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Report on the visit of Dr Vinod Aggarwal, Special Rapporteur ,Central Zone-1,NHRC to Birsa Munda Central Jail, Hotwar, Ranchi, Jharkhand.

#B.Padma
11/7/17

I visited this Central Jail on 21-24th 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 Ashok Kumar Chaudhary of this Jail and Mr.C.P.Suman, Jailor, 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 2004, which was inaugurated on 15 th ,Nov 2005 and became functional on 16 th April, 2006. This jail came into being when Long standing old Ranchi, Jail was closed and converted into a museum and garden. As the jail has been established recently, the historical content is not much enchanting, The old jail housed great freedom fighter Bhagwan Birsa Munda, who died there in jail, on 09-06-1900.

2. Land, Campus and Buildings

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The premises is spread over 72 acres and abundant land is available for expansion and development of newer facilities. The dimension of prisoners' ward is 97' * 21' and they number 64 and can house 3469 inmates. The capacity mentioned by Jail Suptd. in the enclosed format, is 3323 Men and 146 Women.

As such there is no congestion in the wards and the perimeter wall is located at the prescribed distance from the wards. Although buildings and wards are only 11 years old but

the maintenance is not up to mark, seeing the number of convicts used along with personal. few of wards are already repaired and it is not imaginable that buildings require major repairs in only a life- span of 12 years. In some wards wooden doors of windows have been broken. The design of jail is new and modern looking. The Watch – tower is in the centre of the jail. The 15 Buildings having 4 wards each on 2 floors are surrounding the watch tower, in a circular manner, that each building is equidistant from the watch tower. Lighting in wards is meagre and need augmentation. There is as such no seepage seen, but many places the windows had broken and toilets inside earlier were not having fully wall glazed tiles, which are now being converted into tiled wall

The structures which are only 12 years old and are maintained sufficiently if not adequately. There are 66 wards and 30 general cells, 50 high security cells and 25 circular cells, in total 105 cells are there. The wards are generally of standard size of 97 ft. By 21 ft., supposed to house 50 inmates. But in actual practice 40 prisoners were staying in the ward. Many of the cells seems to be not in use and a decision is required whether few of them should be retained or not. There are hon'ble Supreme Court's guide-lines and now solitary confinement may be as such not in much use. The actual occupancy on 21 st June, 2017 of these cells was as follows:

Type of Cell	Capacity	Occupancy
General Cell	30	12
High security Cell	50	25
Circular Cell	25	05

As such problem of seepage, leakage is not there. The flooring was of cemented, not of mosaic or tiles, but as per the manual. Only hospital and few of the kitchens had the tiled flooring. It is suggested that the flooring be of mosaic or ceramic tiles for all the wards for better and easier maintenance, when next major maintenance of jail is undertaken. It is also felt the wards at ground floor the cemented beds are raised about 1.5 to 2 feet from the floor, but was not found feasible on first floor

barrack. Therefore in ground floor the prisoners keep their belongings in slightly more organised way as compare to inmates allotted place on first floor. With advent of technology, the CPWD and Jail Administration should be able to find out a way to provide for raised beds and place, to keep their small number of daily routine items. There is need for policy of keeping the clothes of inmates. The washed and unwashed clothing spread all over the place in the ward, gives a much dirtier un kept look. It is desirable that if funds permit the washing of clothes and drying could be done in a mechanised way, to give work to inmates and more dignified life.

3. The Sanctioned strength and Average population.

The sanctioned capacity of the prisoners is about 2360, (2260 males + 100 females). The actual strength on the day of the visit was 2690 (2598 males +92 females), which included, 1325 under-trials, 1354 convicts and 11 CCA detainees. Out of 1354 convicts, 3 are with death penalty, 1340 with rigorous and 9 with simple imprisonment. There are 1056 convicts with life imprisonment in this jail. The daily average strength of inmates in the previous month was 2635.

