only 22 years is the life of jail, but building are in state of disrepair, poor and shoddy maintenance. The flooring of cement makes it look very old. With changing times and easy and simpler maintenance, it would be desirable that flooring should be at-least mosaic if tiles are expected to be expensive. The seepage should be checked and reduced to minimum. The cage latrine maintenance need to much better. The no of bathing space and toilets are much lesser in number. Water supply also need to be augmented.
3. The water- logging is another major problem. On the day of my visit , the first rain of this Monsoon, the many area of jail were already becoming inaccessible if one wants that one does not want to be in ankle deep water or one place had knee deep water. The photographs of water logging are enclosed with the report.

(21)

4. The usage of convicts and under-trial for meaningful productivity is another area where jail administration should look at actively.
5. There was demand of potable water by the inmates. It is felt that a R. O. Plant may be installed at the Jail Premises for making the clean drinking water to all inmates.

**INSPECTION FORMAT**

1. Name of the Prison:- **Adarsh Central Jail, Beur, Patna**

2. Sanctioned capacity of the Prison:- **Male – 2260 Female - 100**

3.1 Actual Strength of the Prisoners. **Male – 2850 Female – 188**

3.2 The details of the prisoners including undergoing life imprisonment and under death sentence.

Convicts	Under trails	Total
<b>437</b>	<b>2601</b>	<b>3038</b>

(Break-up of total strength)

Male	Female	Total
<b>2850</b>	<b>188</b>	<b>3038</b>

Lifers - **361**

Death sentence - **Nil**

Rigorous imprisonment - **422**

Simple imprisonment - **13**

Detenue - **02**

**4. ACCOMMODATION:-**

Area of the jail – **20 Acres**

Age of buildings – **22 Years**

Dimension of prisoner wards – **40'X18'**

State of buildings - **Satisfactory**

Renovations or repairs – **As per sheet attached.**

Number of Wards/Barracks - **131**

Number of Special Cells – **170**

**4.1 ARRANGEMENT OF SEPARTION OF -**

Under trial - 2601

Young prisoners-28

Woman prisoners -188

Mentally sick prisoner-Nil

Drug addicts-Nil

Suffering from infectious diseases like T.B - 05

**5. STAFF**

(a) Sanctioned strength:- **Sheet attached.**

(b) Actual strength:- **Sheet attached.**

(c) Comments on adequacy or otherwise

Of sanctioned and available staff:- **Under Staffed.**

(d) Comments on the training of staff: - **Satisfactory.**

**5.1 HUMAN RESOURCE DEVELOPMENT**

Institutional arrangements for training of officers and staff in various categories

Duration of training for each category

Arrangements of the content, quality and impact of training on correctional behavior inside and on rehabilitation of convicts after release

Need for further strengthening - **Participation in various training programmes for officers, Prison duty meet is being ensured.**

Training centre is under construction which is likely to be inaugurated soon. Presently the officers and staff are trained outside state.

Duration of training 15 days to 3 month.

**6. RIGHT OF PRISONERS :****6.1 RIGHT TO SPEEDY TRIAL**

No of UTPs lodged in Prison

**Men -2433**

**Women-168**

What is average duration for which they

have been lodged in prison? **Three to six months in mirror cases and upto two years in major cases.**

What are the contributory factors to delay in disposal of cases of UTPs? **N/A**

Specific suggestions to reduce this duration? **The provision of bail for 1/4<sup>th</sup> period of conviction should be implemented.**



## 6.2 RIGHT TO BE RELEASED ON BAIL

- (a) No of petitions pending- Nil
- (b) Yet communicated the reason for rejection no of cases where the prisoner are unable to arrange sureties -Nil
- (c) No of cases where the bail amount is high what are specific suggestion to improve the situation and register expeditious disposal of pending bail applications- Nil

## 6.3 RIGHT OF CONVICTS TO APPEAL :

No of cases where -04 (through state legal committee ) appeal petitions are

pending in the High Court

No. of years for which these petitions are

pending -01 years

Contributory factors -NA

Specific suggestions for expeditious disposal- These appeal should be monitored by a panel of lawyers appointed for this purpose.

## 6.4 RIGHT OF CONVICTS FOR PREMATURE RELEASE/PAROLE/REMISSION

What is the composition of the State sentence review Board –Notification attached

No. of cases pending for review -2

Duration for which they are pending & reasons for

pendency -2 Months, Not Known

Specific suggestions to expedite disposal

Procedure followed as per guidelines of NHRC

and Section 433 CrPC-The rules should be made easy.

