

**National Human Rights Commission
(PRP&P Division) - Director (A) Unit**

Subject: Smt S. Jalaja visited the Madhubani, Saharsa, Madhepura and Supaul districts in the state of Bihar from 9 -13 February, 2016

Smt. S. Jalaja Special Rapporteur NHRC visited Madhubani, Saharsa, Madhepura and Supaul districts in the state of Bihar, to verify the living condition of the inmates and to determine if the human rights of the inmates are being adequately protected by the prison and other concerned authorities.

The visit report of Smt S. Jalaja Special Rapporteur NHRC is placed at **(Annexure 'A')**

The Observations/ recommendations in regard to all four jails are given below.

Improving Infrastructure

- Having set up during the British period as sub jails, jails in Madhubani, Saharsa and Madhepura have inadequate/run down jail infrastructure.
- The prisoners are housed in old dilapidated buildings and the jail offices operate in rooms with congested space. Building new wards and office complex, therefore, ought to be a priority for the three jails.

Shortage of Manpower

- Shortage of manpower is a major problem in the jails. 62 posts are vacant in Madhubani jail, against a sanctioned strength of 139. 20 posts are vacant out of 116 in Saharsa; 67 are vacant in Madhepura out of 196 and 117 are vacant out of 146 in Supaul.
- Shortage of Medical Officers and supporting staff affects quality of health care. Shortage of security staff is another problem. It is understood that efforts are being made by the state Government to recruit sufficient number of jail staff. But those efforts need to be expedited.

Improving basic facilities

- In all four jails even availability of safe drinking water has not been assured. Water sources should have built- in platforms around them.
- Adequate bathing facilities have not been provided in any of the jails. Although general power supply was stated to be reasonably good, there was hardly any lighting within the wards.
- Toilets both for male and female prisoners were mostly non functional. It is, however, noted that some basic improvements could be brought about in District Jail, Supaul by the initiative taken by DM Supaul and his team. Similar changes could be brought about in other jails too.

Access to Justice

- Despite enactment of several laws and constitutional guarantees, the principles of equality and non-discrimination fail to get enforced, while dealing with prisoners.
- 93% (439/470) of the jail population in Madhubani district was constituted by under trials; in Madhepura it was about 80% (221/279); in Saharsa it was 86% (395/460) and in Supaul 48% (251/534). 07 of the under trial prisoners (06 male; 01 female) had spent more than five years and 36 prisoners (35 male and 01 female) have spent 03-05 years in Madhubani district jail.
- In Saharsa 07 prisoners have spent above 03 years in jail as under trials and 21 for 2-3 years. In Supaul district 02 under trials spent above 04 years in jail; 11 under trials (10 male and 01 female) between 2-3 years in jail.
- These cases ought to be looked into immediately. Immediate steps are also to be taken to reduce the under trial population in the jails. Accountability needs to be fixed on DM/SP and Jail Superintendent, with clear guidelines.
- A team deputed by Patna High Court which visited all jails in the state, including Madhubani, Saharsa, Madhepura and Supaul in its report noted that in many cases, there was 'no **physical production of the accused in courts** during the period of remand and also during the 1st production and that there was only paper production in many cases. Most had no lawyers and were not taken to court'.
- It is generally observed that many times police escorts are not available or transportation to courts become a bottle neck for producing the accused before courts..
- There is no system of tracking of the cases.
- **Video conferencing** facilities were not available or functional in Madhubani, Supaul and Madhepura districts. The facilities were not functional in the absence of a room for housing it or due to problems in connectivity. These could have been set right easily.
- Although District Legal services Authorities were stated to be functional, **legal assistance** to prisoners was very limited. Counselors were stated to be available, but apparently there was no monitoring of their functioning.
- Legal aid was sanctioned in very few cases as provision of legal aid is taken up in a routine fashion. The impact of providing legal aid is not seen assessed. This is a violation of the Supreme Court judgment which held that legal aid to a poor is a constitutional mandate not only by virtue of Article 39A but also Articles 14, 19, 21 which cannot be denied by the government.

- Data on appeals filed by prisoners are not maintained properly.
- Lok Adalats are not being held on monthly basis. Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be drawn up well in advance, before placing it before the court.
- Most often prisoners did not know the stage at which stage their case were pending. A system for **monitoring** of cases should be put in place quickly.
- Some prisoners, especially in District jail, Madhepura, complained about the difficulty in getting bails without payment of bribe to the court staff. District Magistrate concerned ought to have taken up the matter with the District Judge.
- Cases relating to elderly prisoners, female prisoners with children and alleged naxalite prisoners need to be scrutinized quickly, to find out the extent of their involvement and for taking remedial measures.

Improving the quality of life of prisoners

- **Communication** with family members appears to be a serious problem.
- It is learned that **parole** is sanctioned by local administration only in cases of emergency. Otherwise routine sanctions are done at the government level. The State Government may examine whether such a centralized system is needed at all.
- In all four jails visited, there was no **telephone facility** for enabling the prisoners to communicate with their families. The only option left for the inmates would be to use mobile phones illegally, which may prove to be a security threat.
- Installation of Telephone system on the basis of PPP with reputed agencies could be a viable solution to this problem.
- **Meeting with family** members too is another problem faced by the prisoners, as suitable places have not been set up due to paucity of space. This facility is available only in Supaul.
- **Canteen facilities** too are available only in Saharsa jail.
- **Remissions** ought to be sanctioned without delay and should be sanctioned on the basis of regular review.
- It is understood that **Visitor's Boards** having representation of reputed NGOs have not been constituted.

- Prisoner welfare measures, **including liberal** sanction of parole, telephone facility, facilities for meeting with family members and canteen facilities need to be introduced quickly in all four jails.

Custodial deaths

- Custodial deaths have been reported in all four jails (Madhubani-08 deaths;03 unnatural; Saharsa 08 deaths; Madhepura 04 deaths ; Supaul 02 deaths, both due to natural causes). Except in Supaul inquiry reports are still pending. Laxity on the part of jail administration in this matter is serious.

Management of Complaints

- Complaints from prisoners are never heard. Keeping a few complaint boxes will not be sufficed. A group of prisoners in Madhubani district made serious complaints, inter-alia, about discrimination on the basis of caste and class, domination of ordinary prisoners by one particular group and alleged corruption of officials and poor quality of food.
- In Saharsa, they had complaints about production before courts.
- In Madhepura they complained about alleged corruption in the courts i.e. not getting bail without payment of money.
- The concerned DM ought to periodically visit the jails and personally hear the complaints. A sound complaint management system ought to be put in place in these jails. Prisoner's Durbar ought to be organized regularly.

Health Care

- It is seen that health care is a much neglected item in all four jails. Madheputa jail has no jail hospital. The other three jails have only rudimentary health care facilities. Isolation Wards have not been set up in all four jails.
- To the credit of DM, Supaul and jail authorities , the jail hospital is seen cleaned, white-washed, and provided with new beds and accessories. Lights and fans were in working condition.
- Hospitals in Madhubani and Saharsa jails were in deplorable condition, having no facilities. Fans and lights were not functioning. Hospital wards looked dark and unhygienic. Hospitals do not have even basic equipment. None of the jails had pathological labs .
- Testing is done through private agencies. X- ray and ultra- sound patients are referred to Sadar hospital . In all four jails Medical Officers are posted on contractual basis. No lady doctor is posted on a regular basis. Supporting Para- medical personnel are also not available.

- Only one prisoner is diagnosed with **mental illness** in Madhubani jail; Saharsa has 4-5 mental patients and are referred to Sadar hospital; Madhepura has 05 patients under treatment in DMCH/ Koilwar;
- **Condition of mentally ill prisoners in Madhepura jail was pathetic as they were kept in a dark and dingy cell, along with their assistants. As per directions of NHRC, they are to be shifted to a mental health facility for specialized treatment. The Medical Colleges in Bihar are not equipped to deal with mental illnesses. The only institute located in Koilwar near Patna did not have adequate facility to house them, despite directions issued by the Patna High Court.**
- All four prisons have a sizable population of **elderly** prisoners. Many of them suffer from joint pain, body ache, memory lapse etc which need specialised care. AYUSH systems are suited for treatment of age-related ailments.

Considering the poor condition of health care it is suggested that

- A proper well-aired, hygienic and **functional hospital** should be set up in the jails, having separate Isolation Wards for diseases like TB/Malaria/Leprosy etc. It should have adequate diagnostic facilities .
- **Posts** of medical officers need to be **filled up**, as also those of supporting staff.
- **Screening for mental conditions** may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to Mental Health institutions. Since the Institute of Mental Health near Patna is still struggling with infrastructure and manpower problems, the State Government may consider sending the mentally ill from Bihar to RINPAS (as used to be earlier) till such time the Bihar Institute is ready.
- A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should be tracked on the basis of his/her health profile.
- It is understood that Indira Gandhi Institute of Medical Sciences (IGIMS), Patna does not have wards reserved for prisoners. This arrangement needs to be provided.
- **AYUSH medical facilities** should be provided in all four jails, especially to older patients.

Literacy and Education

- All four districts lag behind others in literacy. Literacy and education provide a window to the world. The time spent in the jail, if utilized properly and purposefully, would be of good use to the prisoners once they are released from jail. Their period of incarceration could be gainfully utilized for making illiterate prisoners literate.

- **It is indeed a pity to see young prisoners in all four jails whiling away their time. Therefore a comprehensive literacy and educational program both for male and female prisoners needs to be chalked out urgently.**
- It should be implemented with NGO support. A computer centre for training, both boys and girls, should be started. Volunteers should be selected and trained as teachers. IGNOU centres also ought to be opened.

Food supply

- It was stated that presently the food distributed to prisoners in Bihar is as per the provisions of the new Jail Manual. But on visiting the kitchens of the four jails one gets an impression contrary to this claim. Except in Supaul jail which has a modern kitchen, condition of kitchens of other jails was in a poor state.
- A well-aired, well-lighted kitchen with LPG facilities needs to be set up in Saharsa, Madhubani and Madhepura jails. A separate kitchen needs to be set up for women prisoners.
- Some prisoners in Madhubani complained about the poor quality of food supplied to poorer prisoners, while, it was alleged that the well to do prisoners are allowed to cook their own food.
- It was seen that the same vegetable cooked for lunch was being served to prisoners for dinner in one jail. There is need to improve the quality and quantity of food supplied.
- Water sources should have built- in platforms around them.

Improvements in the condition of women and children

- Compared to other jails, sanctioned capacity as well as occupancy of female prisoners in these four jails is low-14/25 in Madhubani, 04/10 in Saharsa 03/07 in Madhepura and 12/11 in Supaul district jail.
- Fans and lights were working. But the condition of toilets was bad, except in Supaul . They did not make any complaints except that they wanted to get out of the jail.
- Rights of women prisoners and their children are to be taken care of as per guidelines issued by the Apex Court. Most of the women prisoners in these jails are reportedly illiterate. Many of them are deprived of access to law.
- They are neglected while sanctioning legal assistance. No facilities have been given for making them literate or getting educated. A lady doctor is stated to visit them once a week. This arrangement is inadequate.
- No isolation wards have been set up for female prisoners. Little or no sport facilities are available. Separate facilities for worship are not available inside female enclosures.

- Cases against women ought to be monitored closely. Legal aid ought to be sanctioned to them on priority. Counsellors, especially from reputed NGOs, ought to be appointed for assisting female prisoners.
- Female prisoners along with their children ought to be segregated and kept separately. Separate kitchens may be allowed inside the female wards. An ANM from the nearest health facility ought to be posted full time.
- Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail.
- **At least all facilities provided to male prisoners, including hospital treatment, isolation ward, vocational training, playing sports and place of worship should be extended to women prisoners.** It is seen that sufficient space is available for kitchen gardens within the female enclosures in all four jails. Garden activity will help them spend time usefully.
- **The issue concerning incarceration of female prisoners, especially with children, is a point for consideration. Except in unavoidable situations they ought not be kept in jail, especially like land disputes and crimes wherein they have no direct role but are detained being a part of their families accused of committing crimes.**

Vocational programs

- Engagement of prisoners in gainful employment during their incarceration is desirable, as it not only helps them earn their wages but also enhances their self-worth. Working with other prisoners helps them get rid of loneliness and monotony of jail life.
- It is, however, seen that practically no program of vocational training is being organized in any of the jails.
- It was noted that good vocational training programs are being organized, especially in the Central Jails of Bihar. A team from Central Jail, Muzaffarpur could provide necessary guidance to these jails in the matter.
- Services of reputed NGOs in this field could be utilized. **Vocational training** in useful trades needs to be taken up with the help of reputed NGOs. Elderly prisoners could also be engaged in some activity or other.

Rehabilitation

- It is seen that no such efforts are being made in any of the jails visited. **Each jail ought to draw up a rehabilitation plan for the prisoners and organize vocational trainings.**

Prison Administration

- A comprehensive **modernization plan** for the jails needs to be put in place. Filling up of vacant posts should get high priority.

- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of jail should be identified and delegated quickly.
- All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies. The contract with BELTRON needs to be reviewed and revoked, if needed.
- There is need to effectively **monitor progress of civil works** undertaken by the PWD and other agencies. Expenditure on this account also needs to be monitored closely.
- **Alternate energy** sources needs to be harnessed to have lighting, heating cooking etc.
- NGOs can act as interface between the jail authorities and the prisoners.
- **Services of reputed NGOs** should be utilized in the areas of health, education, training, prisoner's welfare, etc

Jail Manual

- Although a **new Jail Manual** is in place in the state, its implementation needs more efforts. Moreover, the salient provisions of the new Manual ought to be shared with the prisoners. Jail staff should be properly trained in implementing the Manual.

General

- Custodial justice should not be viewed in isolation but needs to be visualized as a part of the criminal justice system as a whole. Unless systemic improvements in the criminal justice system are carried out, prison reforms will not be successful in isolation.

The reports and recommendation are placed before the Full Commission for consideration and directions please.



