

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

I visited this Central jail on 12 th Oct, 17, to understand the living conditions of the prisoners and under-trials 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 District Magistrate and Jail Superintendent Mr V.K Arora of Central Jail and 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 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 19 th century and is one of the earliest jail in erstwhile Bihar. As the jail has been established long back, The Jail building is in very bad condition.

2. Land, Campus and Buildings

The premises is spread over 60 acres and abundant land is available for renovation or new construction. The age of the buildings is not known, but many of them have been closed because, it is dangerous to live in them. The dimension of prisoners' ward are of various size and capacity, generally for 40-60 inmates. The entire jail can house 1126 inmates, but at present, because of inhabitable condition of many wards present capacity has been reduced to 777 only. The present occupancy given by Jail Suptd. is 887 Males only, which is 13 % more than the capacity.

As such there is bit of congestion in the wards as the buildings have been built long time back when parameters were not defined that clearly. The perimeter wall is located much more

20 metres from the wards. Although buildings and wards more than 150 years old. Many of wards are in bad condition and it is unimaginable, that a building can be quite habitable after a life-span of 150 years. Most of the buildings and wards, there was seepage and lack of maintenance. Although the jail administration has said that enough light and ventilation is there but provision of light is minimal but most of the ventilators are broken, as window panes are not there. My feeling is that part of the building may be converted into a museum and other may be raged and reconstructed. If funds permit than there is a need to convert this all structure into a museum to see how prisoners were kept in the 19th century.

There are 05 wards and 80 special cells in this prison. As mentioned most of wards are vintage of mid nineteenth century. and cage latrines are in very bad condition, difficult to use, it is required that a committee of senior officers of jail, home departments and judiciary be made to look into the jail wards and see whether all of them should be retained or at least few of them be dismantled and whether a new jail or at least few new wards be built. The committee should have representation of BPRD of Govt. of India.

As such problem of seepage, leakage is quite a lot. The flooring was of cemented or mosaic in the hospital and kitchen had tiles but they have also become very old. It is suggested that the this building should be as early as possible be left and not used for jail as it is very old and be left for heritage and new modern jail be constructed. There is recent incident of jail break, and prisoners taking advantage of fog in winters and escaped as the jail is on the bank of river Ganges, which further increases the fog in the winter months. The jail administration was mentioning that in winters fog is that much, that, it is difficult to see, even at a distance of 10 metres. There is need for some special techniques to keep a watch on the prisoners during the time fog is excessive and jail authorities is able to keep an eye on the inmates.

3. The Sanctioned strength and Average population.

The sanctioned capacity of the prisoners in about 1126, (777 at present). The actual strength on the day of the visit was 887), which included, 437 under-trials, 450 convicts. Out of 450 convicts, 2 are under CCA, 368 are with life imprisonment, 448(Including 368 life convicts) with rigorous and 02 with simple imprisonment. The daily average strength of inmates in the previous month was 865. It was informed that since the new law about prohibition has come in 2015, it has increased pressure on all the jails. The wards meant for 60 inmates in actual there were 70 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	00	02
3.	Asst. Suptd.	07	01	06
4.	Accts. Clerk	01	00	01
5.	Chief Heaad Warder	01	00	01
6.	Head Warder	23	17	06
7.	Warders	180	24	156
8.	Home Gaurds	65	37	28
9.	Special Security	20	00	20
10	Driver	02	01	01
11	Barber	05	01	04
12	Sweeper	20	08	07
13	Medical Officers	04	03	01
14	Compounder	03	03	00
15	Dresser	03	00	03

From the above table, it is quite clear that there is gross under-staffing. Out of 344 sanctioned posts only 97 functionaries are in position and immediate measures are required by the State Government with the assistance of recruitment authority to appoint the personal on the vacant 247 positions. The number of head warders, warders, assistant-superintendents, sweepers are grossly inadequate. Few sweepers are although in position but cleanliness left lot to be desirable level of cleanliness. The

state government has taken 2 male doctors on contract and 24 armed guards are on deputation, from Bihar Police. To augment the numbers of warders, out of 156 vacancies, 29 are filled by employing retired military personal. Another 37 vacancies are filled by using Home-Guards. 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.

