

Annexure - A
4/13/2016 - PRHP

VISIT REPORT NO. 6 /VR/SZ-1 OF 2016

**REPORT
ON VISITING**

**GOVERNMENT CENTRAL PRISON & CORRECTIONAL HOME
KANNUR**

BY

**JACOB PUNNOOSE, SPECIAL RAPPORTEUR,
NATIONAL HUMAN RIGHTS COMMISSION**

In accordance with the tour programme approved as per NHRC Ref No 16(4)/2016-Coord Dated: 6.7.2016, I visited the Government Central Prison and Correctional Home at Kannur on 22nd July 2016. The DIG Prisons as well as the Superintendent along with senior officers were present during my visit. All of them were extremely helpful in facilitating the visit.

2. The purpose of visit was to ascertain the condition of the prisoners with special focus on migrant labour from other states who are involved in crimes in Kerala.

3. This institution functions in a 70 acre Campus in Kannur with a 35 acre walled enclosure in which prisoners are kept. On the day of the visit, there are 1101 inmates of which 839 are convicts. The figure of 1101 includes 86 prisoners who belong to other States of which 47 are convicts.

4. During the visit I looked into the general systems of the prison and the general conditions relating to standards of accommodation, food etc of the prisoners and they were found to be satisfactory. I also held a special session to listen to the grievances of persons from other states of India who are imprisoned in the institution.

5. The facility for use of mobile phone is not given to the inmates. But they have a landline facility which they can use for contacting their friends and relations. During the visit none complained about any difficulty in this regard.

6. The health of the prisoners due to medical problems is far from satisfactory. Almost 60 suffer from heart diseases or hypertension. 3 have TB and 8, HIV. 1 Leprosy patient and more than 100 diabetics are there now. Medical care is being provided by 2 doctors and a support team of nurses and assistants. Those who suffer from diabetes are given diabetic diet. Alcohol related withdrawal symptoms cause serious problems. Within the course of the last two weeks, according to the Jail doctor, 5 prisoners had epileptic seizures on account of withdrawal and they had to be hospitalised in the district hospital. It is suggested that the Hon Commission may direct that when prisoners are brought in afresh to the prison, their drinking habits may be verified and precautionary medication and care administered to those who confess to be habituated to drinks. The possibility of starting a de-addiction centre may also be explored. (SUGGESTION 1)

7. Smoking is prohibited in the jail now though, till 2013, tobacco had been sold in the jail canteen. There is reportedly a problem of smuggling of drugs, including cannabis, which according to private admission by Jail staff is sustained by a conspiracy of silence by the inmates with none speaking out. The prison is guarded by the police outside and they frisk the visitors as well as inmates who come into the prison after being taken out for hospital or court related matters. Metal detectors are used at the entrance. CCTV systems are also in place in the premises. Sometimes the drugs are thrown over the compound wall from outside into the jail compound during the night to be picked up by the inmates later. Sometimes the inmates smuggle them inside while they return from court appearances. Sometimes visitors can bring them inside. It is suggested that the Hon Commission may direct the State Government to examine the possibility (a) of putting meshed net for a further height of 10 feet above the present walled structure so that throwing things above that may be rendered more difficult (b) of clearing and lighting up the entire periphery outside the wall and (c) of purchasing

and issuing whole body digital scanners for use while checking entry from outside changing from the present manual checking mode.(SUGGESTION 2)

8. Nearest referral hospital is Medical College Kozhikode which is 100 km away. On an average about 10 persons have to be sent to District Hospital and 2 or 3 to MCH. The Prison has its own ambulance, but I notice that getting police escorts for medical treatment of prisoners is a major problem. It is suggested that the Hon Commission may direct the State Government to ensure that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, treating this as a special priority. (SUGGESTION 3)

9. In the last two years, 11 persons have died while undergoing imprisonment. Three among these occurred while the prisoner was on parole. All other deaths occurred while under treatment. Abkari/NDPS act offenders are relatively small fraction of the prison population but it is seen that 6 out of the total 11 cases of death involve persons who had been accused in Abkari/NDPS act cases, underscoring the special need to be vigilant about the health condition of those habituated to drugs and alcohol.