(Dr. Ranjit Singh)
Joint Secretary (P&A)

Dated

File No. 4/7/2016-PRP&P

Reports on visit to District Jails Madhubani, Saharsa, Madhepura and Supaul in Bihar

-----S. Jalaja, Special Rapporteur, NHRC

With the approval of the Commission I visited districts of Madhubani, Saharsa, Madhepura and Supaul during 9-14 February, 2016. I visited district jails too in these four districts.

I have been regularly visiting the state of Bihar and visits to jails have been a part of all my programs. It is seen that in the last few years Bihar has brought out perceptible improvements in jail infrastructure and jail management. A new Jail Manual has been brought out. Apart from constructing new buildings and sanctioning more equipment, efforts have been made to reduce over-crowding and provide basic facilities to prisoners. However, Bihar has to make further improvements in upgrading infrastructure and *prisoners* management.

Given below (Part-1) are my observations and suggestions after visiting the four district jails. Attached are also separate reports (Parts - II, III, IV and V) on visits to district jails of Madhubani, Saharsa, Madhepura and Supaul districts to enable jail authorities concerned to take follow up action.

PART-1

Observations/ Recommendations:-

General profile of crimes

Saharsa, Madhepura and Supaul districts form parts of Kosi Division which is frequently ravaged by floods. Madhubani district also faces recurring flood devastation. Consequent problems in the economy and social life are reflected in the criminal justice system as well. Land disputes and related crimes are common in these areas.

As per crime reports by NCRB in 2013, 4662 crimes were reported in Madhubani, ; 2792 in Saharsa; 2,745 in Madhepura and 2,930 in Supaul district. Of the total crimes 568 were violent crimes and 483 property related in Madhubani, 414 were violent crimes and 241 were property related in Saharsa district ; 504 violent crimes and 274 property related in Madhepura district and 758 violent crimes 386 property related in Supaul district.

01. Improving Infrastructure

Having set up during the British period as sub jails, jails in Madhubani, Saharsa and Madhepura have inadequate/run down jail infrastructure. The prisoners are housed in old dilapidated buildings and the jail offices operate in rooms with congested space although new buildings have been constructed in Supaul jail, after its perimeter wall and buildings were damaged in the last earth quake. Building new wards and office complex, therefore, ought to be a priority for the three jails.

02. Shortage of Manpower

Shortage of manpower is a major problem in the jails. 62 posts are vacant in Madhubani jail, against a sanctioned strength of 139; 20 posts are vacant out of 116 in Saharsa; 67 are vacant in Madhepura out of 196 and *117 are vacant out of 146 in Supaul*. Shortage of Medical Officers and supporting staff affects quality of health care. Shortage of security staff is another problem. It is understood that efforts are being made by the state Government to recruit sufficient number of jail staff. But those efforts need to be expedited.

03. Improving basic facilities

The Standard Minimum Rules adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, inter-alia mention segregation of convicts and under trials, non discrimination, access to clean drinking water and sanitation, provision of food of adequate quality and quantity, ensuring adequate living space etc. In all four jails visited even availability of *safe* drinking water has not been assured. Water sources should have built-in platforms around them.

Toilets both for male and female prisoners were mostly non functional. *It is, however, noted that some basic improvements could be brought about in District Jail, Supaul by the initiative taken by DM Supaul and his team.* In District Jail, Supaul a new set of toilets were being constructed for male prisoners and one set already constructed for female prisoners. Similar changes could be brought about in other jails too. Adequate bathing facilities have not been provided in any of the jails. Although general power supply was stated to be reasonably good, there was hardly any lighting within the wards.

04. Access to Justice

Despite enactment of several laws and constitutional guarantees, the principles of equality and non-discrimination fail to get enforced, while dealing with prisoners.

- 93% (439/470) of the jail population in Madhubani district was constituted by **under trials**; in Madhepura it was about 80% (221/279); in Saharsa it was 86% (395/460) and in Supaul 48% (251/534). 07 of the under trial prisoners (06 male;01 female) had spent more than five years and 36 prisoners (35 male and 01 female) have spent 03-05 years in Madhubani district jail. In Saharsa 07 prisoners have spent above 03 years in jail as under trials and 21 for 2-3 years. In Supaul district 02 under trials spent *above 04 years* in jail; 11 under trials (10 male and 01 female) between 2-3 years in jail. These cases ought to be looked into immediately. Immediate steps are also to be taken to reduce the under trial population in the jails.

Accountability needs to be fixed on DM/SP and Jail Superintendent, with clear guidelines.

- A team deputed by Patna High Court which visited all jails in the state, including Madhubani, Saharsa, Madhepura and Supaul in its report noted that in many cases, there was 'no **physical production of the accused in courts** during the period of remand and also during the 1st production and that there was only *paper production* in many cases.
- . Most had no lawyers and were not taken to court'.
- It is generally observed that many times police escorts are not available or transportation to courts become a bottle neck for producing the accused before courts..
- There is no system of tracking of the cases .
- **Video conferencing** facilities were not available or functional in Madhubani, Supaul and Madhepura districts. The facilities were not functional in the absence of a room for housing it or due to problems in connectivity. These could have been set right easily .
- *Although District Legal services Authorities were stated to be functional, legal assistance to prisoners was very limited. Counselors were stated to be available, but apparently there was no monitoring of their functioning.*
- *Legal aid was sanctioned in very few cases as provision of legal aid is taken up in a routine fashion. The impact of providing legal aid is not seen assessed.* This is a violation of the Supreme Court judgement which held that

legal aid to a poor is a constitutional mandate not only by virtue of Article 39A but also Articles 14, 19, 21 which cannot be denied by the government.

- *Data on appeals filed by prisoners are not maintained properly.*
- *Lok Adalats are not being held on monthly basis. Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be drawn up well in advance, before placing it before the court.*
- *Most often prisoners did not know the stage at which stage their case were pending. A system for **monitoring** of cases should be put in place quickly.*
- *Some prisoners, especially in District jail, Madhepura, complained about the difficulty in getting bails without payment of bribe to the court staff. District Magistrate concerned ought to have taken up the matter with the District Judge .*
- *Cases relating to elderly prisoners, female prisoners with children and alleged *naxalite* prisoners need to be scrutinized quickly, to find out the extent of their involvement and for taking remedial measures.*

05. Improving the quality of life of prisoners

Like in other jails prisoners here too face many personal issues.

Communication with family members appear to be a serious problem.

- *It is learned that **parole** is sanctioned by local administration only in cases of emergency. *Otherwise routine sanctions are done at the government level.* The State Government may examine whether such a centralised system is needed at all.*
- *In all four jails visited, there was no **telephone facility** for enabling the prisoners to communicate with their families. The only option left for the inmates would be to use mobile phones illegally, which may prove to be a security threat. Installation of Telephone system on the basis of PPP with reputed agencies could be a viable solution to this problem.*
- ***Meeting with family** members too is another problem faced by the prisoners, as suitable places have not been set up due to paucity of space. This facility is available only in Supaul.*
- ***Canteen facilities** too are available only in Saharsa jail.*
- ***Remissions** ought to be sanctioned without delay and should be sanctioned on the basis of regular review.*

- It is understood that **Visitor's Boards** having representation of reputed NGOs have not been constituted.

Prisoner welfare measures, **including** liberal sanction of parole, telephone facility, facilities for meeting with family members and canteen facilities need to be introduced quickly in all four jails.

06. Custodial deaths

Custodial deaths have been reported in all four jails (Madhubani-08 deaths;03 unnatural; Saharsa 08 deaths; Madhepura 04 deaths ; Supaul 02 deaths, both due to natural causes). Except in Supaul *inquiry reports are still pending*. Laxity on the part of jail administration in this matter is serious.

07. Management of Complaints

Visits to these jails give the impression that complaints from prisoners are never heard. Keeping a few complaint boxes will not suffice. A group of prisoners in Madhubani district made serious complaints, inter-alia, about discrimination on the basis of caste and class, domination of ordinary prisoners by one particular group, alleged corruption of officials and poor quality of food . In Saharsa, they had complaints about production before courts. In Madhepura they complained about alleged corruption in the courts i.e. not getting bail without payment of money. *The concerned DM ought to periodically visit the jails and personally hear the complaints*. A sound complaint management system ought to be put in place in these jails. Prisoner's Durbar ought to be organized regularly.

08. Health care It is seen that health care is a much neglected item in all four jails. Madheputa jail has no jail hospital. The other three jails have only rudimentary health care facilities. Isolation Wards have not been set up in all four jails. To the credit of DM, Supaul and jail authorities , the jail hospital is seen cleaned, white-washed, and provided with new beds and accessories. Lights and fans were in working condition. Hospitals in Madhubani and Saharsa jails were in deplorable condition, having no facilities. Fans and lights were not functioning. Hospital wards looked dark and unhygienic. Hospitals do not have even basic equipment. None of the jails had pathological labs .Testing is done through private agencies. X- ray and ultra- sound patients are referred to Sadar hospital . In all

four jails Medical Officers are posted on contractual basis. No lady doctor is posted on a regular basis. Supporting Para- medical personnel are also not available.

Only one prisoner is diagnosed with **mental illness** in Madhubani jail; Saharsa has 4-5 mental patients and are referred to Sadar hospital; Madhepura has 05 patients under treatment in DMCH/ Koilwar; Supaul jail has 08 patients with 02 cases under treatment in DMCH. Fewer number of patients indicate the possibility that no proper/regular screening has been done. *Condition of mentally ill prisoners in Madhepura jail was pathetic* as they were kept in a dark and dingy cell, along with their assistants. As per directions of NHRC, they are to be shifted to a mental health facility for specialized treatment. *The Medical Colleges in Bihar are not equipped to deal with mental illnesses. The only institute located in Koilwar near Patna did not have adequate facility to house them, despite directions issued by the Patna High Court.*

All four prisons have a sizable population of **elderly** prisoners. Many of them suffer from joint pain, body ache, memory lapse etc which need specialised care. AYUSH systems are suited for treatment of age-related ailments.

Considering the poor condition of health care it is suggested that

- A proper well-aired, hygienic and **functional hospital** should be set up in the jails, having separate Isolation Wards for diseases like TB/Malaria/Leprosy etc. It should have adequate diagnostic facilities .
- **Posts** of medical officers need to be **filled up**, as also those of supporting staff.
- **Screening for mental conditions** may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to Mental Health institutions. *Since the Institute of Mental Health near Patna is still struggling with infrastructure and manpower problems, the State Government may consider sending the mentally ill from Bihar to RINPAS (as used to be earlier) till such time the Bihar Institute is ready.*

- A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should be tracked on the basis of his/her health profile.
- It is understood that Indira Gandhi Institute of Medical Sciences (IGIMS), Patna does not have *wards reserved for prisoners*. This arrangement needs to be provided.
- **AYUSH medical facilities** should be provided in all four jails, especially to older patients.

09. Literacy and Education

All four districts lag behind others in literacy. Literacy and education provide a window to the world. The time spent in the jail, if utilized properly and purposefully, would be of good use to the prisoners once they are released from jail. Their period of incarceration could be gainfully utilized for making illiterate prisoners literate. It could also help those who are already literate in pursuing higher education. *It is indeed a pity to see young prisoners in all four jails whiling away their time.* Therefore a comprehensive literacy and educational program *both for male and female* prisoners needs to be chalked out urgently.. It should be implemented with NGO support. A computer centre for training, both boys and girls, should be started. Volunteers should be selected and trained as teachers. IGNOU centres also ought to be opened.

10. Food supply

The UN Standard Minimum Rules also speak about supply of adequate quantity and quality of food to prisoners. It was stated that presently the food distributed to prisoners in Bihar is as per the provisions of the new Jail Manual. But on visiting the kitchens of the four jails one gets an impression contrary to this claim. Except in Supaul jail which has a modern kitchen, condition of kitchens of other jails was in a poor state.

A well-aired, well-lighted kitchen with LPG facilities needs to be set up in Saharsa, Madhubani and Madhepura jails. A separate kitchen needs to be set up for women prisoners.

Food materials, especially rice and wheat, could be purchased from PACs or procured from SFC, instead of from private agencies and contractors. This also reduces the per head cost of food.. Some prisoners in Madhubani complained about the poor quality of food supplied to poorer prisoners, while, it was alleged that the well to do prisoners are allowed to cook their own food. It was seen that the same vegetable cooked for lunch was being served to prisoners for dinner in one jail. There is need to improve the quality and quantity of food supplied.

Water sources should have built- in platforms around them.

11. Improvements in the condition of women and children

Compared to other jails, sanctioned capacity as well as occupancy of female prisoners in these four jails is low-14/25 in Madhubani, 04/10 in Saharsa 03/07 in Madhepura and 12/11 in Supaul district jail. It is seen that female enclosures in all four jails were roomy. Fans and lights were working. But the condition of toilets was bad, except in Supaul wherein due to the initiative e taken by DM, Supaul a new set of toilets have been constructed. It is seen that female prisoners were supplied with essential items of daily use. They did not make any complaints except that they wanted to get out of the jail.

Rights of women prisoners and their children are to be taken care of as per guidelines issued by the Apex Court. Most of the women prisoners in these jails are reportedly illiterate. *Many of them are deprived of access to law.* They are neglected while sanctioning legal assistance. No facilities have been given for making them literate or getting educated. A lady doctor is stated to visit them once a week. This arrangement is inadequate. No isolation wards have been set up for female prisoners. Little or no sport facilities are available. separate facilities for worship are not available inside female enclosures.

Cases against women ought to be monitored closely. Legal aid ought to be sanctioned to them on priority. Counsellors, especially from reputed NGOs , ought to be appointed for assisting female prisoners.

Female prisoners along with their children ought to be segregated and kept separately. Separate kitchens may be allowed inside the female wards. An ANM from the nearest health facility ought to be posted full time. Inoculation and

vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail. *At least all facilities provided to male prisoners, including hospital treatment, isolation ward, vocational training, playing sports and place of worship should be extended to women prisoners.* It is seen that sufficient space is available for kitchen gardens within the female enclosures in all four jails. Garden activity will help them spend time usefully.

The issue concerning incarceration of female prisoners, especially with children, is a point for consideration. Except in unavoidable situations they ought not be kept in jail, especially like land disputes and crimes wherein they have no direct role but are detained being a part of their families accused of committing crimes.