	Sl	Details	Male	Female	Total
A	1.	Under-trials(Magisterial)	1038	27	1065
	2.	Under-trials(Sessions)	235	24	259
	3.	Under-trials(Upper-Division)	01	00	01
	4.	P.O.T.A.	00	00	00
		Total (A)	1274	51	1325
B	1.	Simple imprisonment	08	01	09
	2.	Rigorous imprisonment	1300	40	1340
	3.	Death Sentence	03	00	03
	4.	Upper-Division (R. I.)	02	00	02
		Total (B)	1313	41	1354
C.	1.	N.S.A.	00	00	00
	2.	C.C.A.	11	00	11
		Total (C)	11	00	11
		Grand Total(A+B+C)	2598	92	2690
		Children(with mother)	09	03	12

The above table gives sex wise details in various categories of inmates in the jail. The ratio of under-trials and convicts are almost 50% each. There is no over-crowding in this jail. New Building, planned design, cemented raised bed and proper toilets inside(cage latrine) and outside are high mark of the visit. The cells also had clean toilets. But lighting was not sufficient although jail administration feels that lighting is sufficient, but I felt to be inadequate and needs enhancement. It also came to my notice that cells are often mis-used to control the convicts and under-trials. The reason why no complaint about food and other problems was raised by the inmates as they can be shifted to cells on administrative grounds. It would be desirable that inmates who are shifted to cells on administrative grounds must be met by the higher officials. There was no complaint about anything when I visited the general wards, but during my visit to cells, there were many complainants. Many of such complaints may not be of serious nature or out of settling score with local jail personal. But one Mr Manoj Singh complained to me that he could not reach the Jail Suptd to lodge his complaint about a jailor for over 2 years. I feel some sort of system need to be developed that ,the jail administration may not be able to ill treat the inmates who raise voice about food and other facilities in the jail. The corruption in Jail in food quality and other facilities is very difficult to monitor. I met few other prisoners put in the cells. They in general were unhappy and had complaints about the jail functioning. I strongly feel that Jail authorities have lot of powers to decide the fate of the inmates. The checks and balances need to be developed in a way that the jail administration don't run amuck to suppress the opposition or reasonable complaints and protests by the inmates.

4. Administrative Staff

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

Sl. No.	Designation	Sanctioned	Posting	Vacant	Remarks
1.	Superintendent	01	01	0	
2.	Dy. Superintendent	02	00	01	
3.	Jailors	01	01	00	
4.	Assistant Jailors	08	00	08	
5.	Clerk	02	00	02	
6.	Lower Division Clerk	7	02	05	
7.	Video Conf Operator	01	00	01	1 on daily wages
8.	Computer Operator	01	00	01	On daily wages
9.	Chief Head Warder	01	01	0	
10.	Head Warder	74	00	74	
11.	Female Warders	14	04	10	
12.	Warders	333	171	162	159 Ex Army Men working on contract
13.	Female Warder	09	07	02	
14.	Tailor Master	01	00	01	
15.	Weaving Master	01	00	01	
16.	Blacksmith Master	01	00	01	
17.	Carpentry master	01	00	01	
18.	Driver	23	00	23	5 on daily wages
19.	Barber	06	01	05	4 on Daily wages
20.	Sweeper	30	00	30	14 on Daily wages
21.	Medical Suptd.	1	1	0	
22.	Specialists (med off)	4	00	4	
23.	Pathologist	2	00	2	
24.	Medical Officers	11	05	06	1 lady doc on deputation
25.	Compounder	04	00	04	
26.	Dresser	03	00	03	1 on daily wages
27.	Nurse(Male)	30	00	30	
28.	Nurse(Female)	05	00	05	
29.	Nursing Orderly	08	00	08	
30.	X-Ray Technician	02	00	02	1 on daily wages
31.	Pharmacist.	04	00	04	
	Total	581	186	395	

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 Assistant Jailors, Head warders, Warders, Clerks and Lower Divisional Clerks are grossly inadequate. Out of 30 sweepers, 14 are working on daily wages, but cleanliness is not at the desirable level. The state government has taken 17 positions of specialists & general duty doctors only 5 general duty doctors are in position and 1 lady doctor is available on deputation.