Whether meeting S S R Board is being held, mention dates-Copy attached

## 6.5 RIGHT TO FOOD

Scales of diet for various categories of prisoners-Copy attached

Storage of articles-Satisfactory

Arrangements of cooking and distribution of food-By the prisoners themselves

Does the kitchen have the following -

- i. A modern chimney regardless of the type of fuel used;-No
- ii. Sufficient number of exhaust fans;-Yes
- iii. Fly proof automatic closing doors;-No
- iv. Floors made of an impermeable material;-Yes
- v. A platform for washing, cleaning and cutting Vegetables,-Yes
- vi. An electric kneader for preparing paste out of atta prior to making chapattis;-Yes
- vii. Chapatti making machines/mixers and grinders;-Yes
- viii. Adequate number of taps inside the kitchen; -Yes
- ix. LPG and hotplates; -Yes
- x. Container made of stainless steel to keep the cooked food not prior to being served; -No They are of aluminum
- xi. Cooked & serving utensil to be made of stainless steel. -No

**6.6 RIGHT TO WATER**

Whether sufficient clean and purified drinking water is supplied in the jail-Yes

Source of water-Submersible boring and Supply water, Hand pump

Whether periodical cleaning of water storage tanks are done.

Whether sufficient water supply is provided in toilets and for bathing and cleaning of cloths purpose. -Yes

General cleaning around source of water. -Satisfactory

**6.7 RIGHT TO SANITATION**

Does every barrack use for sleeping have sufficient number of WCs, -Yes

Are the latrines of sanitary type with arrangements for flusing? -Yes

Is it ensured that the toilets are places on in impermeable basis, -Yes

higher than the surrounding ground and are so built that the Sun's rays can easily enter the latrines and that rainwater is kept out? -Yes

is it ensured that the latrines are so designed that all excreta and wash materials get into receptacles without foiling the sites? -Yes

Have the inside walls of the latrine been fitted with glazed ceramic-Yes

tiles upto a height on one metre from the floor level as far as possible. -Yes

**6.8 RIGHT TO PERSONAL HYGIENE**

Does the prison provide covered cubicles for bathing @one for every 10 prisoners with proper arrangement to ensure privacy? -No

Is it ensured that every prisoner takes bath as frequently as necessary for better personal hygiene according to climatic conditions? -Yes

Is it ensured that every prisoner washes his clothing at least once a week? if so, have you ensured that use of necessary washing materials(Soap, washing powder, detergent etc)has been authorized for bath male & female prisoners? -Yes

Is there a mechanized laundry to wash items of clothing and bedding at, the time of return of these items to the clothing store? -No

**6.9 RIGHT TO CLOTHING**

The Model Prison Manual provides this right and the manner of exercise of this right both for the Convicts as well as UTPs. -Yes

### 6.10 CLOTHING AND BEDDING

The Model Prison Manual provides this right and the manner of exercise of this right both for the Convicts as well as UTPs.

Is hospital accommodation available on the scale of 5% if the daily average of the inmate population? -Yes

Is the location of the hospital sufficiently away from the barracks? -Yes

Are the floors and walls of the hospital of impermeable material? -Yes

Is there arrangement for uninterrupted supply of potable water and electricity? -Yes

Is there a hospital Kitchen with arrangement for proper upkeep and maintenance? -Yes

Is it ensured that ailing prisoners who have been admitted to the prison hospital get their diet (including milk) according to approved scales? -Yes

Are samples being sent to approved laboratories for test?

If so at what intervals & with what findings? -Yes

What preventive and corrective measures been taken to ensure that water is free from impurities & is potable. -R.O. is installed.

### 7. HEALTH, HOSPITALS AND MEDICAL FACILITIES

(a) No. of doctors:- Male - 06 Female - 03 (Posting/deputation)

Total- 09

(b) No. of Para-medical Personnel. :- 04

(c) Daily average of O.P.D :- 60

(d) Visits by specialists: - Regular.

(e) Isolation/ segregation of patients

Suffering from infectious diseases. :- Isolated.

(f) No. of prisoners suffering from T.B. :- 12

(g) No. of prisoners suffering from HIV/AIDS:- 04

(h) Arrangements for detection

And prevention of HIV/AIDS.:- HIV kit/Aids awareness programmes are regularly organized.

(i) Are instructions about medical examination

Of every prisoner on admission being followed:- Yes.

(j) Ambulance service. :- Available.

(k) Drug de-addiction and counseling services.- Yes.

## 8. MENTAL ILLNESS :

How many mentally ill persons have been detained in the jail and for what duration? - **Eleven**

How many times the IG of Prisons has visited them u/s 39(1) of Mental Health Act 87? - **Twice**

What are the main observations?

How many times these persons have been

visited by Psychiatrist or where a Psychiatrist

is not available by a medical officer empowered by the State Government u/s 39

(4) of Mental Health Act, 1987?

## 9. CHILDREN STAYING WITH MOTHER (CONVICTS) :-

What checks & safeguards are being observed to promote health, safety, education, nutrition, immunization of children in 0-6 age group while allowing them to stay with their mothers (convicts) in term of the

-All facilities saunas crèche culture, Primary education facilities, toys, Jhula, Seesaw, etc. available.

Baby soap, powder, oil, clothes, etc. are provided on regular basis.