The jail Supt. has not mentioned about, posts of Video conference and computer operator etc, who should be appointed on regular basis. As the jail has its own spinning, weaving units and old oil extraction and wheat flour unit. It is required that some posts for supervision may be created, by reducing some posts of warders and posts are created to train and get much more production from 448 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 Gaya central jail could was raised with Inspector General of Prisons.

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. The state training institute is being established at Hajipur. It is expected to start training in near future. This will impart training to all ranks of personal from Jail. At present the Jail superintendents got trained in other states, wherever a place for training is available. Present Jail Suptd. got trained for 6 months at lucknow out of a 2 year training program months There is 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.

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 is much lesser

The jail has about 448 convicts but it has very small employment generation till now and production potential has'nt been tapped to the extent should have been attempted. I find that no of inmates used in for assistance in hospital, are at-least more than double of the requirement. The inmates used in cleaning, kitchen are also many and it seems that the jail authorities are really not interested in having production units for setting up a unit of an Off-set printing press, more hand loom and power-loom units along with other trades because that is going to increase the workload of near depleted personal. Besides these it would be desirable to start.

Hand-loom weaving.

Power-loom weaving and cloth making.

Steel furniture unit.

Carpentry works

Tailoring and stitching

Carpet weaving

Flyleaf 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) The certificate program could be weaving whether on hand loom, power-loom or for jute weaving.
- b) Tailoring and cloth designing could be a 2nd program
- c) Carpentry and steel works could be 3rd certificate program
- d) 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 these 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 atleast 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) Rights of under-trials , for speedy trial,
- e) Right of bail for under-trials, and parole and remission for convicts,
can be considered as rights of prisoners.

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
Upto 3 Months	263
3-6 months	68
6-12 months	35
1-2 years	38
2—3 years	08
3--- 5 years	21
Above 5 years	04
Total	437

About 60% under-trials (263 out of total 437) have a detention period of less than three months. Only 1% of under-trials are under detention for more 5 years. About 84 %(366 out of 437) are in the jail for less than one year. It seems that their cases especially of more than 5 years can be studied by NHRC for directions to the concerned authorities for their speedy trial. But it is common problem across the state that as the review by the visitor not appointed or otherwise, the judicial officers assigned to jail to look into their job may not be performing their duty to the extent required

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 remands are being granted on video conferencing. This has reduced bit of pressure on Jail administration that they donot have to produce the prisoner by personal appearance before the

court. But this video- conferencing facility is being used for about 1-2 hrs, as hearing of cases, statements of witness are not being recorded in courts as the lower and middle judiciary are 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, once every month in the jail premises. None 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 about, 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 none 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 to appeal.

There are about 211 appeals are pending in the high court. The 5 oldest appeals are more than 8 years old. It is clearly suggests that the 50% appeals are of last three years duration but about 35% appeals are more than 5 years old. I was told a report also has been sought by Supreme Court Judge honourable Deepak Mishra about pendency of appeals at various levels.

Although jail suptd has mentioned average duration of appeal is 2 years but on further questioning he was not justify his figure. The matter may be brought before the Commission and if they feel matter has special requirement and be further investigated, then it will be done from the jail, but I was informed that, there is gross under staffing. Only one clerk is in position and there are not many personal including assistant jailors are in place. Adjournments sought by the advocates seems to me, major reason for delay in disposal of cases where the Judges and advocates have to sit together to work on a system where adjournments are not granted on frivolous grounds.