To augment the numbers of warders, out of 162 vacancies, 159 are filled by employing ex army men on contract. But it is specifically mentioned that the local Jail authorities are not happy about their work. I think The Inspector General of Prisons can be asked look into this matter. 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. I feel that sufficient posts have been created. They need to filled and about 5-10 % posts in some categories could be easily reduced and a team of social workers, psychiatrists, cooks, trade specialists, marketing experts need to be created. 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 1340+ 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 recently, but morale of the staff, because of large no of vacancies and large no 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

Birsa Munda 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 at training institute Padma, Hazaribagh. Senior officers, Like Jail Superintendent and Jailor participate in various short term (3-5 days) training program/ workshops organised by NHRC/ NCRB/ BPR&D etc

For rehabilitation of prisoners, the jail has provision of training in, course of beautician, cooking for males and females. For males only they run skill training in gardening, soap making and electrician. But, very small employment potential is generated till now. Besides these it would be desirable to start skill development in

- i) Hand-loom weaving.
- ii) Power-loom weaving
- iii) Power-loom for Jute weaving.
- iv) Dyeing and finishing of fabrics
- v) Steel furniture unit.
- vi) Carpentry works
- vii) Tailoring and stitching
- viii) Screen printing
- ix) Flyleaf Making unit
- x) Printing and Offset printing

Once training are imparted in the various trades and many 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 rth 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)	1038	27	1065
Under-Trials(Sessions)	235	24	259
Upper-Division	01	00	01
Total	1274	51	1325

5.1 Right of Speedy Trial: Among the under-trials more than 50% are lodged for 6months only, but 26 or 2% are there for more than 5 years.

Period of Detention	Prisoners
Upto 3 Months	527
3-6 months	144
6-12 months	195
1-2 years	212
2—3 years	101
3--- 5 years	121
Above 5 years	26
Total	1325

About 40% under-trials (527 out of total 1325) have a detention period of less than three months. About 65 % (866 out of 1325) 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. Among the 5 oldest under-trials lodged in this jail, the oldest under-trial seems to be

Chamara Oraon, lodged since 4/3/09, under IPC/302

Pratap Shahi, since 23/7/09, under IPC/302,34 & 27 Arms' act

Ranjeet Kachap since 16/3/10 under IPC/364(A),120 B

Chandru Mahto since 1/6/10 under IPC/147,148,149,452,302

Chaitan Munda since 3/9/10 under Arms' Act/25(1-B)A,26,35

Naturally sections must be grave, but cases being remaining pending for 7-8 years is too long. The commission may bring out these cases in the knowledge of Jharkhand High Court for disposal of these cases by concerned judges.

Mainly remand is 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 2-3 hrs only, as hearing of cases, statements of witness are a. being recorded sparingly , although Government and high court had passed requisite order about validity of the evidence recorded in this way. But the lower and middle judiciary is demanding that each court room should have videoconferencing facility. This issue need to be resolved, so that videoconference facility is 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 can hasten the process of trial in Jharkhand.

Jail Lok Adalats are being arranged, last Saturday of every month in the jail premises. One of the under trials Sunita Devi w/o of Ramdhan Karmali, informed that she is unable to arrange bail. Her petition has been sent to to DLSA for her release on pr bond vide jail's letter in jail, because she is unable to arrange sureties, vide letter no 3117 dated 17 th April, 17.

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 Minister. 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 district SP, and Government pleader, of various districts,

who need to move at an accelerated pace for submitting Orequired documents to SSRB.

- d) The meetings of the SSR Board are being held in the state and last meeting was held on 30 th May, 17. In this meeting 98 prisoners who had completed 14 years in cases where life imprisonment was awarded to them were released. This jail had sent 17 cases, who were released. Now 2 such cases are pending, which were rejected. The jail administration feels that rules for release should be further liberalised.
- g) Custodial Deaths. There are 38 custodial deaths which have been reported by the Jail authorities in the last 3 years. Out of these 3 are unnatural deaths.