12. Vocational programs Engagement of prisoners in gainful employment during their incarceration is desirable, as it not only helps them earn their wages but also enhances their self-worth. Working with other prisoners helps them get rid of loneliness and monotony of jail life. It is, however, seen that *practically no program of vocational training is being organized in any of the jails.*

According to Rule 71 of the UN Standard rule

- Prison labor must not be of an afflictive nature.
- All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.
- Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn an honest living after release.
- Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

It was noted that good vocational training programs are being organized, especially in the Central Jails of Bihar. A team from Central Jail, Muzaffarpur could provide necessary guidance to these jails in the matter. Services of reputed NGOs in this field could be utilized. **Vocational training** in useful trades needs to be taken up with the help of reputed NGOs. Elderly prisoners could also be engaged in some activity or other.

13. Rehabilitation

Preparing prisoners for their eventual release from jail, equipping them with necessary life skills to enable their rehabilitation, giving emotional support for facing the outside world are onerous tasks for the jail administration. It is, however, seen that no such efforts are being made in any of the jails visited. *Each jail ought to draw up a rehabilitation plan for the prisoners and organize vocational trainings .*

15. Prison Administration

- A comprehensive **modernization plan** for the jails needs to be put in place. Filling up of vacant posts should get high priority.
- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of jail should be identified and delegated quickly.
- Expenditure under all items should be **audited** to find out if any misappropriation has taken place.
- An **untied fund** of Rs.05 lakh may be provided to district jails for taking up emergency items of works for welfare of prisoners. It should be sanctioned by a committee comprising of DM, SP and Jail Superintendent.
- All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies. The contract with BELTRON needs to be reviewed and revoked, if needed.
- There is need to effectively **monitor progress of civil works** undertaken by the PWD and other agencies. Expenditure on this account also needs to be monitored closely.
- **Alternate energy sources** needs to be harnessed to have lighting, heating cooking etc.
- NGOs can act as interface between the jail authorities and the prisoners.
- **Services of reputed NGOs** should be utilized in the areas of health, education, training, prisoner's welfare, etc

15. Jail Manual

Although a **new Jail Manual** is in place in the state, its implementation needs more efforts. Moreover, the salient provisions of the new Manual ought to be

shared with the prisoners. Jail staff should be properly trained in implementing the Manual.

General

Basic amenities have not yet been provided to the prisoners in the four jails visited. With run down infrastructure and unsatisfactory living conditions, life is not easy for prisoners. Inadequate jail staff leads to domination of others by one group of prisoners with dubious antecedents. Lack of fair access to law, forces them to stay for longer periods in jails than is justified. Quality of legal aid and counselling is poor. Alleged corruption of officials make their life still harder. Inadequate health care of prisoners is a matter of concern. Prisoners are unable to communicate with their families through telephones and cannot have meetings with them at a convenient place or eat their meals peacefully and wait indefinitely for their paroles and have hardly system for registering their complaints. Inadequate facilities for learning, and vocational training, library, sports, and yoga adversely affect their mental and spiritual life. Convicted prisoners are not prepared for facing the world outside once they are released. Voluntary agencies are not engaged in any of the prisoner welfare activities. The jail administration needs to implement jail reforms earnestly so as to ensure a dignified and productive life to prisoners .

Custodial justice should not be viewed in isolation but needs to be visualised as a part of the criminal justice system as a whole. *Unless systemic improvements in the criminal justice system are carried out, prison reforms will not be successful in isolation.*

Contd.--

PART-II

Report of S. Jalaja, Special Rapporteur, NHRC on visit to District Jail, Madhubani Jail, on 09-02-2016.

Jail Profile and History

The district of Madhubani was formerly the northern subdivision of old Darbhanga district. The district was carved out of Darbhanga in 1972 as a result of reorganisation of the districts in the State. However, a district jail, was set up in Madhubani only in 1992.

Land and infrastructure

The jail is situated about 8km from Madhubani town. The jail has a total extent of approximately 25 acres of land of which 15 acres form the built up area. The wards are located in 06 blocks (A,B,C,D,E and F) spread out in two- storey buildings. One block consists of 04 wards of different capacity. Thus there are 24 wards, besides a juvenile ward and women's ward each, a 25-bedded jail hospital and 04 new wards constructed later. Prisoners are accommodated only in 04 blocks (A,B,C and D) as the two remaining blocks are run down and out of use.. Therefore, over- crowding is a problem in the jail. Renovation needs to be is to be taken up without any further delay. Juvenile ward has a capacity of 32 against which 33 juveniles are accommodated. The administrative building is located near the gate of the jail. It accommodates the armoury and the store for food items as well. There are 10 cells for keeping dangerous criminals.

Manpower

Against a sanctioned strength of 139 posts , 62 are vacant. A regular jail superintendent is posted in the jail. Shri Ciprian Topo is holding the post at present. The only post of Chief Warden and 11 posts of Senior Warden are vacant. Out of 04 posts of Asst. Superintendents only one is filled up. The other three are vacant. 04 posts of Women Wardens and 22 posts of male Wardens are filled up.

02 posts of Medical Officer are filled up on contract basis .Posts of two Pharmacists are vacant but two posts of Dresser have been filled up. Against 100 sanctioned posts of security 65 are in position including 35 Home Guards and 04

ex-servicemen. It was stated that 2500 warders are being recruited by the State Government of which 1000 are hoped to be recruited within the next 07 months.

Jail capacity and occupancy

The jail has a sanctioned capacity of 819 (794 male; 25 female) against which occupancy reported was 470 (456 male;14 female). 05 children (03 boys and 02 girls) are residing with their mothers.

Categories of Prisoners

No segregation of prisoners was noticed in the jail. There are altogether 34 convicts (31 male;3 female) lodged in the jail. There are no civil prisoners. Also there are no extremist prisoners lodged in the jail. 31 prisoners (28 male; 03 female) are sentenced to rigorous imprisonment (RI) whereas none of the prisoners are undergoing simple imprisonment (SI). No case of death penalty is reported in the jail.

Under trials

228 under trials (220 male and 08 female) are lodged in the jail. Besides 211 under trials (208 male and 03 female) are session committed. As per the data provided by the jail administration 273 UT prisoners (266 male;07 female) have spent up to 01 year, 84 prisoners (82 male;02 female) between 01- 02 years,40 (all male) between 2-3 years, 35 (34 male;01 female) between 3-5 years; 07 (06 male;01 female) above five years in the jail. Kaushal Mandal, Ganesh Pandit, Ram Udgar Mahto, Ramiqbal Mankhia, Dinesh Yadav and Md. Nayeem have spent more than 05 years as under trials in the jail. *One woman UT prisoner Gita Devi w/o Ram Vilas Sadai has spent more than 05 years in jail.* These cases ought to be looked into without any further delay.

Naxalite prisoners

As stated earlier no extremist prisoners are lodged in the jail.

Condition of prisoners.

Altogether there were 31 male convicts in jail. 28 of them are sentenced to Life Imprisonment. One prisoner (Ved Prakash Singh) however is convicted for 10 years; Badri Yadav and Amit Kumar yadav for 07 years and 03 years respectively.

It is seen that the buildings in which the wards are located are in a state of decay. Two of the blocks were in an abandoned condition. I went round the wards. I

visited ward no.8. in which 30 male prisoners are accommodated. It was stated that this was the reception ward wherein newly admitted prisoners are kept. Only a single LCD bulb is providing light to the entire ward. I was told that there is no light in the wards because the transformer was gone out of order. There were altogether only 04 fans in the entire ward. Electric wiring is old and loose. The cage toilet was dirty; it was not covered. There was no running water. Surroundings very dirty. Floor of the ward needs to be cemented. Prison authorities claimed that inmates are provided all things of daily use.

I spoke to some of the prisoners. Bulan Paswan 41 is alleged to be a Maoist. He surrendered in 2012-13 at Muzaffarpur. He is alleged to have participated in a bank dacoity. He denied that he was involved in the case. Deepak Kumar Singh runs a mobile shop. He is allegedly booked u/s 420 IPC. He complained that the police was not submitting the case diary to court. Ashok Giri has a case of theft of 04 SIM cards filed against him. His case ought to be placed before the CJM for urgent consideration. Arun Paswan is allegedly involved in a dacoity case. No bail was granted by the HC. No witnesses are appearing in the court. He has been in jail for 03 years. Pramod Kumar Yadav is allegedly involved in a kidnapping case. His father and other family members are also allegedly involved in the case. They have so far spent 30 months in jail. Chander Dev Kumar Yadav is booked for theft of a motor cycle. Md. Akbar is also involved in a theft case. He has small children. He has been in jail for 07 months. Ravinder Kumar Mahto 28 is booked under Arms Act in connection with a land dispute and has been in jail for 21 months. Kaleeswari Prasad Singh, former teacher, is booked for misappropriation of funds. He has been in jail for 04 months. According to him, there is no evidence against him. Muneswar Yadav 65 is involved in a land dispute and has been in jail for 02 months.

27 juveniles prisoners of age group 18-20 are accommodated in the Juvenile Ward of the jail. 05 older prisoners are also seen accommodated here. There is considerable over-crowding in the ward and appeared to be in un hygienic condition.

A few of the prisoners met me in the jail office and filed a written complaint containing inter-alia allegations of corruption in the appointment of ward-in-charge after taking money; payment of money for using mobile phones and

clandestine sale of metals/materials stored in the old juvenile ward as scrap. Drugs are sold in jail with the connivance of jail staff. They also alleged that wards are allotted to prisoners on caste basis. A group of dons dominate over others and commit atrocities over weaker sections. Prisoners are transferred from one ward to another at their behest and are often beaten up and locked in cells. The wards wherein the dons are lodged are never searched. *Those dons misuse and control juveniles below 18 years.* The dons are allowed to meet their family members till 9 pm while ordinary prisoners have to wind up their meetings by 04 pm. As regards food supply *they stated that distribution is not as per provisions of the new jail Manual.* They also alleged that quality of food is very poor and that *only ordinary prisoners are forced to eat bad quality food.* District Magistrate, Madhubani ought to personally inquire into these allegation and take immediate action. *Care ought to be taken that the complainants are not harassed in any way.* DM madhubani ought to have ensured that there was no room for such complaints by prisoners.

I have often pointed out in my reports that shortage of regular staff has adverse impact on jail administration. In the absence of regular staff, prison authorities start depending on convicts and assign various duties. Over a period of time a hierarchy sets in. Ordinary prisoners become prey to various atrocities. A higher official from the hqrs. ought to inquire into the complaints on a regular basis and take administrative action.

Women Prisoners

14 women and 04 children are staying in the women's enclosure. Out of 14 women prisoners 03 have been convicted and 11 are under trials.

The women's enclosure is spacious. But the surroundings have not been kept clean. The toilets were clean. Although there is a separate enclosure there is no running water in it. Pipe water supply is available. Rooms had electric supply. The kitchen is not well constructed and is still incomplete. The women's enclosure has lot of space around which could be utilized for vegetable cultivation. A small place of worship (Mandir) is available within the enclosure. Facilities for worship for other communities also need to be provided. Women prisoners present did not make any complaint about the facilities. They were desperate to get bail.- and wanted help.

It was stated that children are provided with milk and fruits. No Crèche was available.

Laxmi 35 is convicted in a Dacoity (u/s 395 IPC) case. Rabia Khatoon 30 and Rekha Devi are also in jail in connection with the same case. All three of them are serving LI and have spent about one year and 10 months in jail.

Among the under trials Premika Devi 30 is involved in a murder case and has been in jail for *more than 03 years (03 years ,05 months, 06 days)* in jail. She has two children (3-6 years) with her. One looked under- nourished. She is allegedly involved in the murder of the son of her husband's brother. Pharjana Khatoon 30 is allegedly involved in a murder case. She has two children with her. Her husband is also in jail. She said that *she did not know of why she was in jail*. Gita Devi 35 is allegedly involved in a kidnapping case . *She has spent more than 05 years (05 years, 08 months and 13 days) in jail*. Bhavani Devi 55 is in jail in connexion with the death of her daughter in law. She has three grand children under her care. Sarita Devi 35 is also allegedly involved in a similar case. Sunita Devi 35 is also involved in a dowry- related case and has come to the jail only a few days ago.. Poonam Devi 32 is booked in the kidnapping of a girl. Malya Devi 30 is allegedly involved in a murder case relating to a child. She said that she did not commit the crime. Sunita Devi 46 is also booked in a murder case. She has three children at home. Sheela Devi 26 has allegedly murdered a child, which she denied. She has spent a little over a month in jail. Ragini Devi 26 is booked u/s 244,290,186,384,353 and 34 of IPC. Paro Devi is also allegedly involved in a murder case

The jail authorities claimed that all facilities have been made available to women and children. A lady doctor visits the hospital once a week.

Mentally ill prisoners

It was seen that only one prisoner is diagnosed with mental illness. It was obvious that no screening has been carried out to identify the mentally ill.

Custodial Deaths /rapes/violence

Altogether 08 deaths were reported in the jail between 14-9-2013 and 30-12-2015. Of the eight deaths, except three, all others are reportedly due to natural causes. It is seen from the data furnished by the jail authorities that the *cause of*

death has not been reported in the case of Ramchandra Yadav who was admitted in jail on 24-04-2012. In the case of Bhagawan Thakur who was admitted to jail on 28-03-2013 and died on 01-11-2013 the cause of death was reported as asphyxia. No details or inquiry report are available. Pappu Yadav admitted on 14-02-2014 died on the same day. The cause of death was reported as throttling. His death was diagnosed as unnatural. 02 wardens suspended in that connection and proceeding drawn out were concluded. 01 warden was suspended for negligence. One of the suspended wardens met me and stated that he was innocent. It was not clear whether the culprits in this case were identified and what action was taken against them. The jail authorities ought to send a full report to the Commission on these cases.

Escape of prisoners/jail break

It was reported that no incident of jail break/custodial violence was reported in the last 03 years.