5.4 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 is no cases is pending before the SSRB from this Jail.
- c) The meetings of the SSR Board are being held in the state and the last meeting was held on 27 th April, 17. It is high time that next meeting is scheduled. It is felt that cases are supposed to be studied in detail, so that matter should be disposed of by the SSRB. The jail administration feels that rules for release should be further liberalised.
- d) Custodial Deaths. There are 13 custodial deaths which have been reported by the Jail authorities in the last 3 years. The report, show 2 case of unnatural death and cause of death was in remaining 11 cases has been natural diseases and place of death is the District hospital or PMCH. The Jail administration said they have submitted reports to NHRC and cases have been closed.

- i) There are 5 escapes reported from the prison/ escorts in last 3 years. The incident happened on 30-12-16, last year, when there was new year revelry and lot of fog was there.
- j) No Women Prisoners in this jail.

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 gm. 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 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 -1. 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 more inspections of food by higher officials are required.

- a) The storage of food grains and other such commodities was done in a separate storage, where losses because of pests infestation was informed 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 kitchen in the jail for preparing the food. The chapattis are made by hand without Roti making machines with the help of LPG burners. The inmates are given 100 gm. 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 gm. cooked rice along with 100 gm. of lentils and green vegetables are given. The dinner is to be distributed before sunset in form 4/5 chapattis of 50 gm. each, along with potato subji and green vegetables. Food is prepared in the kitchen with out any mechanization and chapattis are made manually which requires at least 4 hr. to prepare sufficient chapattis. The cooked chapattis were lying on the floor of the kitchen. The kitchen had no modern facilities, like but washing of food articles was done in old practices.
- c) The kitchens have no chimneys, exhausts fans, fly proof automatic closing doors. The Kitchen floor was so dirty that it was difficult to make out whether it is made of impermeable material or not. No containers of stainless steel to keep the chapattis. And other prepared food. It was informed that a modern kitchen is in process of construction. The 1000s of flies were seen in the kitchen where food was being cooked. The floor of kitchen could not be seen because of it being unclean. Although a platform for washing, cleaning and cutting vegetables was there but no water point and washing bays were provided on the platform. That means washing and cleaning literally cannot be done on the platform. Cooking and serving utensils are old ones and not of stainless steel and are of Aluminium.

Following may be attempted.

A modern kitchen with sufficient facilities as per BPRD norm is the need of this Jail.

- 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.
- i) There need of stainless steel storage and serving utensils must be made available along with modern facilities like hot case for keeping cooked food, fresh and safe.
- ii) Cleanliness was very poor. Some sort of training program for jail personal and convicts employed for food cooking is the need of hour.

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

One deep boring along with submersible pump is in working condition and supply of water is sufficient. Although an assessment of water requirement has not been done but for 887 capacity jail and 100 jail personal who reside in the campus, the requirement of 200 litres/person /day, minimum requirement 2000k.Litres At present water quality is not been tested.

Periodic cleaning of water storage tanks is done. The water is abundantly available, as piped water, in the toilets and for bathing and cleaning of clothes . Although cleanliness around the source of water is being attempted but more efforts are required.

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 only 15 cage latrines and 35 outside the wards and most of them are in working conditions,. If I have to answer the question whether sufficient cage latrines are there in place, my reply is no.

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 50-70 inmates in each barrack and night time there is only one WC in the ward. Each ward should have at least 2-4 cage latrines instead of one, based on number of inmates in each ward. The cage latrines practically are in working conditions. Needs an improved version and increase in number of cage latrines is required need. And bathing platforms 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. 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.

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 bedsheets are washed regularly.

9. Health & medical care

Jail has 83 bedded hospital with facilities of indoor, outdoor and emergency services. But 52 bedded hospital, if fully functional would require at least 7-8 medical officers including medical, surgical, orthopaedic 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.

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 30-35 inmates came for Out Patient Department (OPD) treatment, 45 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. 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. Daily average OPD of inmates is 50. 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 1 patients with Tuberculosis and 2 from HIV/AIDs .Isolation/ segregation of patients sufferings from infectious diseases has been done. 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 not 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 14 mentally ill persons who are under detention. The IG Prisons has not visited u/s 39(1) of mental Health Act 87, as per the statement of Jail Suptd. A psychiatrist from Bihar State Institute of Mental Health and allied Sciences 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 but as there are no women inmate, therefore at present children are also not there.