10. I am advised by the prison staff that provisions exist enabling the Government to release those who are terminally ill. But if the original sentence had involved levy of a fine, then they can be released by Government only if they deposit the fine. This distinction seems unreasonable and seems anomalous. It is suggested that the Hon Commission may direct the Government to examine whether such discrimination is to be maintained in the matter of prisoners who are found to be terminally ill but cannot be so released since fine cannot be paid by them. (SUGGESTION 4)

11. There are quite a few welfare measures which are being efficiently run in this institution. An Indira Gandhi Open University Centre is functioning in the prison. 31 inmates have enrolled for University courses. An extremely important rehabilitation activity which has also got a high degree of social relevance is the food making unit "Malabar Freedom Taste Factory" functioning the premises of the jail. This is part of an all Kerala initiative started by Dr Alexander Jacob when he was DG prisons. The profit from the food making unit of this institution during the last financial year was a

whopping 210 lakhs rupees! This is a scheme well worth adoption in other states too. The prisoners also get a measure of self respect, social recognition and gainful employment. Members of public, who buy the food products, also develop a healthy empathy towards the inmates which can help in facilitating rehabilitation and thereby preventing recidivism. The prisoners are also running a **Gents Beauty Parlour "Freedom Expressions"** for the general public. This is said to be the first venture of its kind in India. The prisoners are also in the process of **building a big 10000 sq ft multipurpose indoor stadium** primarily using the expertise available within the jail. A work which would have cost the PWD at least Rs 200 lakhs is getting finished for 60 lakhs, i.e. the cost of construction material. It is suggested that the **Hon Commission may obtain a detailed report from the Government of Kerala on the above initiatives, get the details examined at the appropriate level and , if found appropriate, recommend the same for adoption in other states. (SUGGESTION 5)**

12. Remand Prisoner No 103/16 Aanand of Orissa is held for being involved in a cases of possession of illicit liquour. He has a condition suspected to be oral cancer. The Prison Medical Officer says that so far he has not been sent for expert examination for want of police escort. This is a serious matter. In cancer, early detection and treatment is vital. I have brought this to the notice of both the Superintendent of the Prison and the Medical Officer who were present when the prisoner made this complaint and they have promised to accord top priority for this. **The Hon Commission may take note of the situation and direct Government of Kerala to ascertain and report why in this and such other cases police escort is not promptly given for medical care of prisoners. (SUGGESTION 6)**

13. Remand Prisoner No 56/16 Sagar of Maharashtra is imprisoned for being involved in a case of cheating. He says that he is innocent and that he is implicated only because someone else from his native village who had been working in the same establishment had committed the cheating and had run away. He is in remand for the past eight months and he has none to take him on bail. He has been assigned a lawyer but he cannot communicate properly because of language difficulties. **The Hon Commission may take note of the situation and direct Government of Kerala to liaise**

with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance to represent his case effectively in court (SUGGESTION 7).

14. Remand Prisoner 610/15 Ramesh is from Karnataka. He is in remand for 13 months and he says he is held for being found with 3 litres of brandy at Kasargode. There is none to take him out on bail. He protests his innocence and says that someone had kept the bottles in the bathroom and that the case was foisted on him. The Hon Commission may take note of the situation and direct Government of Kerala to liaise with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance to represent his case effectively in court (SUGGESTION 8).

15. Convict No. 471/16 Ajabkumar Durve is from Madhya Pradesh. He is held for being found guilty of raping and causing pregnancy. He is saying that DNA testing will prove his innocence but this is not done. The Hon Commission may take note of the situation and direct Government of Kerala to have the truth of the allegation about non conduct of DNA test properly verified by a senior officer and to liaise with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance to represent his case effectively in court (SUGGESTION 9).