Basic amenities

Water supply and Sanitation

23 hand pumps are said to be installed for water supply to the inmates out of which only 18 are reportedly working. JS explained that he has taken up the issue of the repair of the hand pumps with PHED. In the Women's section two hand pumps are installed. Both are stated to be functional. Toilets are reported to be in the ratio of 1:10. There are altogether 50 toilets. All are stated to be functional. Only bathing platforms are available to male prisoners whereas bathrooms are available to female prisoners.

Power Supply

Power supply was stated to be only for 15 hours. One stand by generator of 7.5 KV capacity has been installed. CFL lights have been installed.

Food supply

Separate kitchen facilities have been set up for male and female prisoners. Kitchen facilities are also available for patients admitted to the hospital. The main kitchen is old and dilapidated. Its floor is sunken. Hygiene of the kitchen has not been

taken care of. No exhaust is available inside the kitchen. Water supply is with the help of a tube well. Supply of materials is stated to be *through contractors*. On the average Rs 75 is spent per prisoner as food expense. It would be desirable to procure rice and wheat and other materials from SFC or from Primary Agriculture Societies (PACs) as in the case of Central Jail, Muzaffarpur..

It was seen that *roti/ dal* and vegetables were cooked for dinner. Subji (aloo gobi) was reportedly the same as that for lunch. JS stated that a new diet chart has been introduced in all jails from September, 2015. As already mentioned there were complaints that poor quality food was being served, especially to ordinary prisoners. Others have their own arrangements.

Education

Only 56% of the prisoners are stated to be literate in the jail. *All female prisoners were reported to be illiterate*. It was stated that *Prerna* program was being implemented in the jail for imparting literacy. 10 boys registered for metric/post metric exam through open schooling through the medium of NIOS/BBOSE. Jail authorities need to ensure that a comprehensive literacy and educational program is run in the jail. 100% literacy of all male and female prisoners within a specific period ought to be aimed at.

Jail Hospital

A hospital with 25 beds is available in the jail; altogether 18 beds were occupied. No isolation ward or female ward is seen set up. The hospital did not have proper lighting. There was only just one light for the entire ward. The only two fans available were not working. The floor of the hospital wards was tiled. Condition of the toilet attached to the hospital was satisfactory but it had no running water.

As mentioned earlier two medical officers are working on contractual basis. No nurses or Pharmacist is posted.. There are two Dressers. Once a week a lady doctor visits the jail. There were no pregnant women in the hospital.

The jail hospital has only some of the basic instruments/equipment. X-ray machine is stated to be beyond repair. HIV/Hepatitis kits are not available. For those tests prisoners are taken to Sadar Hospital Madhubani. A team from the Sadar Hospital is stated to regularly visit the jail for screening for HIV/AIDs

I spoke to some of the patients admitted to the hospital. Sanjay Paswan claimed that his name was not in the FIR filed and that he was forcibly brought to the jail. He suffers from psychosis. Akbar Ali 42 has been booked in a murder case involving accident to vehicle. He has already spent 07 months in jail. He claimed that he was only a witness in that case. He suffers from eye problems. Indul Choppal 28 is suffering from fever. He is stated to be involved in killing a person belonging to the minority community. He complained that *he has no advocate to fight his case*. Harminder Yadav 38 has spent 03 years in jail. He stated that Patna High Court had rejected his bail. Moreover, his wife was in hospital and father in poor health. *Even then no parole was granted to him .13 months have passed ; his case still was pending*. Ram Udgar Mahto has shivering problems. Siddarth Kumar Yadav and Deepak Kumar Kuer suffer from hurt. Kailash Gupta suffers from cough and cold. Md.Saddam suffers from back pain. Avani Jha suffers from knee problems. Om Prasad Gupta suffers from fear and psychosis. Sudhir Kumar Jha is hurt and suffers from dizziness.

Amar prasad Gupta 23 is suffering from chest pain and hyper tension. He is booked under sec.302 IPC. He has 05 children at home. He has already spent 03 years in jail. Phool Hassan Mansoor 30 is an HIV/AIDs patient and is undergoing treatment at DMCH. He has a child with him who has problems connected with urination. .He has already spent 29 months in jail. Kailash Gupta 25 also has two children. His wife reportedly committed suicide. It was stated that a team is deputed from the Sadar Hospital to check on HIV/AIDS. Md.Phool Hasan is undergoing treatment at Sadar Hospital.

There were two TB patients who were segregated. Shiv Shanker Mandal and Om Prakash both were suffering from TB. One has already taken one course of treatment. The latter although is free from TB, but he still suffers from cough and cold.

Video-conferencing

No separate room has been constructed for installing the VC system. However, arrangements have been made in the office of the Superintendent. to run the system. Due to non- functioning of the link between the court room and the jail it is presently non- functional.

Legal Aid

District Legal Services Authority (DLSA) is stated to be active .02 Para Legal Volunteers have been trained to assist the prisoners with their cases.10-12 prisoners were stated to have been granted legal aid. It was, however, noted that none of the women prisoners have received any legal aid.

Lok Adalats

It was stated that DLSA organizes Lok Adalat, Legal Awareness Camps and legal aid clinic regularly in the jail. No details were given on the subject.

Appeals filed-legal assistance/surety

No data is kept on the filing of appeals by prisoners. It was confirmed that no case is pending wherein bail is granted, but due to want of sureties the prisoner continues to remain in the jail.

Parole

It was learned that sanction of parole is highly centralized, except in cases of emergency.

Remissions

In 2014 remissions were sanctioned by the IG (Prisons). In 2015 cases were forwarded to the IG for sanction..

Telephone facility/waiting room/visitors

Only a *mulakat* window available to meet visitors face to face at present . A visitor's complex is yet to be set up in the jail.

A telephone is available for *official use only* in the jail. The inmates are deprived of this essential means of communication with their family members. It was stated TATA INDICOM facility has been installed in 02 districts, 03 Central Jails 01 sub jail in the state.

Library

A library is available in the jail in which 300 books are stocked . On visiting the library it is seen that around 16 prisoners used it in the morning and 32 in the afternoon. Ranjit Kumar Mandal 26 who is booked in a case u/s 376 is managing the library. He has been in jail for 1 1/2 years. A school is run in the library.

Cultural programs

Cultural programs are stated to be regularly organized regularly. Some of the prisoners play musical instruments. It was however noted that the musical instruments used by them are very old.

Sports

Facilities for playing outdoor games like cricket, volley ball, and indoor games like carom, chess have been provided to the inmates. However, no sport facility is available for female prisoners, except ludo. Jail authorities mentioned that they would be given training to female prisoners to play badminton.

Religious activities

A temple is available in the jail premises for worship. On inquiry it was stated that a separate space is available for doing *namaz*. It was stated that all festivals are celebrated together by the different communities.

Yoga /Gym

A gym is located in the old block. 40-50 prisoners are stated to attend it . Shri Vidyanand Jha from Art of Living reportedly trains the inmates in Yoga.

TV/News papers/Canteen facilities

It was stated that Rs.04 crores have been given to BELTRON by the State Government for installation of TV sets and other equipment in the jails. Canteen facility is proposed to be started soon. It was stated that news papers are being supplied to prisoners.

Vocational Training

Presently no vocational training is being organized in the jail, although stitching of pyjama/kurta is taken up on a limited scale. Some of the prisoners are engaged in

the activities in the jail like cooking, gardening, cleaning etc and they earn wages as per the norms fixed. On verification of the passbook of Lal Baba Choudhuri ,a convict, Rs 8000/- has been earned as wages from 23-7-2015. Rabia Khatoon , convict also has earned Rs.665.60 as wages. Sulekha UT has been paid Rs.5376 as wages which is entered in her passbook as on 14-10-15. She has been paid at the rate of Rs 40/from April 2014 to 15-8 15. Jagadish Yadav was paid Rs.10,480 for kitchen work from April 14 to August, 14.at the rate of Rs.80/.

It was stated that the state Government has fixed Rs.40/-as wages for half day work, Rs.80 for full day workers and Rs.120 for extended work.

Management of complaints

It is seen that no proper complaint management system has been put in place by the authorities. As stated serious complaints were raised against the prison administration by some of the inmates. It is evident that neither the DM nor other authorities are listening to complaints from the prisoners. Complaint boxes ought to be put up prominently ; Prisoner's Durbar ought to be organized periodically. A system of fixing accountability ought to be set up.

Rehabilitation of released prisoners

At present there exist no plan for rehabilitation of prisoners who have completed their terms. Prisoners ought to be mentally and physically equipped before they walk into freedom.

Involvement of NGOs

Perhaps due to non availability of suitable NGOs at the district level, NGOs have not been associated with any of the activity of the jail. It would be desirable to utilize their services ,especially in areas relating to counselling, training and teaching .

Drug De-addiction program

At present no drug de addiction program is run in the jail.

Inspections

It was learned that District and Sessions Judge, CJM, SDO as well as the Superintendent of Central Jail, Muzaffarpur have already inspected the jail. It may be mentioned that a team comprising of the CJM Madhubani and Smt Smita Chakraborty (NGO Social Legal Information Centre associated with Human rights Law Network, New Delhi) deputed by the Patna High Court visited the jail on 30-4-15 and pointed out certain shortcomings, especially relating to health care of prisoners and their access to legal assistance. It is seen that the jail authorities have sent a compliance report.

Security

A total number of 65 security staff including 22 wardens, 04 Women Wardens, 04 ex-servicemen and 35 Home Guards guard the jail. A special force of 1/4 BMP also is deputed .BMP unit guards the jail from outside.

04 towers are located on the perimeter wall which are guarded by round- the- clock deputation of staff. One of the towers is manned by 1-6 BMP and the other three by Home Guards and jail security staff. Administrative building also houses the armoury. It was stated that X-ray scanner not working. *CCTVs are reportedly not working*. It is proposed to install CCTVs and provide Metal Detector/ Door frame Scanner /Baggage Scanner for improving the security of the jail.

Solar Lighting

No solar lighting or heating arrangements are available in the jail.

Budget

It was stated that the jail received approximately Rs.3.4 crores as budget allotment for the year 2015-16 out of which 1,42,693,44.00 is spent on food supply. Rs.336869.00 is the administrative expenditure. Rs 378768.00 is spent on purchase of medicines.

Staff facilities

There is acute shortage of housing for jail employees. Only quarters for Deputy/ Assistant Superintendents and Medical Officer have been constructed. Quarters for Superintendent and staff need to be constructed on priority.

Transport

A vehicle is stated to be available to the jail for official use.

Modernisation

Except for additionally providing some equipment for improving security of the jail, no modernization plan appears to be under consideration of the jail administration.

Jail Manual

A new Jail Manual is under implementation. It is necessary to acquaint jail officials/ staff as well as the prisoners about the various provisions contained in it. Provisions of the new Manual ought to be shared with the prisoners.

Observations/ Recommendations:-

Observations and recommendation regarding District Jails, Madhubani , Saharsa, Madhepura and Supaul are given in Part-1 of this report. For the purpose of taking follow up action those in respect of District Jail, Saharsa are summarised below:

1. **Improving the quality of life of the prisoners** should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, without any further delay.

2. Under trials

Immediate steps may be taken to reduce the under trial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. Video-conferencing facility should be made operational . A monitoring system should be started for tracking under trials.

3. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged *naxalite* prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

4. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be prepared immediately in advance and placed before the court. Functioning of Lok Adalat needs to be closely monitored and evaluated.

5. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective.

5. A **visitor's Board** should be constituted having representation of reputed NGOs.

6. **Remission** in eligible cases should be sanctioned on the basis of regular review. A list of remission cases should be got prepared and follow up action taken.

7. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

8. **Prisoner welfare measures** like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

9. Right to health

a. Posting of a Lady doctor

In addition to the medical officers already in position, a LMO should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate Isolation wards for each of the disease like TB/Malaria/Leprosy etc and with modern diagnostic facilities, along with staff and technicians. Civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for diseases

A system to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases like cancer .Each prisoner should be tracked on the basis of their health profile.

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

e. AYUSH medical facilities should be provided, especially to older patients.

10. Literacy

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

11. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

12. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

13. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

14. Rehabilitation

A plan of action for rehabilitation of prisoners who are to be released from jail needs to be prepared and implemented. Life skill training which will help them settle down after they are released also needs to be designed.

15. A comprehensive modernization plan for the jail needs to be put in place.

16. Filling up of vacant posts should get high priority

17. Delegation and decentralization

Items which can be delegated to Superintendents of jail should be identified and action taken.

18. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Jail staff ought to be given training in the subject of human rights.

19. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

20. Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

21. Alternate energy needs to be harnessed to have lighting, heating cooking etc.

22. Services of reputed NGOs should be utilized in the areas of health, education training, prisoner's welfare etc

23. Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

24. Untied funds

An untied fund of Rs.10 lakhs may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

25. Security

Due attention is not being paid on matters relating to security of the jail. All CCTVs ought to be made functional. New equipments ought to be procured and installed quickly. Vacant posts of security staff ought to be filled up quickly. Security of women prisoners, female staff and women visitors ought to receive maximum security.

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PART-III

2. Report of S. Jalaja, Special Rapporteur, NHRC on visit to District Jail, Saharsa, on 10-7-2013.

Jail Profile and History

Created on 1st of April 1954 Saharsa district now forms a part of Kosi Division and is its head quarters. Originally started as a Sub Jail, the jail in Saharsa was upgraded as District Jail , soon after the formation of the district in 1954.

Land and infrastructure

The jail has a total extent of 48.52 acres of land of which 20 acres are occupied by buildings, which are nearly 60 years old. Some of the old buildings are seen abandoned. The jail has a large area of 9.26 acres set apart for agricultural purposes; residential buildings occupy 13.39 acres. It is seen that a lot of land is wasted which could have been developed into a fruit and vegetable garden..

There are altogether 20 buildings of which 19 are prisoner's wards. Although there are 10 cells they are not occupied, as they need extensive repairs.