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

This central jail has yarn reeling, hand-looms, and power looms. The power looms are very old. 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 is paid at the rates given below in the table.

Trainees	103Rs
Semi skilled worker	112Rs
Skilled worker	156Rs.

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 is much lesser

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

The prisoners or under-trials have the various options for Yoga, physical training. Gymnasium, music and library. They can also enrol through Nalanda Open University, NIOS. Canteen facilities are available to the prisoners.

13. Interview facility provided to prisoners.

As per jail manual, e-mulakaat (video –conferencing facility through pragya Kendra) and telephone booth facility is available to the prisoners. The V.M.S. system is available to the relatives for granting interviews, about 80 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 five times in last year and among the non judicial authorities, there have been 2 visits. The board of visitors was is in process of constitution. 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 1200 capacity 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, hand looms, phenyl and caustics, printing

,carpentry are required to upgrade skills and 5 to 6 fold increase in production can be achieved.

2. The major parts of buildings, is very old, about 150 years is the life of jail, and buildings are in state of disrepair, poor and shoddy maintenance. The flooring of cement is damaged. Many places windows and ventilators are damaged. The toilets old fashioned and can't be really converted in modern one. The cage latrine maintenance need to much better. The no of bathing space and toilets are much lesser in number. This place either require major renovation or new construction after dismantling the present one.
3. The use of convicts and under-trial for meaningful productivity is another area where jail administration should look at actively. The power-looms are more than 100 years old and need replacement.
4. 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.
5. Last, but not the least, the lighting is very poor in the jail. Need to be improved tremendously. Because of Jail on the Bank of a major river, where , in winters tremendous fog happens every year, special measures to improve visibility are required urgently.



Dr Vinod Aggarwal
Special Rapporteur

Report on the visit of Dr Vinod Aggarwal, Special Rapporteur, Central Zone-1, NHRC to Buxar Open Jail Buxar, Bihar.

I visited the Buxar open jail on 12th Oct, 17, to understand the living conditions of the prisoners 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 District Magistrate and Jail Superintendent Mr V.K Arora of Open Jail and other functionaries of this jail. The prisoners 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 about 5 years and came into being as one of the earliest open jail in India and definitely the only one in Bihar. As the jail has been established recently, homes made inside Jail Campus although only 5 years old but require some repair.

2. Land, Campus and Buildings

The premises is spread over 45 acres and abundant land is available if Government want to increase the size of open jail. The age of the buildings is only 5 years but many of them need major repairs because, the low quality construction has been done. The dimension of prisoners' home are One Bed Room apartment, with one kitchen, living room and toilet of about 800 sq. Feet. There are 13 blocks of 8 such units, which can house 104 prisoners with their families. The present occupancy is 61 only, which is about 60% of the capacity.

As such there is no congestion in the unit which is well designed. Each building has been built recently but there no laid down parameters by BPRD. All states who have developed the

open jails have different pattern. The perimeter wall is located quite faraway from these units. The structure and design is quite adequate for a family of 4. But a model should have been developed by BPRD and handed over to the state Governments for implementation. The Jail authorities present during my visit informed me that their model has been appreciated in the country and may be replicated at other places in the country. As such local Jail administration was not aware whether same model is further taken up in the state or not.

As such problem of seepage, leakage is not there. The flooring is of tiles and kitchens are provided with slabs and LPG stoves. The boundary wall is there as the inmates who go out for work have to come back and get their return time documented at the gate office.