16. Convict No 3031 Bava Saheb is from Tamil Nadu. He is convicted in a housebreaking case. He says he has no case here now. He also claims that he has also fully served out the earlier sentence of 7 yrs meted out to him by Mangalore Third Additional Sessions Judge. The Superintendent present with me has promised to look into this matter. The Hon Commission may take note of the situation and direct Government of Kerala to have the matter properly verified by a senior officer and to consult relevant Karnataka authorities and to take immediate further action as may be found necessary. (SUGGESTION 10)

17. Remand Prisoner 748/15 Rabikumar is from Nepal and is under remand for 11 months now. He has not been able to obtain bail or engage a lawyer. I have brought this to the notice of the Superintendent who was present with me. The Hon Commission may take note of the situation and direct Government of Kerala to have a senior officer liaise with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance.(SUGGESTION 11)

18. Convict No 2339 Suresh is from Orissa. He requests for transfer to Berhampur Jail as his child is alone in Orissa. **The Hon Commission may take note of the situation and direct Government of Kerala to consider this request. (SUGGESTION 12)**

19. Remand Prisoner 1056/15 Sulfeekar Shaik is from Bengal. He is accused in a hurt case. He says he has no lawyer to represent him. The Superintendent has taken note of this. **The Hon Commission may take note of the situation and direct Government of Kerala to have a senior officer liaise with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance. (SUGGESTION 13)**

20. Remand Prisoner 104/16 Mohal Raval is from Assam. He is under remand for more than 8 months for being found in possession of 5 litres of liquor in a Tellicherry excise case. He complains about the pitiable plight of his mother and sister who have none to look after them

21. Convict No 68/16 Shashi Kapoor is from Orissa. He wants to be sent to a jail in Orissa. **The Hon Commission may take note of the situation and direct Government of Kerala to consider this request. (SUGGESTION 14)**

22. Remand Prisoner No 1255/15 Montu Naidu is from Orissa. He is under remand for more than 7 months for being found in possession of 7 litres of liquor in a Tellicherry Excise case. He has no lawyer. The Superintendent has taken note of this. **The Hon Commission may take note of the situation and direct Government of Kerala to have a senior officer liaise with the District Legal Service Authority to ensure that the prisoner gets proper legal assistance. (SUGGESTION 15)**

23. The visit was primarily intended to look into the problems of migrant labour. There are about two million of them in Kerala and a few of them get involved in crimes too. Those who get involved in crimes are a miniscule minority. But they have their own limitations while they encounter the criminal justice system because they do not have the kind of access possible for the local resident population to get social and legal support to present their version of the incident or situation.

24. In the individual grievances enumerated above, the Hon Commission may take appropriate decisions on the suggestions made. In individual instances there is

considerable difficulty in looking into matters which fall solely within the discretionary competence of the police and the judiciary. So the scope for detailed consideration of the grievances by other means is very limited.

25. However, viewed in totality, there are some discernible trends to the effect that migrant labour find it difficult to get bail with sureties; that their periods of remand awaiting trial tend to be much higher than that for local persons involved in similar offences; that incarceration puts their families to much more serious difficulties so that they cannot get competent legal assistance; that language barriers make it difficult for them to air their version or grievances before the police or the judiciary; that they are at a disadvantage when discretionary power is exercised by officials. These are serious human rights concerns. Therefore (SUGGESTION 16) it is also submitted that apart from the directions in individual instances, the Hon Commission may also a authorise a special detailed study on the protection of human rights of migrant labour in the operation of Criminal Justice System in Kerala.



JACOB PUNNOOSE IPS (RETD)
Spl Rapporteur, South Zone 1

VISIT REPORT NO. 7 /VR/SZ-1 OF 2016**REPORT
ON VISITING****GOVERNMENT WOMEN'S PRISON , KANNUR**

BY
JACOB PUNNOOSE, SPECIAL RAPPORTEUR,
NATIONAL HUMAN RIGHTS COMMISSION

In accordance with the tour programme approved as per NHRC Ref No 16(4)/2016-Coord Dated: 6.7.2016, I visited the Government Central Prison and Correctional Home at Kannur on 22nd July 2016. I have sent a detailed report on that visit separately. During the course of that visit I have visited the Women's prison also which is functioning in a separate place within the Central Prison premises but with separate entry and exit. The DIG Prisons as well as the Superintendent of the Women's Prison along with senior officers were present during my visit. All of them were extremely helpful in facilitating the visit.