Manpower

Against 116 posts sanctioned 20 posts are vacant. Shri Harinarayan Prasad is officiating as the Superintendent of the jail. Apart from him a Deputy Superintendent is also posted. However, all 04 posts of Asst. Superintendents are stated to be vacant. Among the medical staff, three MOs (Specialists 01; general 02) are posted. Two posts of Pharmacist are vacant. 01 post each of Dresser, Clerk, Chief Senior Warder each are also stated to be vacant. Out of 10 posts of Senior wardens 07 are vacant. Of the Sanctioned 90 posts occupied by security personnel including Warders (28), Home Guards (45) and ex-service men (13), only 04 are reported to be vacant.

Jail capacity and occupancy

Against a sanctioned capacity of 557 (547 male;10 female) occupancy reported was 460 (456 male;04 female). 03 children (01 boy; 02 girls) are residing with their mothers in the jail.

Categories of prisoners

It was stated that there were no civil prisoners lodged in the jail. Under trials number 395 of which 105 are session committed. 60 (59 male ; 01 female) prisoners are undergoing Rigorous Imprisonment (RI). However, there are none undergoing Simple Imprisonment (SI). There is no case of death penalty reported. 04 prisoners are D tentes. Only one prisoner of extremist category is reported to be lodged in the jail. 04 prisoners are categorized as dangerous.

As per data furnished by the jail authorities, out of 60 convicted prisoners 40 are sentenced to LI. 02 for 12 years; 07 for 10 years; 33 for 07 years; others for periods ranging from 01 to 05 years. 48 of those have other cases too pending against them.

Under-trial Prisoners

As stated earlier, 395 under trial prisoners (392 +03) are lodged in the jail. According to data furnished by the jail administration 239 under trials have been in jail for a period up to 06 months; 82 prisoners between 06 months and 01 year; 48 between 01 to 02 years; *21 prisoners between 02-03 years and 07 prisoners above 03 years. The chief problem appears to be non- production of the accused before the court.* A team deputed by the Patna High Court which visited the jail on has reported that prisoners were not being produced before the courts on regular basis and in some cases only paper production takes place and that many of the prisoners have not been able to engage any lawyers. Although a Legal Aid Clinic has started in the jail, it is not clear in what manner flaws pointed out by the team have been rectified. The effectiveness of the video-conferencing facility ought to be checked. Better coordination with the police only can improve transportation of the prisoners to courts and providing guards on time to escort prisoners outside the jail. Priority ought to be given to the elderly prisoners, women and juveniles in matter of legal assistance.

Juvenile prisoners

23 juvenile prisoners are lodged in the jail. Of those prisoners, Mithun Sharma, Videsh Sharma and Rahul Verma, Alok Kumar, Md. Raja and Md. Rizwan have spent more than a year in jail. Juvenile ward in the jail is in complete ruins. *The juvenile prisoners are mixed with other prisoners which is not at all desirable.* As pointed by the team deputed by the Patna High Court those below the prescribed age are admitted to this jail in the absence of a Juvenile Home in the district. Age verification of the juveniles before they are admitted to the jail is very much

necessary. It was stated that those below age declared by the court are being sent to Govt Observation Home in Purnea. The team had noted that most of the juvenile offenders had no legal assistance to defend themselves. DM and SSP Saharsa ought to visit the jail and take remedial action.

Naxalite prisoners

The only alleged extremist prisoner -Kanaiya Swarnakar s/o Gandhar Prasad Swarnakar belongs to Sonbarsha in Saharsa district. He was admitted on 02.01.2016 in case no 1070/15 U/S 384/386/504/506.34 IPC and 17 CLA Act. He stated that he was a student of BSc Physics and has been falsely implicated u/s 17 CLA Act. He further stated that calls used to come to his number from his friend in Navada. He denied that he had taken part in any of the naxal activities. According to police Kanaiya had received a number of telephone calls from other extremists. Leaflets relating to extremism were lifted in Saharsa by the police. Despite these claims and counter claims his case is worth investigation by an independent agency. In case he is confined to jail for the wrong reason, the future of this young student will be in peril. Counselling and observation could be strategies in respect of young wrong doers, if they have not/ planned to participate in violent activities.

Condition of prisoners.

A team deputed by the Patna High Court comprising of Smt Smitha Gupta from the State Legal services Authority and the CJM Saharsa had inspected the jail on 22-4-2015. Their report describes the poor living conditions in the jail. Although rectification of the defects pointed out by the team was claimed by the jail authorities, it is seen that they virtually remain the same. For example Ward no.07, though spacious, still has windows which do not have panels (Palla). It, therefore, has no protection from heat or cold. The jail authorities claimed that polythene sheets are provided for preventing the flow of light/heat or cold into the room. Ward no. 9 also has high ceilings. *The inmates pointed out that for 20 years no white washing of wards was carried out.* There was hardly any lighting inside the ward but for a lone CFL bulb. The ward had altogether only 05 fans and *all fans in the ward were out of order.* Loose wires were seen hanging from the ceiling. Electrical repairs/ rewiring needs to be carried out without any further delay before the onset of summer. The cage toilet had no pan as a result of which urine directly flows outside and get collected. The veranda outside the ward was dilapidated. Weeds and shrubs formed a jungle all around.

I spoke to Satyanarayan Yadav 60 booked u/s 302 who has spent 12 years in jail. Laltu Kumar 19 is involved in a quarrel case and has spent 01 year; Sanjay Das 20 is involved in a theft case of Rs.200/- and has been in jail for 04 months. These two cases ought to be placed before the CJM on his next visit to the jail. *Baidyanath Prasad 75 booked u/s 302 IPC is an under trial and has spent 14 months in jail. He complained that no one from his family came to meet him in the last one year. Dinesh Yadav 45 is allegedly involved in the theft of a motor cycle and is facing trial.*

I came across the difficult case of Vakil Paswan 22 who is booked in a case u/s 302 IPC. He stated that his parents were old and that his mother was mentally ill. Others in his village had instigated him to commit the murder of a woman allegedly practicing black magic. But no one came to his support when he was apprehended by the police. He looked younger than his stated age. He has been in jail for the last 8-9 months. His real age ought to be verified. Md. Ajeemudhin stated that he suffered from eye problem but was unable to visit the hospital on account of guards not being available. This ought to be looked into by the authorities. Sikander Paswan stated that although his case was closed, *he was yet to be released.*

Many of the prisoners are elderly. They ought to be kept together in a separate ward so that they could be provided better care. There appears to be no segregation of convicted and under trial prisoners. Immediate steps ought to be taken to rectify the flaw. Some of the prisoners assembled out of the ward made several requests. They wanted that visitors ought not be stopped outside the waiting room by guards on duty and that separate vehicles should be arranged for male and female prisoners while transporting them to courts and back. *According to them more than 75 prisoners are bunched together in a single vehicle in those trips.* It was suggested that visiting time presently notified as 08-12 noon ought to be modified instead to 08-4 pm as trains from neighbouring locations bringing visitors reach Saharsa late in the day. They also pointed out that the Police should not come to the prison without court's permission for taking out extremist prisoners for questioning.

While taking a round of the jail I came across the naxal ward-a protected area in the jail wherein a spacious ward and newly renovated library are located. The

entire area within the enclosure was beautified by having a variety of ornamental plants and lush green vegetation around . It was learned that Shri Aanand Mohan Singh, ex-MP has occupied the area. Shri Singh is convicted in a criminal case. He for a period became a politician and was founder of the now-defunct Bihar People's Party (BPP). As of 2014, he is serving life sentence for abetting murder; prior to reduction to this term on appeal, *he had been the first politician in independent India to be given death penalty*. It was pointed out by the jail authorities that he has been provided these facilities as per privileges admissible u/s 182 of the Bihar Prison Manual, 2012. Since he is convicted in a criminal case it is not clear how he has been provided with such luxury in stark contrast to the conditions in which other prisoners live in the jail.

Women Prisoners

Against a sanctioned capacity of 10 only 04 female prisoners are lodged here. The female ward is quite spacious and well ventilated There were two fans which were working. Women's ward has three toilets which need repair. Water from a tube well is used for drinking. Only an open space was available for bathing purposes. The women inmates are doing self cooking with the help of logs. They did not complain about the food supplied. It was noted that no crèche facilities are available for children, although the jail authorities claimed that all facilities mandated by the Supreme Court have been made available to women prisoners and their children.

I spoke to some of the women prisoners. Wasda Parween 25 is booked u/s 302 IPC in connection with a case of spotting a dead body of a girl in school. Gunjan Devi 25, stated that a case was registered against her for allegedly kidnapping a child relative. She claimed that the case against her was false. She has been convicted for 07 years and already spent 03 years in jail.

Putul Devi 30 has a child of 4 1/2 years with her. According to her, her husband died of drinking. She is an under trial and has already spent 03 years in jail. Mamta Devi 25 was detained for kidnapping her neighbour's son. She is an under trial and has spent 2 1/2 months in jail. She had a girl child of 02 years with her.

Mentally ill prisoners

4-5 prisoners were reported to be mentally ill. They are referred to the Sadar hospital for treatment for 3-4 days. They are being treated after taking advice of PMCH. It is however seen that the mentally ill prisoners are kept along with other patients. As per directions issued by the NHRC, mentally ill prisoners shall be shifted to a mental hospital for treatment. Periodic screening for mental illnesses ought to be carried out with the help of a team deputed by the State Institute of Mental Health, Koilwar or at least by a team headed by a psychiatrist. Women patients too ought to be screened for any mental health problem. Counselling of women prisoners by NGOs engaged in that field ought to be carried out.

Custodial Deaths /rapes/violence

08 cases of custodial deaths were reported in the jail in the last three years. Names those who died in custody include that of Mahanthi Yadav (01-03-2013), Bouku Mandal (29-04-2014), Subhash Yadav (28-08-2014), Deep Narayan Yadav (11-01-2015), Jagdish Yadav (16-04-2015), Ramdev Sada (26-05-2015), Banarsi Sada (16-07-2015) and Vinod Kumar Singh (26-12.2015). The case of Mahandhi Yadav has been closed by NHRC. Magisterial inquiry report is pending in respect of Bowku Mandal and Subhash Yadav. The case of Deep Narayan Yadav is reported to be up to date. As far as Jagdish Yadav and Ramdev Sada are concerned their viscera reports are still pending. The case of Banarsi Sada also is stated to be up to date. In the case of Vinod kumar Singh Post-mortem report is pending. Prima facie those deaths were stated to be due to natural causes.

It was stated that no incident of custodial violence/rape were reported in the jail. *However, media reports show that the widow who had come to visit her brother in-law was allegedly gang-raped by a security guard and his associates on the premises of Saharsa District jail on 29th June, 2015. An FIR was lodged and the guard suspended. This was not revealed to me by the jail authorities. It is a matter of shame that the incident took place in a highly protected area like the jail. This incident shows the lax security arrangement in the jail. Action ought to be taken to prevent recurrence of such incidents. The case should be put on the fast-track and stringent action should be taken against those who were involved.*

Escape of prisoners/jail break

No such incident was reported in recent times.

Basic amenities

Water supply and Sanitation

No pipe water supply is available in the jail; instead 29 hand pumps are provided, out of which only 24 are working. 05 hand pumps need repair. It was stated that efforts are being made to have a submersible pump with the help of the Building Construction Dept. No Ro system has been installed so far.

The toilet to man ratio reported was 11.75:1. It was learned that only 39 out of 107 toilets are functional and that most of the toilets are in a dilapidated condition, and the tanks overflowing. It was claimed by the jail administration that the Municipality periodically clean the tanks with the help of suction equipment. Further, only 20 new toilets are planned to be constructed by the PWD. There are only 12 bathrooms for the use of male prisoners.

Power Supply

The jail receives power supply for 18-20 hrs. For back up a 01 generator set of 7.5 KV has been installed. In fact, the jail needs two such sets so that if one system breaks down the other is available.

Food supply

It was learned that food supply in the jail is organized on contractual basis and that Rs.74 is being spent as food charges per prisoner. The actual amount spent on food per prisoner could be less if the contractor's profit is deducted. It would therefore be desirable for jail authorities to purchase materials, especially wheat and rice from SFC directly or from PACs as is the practice followed in Central Jail, Muzaffarpur. It is reported by the team deputed by the Patna High Court that food is being cooked only for 102 prisoners and the rest of them cook their own food. The team had also mentioned the poor quality of food supplied. The jail authorities have given only a routine reply to the observations made by the team. Quality and quantity of food supplied ought to be improved. Those prisoners who work in the kitchen ought to be paid strictly in accordance with the rate prescribed(Rs.40 unskilled;80 skilled;120 for additional work)

It is seen that the jail kitchen is totally dilapidated. The roof is open to the sky. The floor is broken and dirty. Dirty drains all around make cooking unhygienic in the kitchen. Next to the old kitchen is a half-built modern kitchen that was planned by the authorities some time ago. Although the construction got started, it is lying incomplete. Apparently the jail authorities took up the matter with the PWD. However, there has been no response from the authorities. The District Magistrate ought to have taken the initiative to ensure that the new kitchen is completed without any further delay.

Education

It was learned that 50% of the male prisoner population in the jail is literate. Of the 04 women prisoners only one is literate. It was mentioned that in the last session of *Prerna* program 215 of the inmates participated. Although a IGNOU centre has been opened no teaching is taking place. It was stated that 02 of the inmates have been admitted for graduation by IGNOU.

Jail Hospital

A 19-bedded hospital is available in the jail premises. However, it had only two patients at the time of my visit. Services of 03 doctors (02 male 01 female-on leave) are available on contractual basis. They work on rotation basis. No Pharmacist is posted in the jail. But a Dresser is posted.

Two prisoners were found admitted to the hospital. Sasi Singh 49 from Saharsa is booked u/s 302 IPC. He stated that he was suffering from arthritis. Amit Kumar 23 complained of pain in the stomach. He is also alleged to be involved in a murder case.

The hospital altogether had only 05 fans which were not in working condition. Lights were very few. The jail has no isolation ward. It was mentioned that 05 prisoners had contracted chicken pox last year and were admitted to the hospital on 22-04-2015. An Isolation ward ought to be set up without any further delay. Mentally ill prisoners are also kept along with other prisoners. Hospital beds and isolation rooms are not available to female prisoners. Pathology lab, x-ray machine, fridge (available earlier) ambulance and other facilities are also not available. Some medicines available and others are purchased.