Year	Total Deaths	Natural	Unnatural
2014	14	12	2
2015	10	09	1
2016	14	14	0
Total	38	35	3

The report, do show 3 cases of suicide and cause of death Asphxia in 2 cases because of hanging and one case was because of immolation attempt which was foiled but eventually the under-trial prisoner died due to toxaemia and septicaemia. The details are below:

Sl.	Name of dead inmate	NHRC case no	Date of Death	Cause of death	Facts of magisterial report	Remarks
1	Mukhtar Khan Under-trial	141/34 /16 /2014- JCD	29-01-14	Due to Septicaemia ,Toxaemia & shock to brain	Tried to self immolate, died under treatment	Reported to NHRC vide 1782, dated 20-3-14. Report of Magistrate sent vide 4338 dated 21-6-14
2	Biru Mahto convict	730/34 /18/20 14- JCD	16-5-14	Asphyxia as a result of hanging	Hanging with help of a rope in hospital ward no-3	Case Closed on 02-02-17
3.	Saagar Munda Under-trial	929/34 /16/20 15-JCD	02-08-15	Asphyxia as a result of Hanging	Hanging in toilet of ward 15 B	Reported to NHRC vide 1042 dated 20 feb,16 & final report vide 3312 dated 28-5-16

- h) There is no escape reported from the prison/ escorts in last 3 years.
- i) Women Prisoners. Against the sanctioned capacity of 146 inmates, at present there are 92 women prisoners, were there in jail, on date of visit. There are 4 female warders in position. There are 12(0-6 years) children with their mothers. Young women are kept separately for different care.

A ten bedded indoor hospital in female enclosure is available, but because of lack of staff, it is non functional. One lady doctor on deputation, visits twice a week, for the pregnant and other women prisoners. One ANM is available every day, in the women ward. Under the National Urban Lively hood Mission (NULM), a training program for lady prisoners is being organised. 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.

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

The scale of diet includes 250 gm. Rice, 250 gm. Wheat flour, 60 gm. Lentils, 100 gm of Gram flour/ gram/ sattu, 100 gm lentils, along with 100 gm. of potato and 200 gm. Of green vegetables and 60 gm of jaggery makes it a about 3500 calories on average with 60 gm of proteins which is reasonably a balanced diet. Once a week, non vegetarians get 100gm of chicken/fish/mutton. The vegetarians instead get Kheer of 25 gm arwa rice/100 gm of paneer, once a week. The food menu is 25 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 gm) along with 150 gm 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-II. 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 store, where losses because of pests infestation was mentioned to be 4 -5%. But no official document was produced before me to confirm the loss percentage because of pests and thefts.
- b) the food is prepared in 3 kitchens in the jail for preparing the food, with chapatti making machines and LPG cooking by burners. The inmates are given 100 gm of chana (gram)/ Sattu/Chura (bitten rice)/Murhi (roasted rice along with jaggery with tea in the breakfast around 6-8 am depending upon the sunrise time. During lunch, which is given around 11-12 am, 250 gm cooked rice along with 100 gm 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 chapattis of 50 gm each, along with potatoes 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 2690 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 600 kg of Atta is kneaded by 5 pm. The Chapatti making machine has a capacity of 1000 chapattis per hour/ machine. For 2400 inmates it required, about 12000 chapattis have to be prepared in about 3 hrs. There are 2 kitchens catering for hospital and ladies wards separately. Therefore for the evening meal of chapattis,

preparation starts not later than 1 pm and food is served by 6.30 pm. 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 chimneys, 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. 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 kneader is required, if food is expected to be served with in 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 with in 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. Than 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 cup-board for keeping cooked food, fresh and safe.
 - v) Cleanliness was not up to the mark. Some sort of training program for jail personal and convicts employed for food cooking is the need of hour. Although jail administration has mentioned that training is being imparted to the convicts but much impact in at least cleanliness was not seen.
 - vi) One positive feature is that each set of 4 wards , a dinning hall is there or being constructed. Once all wards have this facility, it will increase the cleanliness of wards if food is served there to prisoners and many may get hot lunch.

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 sufficient. Although an assessment of water requirement has not been done but for 3000 capacity jail and 250 jail personal who reside in the campus, the requirement of 200litres/person /day, minimum requirement 6500 k. Litres.