3. The Sanctioned strength and Average population.

The sanctioned capacity of the prisoners in the jail is about 104, (61 at present). The actual strength on the day of the visit was 61 convicts and their families. Here the process of selection of convicts is quite cumbersome and so why many times the jail is not filled fully. Many times the convicts from far flung region of this big state are not keen to come to the western border of Bihar as they could be away from their homes by 500-600 km from far east, north east and south east of the State. There is need for 2 such jails in North Bihar and one in Bhagalpur area so that the convicts can also choose area near the home dwellings. As there are no under-trials in this there is no need of segregation

4. Administrative Staff 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.	Asst. Suptd.	01	00	01
3.	Clerk	01	01	00
4.	Head Warder	04	03	01
5.	Warders	18	06	12
6.	Home Gaurds	01	01	00
7.	Lady warders	03	00	03

8.	Barber	01	00	01
9.	Sweeper	05	00	05
10.	Medical Officers	01	00	01
11.	Compounder	01	01	00
	total	37	12	25

From the above table, it is quite clear that there is understaffing. Out of 37 sanctioned posts only 12 functionaries are in position and urgent measures are required by the State Government with the assistance of recruitment authority to appoint the personal on the vacant 25 positions. The number of head-warders, warders, are grossly inadequate. Few sweepers are although in position but cleanliness left lot to be at the desirable level of cleanliness. The state government has kept one doctor on contract. 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 but specifically in an open jail where inmates are exposed to external atmosphere every day for finding work for them.

It is required that some posts for supervision may be created, by reducing some posts of warders and posts are created to train and get them employment in the nearby area.

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 Gaya central jail could was raised with Inspector General of Prisons.

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. The state training institute is being established at Hajipur, soon It is expected to start training in near future. This institute will impart training to all ranks of personal from Jail. At present the Jail superintendents got trained in other states. The

training program is for 15 days to 3 months. The home department should take lead for training in techniques to handle and reform the convicts to bring them into main stream of the society.

The jail has about 61 life convicts but the employment availability to the residents of the open jail is not much. Their major complaint was that they are not able to find the employment as people are reluctant to employ them and also at a comparatively early hour they have to report back, because of that employers find that their timings are not suitable for employing them in general population. This is an area where Jail administration need to work. There is also need to develop one or 2 in house industry where they can produce and sell.

The human Resources Development should be increased further for both inmates of open jail and the Jail personal.

- i) Hand-loom weaving.
- ii) Power-loom weaving and cloth making.
- iii) Steel furniture unit.
- iv) Carpentry works
- v) Tailoring and stitching
- vi) Carpet weaving

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

- a) The certificate program could be weaving whether on hand loom, power-loom or for jute weaving.
- b) Tailoring and cloth designing could be a 2nd program
- c) Carpentry and steel works could be 3rd certificate program
- d) Bakery techniques, and masala and oil grinding by their own training centres or getting them trained in the centre run by pvt, organisations.

For rehabilitation of prisoners, 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, for work and livelihood, they will need the assistance of the sociologists and psychologists. With the help of sociologists and psychologists there could be pool of entrepreneurs who are encouraged to keep convicts as workers in their factories/units/ land under the supervision of sociologists and psychologists, who should become a bridge between the reformed convicts and their getting reabsorbed in the society in general. The confidence of entrepreneurs to be won for at least 5 years after their coming to open jail. This is of utmost importance in the functioning of open jail.

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) 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.

a) Right for reasonable facilities of food, lodge, clothing, medical facility.

b) Right of parole and remission for convicts,

Right of speedy trial and right to be released on bail is not relevant in this jail. By the time a life convict is selected to come to live in the open jail, the right of convict To appeal against conviction is already been used.

5.1 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 is no cases is pending before the SSRB from this Jail.
- c) The meetings of the SSR Board are being held in the state and the last meeting was held on 27th April, 17. One inmate is because lack of police report. About 4 inmates, the proposal has been sent after conduct of last meeting as the last meeting was more than three months back, it is high time that next meeting is scheduled. It is felt that cases are supposed to be studied in detail, so that matter should be disposed of by the SSRB. The jail administration feels that rules for release should be further liberalised. There has been change in rules of release of prisoners especially live imprisonment convicts which is major cause of heart burn among prisoners. They were generally released after 14 years or 20 years at maximum. Now that is not the case.
- d) No Custodial Deaths in the open jail.
- i) There was 1 escape reported from the prison/ escorts in last 3 years, who was captured and shifted to regular jail.
- j) No differentiation of man and women prisoners as every convict is allowed to live their spouse and 2 children. At present all are male convicts.