Video-conferencing

It was stated that video-conferencing facility is available in the jail. 30-40 prisoners are produced before the courts on daily basis with the help of this facility.

Legal Aid

A Legal Aid Clinic is stated to be functional in the jail and is run by the District Legal services Authority. Prisoners are being provided information about the status of their cases. Para legal volunteers from DLSA do the counselling. Prisoners are proposed to be trained as volunteers.

There appears to be a need for improving legal services to the inmates as it is reported that many prisoners are not able to have their own lawyers. It is noted that no information was forthcoming on the number of cases in which legal aid has been sanctioned.

Lok Adalats

No information was provided on the organization of Lok Adalats in the jail.

Appeals filed-legal assistance/surety

No information was available on the number of appeals filed by prisoners. It was, however, stated that there are no cases wherein those who have been granted bail are languishing in the jail for want of sureties.

Parole

It was stated that except in cases of emergency nature parole is sanctioned with the approval of the State Government. While interacting with the prisoners it was complained by them that getting parole is a problem.

Remissions

No information was made available on this issue.

Telephone facility/waiting room/visitors

A visitor's complex is set up in the jail premises; however equipments are needed to make it operational. Public telephone facilities are not available in the jail.

Canteen

Canteen facilities are available in the jail in which things of daily use are made available to the inmates. Snacks, tea and some breakfast items are available in the canteen on payment of cash. E card/coupon system ought to be introduced without delay. The team deputed by the Patna High Court had pointed out that no Govt. funding is provided to the canteen.

Library

A small library having a collection of 324 books is set up in the jail. 50-60 prisoners are stated to be using the library on daily basis.

16 news papers are supplied to the prisoners. 01 news paper is made available to women prisoners as well.

Cultural programs

It was stated that cultural programs are regularly being organized in the jail. It is seen that the dining space is used for conducting cultural events.

Sports

Facilities for playing outdoor games like volley ball and indoor games like ludo are stated to be available. As far as women prisoners are concerned only facilities for playing ludo are available.

Religious activities

It was mentioned that religious activities are organized regularly. Festivals are celebrated jointly by prisoners belonging to all communities.

Yoga /Gym

Yoga practice is on voluntary basis. As far as Gym facilities are concerned 19 equipment are stated to be available. 20-22 prisoners are reportedly using the facility.

Recreational facilities.

Black and white TV sets have been provided in wards for the entertainment of prisoners. Most of the TV sets were not in working condition.

Vocational Training

Training is stated to be provided for making Agarbati, candles and detergent. Disha Foundation, NGO is conducting the training. 48 persons are reported to be engaged in agarbatti (incense stick) making. From 31/12/ 2016 onwards training in soap making is planned to be started.

It was stated that the state Government has fixed Rs.80/-as remuneration for the trainers; Rs.87 for semi-skilled workers and Rs.121 for skilled workers.

Involvement of NGOs

It was stated that services of NGOs are being utilized in the jail.

Drug De-addiction program

No such program is taken up in the jail.

Inspections

As mentioned a team deputed by the Patna High Court has already visited the jail. The jail is also inspected by the District and Sessions Judge and the CJM as also by the DM and the SP.

Security

Security arrangements are not satisfactory in the jail as evidenced by the mass rape of a woman visitor to the jail in June,2015. Security in the jail manned by 46 Home Guards and 49 warders. It was stated that one company of BMP is available in the nearby HQ. Of the 07 watch towers 2-3 are manned by BMP. It is reported that none of the 15 CCTVs none are working and that both door-frame scanners are non functional. Of the two hand metal detectors only one is functional. No baggage scanner is available.

Solar Lighting

No attempt has been made to harness alternate sources of energy, especially for heating and lighting.

Budget

Against an allotment of around Rs.03 crores in the year 2015-16, an amount of Rs.1.31 crore is seen spent on food supply. Rs.2.71 lakh is the administrative expenditure. It is seen that there is saving of Rs 85,200/- under wages. The entire allotment for training of prisoners remains unspent.

Modernisation

But for proposed purchase and installation of some equipment from BELTRON, the jail authorities have not taken up any modernization program in the jail.

Jail Manual

It is learned that the State Government has started implementing the new jail Manual. New diet is stated to have been introduced as per provisions of the Manual.

Observations/ Recommendations:-

Observations and recommendation regarding District Jails, Madhubani , Saharsa, Madhepura and Supaul are given in Part-1 of this report. For the purpose of taking follow up action those in respect of District Jail, Saharsa are summarised below:

1. **Improving the quality of life of the prisoners** should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, without any further delay.

2. Under trials

Immediate steps may be taken to reduce the under trial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. Video-conferencing facility ought to be utilized to the optimum level . A monitoring system should be started for tracking under trials.

3. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged *naxalite* prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

4. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be prepared immediately in advance and placed before the court. Functioning of Lok Adalat needs to be closely monitored and evaluated.

5. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective.

6. **A visitor's Board** should be constituted having representation of reputed NGOs.

7. **Remission** in eligible cases should be sanctioned on the basis of regular review. A list of remission cases should be got prepared and follow up action taken.

8. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

9. **Prisoner welfare measures** like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

10. Right to health

a. Posting of a Lady doctor

In addition to the medical officers already in position, a LMO should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate isolation wards for each of the disease like TB/Malaria/Leprosy etc and

with modern diagnostic facilities, along with staff and technicians. Civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for diseases

A system to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases like cancer .Each prisoner should be tracked on the basis of their health profile.

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

e. **AYUSH medical facilities** should be provided, especially to older patients.

11. Literacy

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

12. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured.

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

13. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

14. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

15. Rehabilitation

A plan of action for rehabilitation of prisoners who are to be released from jail needs to be prepared and implemented. Life skill training which will help them settle down after they are released also needs to be designed.

17. **A comprehensive modernization plan** for the jail needs to be put in place.

18. **Filling up of vacant posts** should get high priority

19. Delegation and decentralization

Items which can be delegated to Superintendents of jail should be identified and action taken. The posts of medical officers need to be sanctioned in the jail, as also those of supporting staff.

20. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital.

21. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

22. Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

23. **Alternate energy** needs to be harnessed to have lighting, heating cooking etc.

24. **Services of reputed NGOs** should be utilized in the areas of health, education training, prisoner's welfare etc

25. Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

26. Untied funds

An untied fund of Rs.10 lakh may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

Security

Due attention is not being paid on matters relating to security of the jail. All CCTVs ought to be made functional. New equipments ought to be procured and installed quickly. Vacant posts of security staff ought to be filled up quickly. Security of women prisoners, female staff and women visitors ought to receive maximum security.

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Part-IV

Report of S.Jalaja, Special Rapporteur, NHRC on visit to District Jail, Madhepura on 11-7-2013

Jail profile and history

According to Saharsa Gazetteer, 1965, Saharsa formed part of Bhagalpur District till 1954; Madhepura was a sub-division in the jurisdiction of Bhagalpur district. Madhepura was raised to the status of a district on 09.05.1981. Accordingly, the sub jail established in Madhepura in 1952 when it was a sub-division, was upgraded in 1981 as District Jail.

Land and infrastructure

Located about 280 km south of Patna the jail is spread out in an area of 18 Kathas (0.75 acre) of land, buildings occupying about 10 Kathas. 08 Katha of land is used for residential purposes. The area being very small the jail has only 09 buildings which includes 07 male Wards, 01 female ward besides 01 Cell.

It is pointed out that jail has not been renovated properly since the 1990s. According to the team deputed by the High Court, Patna after visiting the jail on 23-4-2015---"*Madhepura District Prison, was also in shambles. 10 wards, (were) all over crowded (with) leaking ceilings, dim lights and damp walls. The floors in most wards were damaged. Most of the walls had cracks in them and building seemed infirm. The toilets were overflowing. Ironically, within days after the inspection, due to earthquake one of the walls inside the prison crashed. The prison in its present status will not be able to survive another tremor. The life of inmates staying in it is under threat*"---

According to jail administration, from 27-04 2015 onwards repair and renovation of the jail was taken up by the Building Construction Division, Madhepura. Repair of female ward has been completed as also wards no 1 and 2. Renovation of Ward No.3, kitchen and the perimeter wall was going on. Repairs of toilets and water tank also have been taken up.

The administrative building is old, dark and congested with little space for allowing movement within it. Medical screening of the inmates on admission in the prison, meetings by prisoners with their family members and all administrative works are carried out within restricted space. Room of the Jail Superintendent is small and congested. There is no server room, nor toilets for prison officers and

staffs. Perhaps the armory and store room for food supplies are located in the same building. **Thus construction of a new jail complex for the district is very much needed.**

Manpower

It is seen that out 196 posts sanctioned, only 129 have been filled up. *There is no regular Superintendent posted in the jail.* Shri Manoj Kumar Paswan, Deputy Collector, is holding charge as Superintendent. The post of Deputy Superintendent is however filled up. Out of 04 posts of Asst. Superintendents 03 are vacant . Similarly out of 04 posts of Medical Officer only one is seen filled up, that too on contractual basis. Health personnel include 01 Compounder (on deputation) and 02 Dressers. Other vacant posts include that of Senior Warden (10), Warden (72) Home guards (19) and Special Security force (10).

Jail capacity and occupancy

The jail has a sanctioned capacity of 99 (96 male +3 female) against which occupancy reported was 279 (272 male + 07 female). It was reported that no children are staying with their mothers.

Categories of prisoners

Of the 279 prisoners in jail, 57 (56 male ;01 female) are reported to be convicts; 01 Civil prisoner (01male; no female); 02 (02 male; no female) detenues ; 152 (147 male; 03) under trials and 69 (66 male; 03 female) session committed. 57 (56 male; 01 female) are undergoing rigorous imprisonment (RI) whereas no prisoner is undergoing simple imprisonment. 09 persons are found staying in the only cell *which has no proper ventilation.* 05 of the occupants are mentally ill; other 04 prisoners were assisting those prisoners . 198 juvenile prisoners of 18-20 age group (all male) are also seen lodged in the jail. Some of the Juveniles were seen accommodated in adult wards. *As there is no Juvenile home in the district juveniles below 18 are also alleged to be accommodated after showing their age as above 18. .*

Under-trial Prisoners

The under trial population in the jail comprises 279 (07 female; 272 male) prisoners.166 UTs (165 male; 01 female) have spent less than 06 months in jail; 66

(65 male and 01 female) from 06 months to 1 year; 23 prisoners (22 male and 01 female) 01-02 years; 11 male prisoners 2-3 years; **06 male prisoners more than 03 years and 03 prisoners above 05 years.**

Those who are lodged in the jail for more than 03 years include Siaram 27 (30-11-2012); Kundan Bhagat 45 (12-09-2011) ; Sunil, Sharma 35 (3-02-2013); Pappu Yadav 26 (27-02-2013); Pramod Sharma 25 (12-12-2012) Bajrangi Shah 30 (17-01-2013) and Shubhkar Mandal 26 (27-07-2012). Those who have spent more than 05 years include Satto Mandal 30 (20-01-2011); Brajesh Kumar 38 (17-10-2007) and Mohan Poddar 41 (18-07-2011). There appears to be no justification for keeping them as under trials for that long a period. Their cases ought to be looked into immediately by SP, Madhepura.

Naxalite prisoners

It was reported that no extremist prisoners are lodged in the jail.

Condition of prisoners.

As mentioned earlier against a sanctioned capacity of 96 male prisoners 272 are housed in seven wards. Therefore there is considerable overcrowding in the jail. It was stated that now the jail has 40% less population as some prisoners have been shifted to Uda Kishenganj jail. The buildings had asbestos sheets covered with tiles for roof. They were mostly broken and in a dilapidated condition. The rooms have ventilators. In one of the wards which I visited, out of 6 fans only 04 were found working. There were drains around the buildings which were smelly and clogged. Ward No. 04 which I visited was in a dilapidated state.

Prison authorities stated that all things of daily use are distributed to the prisoners. No complaints were received on that account from the inmates.

I had interaction with some of the inmates. Amar Kumar 25 complained that parole was not being allowed in his case. Others too complained that the courts are not allowing bails even in simple cases. Further, those who have completed their term should be released. Medical Boards ought to examine patients . Telephone and canteen facilities ought to be provided. Saurab Kumar 17 is in jail for 5-6 months. He is accused of stealing a motorcycle.

Ward No 5 had 30 inmates. Ajay Kumar Yadav 35 is involved in a land dispute and is booked u/s 302 IPC. Prabhas Kumar 22 Munmar 20 are also alleged to be involved in murder cases. There was the case of premature release of Jageswar Mandal 75 convicted u/s 302 on LI. He has spent 15 years in jail. Anil Yadav is involved in a land dispute but stands released. Shatrughan Yadav 75-80 booked u/s 302 is said to be ill. Praduvan Kumar 18 is booked in a case under Arms Act. He alleged that Madhepura court rejects bails even in simple cases. Other Prisoners also complained that they are forced to pay money in the local court; Otherwise bails are rejected even in simple cases.

Women Prisoners

The ward appeared to be quite spacious with good ventilation. The attached toilet was not found to be clean. There was no running water in the toilet. The room has two fans. A hand pump is seen installed. But there seemed to be no provision for supply of clean and safe drinking water. *It was pointed out that water had high content of iron which cannot be removed through filtering.* An iron removal plant needs to be installed in the jail. No separate kitchen is available within women's ward. A kitchen is planned to be made. There was only one toilet outside which was broken and unused.

Against a sanctioned capacity of 03 prisoners, seven women were lodged in women's ward. No children were with their mothers. *One woman was pregnant.*

I spoke to some of the female prisoners. Sita Devi 50 has spent 11/2 years in jail. She was brought to the jail in a case involving a land dispute filed u/s 307. Her son also was stated to be in jail. Sakuntala Devi 60 is booked u/s 302 in a land dispute case. She has been in jail for 02 years; others with her in the same case were in Bhangalpur central Jail. Meena Devi 55 has spent 11/2years, booked in a murder case involving her neighbour.