2. The purpose of visit was to ascertain the condition of the women prisoners. On the day of the visit, there are 17 female convicts and 14 female remand prisoners held on the rolls. Among the convicts, 8 are held for murder, 4 are held under NDPS act, 2 under domestic cruelty, and 3 for trafficking. Among the remand prisoners only 11 are present, the remaining three having been admitted to the mental health centre at Kozhikode. 5 are held for offences under the JJ act while two are held for offences under Abkari Act. 1 is held under UAPA for participating in Maoist propaganda.

3. During the visit I looked into the general systems of the prison and the general conditions relating to standards of accommodation, food etc of the prisoners and

they were found to be satisfactory. I also held a special session to listen to the grievances of all the persons who are imprisoned in the institution. It is noticed that getting police escorts for medical treatment of prisoners is a major problem. It is suggested that the Hon Commission may direct the State Government to ensure that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, treating this as a special priority. (SUGGESTION 1)

4. Welfare measures are being efficiently run in this institution.

5. Among those in remand and present here, 9 have been under remand for less than 2 months. There are only two instances of remand period being in excess of that (excepting the case of the three in the mental health centre). These two cases relate to Ajitha and Sharamma who have been under remand from 10-4-2012 and 7-9-2014 respectively. In the case of Sharamma, originally from Karnataka, her case has now been committed and trial may begin shortly. In the case of Ajitha who is accused in a case of arson, she is already in prison for 3 ½ years in a case of arson. Probably had she been convicted she would have been eligible to be released. It is suggested that the Hon Commission may direct the State Government to conduct an enquiry as to why the matter is getting delayed and to decide whether further detention in jail is necessary and if it is necessary to expedite the trial. (SUGGESTION 2)

6. Female Remand Prisoner 94/16 Lakma is in prison along with her child as accused in a case of JJ Act registered by Kasargode Railway P S. She is under remand from 10/6/16. Now it turns out that the child is her own and that the police action has caused her to lose connection with her husband who she believes is in Kankanadi near Mangalore Karnataka. She belongs originally to Amaravati in Maharashtra and the difficulties in communication etc make it difficult to trace her relatives and husband. Her child is also in the prison along with her. In the interest of the child also it is essential that the father as well as relatives is traced. It is suggested that the Hon Commission may direct the State Government to constitute a team under the Supdt of Poice Railways to trace her family and husband. (SUGGESTION 3)

7. Female Convict 90 Geetha is from a tribal family and is convicted for murdering her husband, which according to her happened as an accident. She is in jail since 2013. She has got two daughters who have nobody now. She requests for parole. The Superintendent has said that her case will be considered by the authorities.

8. Female Convict 58 Lissy is in jail since 2011 and she is involved in a case under the NDPS Act. During her imprisonment she has become a well known writer and is publishing her works. Her mother is ill now. She requests for parole. The Superintendent has promised that this will be taken up with the appropriate authorities.

9. Female Convict 102 Kunhamina is 70 yrs old and is convicted and undergoing imprisonment from 2013 for a 304B case which had occurred in 1999. Her husband is suffering from cancer now. She is not getting parole despite the facts that the incident is a very old one; that she is old; and that her husband has cancer. It is suggested that the Hon Commission may consider this and direct Government of Kerala to consider the request for parole on merits. (SUGGESTION 4)

10. Remand Prisoner 98 is Shanti imprisoned under Abkari Act from 15 -7-2016. She says she is pregnant and that she has no lawyer and that no one knows about her arrest by Kuttipuram Excise Range. It is suggested that the Hon Commission may consider this and direct Government of Kerala to take steps to ensure that she gets proper legal assistance and to see that her relatives are traced and informed. (SUGGESTION 5)