Pradesh & others, WP

No. 559 of 1994 with

Criminal Appeal No. 69

of 2000 decided on

1/11/2000

## 10. INSTITUTIONAL TREATMENT :-

(a) Classification:-

(b) Institutional routine :- **Yoga, Physical training**

(c) Education:- **Nalanda open university, NIOS (copy attached)**

(d) Vocational training and work –**Tailoring, bouquet marking, embroidery**

(e) Spiritual development –**Yoga and Prayer**

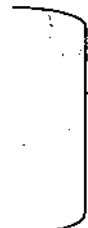
(f) Organized recreation-**Music, Gym**

(g) Rehabilitation assistance-**N/A**

(h) Canteen facilities: - **Available.**

**11. Daily wages for**

- (i) Trainers-
- (ii) Semi –Skilled workers-
- (iii) Skilled workers-
- (iv) Mean and mode of payment of wages-



**Copy attached**

**12. CONDITIONS OF UNDERTRAILS**

(a)	Detention period	Numbers		Total
		Male	Female	
(i)	Up to 3 months	1128	78	1206
(ii)	3-6 months	724	52	776
(iii)	6-12 months	361	24	385
(iv)	1-2 years	155	10	165
(v)	2-3 years	161	02	163
(vi)	3-5 years	64	02	66
(vii)	Above 5 years	08	0	8
<b>Total</b>		<b>2601</b>	<b>168</b>	<b>2769</b>

(b) Are under trials kept separate form

Convicted prisoners\ :- **Yes.**

(c) No. of undertrails granted bail but

Unable to seek release because of

Failure to arrange sureties.:- **NIL.**

(d) Is there any problem of providing

escorts to undertrails for court

appearance\ :- **NO**

(e) Holding of Lok Adalats in Jail premises. :- **Last Saturday of every month.**

**13. CUSTODIAL DEATH**

(a) Annual statement of deaths for last 3 years.

Year	Total No. of deaths	Natural	Unnatural	Remarks
2015	11	11	-	
2016	07	07	-	
2017	06	06	-	

(b) Annual statement of escapes from the Prisoners/ escorts for the last 3 years:- **NIL.**

(c) Have these deaths been investigated – **Yes.**

(d) What are the finding & general observations – **Natural Death. due to disease**

**14. WOMEN PRISONERS :**

(a) Sanctioned capacity :- **100**

(b) Actual strength- **188**

(c) Details of staff- **09**

(d) No. of children with women prisoners & their age-group:- **25 (0-5 Years)**

(e) General comments on health facilities for women prisoners and children staying with them with special mention of availability or otherwise of a separate female ward in prison hospital and inoculation programme for the children. :- **Satisfactory.**

(f) Facilities of vocational training for women Prisoners. :- **Tailoring, bouquet making, wearing.**

(g) No. of women prisoners suffering from T.B and psychiatric problems. :- **NIL.**

**15. BASIC AMENITIES :**

Letters (receiving, dispatching and distribution system **-Yes**

Feed back by the senior officers and records maintained on this regard, if any

Whether prisoners rights has been displayed in the prison

**16. INTERVIEWS OF THE PRISONERS-**

**-According to the provisions of Jail Manual**

**16.1 INTERVIEWS OF THE PRISONERS BY JAIL/DISTRICT OFFICIALS**

Mean and mode of interview –During Inspection.

Details of redressal of complaints, if any-No

**16.2 SYSTEM OF INTERVIEWS WITH FAMILY MEMBERS AND LAWYERS**

What is the procedure which is in vogue for grant of such interviews?

How many such requests on an average are being received?

How many requests have been turned down & reasons thereof? -None

**17. No. of visits/ inspections during the last one year by**

(i) Judicial authorities. :- 01

(ii) Non- Judicial authorities. :- 05

**18. Involvement of NGOs and social activists in prison activities:- NIL.**

**18.1 FUNCTIONING OF BOARD OF VISITORS:**

When was the Board of visitors last constituted?

What is the frequency of visits of the Jail by the BOV?

Are the observations recorded by the BOV soon after visit? -Constitution of BOV is in process.

What is the current status of compliance with these observations?

**19. GENERAL REMARKS:** On the functioning of the prison administration, problems & grievances and suggestions for improvement:- **Satisfactory, prison industry needs to be established, Prison building needs repair & drainage system needs improvement.**

**Superintendent  
Adarsh Central Jail, Beur, Patna**

**SANITATION IN JAIL CAMPUS**

In jail campus every barrack use for sleeping have sufficient number of WCs and the latrines of sanitary type with arrangements for flushing, all toilets are places on in impermeable basis higher than the surrounding ground and are so built that the Sun's rays can easily enter the latrines and that rainwater is kept out. it is ensured that the latrines are so designed that all excreta and wash materials get into receptacles without foiling the sites. The inside walls of the latrine been fitted with glazed ceramic tiles upto a height on one meter from the floor level as far as possible.

**Superintendent  
Adarsh Central jail, Beur, Patna**