Asha Devi 30 has spent 02 years in a kidnapping case which took place in her village. Her entire family was stated to be in jail. Asha Devi 50 was convicted in a kidnapping case having spent 01 month in jail. She has a child-04. She stated that an appeal has been filed against the verdict. Kanchan Devi 302 was pregnant. She stated that she had no complaint. Anjali Devi 27 is also involved in a land dispute case and has been in jail for 1 1/2 month. She is the only literate woman prisoner.

As I have pointed out in my reports earlier, the police administration need to consider whether routine detention of women is necessary, except in cases involving heinous crimes where their involvement is direct. Many a time they are arrested along with their family members who are the main accused. It should be considered whether their continued detention is necessary, especially in case of women with accompanying children..

Mentally ill prisoners

05 prisoners were stated to be mentally ill, mostly suffering from schizophrenia and depression. They include Suraj Kumar, Brajesh Kumar, Mohan Poddar, Akhilesh Kumar and Mukesh Yadav. All of them are stated to be involved mostly in murder cases. All five are lodged in a dark and dingy cell. Four other prisoners are staying with them ostensibly to look after them.

It was stated that they are being treated in DMCH and the Institute of Mental Health, Koilvar .They ought to be shifted to a mental health institution either near Patna or at Ranchi.

Video-conferencing

No video conferencing was taking place Video conferencing facility although installed is not functional due to technical problem from the court side.

Access to law

The team deputed by High Court, Patna had observed that there was no physical production of the accused in court during the period of remand and also during 1st production.. Reason for lapses during 1st production was not explained. Most of the prisoners had no lawyers and were not taken to court.

Jail authorities stated that a Legal Aid Clinic is now functional in the jail. In 34 cases legal aid was sanctioned in the last one year. Two convicted prisoners are trained as Para Legal Counsellors namely Mankhushi Jha and Virendra Yadav. Sri deep Narayan Shah advocate visits the jail every Sunday.

Lok Adalats

Lok adalats are reported to be held by the CJM once every three months.

Appeals filed-legal assistance/surety

It appears that the jail authorities are not tracking appeals being filed by the prisoners..Only three appeals have been filed. It was confirmed that there were no cases wherein bail has been granted but the prisoners are languishing for want of surety.

Custodial Deaths /rapes/violence

It was reported that 04 custodial deaths took place in the last three years in the jail. It is seen that viscera reports have been received in all cases. The deceased include Sasi Sekhar alias Vaikunth Singh who died on 28-6-2012; Gokaran Choudhuri (died on 27-2-2015); Dhruv Yadav (died on 10-9-2015) and Kokai Yadav who died on 18-11 2015.It is reported that health screening reports and treatment records have been received in respect of all cases. However, post-mortem reports have been received only in respect of three cases and magisterial inquiry reports have been received only in one case. These cases need to be expedited.

Escape of prisoners/jail break

No such incident was reported in the jail in the last three years.

Basic amenities

Water supply and Sanitation

Water supply in the jail is with the help of 22 hand pumps out of which 18 are reportedly working and 04 are faulty. It was stated that out of 24 toilets only 02 are non- functional.

Power Supply

It was stated that power supply is available for 22 hours. A generator of 7.5 KV capacity is available as back-up.

Food supply

Food supply to prisoners is stated to be as per provisions of the new Jail Manual. Food is cooked *in a make shift kitchen open to the sky and has drains all around* .It was in a dilapidated condition. Cooking is done with the help of coal stoves.

Water for cooking purposes is provided with the help of 02 hand pumps. It was reported by the team deputed by High Court, Patna that in the jail kitchen out of 297 inmates food was prepared only for 60-70 inmates. The rest apparently cook their own food. Only 7 inmates, all convicts, have round the clock duty to prepare food. It needs to be ensured that admissible wages are paid those prisoners regularly and kitchen work is rotated.

Education

Only 55% of male and 7% of the female population are literate; but only 10% of the Scheduled castes 08% of the ST population are literate. *Prerna* program was run in the jail. 61 appeared for examinations. All who appeared passed the exam. Open school is yet to be started. No IGNOU centre is set up for higher education of those who desire to pursue it.

Health care

No hospital infrastructure is available in the jail. Services available in the Sadar Hospital are utilized instead. Against 04 posts of Medical Officers only one is filled up, that too on contractual basis. On the advice of the doctor medicines are disbursed. *Last team which visited the jail reported that the doctor has not received his salary of last 6 months.* Two Dressers are posted in the jail but no Pharmacist. It was confirmed that there was no shortage of medicines. No refrigerator is available to store medicines although a weighing machine and stethoscope are available. Pathology services and blood investigation have been outsourced. X-ray and ultra- sound facilities are available at the Sadar Hospital .

According to the Medical Officer, infectious diseases and skin diseases are very common amongst the prisoners. TB is not very rampant. Only 01 patient has been treated and 01 is a suspected case. Cases of Malaria have not been reported, although mosquito menace is very much felt. RO facility is needed in all wards for supply of safe drinking water, including the female section.

Civil Surgeon, Madhepura need to depute at least an ANM from the nearest health facility to take care of female prisoners and their children. *It is understood that earlier the CMO used to pay regular visit to the prison and that now he no longer visits the jail.*

Parole

It was learned that no parole is sanctioned except in case of emergency.

Remissions

The jail authorities pointed out that remissions are sanctioned by the State Government as per rules. It was learned that 28 cases of remission have been recommended for sanction.

Complaints

It was noted that 3 complaints boxes have been installed prominently to enable the inmates to file their complaints. Prisoner's durbar is reported to be held by the District Magistrate.

Telephone facility/waiting room/visitors

It is unfortunate that *no telephone facility is available* in the jail for facilitating communication between the inmates and their families. It was stated that 02 telephones are planned to be installed. *Due to want of space no waiting room is available to inmates for meeting their family members.* The inmates wanted the visiting time allowed between 8-12 noon to be extended from 8am to 04 pm. This request appeared to be genuine.

Library

Due to shortage of space a separate library has not been set up in the jail. However, a library is run in the office with about 150 books.

Cultural programs

It was mentioned that inmates are allowed to play musical instruments like harmonium and *Dholak*. They are allowed to practise between 02-04 pm daily. Rs.1,38,000 have been allotted to the jail for purchase of musical instruments.

Sports

Due to want of space only facilities for indoor games like ludo and carom are available to the inmates. Women prisoners have not been provided any such facilities.

Religious activities

Prisoners are allowed to practice their religions. It was mentioned that all festivals are celebrated by prisoners belonging to different communities.

Yoga /Gym

It was stated that there is no space for a gym or conducting yoga classes. However, yoga classes are held within wards with the help of 02 prisoner-volunteers.

TV/News papers

News papers are distributed to all wards except the female ward. All wards had black and white T.V. which were mostly damaged.

Canteen facilities

No canteen facilities are available in the jail.

Vocational Training

No vocational training activities are seen taken up in the jail.

Rehabilitation

No rehabilitation plans have been chalked out for prisoners who are to be released.

Involvement of NGOs

Services of NGOs are not being availed by the jail authorities at present.

Drug De-addiction program

It is understood that no drug de-addiction program is currently taken up in the jail.

Inspections

The jail is stated to be inspected by the District and Sessions Judge, DM and SP. Besides the CJM and senior jail officials also periodically inspect the jail. A team deputed by the Patna High Court also visited the jail on 23-4-2015 and gave a detailed account of the functioning of the jail in its report to the court.

Security

Security of the jail is manned by BMP (2-8), 23 Home Guards, 28 Wardens and 02 female Wardens. It was learned that *all 15 CCTVs installed are non functional*. As far as security equipments are concerned even essential items like baggage scanner and hand metal detector are not available. The two door frame scanners are stated to be non- functional. Jail authorities appear to be complacent about the security of the jail. Security ought to be taken up on priority. The perimeter wall of the jail has a height of only 12-14 ft which is not good from the security point of view. It was stated that it is not possible to increase height as the wall is very old.

Solar Lighting

No action has been taken for introducing solar lighting/heating in the jail.

Budget

During 2015-16 a sum of Rs.1,88,760,00 was allotted to the jail against which expenditure reported was 1,41,670,15. A sum of Rs 55,331,56 has been spent on food supply to the inmates. Administrative expenses reported was Rs. 29,7687. Rs 7,96,000 has been allotted for payment of wages.

Modernisation

It was stated by DM Madhepura that land is being acquired for construction of a new jail of 1000 capacity. LA process is likely to be completed in 2-3 months. The jail apparently has no modernization plan at present, except the proposed installation of new equipment through BELTRON.

Staff quarters

The staff quarters of the Superintendent is said to be very old and is in a dilapidated condition. Therefore, there is need for a new residence for the Superintendent. Although Deputy and Asst. Superintendent have quarters the ones attached to Chief Warden and 04 Wardens are reportedly in poor condition. It is therefore necessary that along with modernization of jails construction of staff quarters also is taken up.

Jail Manual

Observations/ Recommendations:-

Observations/ Recommendations:-

Observations and recommendation regarding District Jails, Madhubani , Saharsa, Madhepura and Supaul are given in Part-1 of this report. For the purpose of taking follow up action those in respect of District Jail, Madhepura are summarised below:

1. As mentioned earlier the sub jail in Madhepura was upgraded as district jail in as early as in.1981. However *it is still seen functioning as a sub jail for all practical purposes*. Lack of space, run- down buildings, dilapidated kitchen and toilets, absence of safe drinking water, poor quality food etc make daily life miserable for ordinary prisoners. **Improving the quality of life of the prisoners** should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, without any further delay. *The State Government ought to plan for a new jail.*

2. Under trials

Immediate steps may be taken to reduce the under trial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. Video-conferencing facility should be made operational . A monitoring system should be started for tracking under trials.

4. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged *naxalite* prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

5, Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should prepared immediately in advance and placed before the court. Functioning of Lok Adalat needs to be closely monitored and evaluated.

6. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective. Regular production of the accused before court ought to be ensured.

7. **A visitor's Board** should be constituted having representation of reputed NGOs.

8. **Remission** in eligible cases should be sanctioned on the basis of regular review. A list of remission cases should be got prepared and follow up action taken.

9. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

10. **Prisoner welfare measures** like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

11. Right to health

a. Posting of a Lady doctor

In addition to the medical officers already in position, a LMO should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate Isolation wards for each of the disease like TB/Malaria/Leprosy etc and with modern diagnostic facilities, along with staff and technicians. Civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for diseases

A system to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases like cancer .Each prisoner should be tracked on the basis of their health profile.

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

e. **AYUSH medical facilities** should be provided, especially to older patients.

12. Literacy

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

13. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

14. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

15. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

16. Rehabilitation

A plan of action for rehabilitation of prisoners who are to be released from jail needs to be prepared and implemented. Life skill training which will help them settle down after they are released also needs to be designed.

17. **Filling up of vacant posts** should get high priority

18. **Delegation and decentralization**

Items which can be delegated to Superintendents of jail should be identified and action taken.

19. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Jail staff ought to be given training in the subject of human rights.

20. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

21. Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

22. Alternate energy needs to be harnessed to have lighting, heating cooking etc.

24. Services of reputed NGOs should be utilized in the areas of health, education training, prisoner's welfare etc

23. Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

24. Untied funds

An untied fund of Rs.10 lakhs may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

25. Security

Due attention is not being paid on matters relating to security of the jail. All CCTVs ought to be made functional. New equipments ought to be procured and installed quickly. Vacant posts of security staff ought to be filled up quickly.

Security of women prisoners, female staff and women visitors ought to receive maximum security.

Contd.....

PART-V

04 Report of S. Jalaja, Special Rapporteur, NHRC on visit to District Jail, Supaul on 11 -02-2013.

Jail Profile and History

Established as Sub jail during British time the jail was upgraded as District Jail in 2007.

Land and infrastructure

District Jail, Supaul is located in Supaul town which is the headquarters of the district known by the same name. The jail has an extent of 5.4 acres (05 acres and 06 kathas) of land. Approximately 0.89.60 acre is occupied by old and 1.81 acres by new buildings. An open space of 77.65 decimal land is available on the northern and western side of the jail. The old jail buildings were damaged in the last earthquake which took place about seven months ago.

The jail was visited by a team deputed by the High Court Patna on 29.04.15. which observed that there were cracks around all the windows of the ward. Outside, the corridor walls also, had cracks and that the buildings were in a dangerous condition. It is seen that presently 03 units of two storey building has been newly constructed. 40 new latrines have been constructed recently, so also a latest model kitchen. The 50 ft perimeter wall fell in the earth quake is also seen renovated. The new jail is located in 02.08 acre land. The jail complex also includes the Hospital block, Mahila block and two cells.

There are altogether 08 wards in which the inmates are housed. Another set of 04 wards are not currently used as electric wiring is yet to be completed.

Manpower

Against 146 sanctioned posts in the jail 117 are vacant; only 29 posts have been filled up. Shri Suresh Choudhry is currently posted as Jail superintendent. However, no Deputy Superintendent (01) is posted in the jail. All four posts of Assistant Superintendent have been filled up. Against two sanctioned posts of Medical Officer only one is filled up - a doctor is appointed on contractual basis, the other being vacant. No Lady Medical Officer is posted in the jail. I was told

that a lady doctor visits the jail once a week. Keeping in view the health care of women prisoners and their children, it was suggested that a ANM or nurse from the nearest health facility could be deputed to the jail.

Out of 100 posts of Warders 77 are stated to be vacant. Special protection unit of police (07) also is filled up by deputation of BMP personnel.

Jail capacity and occupancy

The jail has a sanctioned capacity of 534 (522 male and 12 female) prisoners against which the occupancy reported was 288 (277male and 11female). 02 boys are staying with their mothers of which one is a new born baby.

Categories of prisoners

Out of 534 prisoners 251 are under trials; 35 convicts (34 male; 01 female) are also lodged in the jail. 35 prisoners (34 male; 01 female) are undergoing rigorous imprisonment (RI). However. no case of prisoners undergoing simple imprisonment was reported. 02 male prisoners are booked under CCA Act.