Periodic cleaning of water storage tanks is 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 215 cage latrines and 200 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 2 cage latrines which is normally used between Sunset to Sunrise, the time when the inmates remain locked inside the wards. There are 40-52 inmates in each barrack and night time there are 2 WCs in the ward. Each ward should have at least 2 cage latrines instead of one. The cage latrines practically are in working conditions. The bathing area and toilets for day time use in good condition.

Only 30% 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 do provide for covered cubicles for bathing @ one for every 10 prisoners. No 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.

2 set of 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 many 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.

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 200 bedded hospital with facilities of indoor, outdoor and emergency services. At present there is overcrowding but with opening of mental illness ward, this will end. But even than 200 bedded hospital, if fully functional would require at least 30 medical officers including medical, surgical, orthopaedic, ophthalmic, anaesthesia specialists. Part time dental, ENT surgeons are also required, along with general duty doctors. Government has created about 18 positions, majority of them vacant. The arrangements for blood examination, x-ray machine, EKG, dental chair, ultra sound machine were not available. If properly planned, this hospital should be able to cater 95% need of inmates, but the place is not able to cater more than 30% need and outside help is needed. 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 providing food to prisoners in jail hospital, but it also lacks with requisite number of taps on the platform, a chapatti making machine, chimney etc. 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 140-150 inmates came for Out Patient Department (OPD) treatment, 139 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 within 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 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 13 patients with Tuberculosis and 1 from HIV/AIDs. Isolation/ segregation of patients suffering 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.

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 Hand loom, power-loom, blanket making unit, oil extraction unit, off-set printing press 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 has directed that wage rates have to be equitable. The expenditure incurred on food is 39 Rs. per day, which is not being deducted from the daily emoluments. The inmates now, are paid at the rates given below in the table.

Trainee unskilled	or	91 Rs
Semi worker	skilled	113 Rs
Skilled worker		144 Rs.

. The 20% of the total earned goes to the victim or his family. 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 10 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. Large no of convicts have been employed in regulatory works, like ward guards or incharge, kitchen, gardening and cleaning work. At present the convicts are working in following type of work as per the table below:

Sr no	Work done	No.	Remarks
1.	Office Work	14	
2.	Work in Kitchen	90	
3	Godown of Food	14	
4.	Cleaning	159	
5	Gardening	125	
6.	Ward Incharge/ Gaurd	92	
7.	Blanket and cloth making	262	
8.	Tailoring	16	
9.	Construction and repairs	17	
10.	Soap making	09	
11.	Printing Press	34	
12.	Flour Mill	01	
13.	Facilitate interview	13	
14	Help in Court work	10	
15	Special search Operations	15	
16.	Washing of Cloths	01	
17.	Guard outside wards	46	
18.	Assistance in Hospital	11	
	Total	929	

It seems large no of convicts are employed in maintenance and regulatory administration of the jail. About 591 convicts are used for such activities, such as office work, kitchen, store, gardening, ward- incharge, court assistance. Only 338 inmates are in the production activities. I have nothing against so many inmates employed for gardening and cleaning , but the outcome was not really seen. Even 90 inmates in food preparation or kitchen seems to be too many, when lot of automation has been done in chapatti making. 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 more than 1340 and production that way is much lesser. It would desirable that all 1340 prisoners who are supposed to be in rigorous imprisonment be used and also the inmates in the regulatory work there could be some reduction as there does not seem to be enough work in kitchen , gardening and cleaning activities.

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 not 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 Indira Gandhi National Open University(IGNOU) for Computer Literacy Programme, Advance Computer Programme (Vedanta Foundation). There ia Total Literacy programme for illiterate and dropouts. There is provision of education through National institute of Open Schooling (Secondary and Sr. Secondary). Further higher education through IGNOU, special study centre and training in vocational subjects is by NULM.

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 140-150 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. 40-50 requests are turned down because of limitation of time and non availability of valid i-cards. It has been gathered that under trial can meet once in 7 days and convicts once in 15 days. .