6. Right of food of the inmates: 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 gm. 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. The ration is given for the inmates to the family in form of raw food on monthly basis for cereals, lentils, oil and condiments. The Milk, vegetables, eggs and non veg is supplied once in 2-3 days.

- a) The storage of food grains and other such commodities was done in a separate storage, where losses because of pests infestation was informed 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 by inmates in their own kitchen which is part of their one bed room flat, which has been provided with LPG burners.
- c) The kitchen in each flat is neatly built but has to be cleaned by inmate or his family. Containers and few utensils of stainless steel have been provided.

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

One deep boring along with submersible pump is in working condition and supply of water is sufficient. No complaint was raised by any resident about shortage of water. At present water quality is not been tested.

Periodic cleaning of water storage tanks are done. The water is available, but not as a piped water, 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.

Each flat has been provided with an independent toilet and bathroom. The flats looked clean , but some additional training of

family members would further improve cleanliness. Spraying of anti insecticides periodically would be a a useful step. The convicts don't have to wear 1 clothes as per the jail manual and therefore not applicable

9. Health & medical care

Jail has one doctor on contract, who runs the OPD. There is civil hospital and ambulance of the adjoining central jail is used in case of emergencies. Drug de addiction and counselling services 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 no mentally ill persons who are under detention. The IG Prisons has not visited u/s 39(1) of mental Health Act 87, as per the statement of Jail Suptd. A psychiatrist from Bihar State Institute of Mental Health and allied Sciences 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. But as this is an open jail, therefore even bigger children can stay. This jail is providing food, crèche and nursery education as being provided 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.

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

This open jail does not provide for production units. The residents are allowed to work in the general population. But they are finding difficulties in finding jobs, because of general

reluctance of people of employing the convicts. The other problem is the reporting back time for convicts is bit early which is not found workable by many convicts. 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 is paid at the rates given below in the table.

Trainees	103Rs
Semi skilled worker	112Rs
Skilled worker	156Rs.

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 is much lesser. It would be desirable that they should employ them who so ever is not able to find job outside, should be able to work inside the open jail premises.

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

The prisoners have the various options for Yoga, physical training. Gymnasium, music and library. They can also enrol through Nalanda Open University, NIOS. Canteen facilities are available to the prisoners.

13. Interview facility provided to prisoners.

As per jail manual, e-mulakaat (video -conferencing facility through pragya Kendra) and telephone booth facility is available to the prisoners. The V.M.S. system is available to the relatives for granting interviews, about 80 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. But in open jail its requirement is much lesser.

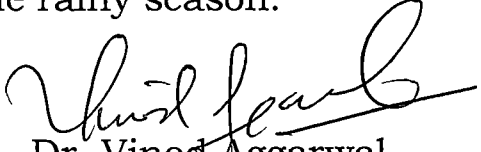
14. Visits/Inspections during last one year.

It has been informed that the judicial authorities had visited two times in last year and among the non judicial authorities, there have been one visit. The board of visitors is in the process of constitution.

General Remarks

This is an open jail with almost a capacity of about 104 capacity inmates. The major problems according to me are 2:

1. Shortage of personal is the biggest problem. Recruitment of personals is an important issue. There is need for creations of posts of sociologists, social workers, psychologists. Besides these, we need to upgrade skill and production centre. The greatest need is finding job and retention by the convicts for their livelihood.
2. The major part of building, is new, about 5 years old, despite of good design construction of poor quality, already require major repairs. Water-logging is another major problem. The Jail administration need to take steps to have solution of the problem of water logging.
3. The usage of convicts for meaningful productivity is another area where jail administration should look at actively.
4. The drainage system also needs improvement as there is problem of water logging during the rainy season.


Dr Vinod Aggarwal
Special Rapporteur