Under-trial Prisoners

Altogether 251 under trial prisoners (241 male; 10 female) including 125 session committed (117 male; 08 female) are lodged in the jail. As per data furnished by the jail authorities details regarding period spent by the under trial prisoners in jail are as follows:-

Period	No. of Under trials	
	Male	Female
up to 06 months	118	04
06 months - 01 year	83	05
01 -02 years	30	00
02-03 years	10	01
04 and above	02	00
Total	277	11

It is a matter of concern that 02 male prisoners have spent more than 04 years and two male prisoners above four years. 01 female UT prisoner has also spent more than two years in jail. A team deputed by the Patna High Court which visited the jail on 29-4-2015 reported that *many of the prisoners interviewed by them were not produced before the court or else only paper production was resorted to. Some of the prisoners had no lawyers to assist them.* DM Supaul ought to ensure that the District Legal Services Authority is made active. The police administration ought to ensure that escorts/vehicles are provided in time to take the prisoners to court. It was stated that one judge is designated to deal with cases relating to under trial prisoners and that an Under Trial Review Committee has been set up. Video-conferencing facility ought to be started without any further delay.

Extremist prisoners

It was stated that there are no naxalite prisoners are lodged in the jail.

Condition of prisoners.

There are 07 male wards in which 277 male prisoners are accommodated. It is seen that the newly constructed building No. 2 has 2 double block each with 04 wards. In the new building No.1 a music system is installed; a gym is also seen set up. A few sewing machines are also kept ostensibly for training purposes.

I visited Ward No.1 which accommodates 46 prisoners. The ward appeared to be over crowded. It was explained that newly registered prisoners are initially brought to this ward. It is seen that some of the juvenile prisoners are also lodged here. The ward has large windows which could be closed. The ward had sufficient lighting. 08 fans were found in working condition. There was only one toilet in the ward which has no running water. Water supply is made through an over head tank. Bed sheets, blankets and other materials of daily use like oil, soap etc are also being supplied.

The team deputed by the Patna High Court had noted non production /paper production of under trials before courts. Jail authorities assured that remedial action has been taken.

Women Prisoners

Against a sanctioned capacity of 12, 11 prisoners are lodged in the female ward. Women's ward is spacious with good ventilation. Of the two one fan and lights were in working condition. One TV set is also available. The toilet attached to the ward had no running water. A new toilet has been constructed a little distance behind the wards. No separate bathrooms are available. Water supply to the ward is through a hand pump which was in good condition. Women prisoners are also supplied articles of daily use like soaps, oil etc. Sanitary napkins are also being supplied to them. Children staying with their mothers are provided with milk, fruits, clothes and toys. As far as health care of women prisoners and their children are concerned, it was stated that specialists from the Sadar Hospital provide necessary help. No crèche facilities are available for children.

I spoke to some of the women prisoners. Tripura Devi 55 involved in a dowry related case. Her son is also in jail. Devika Devi 36 is allegedly involved in a murder case involving her neighbour. Her son is also in jail. Sameena Parveen 19, Sahnaj Parveen 20, and Ameena Parveen 23 are sisters. They along with their brother are in jail due to a land dispute. Sania Devi 50 stated that she is in jail in connection with the death of her son-in-law. According to her he had committed suicide. Her daughter Rumi Devi is also in jail. Rumi Devi 25 has a new born baby with her. She stated that she has no hand in the death of her husband. She also has a daughter aged 03 years at home. Sheela Devi, 35 is booked under sec 302 IPC. She is married with 05 children. Sakuntala Devi 50 is in jail in connection with the death of her daughter in law. It is reported that all are provided with legal assistance and are being produced before courts regularly. The women prisoners stated that they had no complaints.

Women are being given training under the Ajeevika program being implemented by the Nagar Parishad. Training is given in trades like sweater making, stitching, and beauty treatment. Prisoner volunteers are trained as teachers to impart education..

Mentally ill prisoners

It was stated that 08 cases were identified after screening. 02 cases were referred to DMCH for treatment.

Custodial Deaths /rapes/violence

No incident of custodial violence or rape was reported in the last three years. 2 custodial deaths were reported in 2014. A male prisoner Uttam Lal Mandal, Supaul P.S died on 15-10-2014 at PHC and Ramsevak Rai Kishanpur PS died on 16-11-2014. In both cases the deaths were reportedly due to natural causes and reports have been sent to NHRC.

Escape of prisoners/jail break

No incident of jail break reported.

Basic amenities

Water supply and Sanitation

Water supply to the jail is maintained through 04 deep tube wells. Water is lifted to an over head tank of 1000 litre capacity. Of the 18 hand pumps installed only 13 were reported to be functional; 05 are out of order.

It was mentioned that special attention is being given to sanitation in the jail. Against a sanctioned strength of 10 workers only one on contractual basis is working. On the directions of DM, Saharsa a large garbage bin and two trolleys have been made available to the jail by the Nagar Parishad. Garbage bins have been purchased and installed in different parts of the jail. The jail authorities however should ensure segregation of waste into wet and dry wastes for the purpose of recycling. The recycled waste could be used as manure in the vegetable garden.

There are altogether 40 toilets for male prisoners and 02 toilets for female prisoners. 40 toilets for male prisoners are under construction.

Power Supply

It was mentioned that power supply is available all 24 hours. As back up a 7 KV generator is available.

Food supply

A modern kitchen is set up in the jail recently. Food is cooked with the help of LPG at present. Kitchen has sufficient ventilation. It was generally clean. It was stated that food is supplied to prisoner's as per provisions of the new Jail Manual.

Food materials and food items like bread are procured from other jails and Govt. agencies. Food is cooked under the direct supervision of a head who is elected by the inmates. On the day of my visit *poori- and Subji* were being cooked.

Education

Literacy imparted through *prerna* program. Under B. BOS program application have been filed by those who are desirous of appearing in the 10th class examination.

Jail Hospital

A 20 bedded hospital is set up in the jail. One of the rooms in the old part of the jail has been converted to a jail hospital. It is seen that the room has been recently repaired and painted afresh. Beds/ mattresses /mosquito nets have been procured from Central jail, Muzaffarpur. All fans and lights were found working. However the hospital had no equipments. Pathology testing is reportedly outsourced. It was also noted that no fridge is available for storage of medicines. Despite these shortcomings it is heartening to note that with the right leadership from a committed DM, his police colleges and jail team how facilities could be improved with limited resources. Now the team should work towards having a fully equipped jail hospital.

Apart from a doctor engaged on contractual basis, a Pharmacist/Dresser each are also posted. Specialists from Sadar Hospital also periodically visit the hospital. Prisoners, when they are ill, are referred to Sadar Hospital.

The jail hospital had no isolation ward or women's ward. Facilities for screening for HIV/AIDS are not available. The jail is fully dependent on the already crowded Sadar Hospital for specialized services. I spoke to some of the inmates of the hospital. Kailu Mia 75 is involved in a kidnapping case. He has spent 03 years and 8 months in jail. Sattan Choudhury 75 also has spent having spent 3years in jail. He is convicted in two cases u/s302 IPC. He is said to be suffering from joint problem. Anand Mandal 75 is a retired *Ameen* of Irrigation Dept. He is an under trial prisoner. He came to jail on 06-02-2016 Kaleswar Sahu 75 is involved in a land dispute case. He came to the jail only 5-6 days ago. He suffers from breathing problem. Dinesh Mehta 80 is convicted in a case u/s 302 IPC. He suffers from

cold. Laxmi Yadav 75 also is booked u/s 302 IPC. He suffers from eye and back problems. Bhagawat Yadav 75 is also booked in a murder case. He had dizziness. Ramchandran Yadav 71 who is allegedly involved in a murder case suffers from weakness.

Video-conferencing

Video-conferencing facility is not available in the jail. It was, however, stated that this is being set up.

Legal Aid

A Legal Aid Clinic is functional in the jail. Two advocates- one male and female visit the jail every week. It was learned that the District Legal Services Authority is active in the district.. Besides the District Legal Services Authority. It has deputed two para- legal counsellors (one male and female each) on Sundays and Wednesdays. Applications have been received for legal aid from 06 prisoners. They have been forwarded to the court.

Lok Adalats

It was stated that Lok Adalats are being organized in the jail regularly. The last one was held on 21st Feb, 2016.

Appeals filed-legal assistance/surety

The jail authorities have not been tracking the appeals filed by prisoners. They also do not know whether any prisoner who has been granted bail was languishing in the jail for want of sureties.

Parole

At present parole is sanctioned in emergency cases for 2-3 days under escort. Parole for longer periods can be sanctioned only by the State Government. This unnecessarily delays the process and causes unnecessary heart- burn to the applicants. Delegation and decentralization is very much needed as far as sanctioning of paroles are concerned.

Remissions

It was stated that remissions are allowed as per rules. Presently two cases have been cleared.

Telephone facility/waiting room/visitors

It was stated that telephone facilities are available to inmates. As far as the visitors are concerned a modern visitors complex has been constructed. Meetings take place across the windows . Online registration facilities are also available to visitors..The inmates complained that the present visitor's timing 8-12 noon is not convenient for the visitors ; it ought to be 8-4 instead as visitors coming from distant areas find it difficult to reach the jail within the timing fixed.

Library

A library with a collection of about 300 books is available for the use of prisoners in the jail.

Cultural programs

As mentioned a music system has been installed. Cultural programs are organized regularly. Musical instruments like *dolak*, harmonium are available to the inmates for practising *kirtan*.

Sports

Facilities for playing outdoor games like volley ball and indoor games like carom, ludo and chess are stated to be available.

Religious activities

Yoga /Gym

A Gym is available for the use of prisoners. Yoga practices are also held in the jail

TV/News papers/Canteen facilities

All wards have been provided a colour TV set each. News papers are also being made available to the prisoners.

Vocational Training

Under *Ajivika* Mission prisoners are trained in stitching, cutting beauticians training Male prisoners are selected for computer training. Two sewing machines too are available.

It was stated that the state Government has fixed Rs.80/-as remuneration for the trainers; Rs.87 for semi-skilled workers and Rs.121 for skilled workers

Involvement of NGOs

Many of the activities in jail like teaching, counselling, vocational training etc can be successfully taken up with the assistance of NGOs. It is seen that there is only very limited involvement of NGOs in jail activities

Drug De-addiction program

No drug de-addiction programs are being organized in the jail.

Inspections

The jail is periodically inspected by the District Judge and the District Magistrate.CJM , Supaul also visits the jail regularly. As mentioned a team deputed by the Patna High Court also visited the jail on 29-4-2016.

Security

It is seen that the jail is guarded by very few security personnel. 07 BMP personnel, 23 warders and 01 Chief warder provide security to the jail. It appears that no post of Home Guards has been sanctioned. There is need to strengthen the security within and outside the jail. It was stated that among the security equipments 04 pieces of Finger Print Scanner, 04 pieces of web camera and 05) pieces of UPS etc are available in the jail.

Solar Lighting

Solar lighting has been introduced in the jail.

Budget

It was stated that the jail has received Rs.1.57 crore in 2012-13, Rs. 1.62 crores in 2013-14 in 2013-14 and Rs.1.47 crores in 2014-15 which is considered to be sufficient for meeting the prison expenses. A sizable portion of the expenditure is

towards administrative expenses. For 2015-16 the jail has received Rs.15.52 lakhs of which Rs.10.80 lakhs has been spent so far.

Modernisation

As stated up- gradation of infrastructure has been taken up in the jail.

Jail Manual

The new Bihar Jail Manual is under implementation in the jail.

Observations/ Recommendations:-

Observations and recommendation regarding District Jails, Madhubani , Saharsa, Madhepura and Supaul are given in Part-1 of this report. For the purpose of taking follow up action those in respect of District Jail, Supaul are summarised below:

1. **Improving the quality of life of the prisoners** should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, without any further delay.

2. Under trials

Immediate steps may be taken to reduce the under trial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. Video-conferencing facility should be made operational . A monitoring system should be started for tracking under trials. Viseo conferencing system ought to be set right.

4. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged *naxalite* prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

5. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should prepared immediately in advance and placed before the court. Functioning of Lok Adalat needs to be closely monitored and evaluated.

6. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective.

7. **A visitor's Board** should be constituted having representation of reputed NGOs.

8. **Remission** in eligible cases should be sanctioned on the basis of regular review. A list of remission cases should be got prepared and follow up action taken.

9. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

10. **Prisoner welfare measures** like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

11. Right to health

a. Posting of a Lady doctor

In addition to the medical officers already in position, a LMO should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate Isolation wards for each of the disease like TB/Malaria/Leprosy etc and with modern diagnostic facilities, along with staff and technicians. Civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for diseases

A system to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases like cancer .Each prisoner should be tracked on the basis of their health profile.

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

e. **AYUSH medical facilities** should be provided, especially to older patients.

12. Literacy

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

13. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

14. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

15. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

16. Rehabilitation

A plan of action for rehabilitation of prisoners who are to be released from jail needs to be prepared and implemented. Life skill training which will help them settle down after they are released also needs to be designed.

17. **A comprehensive modernization plan** for the jail needs to be put in place.

18. **Filling up of vacant posts** should get high priority

19. Delegation and decentralization

Items which can be delegated to Superintendents of jail should be identified and action taken.

20. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Jail staff ought to be given training in the subject of human rights.

21. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

22. Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

23. Alternate energy needs to be harnessed to have lighting, heating cooking etc.

24. Services of reputed NGOs should be utilized in the areas of health, education training, prisoner's welfare etc

25. Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

26. Untied funds

An untied fund of Rs.10 lakhs may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

Security

Due attention is not being paid on matters relating to security of the jail. All CCTVs ought to be made functional. New equipments ought to be procured and installed quickly. Vacant posts of security staff ought to be filled up quickly.

Security of women prisoners, female staff and women visitors ought to receive maximum security.

General

It is seen that District Jail Supaul is still, in effect, functioning as a sub jail only . With poor infrastructure, acute shortage of staff and lack of basic facilities, the jail authorities ought to pay special attention to up gradation of facilities and general improvements in prison administration. Admittedly some efforts have indeed been made in that direction. Reforms also need to be brought out in the behaviour towards prisoners and in the treatment being meted out to them..