14. Visits/Inspections during last one year.

It has been informed that the judicial authorities had visited 8 times in last year and among the non judicial authorities, there have been 7 visits in last one year. The visit of local N.G.O. or social activists in jail is very little. 2 NGOs , Vyakti Vikas Kendra, NLUM are involved in social activities. The board of visitors was last constituted in 2004. 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 3469 inmates. The major problems according to me are 6:

1. The suppression of voice of protest by transferring prisoners from one jail to far off place and simultaneously to cell is to be really kept under close eye by the IG of Prisons and visitor to the jail. All such shifts should be discussed by a committee which could have judicial officers and IG prison and not solely left to the Jail Suptd.
2. 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 hand-loom, power-loom, printing, tailoring, cooking are required to upgrade skills and 5 to 6 fold increase in production can be achieved.

3. The hospital has many positions already created. If it is properly made functional, it can be even used for training of nursing and other paramedical courses and the inmates may be required outside specialised consultations for less than 5 % cases and eventualities where a tertiary centre help is required. Creation of posts of 2 Psychiatrists and supporting staff is required with large no of such cases.

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.

6. Lighting in wards need to be improved.

7. One inmate requires help in arranging a bail bond for release may be helped as per law by jail authorities.

4/15/2017-1 AM For n. a. pt.

Director(A) 11/7

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Report on the visit of Dr Vinod Aggarwal, Special Rapporteur ,Central Zone-1,NHRC to Women Probation Home,Namkum, Ranchi, Jharkhand.

I visited this Central Jail on 22th June, 2017, to understand the living conditions of the inmates of this probaton home and see whether rights of theirs are being respected by the probation home 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 Superintendent of the home Mrs Amita Ekka and teacher Smt. Jaya kumara Sinha and crafts instructor Smt. Akhtar Bani . The inmates also met me during the visit to various rooms and both the floors. Based on the information furnishished I record my observations as follows:

11/7/17

1. History of the Probation home

This home was established in the year 1982, while became functional immediately. One more home started at Deoghar at the same time has been closed.

2. Land, Campus and Buildings

The premises is spread over 1.2 acres and land is not available for expansion and development of newer facilities. The Building size is 253 ft by 70 ft.. It is a double storey building. He ground floor has, 14 rooms for normal 2-3 inmates. The ground floor has 2 halls for mentally ill or retarded inmates. It has further 2 store rooms, sewing room=1, kitchen =2 rooms, office=2 rooms, and toilet block. The first floor has one big recreational hall, sore=1 room, beauty parlour training centre=1 room, legal aid= 1 room, doctor's room=1, hall for class, video conference room, computer room, rooms for inmates=7, toilet Block. The dimension of inmates' room is 12' * 10' and they number 21 and can house 63 inmates. Besides theses rooms the mentally challenged inmates are kept in 2 halls on the ground floor. At present there are 77 inmates with 3 children. As such problem of seepage, leakage is not there. The flooring is of cement. Ceramic tiles for all the

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wards for better and easier maintenance, when next major maintenance of jail is undertaken. Each room housed 3 inmates and has cots. Inmates keep their belongings in slightly more organised as compared to jail and can have open rack to keep their things, they are allowed to have bags with lock and key. The home has been provided with a silent generator and inverter.

3. The Sanctioned strength.

The sanctioned capacity is 100, but the actual strength on the day of the visit was 80 (79 females including 2 female children + 1 male child), which included 11 mentally sick. And 3 suffering from T.B. The details of Inmates in brief is as follows:

1. Lost and found girls = 11
2. Lost & found mentally disabled and Hearing impaired = 26
3. Kept under security under court's orders = 36
4. Involved in Murder and criminal charges = 04.