Submitted for the consideration of the Hon Commission


JACOB PUNNOOSE IPS (RETD)
Spl Rapporteur, South Zone 1

Annexure - 'B'

Subject: SZ 1 VISIT TO CENTRAL PRISON KANNUR

Date: 08/27/16 10:58 PM

To: sgnhrc@nic.in

From: Jacob Punnoose <jacobpunnoose@gmail.com>

Cc: "JS (T&R) NHRC" <jst.nhrc@nic.in>

JP SZ 1 VR 6 CENTRAL PRISON KNR.PDF (647kB)

To

Secretary General,
National Human Rights Commission
Manav Adhikar Bhavan,
Block - C, GPO Complex, INA,
New Delhi -110023

Sir,

Sub: Government Central Prison, Kannur - VISIT REPORT NO. 6 /VR/SZ-1 OF 2016 - Submitted - reg.

In accordance with the tour programme approved as per NHRC Ref No. 16(4)/2016-Coord Dated: 6.7.2016, I visited the **Government Central Prison at Kannur** on the 22nd of July 2016.

The report on the visit is submitted herewith for favour of consideration by the Hon Commission.

Thanking you,

Yours faithfully,

Jacob Punnoose, IPS (Retd)
Special Rapporteur, South Zone -I

Copy to : **Shri Jaideep Singh Kochher**, Joint Secretary (Training & Research) for information and necessary action with a copy of the report

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SO (AD)
29/8

VISIT REPORT NO. 6 /VR/SZ-1 OF 2016

**REPORT
ON VISITING**

**GOVERNMENT CENTRAL PRISON & CORRECTIONAL HOME
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JACOB PUNNOOSE IPS (RETD)
Spl Rapporteur, South Zone 1

Subject: SZ1 VISIT TO WOMEN'S PRISON KANNUR

To: sgnhrc@nic.in

Cc: "JS (T&R) NHRC" <jst.nhrc@nic.in>

Date: 08/27/16 11:03 PM

From: Jacob Punnoose <jacobpunnoose@gmail.com>

JP SZ 1 VR 7 WOMEN PRISON KNR.PDF (2.5MB)

To

Secretary General,
National Human Rights Commission
Manav Adhikar Bhavan,
Block - C, GPO Complex, INA,
New Delhi -110023

Sir,

Sub: Government Women's Prison, Kannur - VISIT REPORT NO. 7 /VR/SZ-1 OF 2016 - Submitted - reg.

In accordance with the tour programme approved as per NHRC Ref No. 16(4)/2016-Coord Dated: 6.7.2016, I visited the **Government Women's Prison at Kannur** on the 22nd of July 2016.

The report on the visit is submitted herewith for favour of consideration by the Hon Commission.

Thanking you,

Yours faithfully,

Jacob Punnoose, IPS (Retd)
Special Rapporteur, South Zone -I

Copy to : **Shri Jaideep Singh Kochher**, Joint Secretary (Training & Research) for information and necessary action with a copy of the report

4229/secret
29/8/16
for Ameyan

So (R)

29/8

Dis/A
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N.H.R.C PRP&P Division DIR Unit
21 SEP 2016
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VISIT REPORT NO. 7 /VR/SZ-1 OF 2016

**REPORT
ON VISITING**

GOVERNMENT WOMEN'S PRISON , KANNUR

**BY
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NATIONAL HUMAN RIGHTS COMMISSION**

In accordance with the tour programme approved as per NHRC Ref No 16(4)/2016-Coord Dated: 6.7.2016, I visited the Government Central Prison and Correctional Home at Kannur on 22nd July 2016. I have sent a detailed report on that visit separately. During the course of that visit I have visited the Women's prison also which is functioning in a separate place within the Central Prison premises but with separate entry and exit. The DIG Prisons as well as the Superintendent of the Women's Prison along with senior officers were present during my visit. All of them were extremely helpful in facilitating the visit.