Brief details of each category of inmates is given below:

S n	Name	Age	address	D.O. A	Orders Of	Remarks
1	Ganga	19	Tata	6-05-03	Children home Chennai	
2	Saraswati tudu	18	Unknown	20-12-4	SDO Ranchi	
3	Khushi	12	Unknown	27-9-05		Born in home
4	Phoolmani	30	Unknown	13-01-6	SDO ranchi	
5	Simmi	16	faisalgunj	12-05-8	Nirmal chaya	From Delhi
6	Amisha	13	Tata	24-12-9	SDO ranchi	
7	Sarita	15	Jamui	13-3-10	SDO ranchi	
8	Puja	15	Unknown	14-11-11		
9	Puja kumar	17	Vaishali	11-9-13	SDO ranchi	
10	Soni	20	Unknown	03-1-14	SDO ranchi	
11	Mariam	16	Ranchi	14-6-17	SDO ranchi	

From above table, it is clear that such destitute girls who are generally found in Ranchi are sent here. Once they reach here if they are not recognised by the family, they keep on staying here for years together as 5 of inmates out of them are here for

last 10 years or more. Out of remaining 6, four are here for more than 5 years.

36 girls generally aged less than 18 are been sent here to be kept in safety away from their families. They are mostly the cases of love marriage, where girls have eloped with their boy friends and married them. Their cases are pending in court. Till the safety of the girl is ensured or case continues theses girls are kept in the safe custody as per the orders of the court.

There are 4 girls/female under-trial on probation who are involved in arms act, murder cases, etc.

4. Administrative Staff

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

Sl. No.	Designation	Sanctioned	Posting	Vacant	Remarks
1.	Suptd. cum chief probation officer	01	01	0	Smt.Amita Ekka is in addl. Charge since 2009
2.	Teacher	01	01	00	Smt. Jaya Kumari is in since 1984
3.	Craft Instuctor	01	01	00	Smt Akhtar Bano is there since 1985
4.	Gate Keeper	01	00	01	Rupas Ruda works on daily wages
5.	Cook	01	00	01	
6.	Lady caretaker	01	00	01	5 working on daily wages
7.	driver	00	00	00	1 on daily wages
8.	Computer Operator	00	00	00	1 On daily wages
9.	Para Teacher	00	00	00	1 working
10.	Male Home Guard	00	00	00	6 working
11.	Female H. Guard	00	00	00	4 working
12.	Off. Peon	01	00	01	
13.	Sweeper	00	00	00	1 on Daily wages
	Total	7	3	4	20 working without post on daily wages

From the above table, it is quite clear that there is understaffing and immediate measures are required by the State Government with the assistance of recruitment authority to appoint the personal on the vacant positions. The post of Head

warder, Warders, Clerk and Computer Operator and lady caretakers need to be created. With daily wage workers and some work being taken from inmates there is really no understaffing. A social worker, psychologist on part time basis need to be appointed to counsel the inmates. The Psychiatrist and other physicians on deputation for weekly visit may be assigned to civil surgeon. At present once a month visit by a lady doctor is being assigned.

The service conditions of the personal is almost similar to the jail service of the State Government. The service rules had been framed recently, but morale of the staff, because of large no of vacancies and large no daily wagers, was in general low and it had lot of impact on the efficiency of the Probation Home.

The human resource development of the Probation home, personal is a subject under consideration of the Government and institutional arrangements for training of officers and other staff are being attempted.

For rehabilitation of inmates, the Probation Home has provision of training in, course of beautician, Besides these it would be desirable to start skill development in

- i) Tailoring and stitching
- iii) Screen printing
- iv) Flyleaf Making unit
- v) Printing and Offset printing

Once training are imparted in these trades and many these units are developed it would engage 100% inmates It would be of use that 6 month training imparted with formal certificates could be granted in above subjects. For rehabilitation of few of the inmates who have committed crime or destitute without family, 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 them. 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 inmates or destitute brought to main stream.

5. Right of food to Inmates:

The scale of diet includes 230 gm. Rice, 200 gm. Wheat flour, 60 gm. Lentils, 100 gm of Gram flour/ gram/ sattu, 60 gm lentils, along with 120 gm. of potato and 380 gm. Of green vegetables and 30 gm of sugar makes it a about 2500 calories on average with 60 gm of proteins which is reasonably a balanced diet. Twice a week, non vegetarians get 115 gm of chicken/fish/mutton. The vegetarians instead get suji ka halwa of 60 gm of Suji, once a week. The weekly food menu is enclosed as annexure -I. The important part is that in actual practice the food to scale is provided or not, is to be seen by probation home authorities, the Deputy Commissioner and State home Department..

- a) The storage of food grains and other such commodities was done in a separate store.
- b) The food is prepared in the kitchen and there is no automation or even cook is not there. For preparing the food LPG cooking by burners are there. The inmates prepare their own food. The kitchen was clean, but cleanliness can be improved further. The kitchen had some modern facilities and wash basin is on cooking plat form.
- c) **The kitchen has no chimneys should be installed immediately in adequate numbers. Fly proof automatic closing doors have not been installed. 2 exhaust fans are working in the kitchen.** The 100s of flies were seen in the kitchen where food was being cooked. The kitchen has a mixer and grinder, with 2 taps and 3 hot plates. The utensils are aluminium and Steel. Modern kitchen equipment under a trained cook where girls could learn cooking should be thought about by the probation home management.

6. Water Supply and right to water of the inmates.

One deep boring along with submersible pump is in working condition and piped water supply is also there, which is sufficient. Although an assessment of water requirement has not been done but for 100 capacity jail and 10 personal who reside in the campus, the requirement of 200litres/person /day, minimum requirement 24000 Litres. The water for drinking is with R.O. system and potable.

Periodic cleaning of water storage tanks is done.

7. Sanitation, Personal Hygiene & Clothing.

The probation Home had 2 toilet blocks, one each on the each floor. These toilet block had 13 latrines and 15 bath-rooms are in working conditions.

The bath-rooms and latrines have ceramic tiles up to the height of one metre from the floor level. The home do provide for covered cubicles for bathing @ one for every 6 inmates. No 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.

2 set of clothing are provided to each inmate as per practice. None of the inmates complained about the non provision of clothing although few of them were found wearing other than probation home cloths which was pointed out to the authorities. The administration ensures that each inmate washes her 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 and bathing soap once in 15 days is provided to each one of them. Tooth brush, tongue cleaner once in 2 months, tooth paste, 100 gm once a month, Coconut oil 250 ml/ month, is provided. All the inmates are given, bucket, mug, comb along

with powder in summers and cream in winters, along with sanitary napkins as per requirement.

There is no mechanized laundry in the Home. The authorities were requested to set up a mechanised laundry installed so that the bedding and other items like blankets and bed sheets are washed regularly. Along with clothing of inmates can also cleaned.

8. Health & medical care

The probation home is visited by a general duty doctor once a week. Infectious patient are segregated, at this juncture 3 patients with Tuberculosis are Isolated. 11 inmates have mental illness, who are visited by a Psychiatrist once in 2 2 of the inmates, one each in the year 2015, and 2016 have died natural death ,due to illness in the Ranchi Medical College and hospital. There is one case of escape in the year 2016 from the probation home.

9. Children living with Convicts (mother)

Children from 0-6 years are allowed to stay with their mothers. Every such child staying with mother has a right to requisite food. The sports goods or such desirable equipments are also provided to such children. Here are 3 children with their mothers at present. Other 3 are expectant mothers, who are taken care by the lady doctor who visits once a week.

10. Educational Facilities to the prisoner, whether convicts or under-trials.

The inmates have the various options for crafts/Computer/Beautician/Painting/Singing. The option of education from Class one to intermediate is also available. Such girls going to school or college are accompanied by a female caretaker. 7 inmates and 3 are attending school and college respectively. Yoga and physical training is going to start in near future..

13. Interview facility provided to prisoners.

As per probation manual and also e mulakaat (video – conferencing facility through pragya Kendra. About 4-5 such requests are received daily which are disposed of as per practice of interview twice a week. It has been mentioned by authorities that very few of the requests have been turned down. 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 11 times(Once a month) in last year and among the non judicial authorities, there have been 3 visits in last one year.

General Remarks

This is a central jail with almost a capacity of about 100 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, care-takers and cook, Besides these, we need to upgrade skill.
2. The usage of convicts and under-trial and destitute for meaningful productivity is another area where probation home administration should look at actively.
3. There is only one probation home in the state i feel each district should have 100 seated probation homes. The Divisional HQs should have a bigger probation homes of 200 capacity. The state capital should have even bigger home.