2. The purpose of visit was to ascertain the condition of the women prisoners. On the day of the visit, there are 17 female convicts and 14 female remand prisoners held on the rolls. Among the convicts, 8 are held for murder, 4 are held under NDPS act, 2 under domestic cruelty, and 3 for trafficking. Among the remand prisoners only 11 are present, the remaining three having been admitted to the mental health centre at Kozhikode. 5 are held for offences under the JJ act while two are held for offences under Abkari Act. 1 is held under UAPA for participating in Maoist propaganda.

3. During the visit I looked into the general systems of the prison and the general conditions relating to standards of accommodation, food etc. of the prisoners and

they were found to be satisfactory. I also held a special session to listen to the grievances of all the persons who are imprisoned in the institution. It is noticed that getting police escorts for medical treatment of prisoners is a major problem. It is suggested that the Hon Commission may direct the State Government to ensure that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, treating this as a special priority. (SUGGESTION 1)

4. Welfare measures are being efficiently run in this institution.

5. Among those in remand and present here, 9 have been under remand for less than 2 months. There are only two instances of remand period being in excess of that (excepting the case of the three in the mental health centre). These two cases relate to Ajitha and Sharamma who have been under remand from 10-4-2012 and 7-9-2014 respectively. In the case of Sharamma, originally from Karnataka, her case has now been committed and trial may begin shortly. In the case of Ajitha who is accused in a case of arson, she is already in prison for 3 ½ years in a case of arson. Probably had she been convicted she would have been eligible to be released. It is suggested that the Hon Commission may direct the State Government to conduct an enquiry as to why the matter is getting delayed and to decide whether further detention in Jail is necessary and if it is necessary to expedite the trial. (SUGGESTION 2)

6. Female Remand Prisoner 94/16 Lakma is in prison along with her child as accused in a case of JJ Act registered by Kasargode Railway P S. She is under remand from 10/6/16. Now it turns out that the child is her own and that the police action has caused her to lose connection with her husband who she believes is in Kankanadi near Mangalore Karnataka. She belongs originally to Amaravati in Maharashtra and the difficulties in communication etc make it difficult to trace her relatives and husband. Her child is also in the prison along with her. In the interest of the child also it is essential that the father as well as relatives is traced. It is suggested that the Hon Commission may direct the State Government to constitute a team under the Supodt of Poice Railways to trace her family and husband. (SUGGESTION 3)

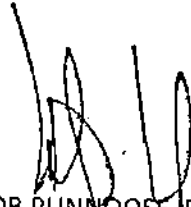
7. Female Convict 90 Geetha is from a tribal family and is convicted for murdering her husband, which according to her happened as an accident. She is in jail since 2013. She has got two daughters who have nobody now. She requests for parole. The Superintendent has said that her case will be considered by the authorities.

8. Female Convict 58 Lissy is in jail since 2011 and she is involved in a case under the NDPS Act. During her imprisonment she has become a well known writer and is publishing her works. Her mother is ill now. She requests for parole. The Superintendent has promised that this will be taken up with the appropriate authorities.

9. Female Convict 102 Kunhamina is 70 yrs old and is convicted and undergoing imprisonment from 2013 for a 304B case which had occurred in 1999. Her husband is suffering from cancer now. She is not getting parole despite the facts that the incident is a very old one; that she is old; and that her husband has cancer. It is suggested that the Hon Commission may consider this and direct Government of Kerala to consider the request for parole on merits. (SUGGESTION 4)

10. Remand Prisoner 98 is Shanti imprisoned under Abkari Act from 15 -7-2016. She says she is pregnant and that she has no lawyer and that no one knows about her arrest by Kuttipuram Excise Range. It is suggested that the Hon Commission may consider this and direct Government of Kerala to take steps to ensure that she gets proper legal assistance and to see that her relatives are traced and informed. (SUGGESTION 5)

Submitted for the consideration of the Hon Commission


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